Lake District National Park

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Report from the Head of Development Management to the Development Control Committee

Application number:	**7/2024/5524**
Application type:	Full Planning application
Applicant:	Mr J Lowe, Fairway Kirkby Lonsdale Ltd
Location:	White Lodge Hotel, Lake Road, Windermere, LA23 2JJ
Grid reference:	340597 497302
Proposal:	Development of five local occupancy houses as an alternative scheme to the hotel extension permitted under planning permission reference 7/2021/5279 including alterations to the permitted building
Report prepared by:	Kelsey Blain, Planner
Report agreed by:	Neil Henderson, Planning Manager
Recommendation:	APPROVE with conditions

1 About this report

1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.

1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).

1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations,

following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

2.1 This application is being reported to the Development Control Committee as the recommendation to approve with conditions is contrary to the objections of five households.

2.2 This application relates to land to the north of the White Lodge Hotel. The site is located to the west of Lake Road in the Bowness Conservation Area. There is vehicular access directly off Lake Road (the A5074 linking Bowness and Windermere) and also via Bank Road to the rear which is privately owned. There is limited parking within the grounds of the hotel.

2.3 The recent planning history of the site can be summarised as follows:

- 7/2020/5307 – Extension to provide additional 12 no. hotel guest suites. Conversion of existing hotel rooms (13 no.) into 4 no. guest suites and 1 no. hotel staff accommodation unit. Provision of basement level car parking and parking to rear. Withdrawn following concerns regarding vehicular access from Bank Road and scale of development.

- 7/2021/5279 – Erection of a block of 6 new hotel family suites and conversion of existing hotel rooms into larger family suites. Approved with conditions.

2.4 There has been a number of subsequent applications to discharge conditions and to amend the details of the design. Work has commenced on the implementation of this permission and the construction of the building is nearly complete.

2.5 This application now seeks planning permission for the development of five local occupancy dwellings as an alternative scheme to the hotel extension permitted under planning permission 7/2021/5279 including further alterations to the permitted building.

3 Representations

3.1 Windermere and Bowness Town Council has no objection subject to satisfactory clarification with regard to parking and access arrangements.

3.2 The Local Highway Authority and Lead Local Flood Authority refer to the response they previously provided to application 7/2021/5279. This proposal is anticipated to have a slightly beneficial impact on the highway. It is requested that the following details be managed by condition:

- Maintenance of an approved surface water drainage scheme.
- Any existing highway fence/wall boundary to be reduced to a height not exceeding 1.05m above the carriageway level of Lake Road and not to be raised to a height exceeding 1.05m thereafter.

3.3 United Utilities provided general guidance on UU assets and water efficiency, and request the following conditions:

- Details of a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted and approved prior to the commencement of development. The approved scheme is to be completed prior to occupation of the proposed development.
- A sustainable drainage management and maintenance plan for the lifetime of the development to be submitted and approved prior to the occupation of the development.

3.4 Five objections have been received which can be summarised as follows:

- Concerns about access and parking, in particular, use of Bank Road, a private road which is considered to be unsuitable in relation to highway safety.
- Concerns about implementation of local occupancy condition.
- Proposals do not comply with Lake District Design Code SPD.
  - Proposed dormers would be overbearing.
  - Scale of development reduces natural light to neighbours.
  - Local materials not proposed and not in character with Conservation Area.
  - Several openings in gable ends, contrary to Design Code SPD.
  - Proposed render not in accordance with Design Code SPD.
- Juliette balcony would result in overlooking of 5 North Cottages.
- Concerns reduction in solar panels will not meet requirements of Policy 20.
- Unacceptable level of housing density.
- Gross Internal Floorspace for proposed dwellings does not meet the Technical Housing Standards. More floorspace is likely to be lost through installation of required internal sound insulating cladding.
- No provision for storage of refuse/recycling.
- Objections to implementation of extant scheme.

4 Development plan policies and other relevant guidance

4.1 The relevant Development Plan comprises:

- The Lake District National Park Local Plan 2020-2035

4.2 The following Lake District National Park Local Plan policies are relevant to this application:

- Policy 01: National and international significance of the Lake District
- Policy 02: Spatial strategy
- Policy 03: Development and flooding
- Policy 05: Protecting the spectacular landscape
- Policy 06: Design and development

- Policy 07: Historic environment
- Policy 15: Housing
- Policy 18: Sustainable Tourism and Holiday Accommodation
- Policy 20: Renewable and low carbon energy

- Design Code Supplementary Planning Document

4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.

4.4 The Windermere, Bowness and Troutbeck Bridge Community Plan seeks to increase the availability of homes for local residents.

