

# KENDAL TOWN COUNCIL

**Town Clerk**  
Elizabeth Richardson BSc (Hons)

**Town Treasurer**  
Jack Jones CPFA

**Email:**  
clerk@kendaltowncouncil.gov.uk



Town Hall  
Kendal  
Cumbria  
LA9 4DL

Phone: 01539 793490  
Fax: 01539 735984

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Dear Lorayne

## **SOUTH LAKELAND LOCAL PLAN PART 3 – DRAFT DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT (OCT 2016)**

I am writing on behalf of Kendal Town Council in response to the request for comments on the above document. Please find below our considered response.

In general we welcome this policy document and support the policies within it. We do feel that in some areas the policies could be more positive and have reflected this in our comments below, along with other concerns and thoughts.

### **1 Introduction**

#### **1.6 Viability Considerations**

1.6.1 suggests that the 'impact of the draft DM DPD policies on development viability is likely to be modest'. However, we would expect that the impact may be much more than modest on some sites bearing in mind the Kendal Flood Investigation Report Flood Event 5-6th December 2015 (Section 19 Report) and suggest that the wording should be modified.

### **2 Sustainable Development**

#### **2.1 General Requirements for all development**

##### **Policy DM1 – General Requirements for all development**

We welcome a consolidated policy setting out general requirements.

2. We are concerned about the use of 'as far as possible' in the policy. This is not sufficiently clear or positive about what is acceptable. We consider it should be removed and the balance with other factors be explored when discussing the development proposal. Unless guidance is also provided for developers about the circumstances when it might not be possible they will have too considerable latitude to say enhancement is not possible without trying to achieve it and it would be difficult to challenge their assertion successfully. To maintain consistency we consider that the associated wording in the reasoned justification should be similarly amended to make it more positive.

3. It is not clear from the policy or reasoned justification what types of existing needs this policy applies to and it might reasonably also be expected to meet future identified needs.

4. Presumably this also refers to contributions to other wider infrastructure needs such as schools, roads, etc. where existing capacity is not adequate and should say so.

5. The wording of this policy suggests the development should be 'creating new ...vehicle movements'. Presumably this is not the intention.

6. The development proposal should not be generating any pollution or general disturbance either. In a similar way to the reference to 'as far as possible', above, we consider 'unacceptable levels of' to be unnecessary – how acceptable it is should be part of the consideration of the proposal balanced against other factors. We are concerned that in the interests of maintaining safe, inclusive and well integrated neighbourhoods the current policy of spreading affordable housing across sites (pepper-potting) is maintained.

7. The phrase 'as far as possible' is also used in this policy and is considered to be unnecessary.

9. We are particularly concerned to ensure that the environmental and infrastructure effects include those on schools, roads, drainage, sewerage and flooding.

## **2.2 Quality Design Policy DM2 – Achieving High Quality Design**

Fully support the objectives of this policy.

2. We wondered if this should be 'retaining' rather than 'maintaining' (or retaining and maintaining). We also had reservations about the phrase 'as far as possible' (see above) but also about the reference to opening out – this suggests it is appropriate to 'open out' views for all sites, which will not necessarily be the case, presumably. We particularly welcome the inclusion of policy on development at the edge of towns given the number of edge of settlement allocated sites in Kendal and their sensitive nature.

3. Again we are concerned that in the interests of maintaining safe, inclusive and well integrated neighbourhoods the current policy of spreading affordable housing across sites (pepper-potting) is maintained. (Also navigate, not navigate around)

4. 'Turn corners well' is jargon and not easily understood. Suggest that in the last bullet it should read: "Proposals to affix external security measures to shop fronts and other commercial buildings will **only** be supported where it can be demonstrated no alternative measures are available". We wondered if the reference to an 'active shop front' should read 'attractive shop front'?

8. We were not clear what 'colour of the area' meant ('materials and colour'?). Also, 'vernacular' in the sense it is used here, is planning/architectural jargon or shorthand for the local style of domestic buildings. It would not be understood by all and in any case presumably regard should also be given to the style of public buildings where appropriate.

9. Again, is it necessary to include 'wherever possible and appropriate'? There is an opportunity to be positive - developers will not do it if there is an option/get-out. There is a greater need for attention to flood risks, more emphasis on managing flood risk in the reasoned justification and reference to documentation relating to designing for flooding.

10. Commas, sentence construction – could this read:

New development that requires external lighting must:

- use the minimum illumination required to undertake the task and;
- avoid harm to the local amenity, wildlife, public and wider views through use of appropriate landscaping measures and sensitive forms of design and;
- be designed in a manner that avoids glare and erosion of tranquility and dark skies

Reasoned Justification

2.2.2 We would strongly support and welcome production of a Design Supplementary Planning Document (SPD).

### **2.3 Historic Environment Policy DM3 – Historic Environment**

#### *Conservation Areas*

3. We would like see a more positive emphasis on using materials appropriate to the structure of the building and the Conservation Area (i.e. traditional materials rather than modern replacements).

