



**GERALDEVE**

Mr S Berkeley BA MA MRTPI  
Planning Inspector: Land Allocations Development  
Plan Document  
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FAO Ms Gillian Dobson, Programme Officer

3 May 2013

**Our ref:** HSP/KGO/MC0363

**Your ref:**

Dear Mr Berkeley

**South Lakeland Local Development Framework  
Land Allocations Development Plan Document – comments on additional evidence base**

Gerald Eve LLP is instructed to submit representations to the additional evidence base compiled for South Lakeland Council's Land Allocations Development Plan Document (DPD) on behalf of Mr and Mrs Carmichael in relation to land at the Ghyll, Brigsteer Road, Kendal.

This letter follows submissions made by Gerald Eve LLP to South Lakeland District Council to the Land Allocations DPD on 18 January 2012, 8 September 2011, and by Knight Frank LLP on 8 April 2011.

Our client, Mrs Carmichael also appeared at the Examination In Public in respect of the land on 24 October 2012.

**Introduction**

It is noted from the Council's website that this submission should not repeat points made in existing representations on the submitted plan. Gerald Eve LLP has set out previously in great detail, the position in relation to the development boundary edge on Brigsteer Road, Kendal.

Whilst setting out our comments relating to the further evidence below, it has been necessary to refer back to specific elements of our case with regard to the Development Boundary, but this has been provided as succinctly as possible.

Representations are provided on the following documents that form part of the additional evidence base:

1. Proposals Map 1.4 (8/04/2013) Kendal South West;
2. Further Highway Evidence Report (EX066); and
3. South Lakeland Local Plan. Main/Additional Modifications Edition April 2013

## Proposals Map

A number of alterations have been proposed to the Development Boundary in relation to our clients' site throughout the emergence of the Land Allocations Development Plan Document.

The proposed development boundary includes the residential allocation to the north of our clients' site (South of Underbarrow Road LA1.3 / LA2.8) and the allocation directly to the south (Stainbank Green LA1.3 / LA2.7) and still dissects our clients' property in two, the line running between Brigsteer Road to the south and the boundary with LA1.3/LA2.8, the residential allocation, to the north.

Our clients believe that the differentiation between their already developed curtilage and other parts of their land, leaving a finger of undevelopable land protruding into the Development Boundary and dissecting their site, represents a significant set of missed opportunities in respect of South Lakeland District Council's capacity to deliver their own policies as described in the Local Plan.

A firmer boundary would create a strong edge to the built up area and lead to a number of wider benefits and a more joined up approach to the residential developments proposed along the western edge of Kendal.

Development boundaries should provide the distinction between the built up area and the open countryside in order to support the growth of the urban area and protect the countryside from urban sprawl. They are often fixed to existing physical barriers such as roads, field boundaries or merely following the edge of existing built form.

We believe that a firm boundary line is required in this location by moving the boundary westwards along Brigsteer Road, to run between the proposed allocations to the north and south, along the existing field boundary incorporating all of The Ghyll land. This would lead to a number of planning benefits enabling integration of the residential allocations to the north and south. If this process is not undertaken now, our clients are clear that there would be little or no opportunity to deliver these benefits in the future, particularly in bringing forward the proposed residential sites south of Underbarrow Road and Stainbank Green.

A review of the Further Highways Evidence Report has highlighted further benefits of moving the Development Boundary westwards as set out below.

## Further Highways Evidence Report (EX066)

This Report provides an independent highways review of the proposed DPD sites. We have specifically reviewed the housing sites proposed for allocation to the north and south of our clients' property South of Underbarrow Road (R129M and R143) and Stainbank Green (R103M-mod). We believe that some of the key objectives of the assessments cannot be met without our clients' site being included within the Development Boundary.