5 Main issues and assessment

5.1 The main issues in this assessment are:

- Principle
- Character and appearance of the area and heritage assets
- Amenity
- Highways and access
- Surface water

Principle

5.2 Policy 02 states that Rural Service Centres, such as Bowness and Windermere will be the focus for housing, employment and retail development. Development within these locations is required to reinforce or enhance the role of the Rural Service Centre, sustain and enhance the range of local services needed for both the centre and its wider hinterland, be within or relate well to the form of the settlement and to existing buildings within the settlement and to utility and community infrastructure and protect, maintain, or enhance the local distinctiveness, character and landscape setting and make efficient use of land.

5.3 Policy 18 (Sustainable tourism and holiday accommodation) seeks to retain and evolve a range of high-quality holiday accommodation. The policy also seeks to retain holiday accommodation unless there is no demand for it. In this case although a permission is in place, the holiday accommodation is not, and never has been, in use and therefore I do not consider that Policy 18 is engaged. Even if it were, a wide range of holiday accommodation is available in the immediate area which would remain the case whatever the outcome of this application.

5.4 Policy 15 (Housing), supported by the Housing Supplementary Planning Document, aims to increase the supply of homes by providing at least 1200 new houses to meet local community need. This will be achieved by supporting new permanent homes that:

- contribute towards helping communities remain vibrant and resilient; and
- achieve a better balance in the housing market; and

- are secured in perpetuity for permanent occupation with eligibility restricted to a geography that is tailored to local circumstances.

The policy states that open market housing will not be supported.

5.5 The most recent information on housing need within this area is contained within South Lakeland's Strategic Housing and Economic Needs Assessment (SHENA). The assessment concludes that the greatest need in the Lake District National Park sub-area is for two-bedroom dwellings with 52% of the market housing need made up of this size of house. There is a moderate need for three-bedroom dwellings which make up 30% of the market housing need in the National Park.

5.6 This application proposes 2 no. two bedroom and 3 no. three bedroom local occupancy dwellings. The proposals would therefore meet an identified local housing need and comply with the requirements of Policy 15 in this respect.

5.7 The proposals would be located on a brownfield site, within the Rural Service Centre, with easy access to the A5074 and facilities in Bowness. The character and appearance of the development was considered and found to be acceptable under the previous applications, with only small amendments to the design proposed under the current application.

5.8 I am therefore satisfied that the proposals satisfy the requirements of Policies 02 and 15 and are acceptable in principle.

Character and appearance of the area and heritage assets

5.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether grant planning permission for development with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (Section 72 (1)).

5.10 The NPPF is a material consideration in the determination of this application and requires great weight to be given to the conservation of designated heritage assets, of which World Heritage Sites are recognised as being of the highest significance. The Bowness Conservation Area is also a designated heritage asset. The NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.11 Policies 01 and 05 seek to ensure that the extraordinary harmony and beauty of the Lake District landscape and its special qualities are conserved and enhanced. All development proposals are required to protect or enhance the authenticity, integrity and significance of the Lake District. This will be achieved by supporting development that ensures the highest level of protection is given to the landscape, and where the type, design, scale

and level of activity maintains local distinctiveness, sense of place, and where appropriate, tranquillity.

5.12 Policy 06, in conjunction with the Lake District Design Code SPD, seeks design excellence in all development, which is to be inspired by and contribute to local distinctiveness. Development is required to reinforce the importance of local character by having regard to scale, height, density, layout, appearance, and materials. Chapter 2 of the Design Code relates specifically to new homes and requires the type, form and composition of new buildings to be rooted in local character. The design of developments must reflect the local vernacular architecture and traditions. The Code states that applicants must consider how the proposal fits into the existing historic landscape setting. This will include not only consideration of visual intrusion and impacts but also any effects of contextual relationships.

5.13 Local Plan Policy 07 seeks to conserve and enhance the significance of heritage assets, including the character, authenticity, integrity, setting and views of the historic environment. Proposals which would harm a heritage asset will not normally be permitted.

5.14 The White Lodge Hotel is a large, nineteenth-century building located to the north of the Bowness Conservation Area and identified as a building of special character in the Conservation Area Appraisal and Management Plan (October 2011). The site is surrounded to the north, west and south by attractive Victorian terraces which are also noted as buildings of special character in the Conservation Area Appraisal and Management Plan. The view looking south, towards the White Lodge Hotel and down Lake Road into the Bowness Conservation Area is also identified as an important view.

5.15 Planning permission was granted in September 2021 (7/2021/5279) for a detached, two and a half storey building to provide six new hotel family suites to the north-east of the hotel. The location, scale, design and form of the development were considered acceptable under the original permission and under subsequent applications which have amended the design slightly. The building would be finished in a mixture of local stone, slate and render and implementation of the previously approved scheme means that the construction of the building is almost complete.