In the paragraph beginning 'Exceptionally ...' the list of requirements needs the wording reviewing so it reads as a list e.g.:

Exceptionally, proposals involving the demolition, partial demolition or significant alteration of a Heritage Asset including a building or structure that contributes to the character or appearance of a Conservation Area will be allowed only where the following all apply:

1. there is a need for the proposal to go ahead in order to address clearly evidenced overriding matters of public safety or substantial public benefit, including demonstrating that the degree of harm or loss would clearly be outweighed by bringing a site back into an appropriate and viable new use;
2. no viable use of the site has been found following an appropriate level of marketing that would secure its conservation in the medium term;
3. securing grant support or a means of charitable or public ownership would not represent a feasible way of ensuring the asset's conservation;
4. an appropriate level of recording of the asset, building or structure and its heritage significances has been carried out before any works commence;
5. a clear and firm commitment, including time frames and opportunities for interpretation of the destroyed asset, is in place to carry out an appropriate replacement use of the site.

We were not clear what 'is in place to carry out an appropriate replacement use of the site' means in the context it is placed.

Reasoned Justification

2.3.2 We wondered if community identified historic assets should be included?

## **2.4 Green Infrastructure and Open Space**

### **DM4 – Green Infrastructure, Open Space, Trees and Landscaping**

Welcomed, particularly:

*Open Space/Green Infrastructure Requirements – Quantity*

- for allotments (800sqm/100 houses)

## **2.5 Rights of Way, and other routes providing pedestrian and cycle access**

### **Policy DM5 - Rights of Way and other routes providing pedestrian and cycle access**

Welcomed.

## **2.6 Sustainable Drainage Systems**

### **Policy DM6 - Surface Water disposal, Foul Water disposal and treatment, watercourses, flood defences and consideration of wider land drainage interests**

We consider that where an assessment of site conditions is undertaken it should be carried out by an **independent** body to avoid the situation where the report serves the interests of the applicant because they have commissioned it. If necessary SLDC should be prepared to commission a study themselves if there are specific concerns not addressed satisfactorily in the proposal. We are also concerned that the any 'measures intended to assist with surface water management' should be identified at a very early stage in the process. We consider that for larger proposals, or those for which it is clear there will be surface water disposal issues, some of the elements should be brought forward in the matrix showing at what stage documents should be submitted so that:

Detailed flood & drainage design drawings  
Full Structural, hydraulic & ground investigations  
Geotechnical factual and interpretive reports, including infiltration results  
Detailed landscaping drawings

should be shared with the planning authority as early as the pre-application or at least outline stage to allow sufficient time for them to be considered adequately and additional work commissioned if appropriate.

We noted that flow attenuation and on site storage is not mentioned in the hierarchy and were concerned that discharges to surface water bodies should be assessed to ensure there was sufficient capacity.

We would be keen to know what will be incorporated in this policy as a consequence of the publication of the Kendal Flood Investigation Report - Flood Event 5-6th December 2015 (Section 19 report) and would ask that you also refer to the Kendal Town Council response to the report and to the responses received to letters sent by the Town Council to various responsible authorities regarding flooding issues.

## **2.7 Pollution and Contamination**

### **Policy DM7 – Addressing Pollution and Contamination Impact**

We are concerned that each of the three sections of this policy are not positive enough. It appears that the reasoned justification is stronger than the policy in this respect

No development should have a negative impact on health, the environment or general amenity as a consequence of pollution or contamination.

No development should be permitted that has a net negative effect on air quality and development which can be reasonably anticipated to have a negative effect on a AQMA should be required to submit evidence to show what the effect would be as part of the proposal.

Development should not be permitted where it has an unacceptable impact on other noise sensitive uses or the occupants of the development would be subjected to an unacceptable level of noise from other uses.

Developers must be able to show as part of their proposal that any identified impacts are below or reduced to acceptable levels by mitigation measures where necessary and conditions applied to permissions to limit and control impacts.

Reasoned Justification

2.7.2 should this read 'only light pollution is the subject of any specific policy **elsewhere within this document**' or something similar?

## **2.8 Telecommunications and Broadband**

### **Policy DM8 – High Speed Broadband for New Developments**

Welcomed.

## **3 Sustainable Travel**

### **3.1 Parking Provision**

#### **Policy DM9 – Parking Provision, new and loss of car parks**

We are concerned that new development should not increase problems in areas already 'suffering from significant on-street parking problems'. Using 'where possible' makes this policy too weak – if a proposal has other overriding benefits they should be identified by the applicant as part of the proposal.

