



## 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 Marchesi Centre, Windermere on 15<sup>th</sup> December 2021 at 7pm

Minute No	
	<b>Participants:</b> Cllrs Jenny Borer (Chair), Adrian Legge, Kate Tripp, Cath Musetti & Christine Cook. Also Julie Hartley, Town Clerk and 3 members of the public.
78.	<b>Apologies for Absence Accepted:</b> Cllr Alan Hands
79.	<b>Minutes:</b> The minutes of the meeting held on 24 <sup>th</sup> November 2021 were approved for signature.
80.	<b>Declarations of Interest:</b> NONE
81.	<b>Requests for Dispensations:</b> NONE RECEIVED
82.	<b>Public &amp; Town Councillor Input:</b> <u>Paul Gardner</u> spoke on behalf of a number of neighbours on the planning applications for the former Windermere Garden Centre (nos 7/2021/5953 & 5955). He asked the planning sub-committee to consider recommending refusal of these applications and made the following key points in support. There are several key areas of development on the site that have no planning permission and are in breach of planning guidelines. This includes the raising of the ground level and removal of screening, all of which contribute to increased noise levels. The negative impact on the amenity of the neighbourhood is extreme, as attested in the many letters of representation to the LDNPA and especially that from Hunter House, where elderly residents have had to bear a huge impact on their lives. The cutting back of the woodland and loss of wildlife habitat are very regrettable. There is no flood risk document to support the planning applications, even though this was earmarked as being of great significance in the original applications. There is no provision for staff parking. The development that has emerged is very different to that set out in the original vision and LDNPA enforcement action has been weak. The loss of woodland has been replaced by an increase in the yard area by approx. 50% and there is a consequent increase in activity and noise to what was a peaceful residential neighbourhood. Application 5955 is supposed to address the problems on site that are the result of the unauthorized development. This includes the raising of the land level, which is very important, as this leads to a lack of privacy for neighbouring properties, especially with inadequate screening. There is a significant loss of visual amenity for neighbours and the flood risk issues have not been addressed. The consequential impact of this alone is a great