5.16 The building proposed under this application would occupy the same footprint and be of the same height as the previously approved scheme, with the same stone, slate and render finish. The main difference would be the introduction of two additional gabled roofs on the building's rear (east) elevation. The additional gables would create a more terraced appearance along this elevation, but this is considered to reflect the character and appearance of neighbouring development. There would be no discernible difference in the appearance of the development as viewed from Lake Road.

5.17 The proposals are considered to be of an appropriate design and scale, appearing clearly subservient to the White Lodge Hotel and reflecting the principles of the Lake District Design Code SPD.

5.18 I am satisfied that the development is acceptable in relation to its impact on the character and appearance of the area and neighbouring heritage assets, satisfying the requirements of Policies 01, 02, 05, 06 and 07, the Design Code SPD and the NPPF.

Amenity

5.19 Careful consideration was given to the impacts of the development on neighbour amenity under the previously approved schemes. The current proposals would be no larger than the extant scheme, with only two new windows proposed in the first floor of the building's rear (east) elevation. Due to the location and orientation of the building, the new windows would not face towards any of the neighbouring properties. The overall height of the building would match the approved and partially implemented scheme.

5.20 Concerns have been raised about the impacts of the proposed Juliet Balconies on the amenity of neighbouring dwellings. I do not consider that they would have an unacceptable impact on neighbour amenity due to overlooking or overbearing effect and in any event these features were considered and approved under the previous, extant permissions.

5.21 The proposed dwellings, occupied on a permanent basis, may be likely to result in less movement than the previously approved hotel accommodation and may therefore have less impact on neighbour amenity than the extant scheme.

5.22 Concerns have been raised that the Gross Internal Area of the proposed units would fall short of the recommendations set out within the Technical Housing Standards, particularly at first floor where the roof pitch would result in restricted head room. However, this appears to have been addressed within the proposed first floor plans, where the accommodation has been set in from the eaves in recognition of the limited head room in these spaces. Only unit 4 could be considered to fall reasonably short of the space standards for a three bedroom, six person, two storey dwelling, being 13 square metres smaller than the recommended size. However, it is just as likely that given the size of this unit, it would be occupied by four people, in which case the unit would exceed the minimum space standards. The units are located within walking distance of the centre of Bowness and in close proximity to two areas designated as Local Green Space for amenity (WN03A) and recreation (WN10R) respectively and would therefore benefit from convenient access to outdoor amenity space.

5.23 I am satisfied that the layout, design and location of the proposed units would provide a good standard of living conditions for future occupiers and complies with the requirements of Policy 06.

Highways and access

5.24 The proposals would utilise the existing access off Lake Road and be served by eight parking spaces. As such, the proposals would fall marginally short of the recommendations set out within the Cumbria Design Guide, however this guidance is provided to the support Local Planning

Authorities in assessing the potential impacts of development on a site-by-site basis within the context of the Development Plan, site specific considerations, and other material considerations. The guidance states that developments may prove acceptable without offering parking levels as indicated within the guidance depending on the circumstances.

5.25 In this instance, the units are located within the centre of the Rural Service Centre with good access to public transport. Each dwelling would be served by at least one parking space, with the majority of units served by two spaces, in accordance with the Design Guide. Furthermore, the Local Highway Authority have advised that the current proposals are anticipated to have a slightly beneficial impact on highway safety.

5.26 Concerns were raised about the provision of two parking spaces off Bank Road, however this proposal has now been removed.

5.27 I am satisfied that due to the use of the existing access, low capacity of the proposed dwellings, and location within the centre of Bowness, the proposed access and parking arrangement are acceptable in relation to highway safety.

Surface Water

5.28 Surface water details were an important consideration as part of the original proposals and were the subject of a pre-commencement condition. Details of a scheme which was acceptable to the Lead Local Flood Authority were submitted and approved under application 7/2022/5368. All of the proposed drainage works have now been installed at the site and as no external changes to surfaces, landscape or the footprint of the building have been proposed under this scheme, the installed drainage measures are considered to be acceptable.

5.29 An updated maintenance plan for the drainage scheme has been submitted under this application and is considered to be acceptable.

6 Conclusion

6.1 The proposals are considered to be of an acceptable design and scale, which would appear subservient to neighbouring development and reflect the character and appearance of the area. I do not consider that the proposals would have any greater impact on neighbour amenity than the extant schemes and the proposed access and parking arrangements are considered to be acceptable. The provision of new homes with occupation restricted to local persons in a rural service centre is entirely in accord with policy.

