



# WINDERMERE & BOWNESS TOWN COUNCIL

*Representing the interests of the communities of Windermere, Bowness and Troutbeck Bridge*

## Minutes of the Meeting of the Planning sub-committee held at Langstone House on 26<sup>th</sup> April 2023 at 7pm

Minute No	
	<b>Participants:</b> Cllr Christine Cook (chair), Jenny Borer, Marina Davis, Adrian Legge & Sandra Lilley. Also Sally Parkyn (clerk), Steve Bavin (W&F Councillor), and 7 members of the public.
123.	<b>Apologies for Absence Accepted:</b> NONE
124.	<b>Minutes:</b> The minutes of the meeting held on 22 <sup>nd</sup> March 2023 were approved for signature.
125.	<b>Declarations of Interest:</b> The planning sub-committee members declared a joint non-pecuniary interest in the application 7/2023/5234 (Langstone House). The development is proposed as part of a plan to move the Council from the chambers in Langstone House to a purpose-built office and meeting room in Ellerthwaite Depot, with the intention that Town Council will also be granted freehold interest in the property as a corporate body, with no benefit to any individual town councillor. Cllr Jenny Borer declared a pecuniary interest in application 7/2023/5185 Beckside, Windermere.
126.	<b>Requests for Dispensations:</b> The planning sub-committee were granted a general dispensation to speak regarding this application on the basis that it would otherwise be impossible to respond to the consultation. It was agreed that Cllr Borer could remain in the chamber but not participate in the discussion about 7/2023/5185 Beckside, Windermere.
127.	<b>Public &amp; Town Councillor Input:</b> Matthew Stables 7/2023/5198 Keldwyth Drive (neighbour) spoke in objection to the latest of numerous attempts to build on this woodland site since 1980. He was of the opinion that there were no significant mitigating factors or design improvements since the plan previously refused by the high court. The local plan says the site is unsuitable for building on. It is a significant soak away for the A592 and building on the site will create flood issues for neighbours and the Lakes School who have previously suffered flooding. The drain marked on the plans is through the root zone of an area with tree protection orders. The site will have a negative impact on wildlife and biodiversity. The plan is not in keeping with the local vernacular nor is it a design to meet a local occupancy need.  Alastair Bennett 7/2023/5198 Keldwyth Drive (neighbour) expanded on the points made in his neighbours objection. His three key objections were impact on surface water, problems with foul drainage and loss of privacy in neighbouring properties. His and other properties on the private road had been impacted by flooding previously requiring building storm drains and installing tanking. The proposal to put in a pump to remove 2l/second is inadequate when it has been calculated that 100l/second could be draining off the A592 there in heavy rain. For the removal of foul drainage, the proposed drain runs under number 1's garage.



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There is no suitable plan endorsed to deal with the foul drainage and United Utilities have opposed adding to the sewage network at that site. The tree preservation orders and topography of the site will require the elevation of the access road, which along with the house plans will cause loss of privacy to neighbouring properties.

Simon Hawkes **7/2023/5191 Burnthwaite** (next door neighbour) noted the new plans differ only slightly from those recommended for refusal by W&BTC-in February 2023 so many of his previous objections still stand. The key difference are: the ground floor extension is 5m so will extend further than his property next door adversely affecting light and amenity. There is now no first floor extension instead a 5x6m socializing terrace with 1.8m opaques glass surrounds. This will cause him enormous loss of light and loss of amenity due to noise. The problems caused by the development will be even worse and include a loss of privacy for the neighbours on the other side. The plans are not in keeping with the vernacular and heritage of the historic Pattinson House in a conservation area. The rear elevation of the property is visible from Back Belsfield road and will have a negative impact on the appearance of the conservation area. The removal of a hedge (not actually owned by the property) would have a negative impact on biodiversity which is not mitigated in the plans. The inclusion of two kitchens and large socializing terrace suggest it will be used for holiday letting not local need housing. The application is contrary to local plan policies 6 and 7 and so should be refused.

Rachel Halliday **7/2023/5229 Latterheath** (applicant) thanked the Council for the opportunity to return and explain what they had done with the design since concerns were expressed about their original plan. They had engaged in constructive dialogue with LDNP and developed a plan more in keeping with the vernacular. The roof has changed from zinc to reusing the slate from the current building. There is no timber cladding and a greater use of weathered stone. The area of the covered carport has been reduced to one car and the terracing in the garden had been reduced and simplified to blend in with the environment.