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	<p>concern to neighbours. There are no proposals in the application/s for car parking for staff, which was asked for by Cumbria Highways and which is currently having a huge impact on the availability of on-street parking in surrounding streets.</p> <p>The Town Council is asked to support the call for the LDNPA to provide meaningful enforcement to have the land level restored to its original, adequate screening imposed, flood risk and noise pollution given full reviews by competent professionals and a re-assessment of on-site parking provision. Mr Gardner urged the Town Council to recommend refusal until these problems are rectified.</p> <p>Mr Gardner ended his presentation with a summary of what this process has revealed about the shortcomings of the current planning system. It is clear that LDNPA has been unable to enforce planning compliance and deal with unauthorized development in this case. This provides a dangerous precedent for other developments in the area and should be addressed. Councillors asked a number of questions for clarity purposes.</p> <p><u>Mr Collins</u> addressed the sub-committee on the subject of SLDC approving a premises license for Units 1-2 (Flying Gin Ltd) on Longlands Road (former site of Badger Press). This site is directly opposite Mr &amp; Mrs Collins' home. The planning sub-committee had submitted representation against granting this license, but SLDC licensing committee have approved it, albeit with many provisos as to how the business should be operated to mitigate disturbance to the neighbourhood. The only recourse to appeal this decision is via the Magistrates Courts which is a significant risk, as the litigant will be held responsible for all the legal fees if the case is lost. In some cases recently, this has amounted to approximately £40,000. Mr Collins asked if Town Council would consider lodging the appeal, as the SLDC licensing committee do not appear to have taken account of some of the key local issues, including the growth of licensed businesses in Bowness, the impact of this business on a quiet residential street, the danger to the public with no pavements and street lighting on what is a private road. The measures put in place by SLDC will not mitigate the public nuisance and noise pollution, which will forever change this neighbourhood.</p> <p>The Clerk advised the sub-committee that, although very unfortunate, it would be impossible to direct public taxes and funds to fighting a potentially costly case in the Magistrates Courts. The sub-committee were extremely sympathetic to the situation but felt there is no further action that can be taken by the Town Council on this occasion.</p>
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	The Chair thanked the public speakers and brought forward these specific applications to enable the public to leave early if they wished.
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83.	<p><b>Planning Applications:</b> The following recommendations were agreed:</p> <p>a) 7/2021/5921: 8, Beech Street, Windermere: Replacement shop window. (15/12) <u>No objections.</u></p> <p>b) 7/2021/5953: Formerly Windermere Garden Centre, Lake Road, Windermere: Resubmission 7/2021/5066 for Change of use to landscape contractors' establishment and formation of permeable hard-standing (following withdrawal on 1 October 2021) (21/12)</p> <p><u>Recommend Refusal:</u> Although the Town Council is supportive of the contribution this business venture will bring to diversity of employment in the area and to the improvement of the visual appearance of the site from the roadside, these applications are extremely problematical. They have arisen out of a number of cases of non-compliance with the original approved plans and what is now on site is unrecognizable compared to what was approved and supported by the Town Council. It is very regrettable and underlines the failure of the LDNPA enforcement system. The sub-committee have read local representations and listened to local people and have the following material reasons for recommending refusal:</p> <ul style="list-style-type: none"><li>• Lack of privacy for surrounding properties, caused by the unauthorized raising of the ground level and the lack of any adequate screening.</li><li>• The negative impact on the amenity value for neighbours. There are many detailed representations that attest to this, in particular that from Hunter House, where elderly residents have lost the quiet and peaceful enjoyment of their outside space.</li><li>• Noise pollution in the area, caused by the vast increase in scale of the operation from that originally envisaged, the raising of the ground level and the lack of effective screening of the site.</li><li>• The loss of woodland is to be greatly regretted and this has contributed to the reduced amenity value of the neighbourhood.</li><li>• The lack of a flood risk assessment, which is crucial to this application and had been asked for by the LDNPA.</li><li>• Whilst it is acknowledged that provision of parking for all staff (30) would be impossible on this site, there needs to be a plan put in place which includes some on-</li></ul>
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	<p>site parking and potentially purchase of parking elsewhere, to reduce the impact on on-street parking in a busy neighbourhood.</p> <p>The sub-committee acknowledges and agrees with the comments made by residents which express their lack of confidence in the LDNPA enforcement system. As such, it is recommended that there is a full independent review of the planning advice and compliance action taken in this case with the aim of preventing a repeat of this situation in the future.</p> <p><b>c)7/2021/5955: Formerly Windermere Garden Centre, Lake Road, Windermere:</b> Regularisation of as-built topography (landform &amp; structures) and amendment to design of buildings, condition 1 on planning permission 7/2020/5480 (Provision of office and staff welfare buildings, storage shed and associated yardage including composting area, polytunnel, deer stock fence, plant storage areas, horticultural reception building, client parking, hard and soft landscaping) (21/12) <u>Please refer to the comments above for 7/2021/5953. Recommend Refusal.</u></p> <p><b>d)7/2021/5961: Former Express Pizzeria property, Lake Road, Windermere:</b> One fascia sign and one projecting sign, externally illuminated (21/12) <u>No objections.</u></p> <p><b>e)7/2021/5397: Oakbank House, Helm Road, Bowness:</b> Replacement of existing windows with uPVC alternatives (21/12) <u>Recommend Refusal:</u> On the grounds of design &amp; appearance. Replacement with UPVC is not acceptable. This is a large and prominent 19<sup>th</sup> century building in a conservation area and is listed as being of special interest. The opportunity should be taken to replace windows in the style of the original design - ie timber and paneled, to retain as much of the historical appearance as is possible.</p> <p><b>f)7/2021/5762: Low Borrans Cottage, Patterdale Road, Windermere:</b> Removal of existing kitchen structure and rebuild with small Kitchen extension (22/12) <u>No objections.</u></p> <p><b>g)7/2021/5974: Green Lodge, Longtail Hill, Bowness:</b> New solar array in garden curtilage (22/12) The sub-committee is unable to make a clear recommendation. Whilst it can appreciate the positive impact of the solar array on carbon reduction, the recommended site is clearly visible from the Marina and the Bay and will mar the viewpoint. If an alternative more shielded site could be identified, support may be forthcoming.</p>
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**h)7/2021/5963: Cannon Crag, Storrs Park, Bowness:** Proposed demolition of existing house and rebuild of proposed new build dwelling with all associated works previously approved (27/12)

Recommend Refusal: In December 2020, this Council recommended refusal of a similar proposed development (7/2020/5742) on the grounds that “the design is out of keeping and fails to observe the vernacular of the main building. This is particularly the case with the much larger white fascia which is incongruous and very conspicuous from the west shore of the lake.” This planning application is for a similarly incongruous building, marring the view from the lake and is out of keeping with the vernacular style of the neighbouring dwellings.