6.2 Having regard to the provisions of the development plant, in particular Lake District National Park Local Plan Policies (01, 02, 03, 05, 06, 07, 15 and 20) and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

RECOMMENDATION: APPROVE with conditions

Conditions/Reasons

1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details received by the Local Planning Authority:

Drawing no. 202 C - Proposed Site Plan
Drawing no. 203 C - Proposed Floor Plans and Elevations

REASON: For the avoidance of doubt.

3 The dwellinghouses hereby permitted shall not be occupied otherwise than by a Person with a Local Connection as his or her Only or Principal Home, or the widow or widower of such a person, and any dependents of such a person living with him or her.

The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who immediately prior to occupation of the dwelling satisfies one of the following conditions:

(1) The person has been in continuous employment in the Locality defined for at least the last nine months and for a minimum of 16 hours per week; or

(2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

(3) The person has been continuously resident in the locality defined for at least three years immediately prior to:
a) Needing another dwelling resulting from changes to their household, (including circumstances such as getting married/divorced, having children, or downsizing)
b) Undertaking full-time post-secondary education or skills training and

is returning to the locality defined within 12 months of its completion, or
c) being admitted to hospital, residential care or sentenced to prison, and are returning to the locality defined within 12 months of their discharge/release, or

(4) The person is a former resident who lived in the Locality defined for at least three years and then lived outside the Locality defined for social and/or economic reasons and is returning to live in the Locality defined within three years of the date of their departure, or

(5) The person is a person who –
a) Is serving in the regular forces or who has served in the regular forces within five years prior to occupation;
b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where -
i. The spouse or civil partner has served in the regular forces; and
ii. Their death was attributable (wholly or partly) to that service; or
c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

'Locality' shall mean the administrative areas of the Parishes of: Broughton East; Cartmel Fell; Claife; Colton; Coniston; Crook; Crosthwaite and Lyth; Dunnerdale with Seathwaite; Haverthwaite; Hawkshead; Hugill; Kentmere; Lakes; Lindale and Newton in Cartmel; Longsleddale; Nether Staveley; Over Staveley; Satterthwaite; Skelwith; Staveley in Cartmel; Torver; Underbarrow and Bradleyfield; Windermere; Witherslack; Meathop and Ulpha; and those parts of the Parishes of: Blawith & Subberthwaite; Broughton West; Egton with Newland; Grayrigg; Helsington; Kirkby Ireleth; Levens; Lowick; Selside and Fawcett Forest; Strickland Ketel; Strickland Roger; and Whinfell which lie within the administrative area of the Lake District National Park.

An 'Only or Principal Home' is a dwellinghouse which is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a second home or for holiday letting accommodation.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

REASON: To ensure that the resulting accommodation is occupied by persons with a defined local need in order to comply with Lake District National Park Local Plan Policy 15 and the accompanying Housing Supplementary Planning Document. The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.

4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

REASON: To protect the amenity of local residents in accordance with Policy 06 of the Lake District National Park Local Plan 2020-2035 and the National Planning Policy Framework.

5 Prior to the first use or substantial completion of the development hereby permitted (whichever is sooner), the existing access to Bank Road (as shown on drawing no. 202 C - Proposed Site Plan shall be permanently closed and the boundary reinstated with a stone wall of not less than 1m in height and of a construction which matches the materials and appearance of the adjacent stone boundary walls to Bank Road.

REASON: In the interests of highway safety and to minimise potential hazards to highway users.

6 Prior to the first use of the development hereby permitted, at least 30 percent of the operational energy requirements of the development shall be secured from decentralised, district heating and/or renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of any physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of increasing the proportion of energy generated through renewable and low carbon sources in accordance with Policy 20 of the Lake District National Park Local Plan 2020-2035.

7 The development hereby permitted shall be completed and maintained in accordance with the approved Drainage Maintenance Plan received 10 February 2025.

REASON: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the requirements of Lake District National Park Local Plan Policy 03 and the NPPF.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority have worked with the applicant in a positive and proactive manner by seeking solutions to problems arising in relation to dealing with the application by requesting additional information.

Informative

For the avoidance of doubt, the main hotel building lies outside the application site boundary and therefore this planning permission, notwithstanding the elevation drawings set out at condition 2, does not permit any works to the exterior of the main hotel building