Suzanne Blyth **7/2023/5163 7, Brantfell Walk** (neighbour) she spoke initially about the plans for the loft conversion with the key concerns being loss of light and privacy caused by the development. As there is already the annex available, she questioned the need for the extra space to house the now adult children. She feared, like the Annex, it may end up used as a holiday let.

**7/2023/227** On the change of use of the Annex to a holiday let, she noted that it would contravene the conditions put on it when planning permission was granted. She noted that they were already using it as a holiday let (available on Booking.com) without permission and that it was causing significant problems for the neighbours. There were considerable problems with noise, drunkenness and drug use at the property as the owners of the main house were often away. The annex looks into the bedrooms of her property and the level of use compared to the original plan to house one elderly lady causes nuisance and loss of privacy. Brantfell Walk is a private drive and is being used for commercial use.



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	<p>Robin Tyson 7/2023/5163 7, Brantfell Walk (neighbour) noted that Number 7 is already elevated and the plan to remove the current architecturally harmonious slate roof and replace it with a modern roof 1.2 - 1.6m higher will be very out of keeping with the vernacular. The modern design with glass frontage and double door will cause serious loss of privacy for his property which will be overlooked. The design, scale and materials are not in keeping with the neighbourhood.</p> <p>7/2023/227 the change of use of the Annex to a holiday let should be refused as it was built for local occupancy and all other properties on the street are local occupancy. It is currently being let on Booking.com and causing problems with parking, noise nuisance and loss of privacy. The private road had a dangerous turn onto the street. There is also no provision in the application for waste. He noted there is a covenant on the property though recognizes this cannot be considered by the planners.</p>
128.	<p><b>Planning Applications:</b></p> <p>a. 7/2023/5178 Rose Cottage, Rose Cottage Lane, Windermere: Single storey pitched roof extension to existing dwelling, new garden room pod and metal shed. Landscaping to garden. (17/4) <u>No objection</u> A commendable design which maintains the character of the building. Rainwater must not be added to main sewer. Crown works to Sycamore rather than removal of a young, healthy tree would be a preferable option.</p> <p>b. 7/2023/5163 7, Brantfell Walk, Bowness-on-Windermere: Loft conversion, removal of existing pitched roof, construction of new second floor level with flat roof (17/4) <u>Recommend refusal</u> This Council has no hesitation in strongly recommending refusal on the grounds of design, scale and adverse effect on neighbouring properties. The proposed extension would be significantly out of scale, overshadowing neighbouring properties, thereby affecting their privacy. The proposed roof line would be higher than neighbouring properties. The proposed flat roof and use of zinc would be out of keeping with neighbouring properties. Additional accommodation would be likely to result in additional vehicles requiring additional parking, for which no provision has been made. It is noted that the architect is not identified in drawings. A Heritage Statement is listed but is not accessible online.</p> <p>c. 7/2023/5168 &amp; 7/2023/5169 Matson Ground, Windermere, Cumbria: Ground mounted solar photovoltaic panel installation (18 no); Flue pipe and filler pipes servicing new biomass installation; replacement doors and windows (House to south east) (18/4) <u>No objection</u></p>



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- d. 7/2023/5191 Burnthwaite, Kendal Road, Bowness-on-Windermere: Proposed side and rear extension, new dormers to front and rear and internal alterations following withdrawal of application 7/2022/5597 (25/4)  
Recommend refusal

This revised proposal would result in minimal improvement on the application made in 2022 and our comments remain valid. The proposed elevated terrace on the west elevation would impinge on the privacy of the dwellings to the south and particularly to the north. The proposed elevated rear terrace would be the source of noise disturbance. The use of opaque glass would result in loss of light. Removal of the neighbour's hedge would be an unacceptable loss of biodiversity. The building is within Bowness Conservation area. The proposed changes to this Pattinson house are not in keeping with neighbouring properties.

- e. 7/2023/5187 Rose Garth, Oakland, Windermere: Construction of garden office (26/4)  
No objection

If approved, we recommend that a non-occupancy condition should be attached. Provision should be made for rainwater to be disposed of by soakaway, not to main sewer.

- f. 7/2023/5197 Woodcroft, Middle Entrance Drive, Bowness-On-Windermere, Windermere: Conversion of existing garage and wood store to form additional ground floor living accommodation and single storey extension to rear elevation (26/4)  
No objection

It appears that the proposed balcony is sufficiently distant from neighbouring properties so as not to impinge on their privacy but the concerns of the neighbouring property- Hideaway- should be considered.