**i)7/2021/5975: The Coach House, Oak Street, Windermere:** Replace garage door with a window (28/12)

No objections.

**j)7/2021/5940: Rear of 19 and 21, Broad St, Windermere:** Proposed conversion of existing redundant warehouse to living accommodation with car parking space (28/12)

No objections.

**k)7/2021/5918: Café Riva, St Martins Square, Bowness:** Construction of balcony and alterations (28/12)

Recommend Refusal on grounds of design and appearance. Contrary to the Design & Heritage statement, this proposal would have a significantly detrimental effect on the existing building. The proposed balcony, with glass balustrade would mar the existing building by further detracting from its vernacular style. As the Design & Heritage statement says “The immediate vicinity is currently enhanced by the presence of several fine Victorian buildings overlooking the square.” The proposed addition would be entirely out of keeping.

**l)7/2021/5854: Gilthwaite Rigg Nursery, Lickbarrow Road, Bowness:** One new four-bedroom dwelling house with attached garage (all matters reserved) (29/12)

No objections in principle to this outline application.

**m)7/2021/5988: Fallbarrow Caravan Park, Bowness:** Sector 1 - Proposed installation of 1 no GPS and 1 no antenna on existing 6 metre pole, and 1 no external cabinet at ground level; Sector 5 - proposed installation of 1 no GPS and 1 no antenna on exisitng 6 metre pole and 1 no external cabinet at ground level (31/12)

No objections.

**n)7/2021/5989: Fallbarrow Caravan Park, Bowness:** Installlation of 1 no antenna on pole mounted to flat roof and 1 no unistruct frame and 1 no antenna on roof and ancillary development thereto (31/12)

No comment as no documentation was provided to support this application.

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	<p><b>o)7/2021/5818: Ellerwood, Storrs Park, Bowness:</b> Two-storey extension (6/1) <u>No objections</u> to this specific application, but this needs to be considered by the LDNPA alongside the other 3 applications which have been submitted for this site this year. <b>p)7/2021/5579: 8, Thwaites Lane, Windermere:</b> Double story side extension with single story rear extension (6/1) <u>No objections.</u></p>
84.	<p><b>Tree Applications:</b> <b>T/2021/0196: Robin Hill, Longlands Road, Bowness:</b> Yew (5) Category C - Fell to facilitate vehicular access to the site during the construction period. Sycamore (6) Category C - Fell to facilitate vehicular access to the site during the construction period. Privet (75) Category C - Fell to facilitate vehicular access to the site during the construction period. These will allow ease of access to the site and ensure Longlands Road is not subject to road blockages by larger vehicles. As the trees are located at the entrance to the site which is already a very heavily planted area we propose to replant on a 1:1 basis elsewhere in the site as detailed on the accompanying plan. If when removed there is a visible gap then a suitable species and size will be replanted (16/12) No Objections to the majority, but would welcome any action that can be taken to save the Yew Tree.</p>
85.	<p><b>Licensing Applications:</b> NONE RECEIVED</p>
86.	<p><b>Statement on Licensing Policy:</b> This was discussed and it was decided that, given the complexity and legalese of the document, a full detailed response would not be provided, but that the opportunity would be taken to underline the following key points that the sub-committee have identified time and again on licensing issues throughout the year: The fact that many applications for a premises license are made prior to any grant of planning or change of use approval. This is a contrary situation and a communication system between the LDNPA and SLDC needs to be devised to prevent this taking place. There needs to be a means of taking into account the overall impact of a premises license on a neighbourhood. The absence of this has led to Bowness losing much of its diversity of appeal and becoming overwhelmed with drinking establishments. Advertising of premises licensing applications is inadequate and there needs to be a re-think as to how to get information to the public so they are able to have a meaningful say.</p>
87.	<p><b>Planning Decisions:</b> NOTED</p>
88.	<p><b>Follow Up List</b> The follow up list was reviewed, updated and added to where necessary.</p>
	<p><b>The meeting was closed at 8.50pm</b></p>
89.	<p><b>Date of Next Meeting:</b> Wednesday 26<sup>th</sup> January 2022. Venue to be decided.</p>

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