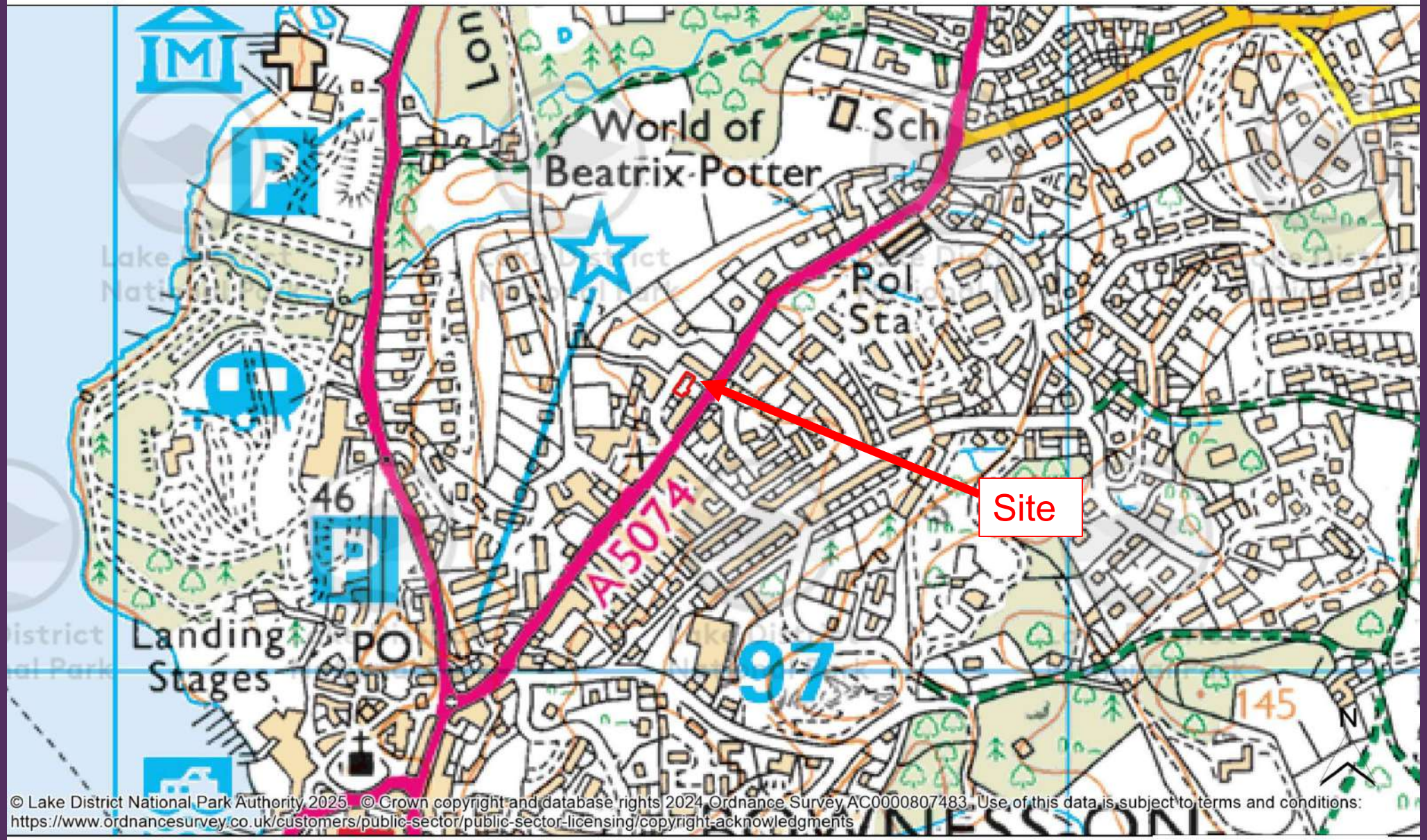
Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2024/5524

White Lodge Hotel, Lake Road, Windermere, LA23 2JJ

Development of five local occupancy houses as an alternative scheme to the hotel extension permitted under planning permission reference 7/2021/5279 including alterations to the permitted building