Rainwater from new roof and balcony should be directed into excavated soakaways and not into existing sewers.

The concerns expressed by Mr Villars about flooding and biodiversity should also be considered by LDNPA.

- g. 7/2023/5198 Keldwyth Drive, Troutbeck Bridge: Proposed two-storey dwelling for local occupancy. (28/4)  
Recommend refusal

on several material grounds:-

Design and material - both are significantly out of keeping with that of neighbouring properties. The design of the house and choice of materials make no reference to local vernacular, particularly the use of zinc sheeting on walls and roof.

Loss of privacy, currently enjoyed to the rear of neighbouring properties. The proposed dwelling would be overbearing on the property immediately to the west and overlook



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the first-floor bedrooms of neighbouring properties. It is noted that plans of the proposed property, in relation to an existing neighbouring property, are inaccurate. Drainage - almost all the owners of properties in Keldwyth Park, below and to the west of the proposed site, have raised concerns about the increased risk of flooding posed by a new large property on the hillside above their properties, as the natural soakaway would be destroyed. This council remains unconvinced that adequate drainage solutions for either rainwater, foul water or runoff from A592 above have been incorporated.

The proposal would encroach into an undeveloped wooded area, where naturally developing habitats at the woodland edge are of local biodiversity value thereby eroding the valued woodland landscape. The residential development and associated activity would reduce habitat and landscape connectivity, including through the introduction of inhospitable habitats and hazards to wildlife. There would be adverse edge effects in the adjoining woodland from light pollution, noise and recreational disturbance, and disturbance and predation by domestic animals. The LD Plan does not permit development detrimental to bio & geodiversity sites unless the need for development outweighs the harm caused. A 5 bedroomed house will not meet the need for local, low-cost housing and cannot therefore constitute a “need” in this sense.

- h. 7/2023/5174: 67, Claife Avenue, Windermere: Addition to previously built extension (1/5)

Unable to comment.

Owing to the lack of plans showing the position of the proposed extension relative to adjoining or nearby properties, this Council is unable to make a recommendation and must rely on opinion of a professional planner.

- i. 7/2023/5205 Wendover, Windy Hall Road, Bowness-On-Windermere: Amendment to condition 2 (plans) on planning permission 7/2021/6010 - Replacement of substandard dwellinghouse, the development of annexe with double garage and ancillary accommodation, new vehicular access to A5074 and associated works (1/5)

Recommend refusal

This recommendation for refusal only stems from the use of zinc as a cladding material which is not in keeping with the vernacular. From the plans available, the Council were unable to determine the extent of the zinc cladding and so could not be satisfied with the submitted design.

- j. 7/2023/5185 Becksides, Windermere: Demolition of existing conservatory & erection of replacement conservatory. Replacement of bay window pitched roofs with flat roofs. (1/5)

Note: After declaring an interest in the application Cllr Jenny Borer did not speak while this item was discussed.

Recommend refusal





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	<p>Refused on the grounds of design. A flat roof extension with low-pitch glass rooflight is incompatible with the slated pitched roof of the main building.</p> <p>k. 7/2023/5220 1 Mountain View, Hodge Howe, Windermere: To extend existing 2 bedroom house with a new two storey extension on north elevation to form new lounge at ground floor and 2 bedrooms at first floor. (9/5) <u>No objection</u></p> <p>We agree that the proposed extension will result in an improvement to the existing housing stock.</p> <p>l. 7/2023/5223 Windermere Business Centre, Oldfield Court, Windermere: Amendment to design, condition 2 (plans) on planning permission 7/2023/5112 for reconfiguration and provision of additional office accommodation on northwest corner at ground floor level and change of use of first floor from office accommodation and second floor from an apartment to a house in multiple occupation with associated infrastructure and ancillary facilities. (10/5) <u>No objection</u></p> <p>The proposal would result in a useful addition to much-needed single-person accommodation, the changes present sensible improvements to the original plan.</p> <p>m. 7/2023/5224 Waterside Wood, Newby Bridge Road, Windermere: Replacement of 2 No dilapidated boathouses. (10/5) <u>Recommend refusal</u></p> <p>This site is close to the boundary between Windermere and Cartmel Parishes and, having consulted Cartmel Parish Clerk, we consider it essential, that Windermere and Bowness Town Council contributes its opinion on this application. Our strong recommendation is to REFUSE. The application is regarded as being disingenuous, firstly because the two existing boathouses are not dilapidated and secondly, because the application is, in fact, for two entirely separate self-contained apartments, built over part of the lake between two existing boathouses and their associated jetties. There can be no justification for building two separate new-build properties for purely recreational purposes where none currently exists and where, close-by, "corporate" accommodation already exists within the estate.</p> <p>n. 7/2023/5227 7 Annexe, Brantfell Walk, Windermere: Change of use to allow holiday letting (10/5) <u>Recommend refusal</u></p> <p>In 2017, this annexe was granted planning permission (7/2017/5785) subject to several conditions, Condition 3. being:- <i>"The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 7 Brantfell Walk, Bowness-On-Windermere, LA23 3AT. REASON: The</i></p>
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*use of this accommodation as a separate dwelling in this location would be unlikely to be acceptable because of the limited access to the site and the relationship with the existing dwelling.” The Condition was repeated in a further application in 2018.* Written evidence states that the annex is frequently let as short-tern holiday accommodation, with blatant disregard for that condition, to the detriment of neighbours dwelling in their adjacent permanent homes. This has caused noise nuisance loss of privacy and amenity. The application is therefore retrospective. The original caveat should stand, as a new build for holiday use is not in accordance with the Local Plan, and as a new build the annex would have and indeed has a local occupancy restriction. We would ask the LDNPA to consider the breach of the local occupancy conditions imposed when planning permission was first granted.