AECOM comments for both the Stainbank Green and South of Underbarrow Road sites include reference to:-

### **South of Underbarrow Road**

*"CCC comments endorsed. There would need to be pedestrian facilities (footways, lighting, dropped kerbs) for the extent of the site to the proposed access point westwards along Underbarrow Road. Depending on land ownership, it may be possible to provide pedestrian links from the south of the site through to site R103M-mod." (our emphasis)*

Cumbria County Council has already stated that lit pedestrian access to the highway will be required as part of the housing development, and AECOM confirms that this may be possible through to Stainbank Green subject to land ownership. The only realistic area of land physically capable of the provision of lit pedestrian access is land within our clients' ownership.

Whilst the site remains outside the Development Boundary there is no realistic prospect of it coming forward for development and thus no prospect of the objectives in Policy LA2.8 being met. Including our clients' site within the Development Boundary would potentially enable these objectives to be met and would also have the range of wider public benefits described in previous submissions.

### **Stainbank Green**

*"Given the size of the site, there would need to be more than one access point. The primary access would be best suited on Brigsteer Road, as per CCC comments, but a secondary access point could be provided via Cedar Grove. This would help to integrate the site into the surrounding residential development. Access via other cul-de-sacs and residential streets backing on to the site would require using third party land (such as via Maple Drive) but could be used to provide pedestrian connections."* (*our emphasis*)

The site is not believed to meet the 'green' assessment categories for visibility, land ownership, road width or pedestrian access or integration as set out in the report. Visibility is restricted opposite the entrance to Underwood Road which is proposed for a pedestrian and cycle entrance for access via Cedar Grove. The land on both the northern and southern roadsides at this point is owned by private landowners and the road actually narrows at the junction. Pedestrian and cycle access is believed to only be easily and safely achieved on private land, as is integration with existing development.

Additional land currently located outside of the Development Boundary is required to assist with solving this highways issue. Further, the clear objectives stated in Policy LA2.7 in the Local Plan unambiguously state that the transport assessment and travel plan includes provision of pedestrian and cycle links through the site to adjoining residential areas and Brigsteer Road and footway along Brigsteer Road. It is difficult to envisage how this can be achieved without including all of our clients' land within the development boundary.

### **Way forward**

Moving the Development Boundary westwards along Brigsteer Road, to run between the proposed allocations to the north and south, along the existing field boundary would more closely follow the firm boundary line approach along existing boundaries or ownerships as adopted along the rest of the entire Settlement Boundary to the west of Kendal.

This would also lead to a number of planning benefits as set out in our letter dated 17 April 2012 that would better link up the residential allocations to the north and south and provide better access to the wider countryside.

The accessibility of the proposed Stainbank Green and South of Underbarrow Road sites could be compromised and opportunities for the wider public benefit missed if the Development Boundary remains as it is. The issue could be resolved by moving the development boundary to the west to create a north / south corridor of fully accessible development land to assist in bringing forward new homes in the south west of Kendal.

To confirm, the amendment of the Development Boundary would bring the following benefits:

- A clearly marked Settlement Boundary, distinguishing the built up area of Kendal from the open countryside, set along an existing physical feature of a dry stone wall;
- Offer the opportunity to provide public access between the residential allocations to the north and south and, in particular to the residential allocation to the north, offer public access onto Underbarrow Road and further westwards to the open countryside, which would otherwise not be possible without walking the full length of Underbarrow Road (eastwards) and then out along Brigsteer Road (westwards);
- Potentially provide land for essential highways works on Brigsteer Road to improve the safety of pedestrians and cyclists accessing the Stainbank Green site, particularly at the junction of Underbarrow Road. The introduction of a new mini roundabout to obtain access to The Ghyll site could act as a natural safety mechanism, by slowing traffic travelling away from Kendal along Brigsteer Road;
- Provide a further area of land appropriate for residential development in immediate proximity to two other housing allocations; and
- The development of this site would facilitate improvements to the existing drainage/flooding situation along Brigsteer Road, with the inclusion of an appropriate drainage system.

We trust these comments are helpful, but should you require any further clarification please do not hesitate to contact Harry Spawton of this office.

Yours sincerely

*Gerald Eve LLP*

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