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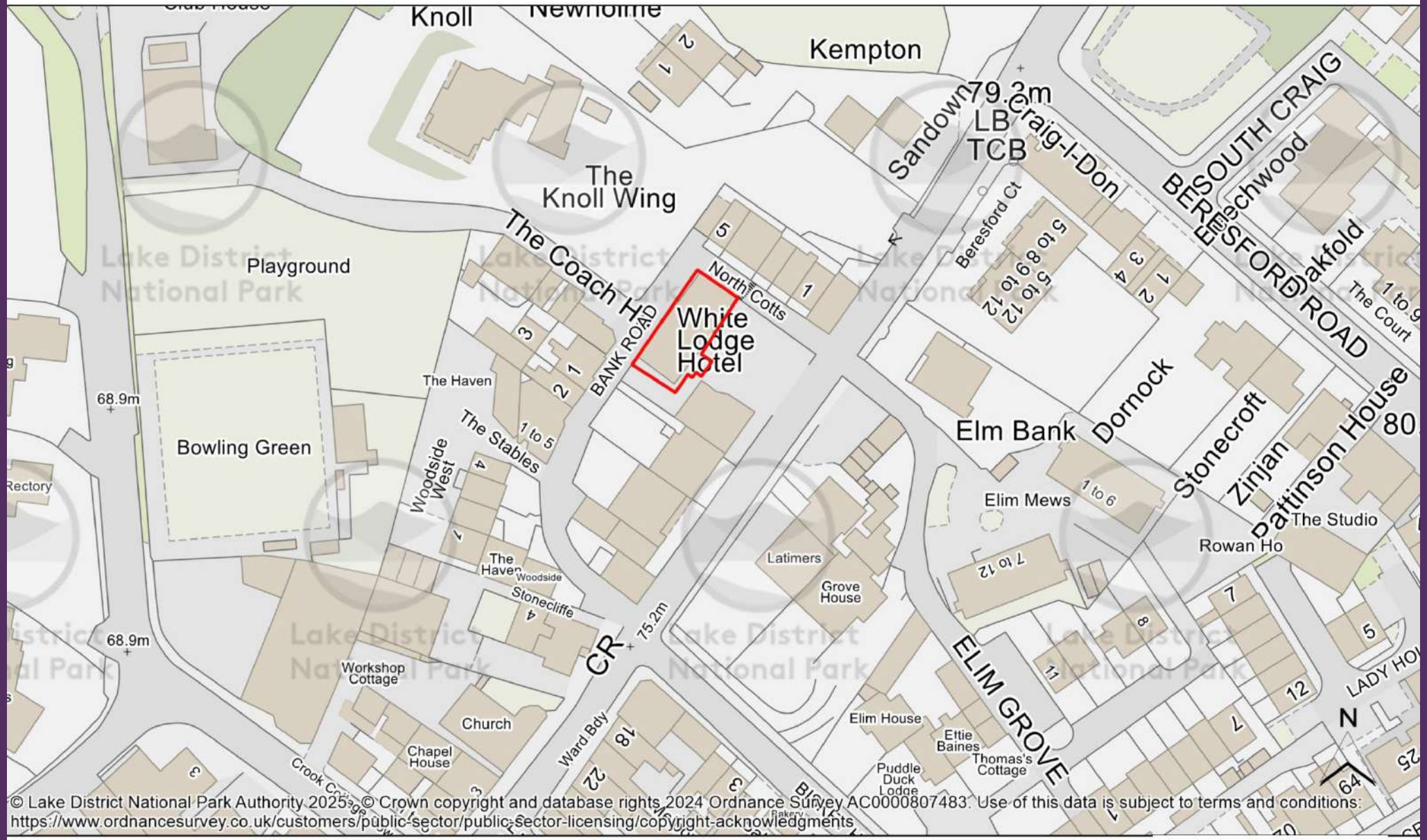