- o. 7/2023/5233 Location: Miller Howe Hotel, Rayrigg Road, Windermere: Amendment to conditions 2 and 3 (plans) on planning approval ref 7/2007/5497 for internal and external alterations and extensions (lounge extension, dining extension, bedroom extensions, kitchen extension, office extension, new fire escape, new terraces) (12/5)  
No objection

This council considers that the proposed extensions and alterations are acceptable and appropriate for the restoration of this iconic hotel.

*The council would ask that all the planning applications for the Miller Howe property should be considered together as a whole for proper understanding of the impact of the development to be made.*

- p. 7/2023/5229 Latterheath Cottage, Longmire Road, Windermere: Demolition of single story dwelling and erection of new single and two storey dwelling with associated external landscaping works. Creation of new access gate and track off highway. (15/5)  
No objection

The revised design although of modern appearance, incorporates local materials and elements of the vernacular taking the previous recommendations into consideration, which is appreciated.

- q. 7/2023/5234 Langstone House, Broad Street, Windermere: Conversion of existing Town Council offices to create 4 affordable dwellings (15/5)  
No objection

Good use of an iconic, though underused building.

The Council recommends considering the possibility of increasing the number of parking spaces available to the front and rear of the building to prevent worsening the parking issues on the neighbouring streets.

- r. 7/2023/5231 White Lodge Hotel, Lake Road, Windermere: Amendment to the design of the block of 6 new hotel family suites, condition 2 on planning permission 7/2021/5279,



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for erection of a block of 6 new hotel family suites and conversion of existing hotel rooms into larger family suites (16/5)

No objection

The proposed amendments make little difference to the Bank Road elevation.

- s. 7/2023/5235 Miller Howe Hotel, Rayrigg Road, Windermere: Siting of two ancillary workshop/equipment stores. (16/5)

No objection

Conditions should dictate that these ancillary building remain as such and are not subsequently converted for accommodation.

*The council would ask that all the planning applications for the Miller Howe property should be considered together as a whole for proper understanding of the impact of the development to be made.*

- t. 7/2023/5236 Miller Howe Hotel, Rayrigg Road, Windermere: Relocation of access to provide improved visibility (16/5)

Recommend refusal

The Council feel there is a lack of information regarding this application. The relocation of the entrance nearer to the crest of the hill and in close proximity to the Hammarbank Windermere Lake viewpoint and car park may in fact be more dangerous than the existing access. A response from the highways officer about the safety of the access point is needed before a decision can be made.

A second concern is the loss of a substantial number of trees. A proper arboriculture report to explain the impact and mitigation would be needed.

Finally, the effect of the change in access route to the parking at the hotel is not clear from the plans. Also unclear is how all the different aspect of the development will impact on each other and the site as a whole.