### **3.2 Safeguarding Land for Transport Infrastructure Improvements**

#### **Policy DM10 – Safeguarding land for transport infrastructure improvements**

Welcomed. We are particularly keen to ensure options for schemes such as a 'northern relief route' are protected from development that might restrict viability.

## **4 Housing**

### **4.1 Housing Optional Technical Standards**

#### **Policy DM11 – Accessible and Adaptable Homes**

Welcomed, however we were concerned that the tests for exemptions, between them, give considerable latitude to developers to claim they cannot meet the standard. It should be clear that this exemption must be justified for each dwelling individually within the development, not applied to the site as a whole. It

will be rare that none of the dwellings on multiple dwelling sites can meet the standard and some mitigation could be provided by developing some to an enhanced standard. Of particular concern is the threshold applied when considering the effect on viability.

## **4.2 Self-Build and Custom Build Housing**

### **Policy DM12 – Self-Build and Custom Build Housing**

Welcomed.

(**Policy DM13** – Housing Development in Small Villages and Hamlets. No comment)

(**Policy DM14** – Rural Exception Sites. No comment)

(**Policy DM15** – Essential Dwellings for workers in the Countryside. No comment)

## **4.6 Starter Homes**

### **Starter Homes – Interim Position Statement**

As already mentioned in our response to Policy DM1 we are concerned that in the interests of maintaining safe, inclusive and well integrated neighbourhoods the current policy of spreading affordable housing across sites (pepper-potting) is maintained. Further comments will be made when this policy on affordable housing and starter homes is developed further.

(Affordable Housing in Rural Areas – Interim Position Statement. No comment)  
(Gypsies and Travellers Sites. No comment)

## **5 Types of Development**

(**Policy DM16** – Conversion of Buildings in Rural Areas. No comment)

(**Policy DM17** – Retention of Community Facilities. No comment)

(**Policy DM18** – Tourist Accommodation. No comment)

(**Policy DM19** – Equestrian Development. No comment)

## **5.5 Advertisements, Signs and Shopfronts**

### **Policy DM20 – Advertisements, Signs and Shopfronts**

We are concerned that there appears to be a weakening of policy on internally illuminated signs where it was previously understood that internally illuminated signs are not acceptable in the town centre of Kendal. The applicant should be required to demonstrate overriding factors and such cases be treated as exceptions.

Elements relating to advance directional signs and shop fronts are welcomed as they meet the Town Council's aspirations to reduce minimise sign 'clutter' and maintain and enhance a high quality experience in the town centre. In both cases the bar should be set high to meet the tests in Kendal town centre.

## **5.6 Renewable and Low Carbon Energy**

### **Policy DM21 – Renewable and Low Carbon Energy Development**

Welcomed. We note there is no reference in this policy to Conservation Areas. It should be clear in this policy that development proposals in Conservation Areas will need to be carefully considered, including small scale developments of this nature, and higher standards will be applied.

## **5.7 Hot Food Takeaways**

### **DM22 – Hot Food Takeaways**

Welcomed.

## **6 Economy and Town Centres**

### **6.1 Retail Uses Outside of Town Centres**

#### **Policy DM23 – Retail Uses Outside of Town Centres**

This policy is welcomed as an enhancement of the default national threshold outside the town centre of Kendal and we would support an even lower threshold to maintain the town centre.

### **6.2 Kendal Town Centre and Canal Head**

#### **DM24 – Kendal Town Centre and Canal Head**

We welcome a positive policy for these areas. We would expect it to be clear that the elements of this policy are set in the context of other policies (e.g. Policy DM3 Historic Environment), emphasising, for clarity that it does not override other policies in these areas.

In the section relating to the Town Centre we were concerned that the third bullet point (residential development) should not undermine the second bullet point (outside the primary shopping area).

In the section on Canal Head it would be helpful to refer to a 'limited amount' of housing rather than specifying a number which might be regarded as a target. We also considered that the aspiration that 'proposals are delivered in a holistic coordinated manner' would be considerably assisted by inclusion or reference to an outline plan or development brief for the area.

## **7 Enforcement**

### **7.1 Enforcement**

#### **Policy DM25 – Enforcement**

Welcomed as a positive policy to complement other policies in this document.

We hope that you will find our comments useful and these can be taken on board during finalisation of the Policies document.

Yours sincerely



Liz Richardson  
Town Clerk

Cc Cllr J Robinson, Chair Planning Committee  
Cllr A Robinson, Vice-Chair Planning Committee

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Lorayne Woodend  
Development Strategy Delivery Officer  
South Lakeland District Council  
South Lakeland House  
Lowther Street  
Kendal. LA9 4DQ