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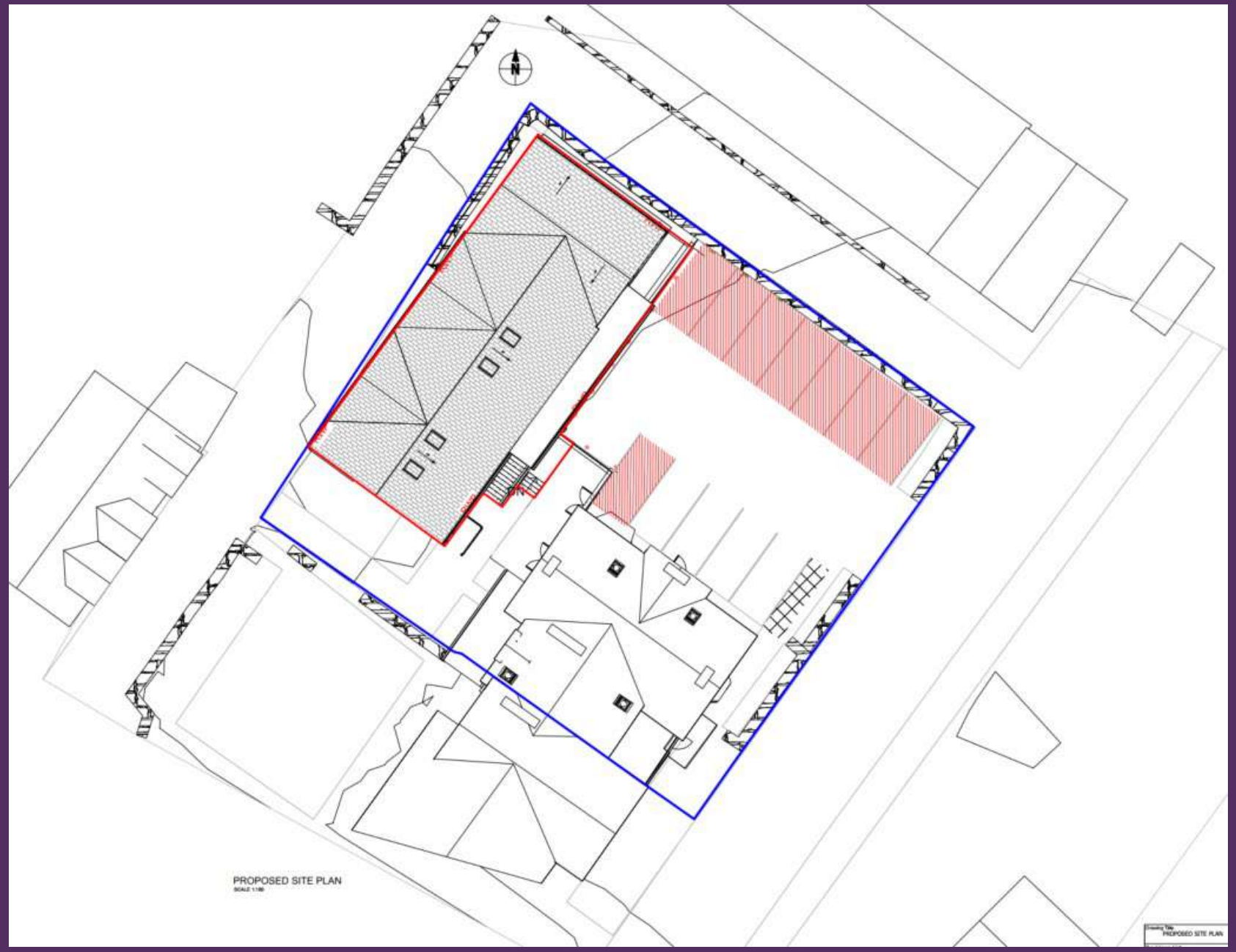
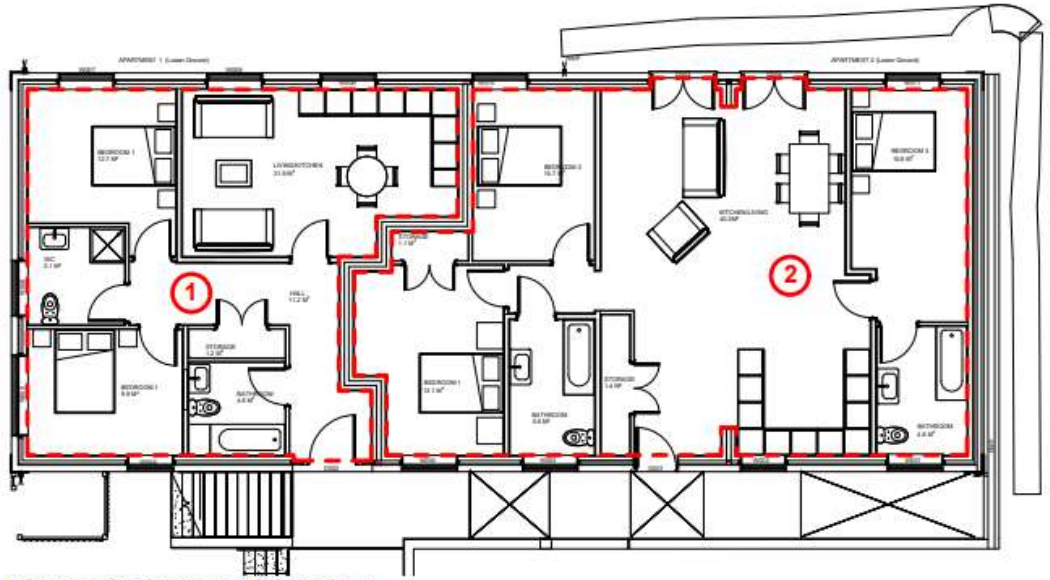
Application Site

Proposed Site Plan



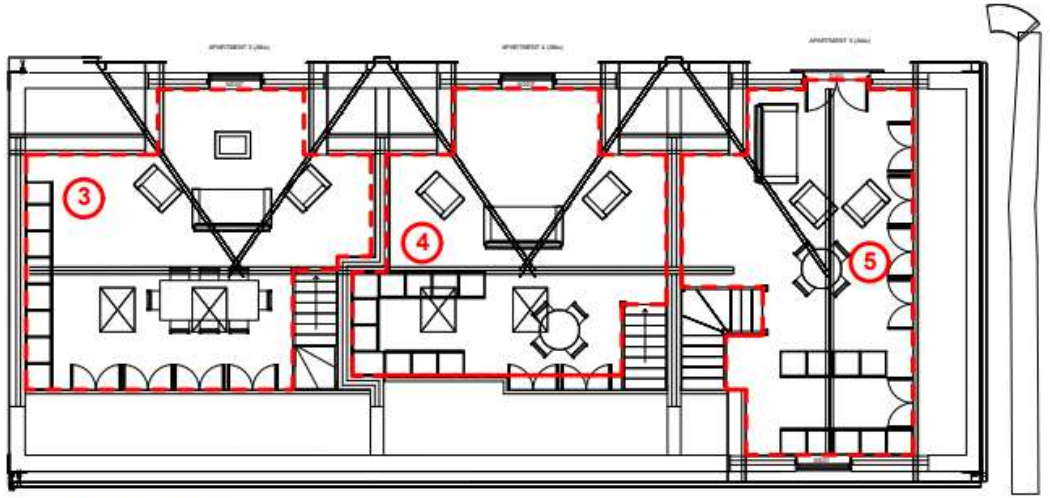
Proposed Elevations

Proposed Plans



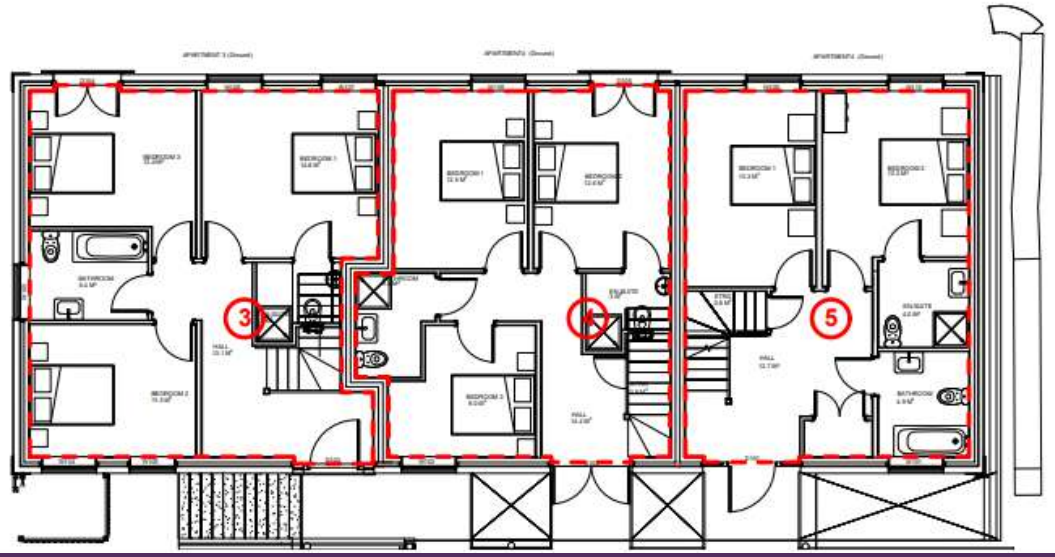
LOWER GROUND FLOOR PLAN

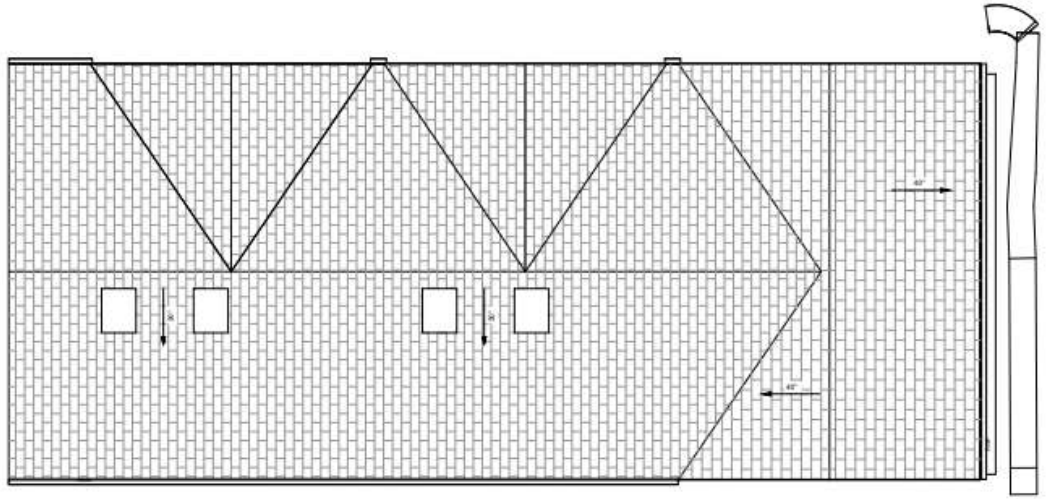
SCALE 1:100



FIRST FLOOR PLAN

SCALE 1:100





Elevations approved under 7/2023/5231