*The council would ask that all the planning applications for the Miller Howe property should be considered together as a whole for proper understanding of the impact of the development to be made.*

- u. 7/2023/5241 Miller Howe, Rayrigg Road, Windermere: Provision of three self-catering holidays suites (17/5)

Recommend refusal

This development would cause a loss of privacy, by overlooking, for the residents of neighbouring properties. The development would also be out of keeping with the site and will detract from the iconic view from the Lake as it is not screened by trees. It would in fact result in a loss of a further three trees in addition to those proposed to be removed by other development plans at the property. If granted, any new build properties on a greenfield site must meet a local occupancy need, perhaps by staff of the hotel and their families, and not be built for holiday accommodation.





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	<p><i>The council would ask that all the planning applications for the Miller Howe property should be considered together as a whole for proper understanding of the impact of the development to be made.</i></p> <p>v. 7/2023/5242 Miller Howe, Rayrigg Road, Windermere: Swimming pool and leisure facility (17/5) <u>No objection</u> An acceptable addition of attractive and unobtrusive design, increasing the viability of the hotel's restoration which will not negatively impact the iconic view from the Lake. <i>The council would ask that all the planning applications for the Miller Howe property should be considered together as a whole for proper understanding of the impact of the development to be made.</i></p>
129.	<p><b>Tree Applications:</b></p> <p>a. T/2023/0037 Grumpys, Phoenix Way, Windermere: Fell 2 holly trees (18/4) <u>No objection</u> This is a pre-emptive application for felling "should it become necessary". The applicant has requested a discussion with the LDNPA Tree officer for alternative actions.</p> <p>b. T/2023/0040 Rose Garth, Oakland, Windermere: T1 Fern Leaf Beech - Crown reduction all round by 2.5 metres. Contain the size of the large tree. (26/4) <u>No objection</u></p> <p>c. T/2023/0050 Springwood, Meadow Croft Lane, Storrs: T1 Beech - Crown reduce by 3 metres, crown clean and thin to reduce risk of wind throw and to allow more light into the property and gardens. T2 Sycamore - crown reduce by 3 metres, crown clean and thin to reduce risk of wind throw and to allow more light into the property and gardens. (11/5) <u>No objection</u></p>
130.	<p><b>Licensing Applications:</b></p> <p>The application from Toast, 10 Main Road, Windermere: Application for the Grant of a Premises Licence (15<sup>th</sup> May deadline - pre-circulated) was considered in view of the strict time constraints for comment.</p> <p>The Council have no objection to the sale of alcohol for consumption on the premises. There are concerns for potential public nuisance from off sales at a premises on the corner of a residential area. They recommend that off sales be refused on the grounds of contravening licensing objectives requiring the prevention of public nuisance.</p>
131.	<p><b>Follow Up List</b></p> <p>This was reviewed and the Clerk reported that LDNP had contacted her today with no updates on any of the cases although they hoped to assign an officer to the case of <u>Brown Sugar, Main Road</u>, shortly.</p>



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	<p>The clerk was asked to write to LDNP expressing disappointment at the lack of action on this case, first reported in October 2022 and requesting that, at a minimum, a warning letter requesting compliance be sent as soon as possible.</p> <p>The following issue should be added to the Follow Up list: A report has been received that two properties on Craig Walk were potentially being converted to holiday lets with outbuildings, door and windows being changed without planning permission.</p> <p>The Clerk was also asked to raise the following with the LDNPA: The Council are becoming concerned about the increase in cases where local occupancy conditions are apparently being flouted. The clerk is to keep a list of cases reported to the Council- which we will share with LDNPA and we would be interested to know what action is currently being taken to enforce local occupancy conditions.</p>
132.	<p><b>Cumulative Impact assessment (CIA)</b> The Evidential document, approved by Full Council on 19<sup>th</sup> April 2023 has been submitted to W&amp;FC and the police. It has been passed to senior licensing officers and will be put to the Licensing Committee in due course. Cllr Christine Cook requested that the document should also be sent to Lloyd Price, Chair of Bar Watch with a formal letter of thanks for their support in producing evidence for the CIA request.</p>
133.	<p><b>Marshalls</b> A letter was approved to be sent to the Chief Executive of W&amp;FC, copied to our local W&amp;FC Councillors, formally requesting the reinstatement of Marshalls in Bowness to help with defusing anti-social behaviour, as outlined in the CIA consideration request.</p>
134.	<p><b>Planning Decisions:</b> NOTED</p>
135.	<p><b>Date of Next Meeting:</b> Wednesday 24<sup>th</sup> May 2023 at 7pm, Langstone House.</p>
	<p><b>The meeting was closed at 9.15pm</b></p>

Signed as a true and accurate record: