

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
8 July 2020
A report by the Executive Director for Economy and Infrastructure

Application Reference No. 5/20/9004

Application Type: Section 73 Application to Vary a Planning Condition

Proposal: Vary Condition 1 of planning permission 5/16/9005 to allow continued use of the land as part of the Household Waste Recycling Centre (HWRC) for an extended time period of 5 years.

Location: Kendal Household Waste Recycling Centre (HWRC), Canal Head North, Kendal, LA9 7BY

Applicant: Cumbria County Council Waste Management

Date Valid: 22 May 2020

Reason for Committee Level Decision: Application made by the Executive Director for Economy and Infrastructure

1.0 RECOMMENDATION

- 1.1 That planning permission be granted subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought to vary condition 1 (temporary time limit) of planning permission 5/16/9005 so as to allow the continued use of a <0.15ha parcel of land as part of the Kendal Household Waste Recycling Centre (HWRC) at Canal Head North for a further 5 year time period (*i.e. up to 29 August 2025*). Five years are sought by the applicant as this length of time would replicate the operator's forward planning timeframe and thus better assist with the financial and operational planning and management of the site.

3.0 SITE DESCRIPTION

- 3.1 The HWRC is centrally located within Kendal at the northern end of the former Lancaster Canal (the Canal Head). Highway access is via the unclassified road of Canal Head North which connects onto the primary route network (the A65 - Aynam Road) just south of Miller Bridge within the early stages of the southbound only part of the town's one-way gyratory system.
- 3.2 The HWRC serves the principal service centre of Kendal and its outlying settlements. It is a modern, but relatively small (under 0.3ha), split-level bring-site facility with an internal layout designed to enable quick, safe and easy segregated deposition of large recyclables and other waste streams from vehicles by the public.
- 3.3 The HWRC is immediately bounded to the north and east by a circulatory road. Beyond this to the north lies the detached residential housing of Kirkbie Green, while Kendal Snow Sports Centre lies to the north-east. To the eastern side of the circulatory road is a tarmac surfaced car park beyond which is private

amenity land. To the south the site backs onto a wooded area and allotments. To its western side is the canal path shared-use path which is designated as a Public Right of Way (No. 536047) and forms part of Sustrans National Cycle Route 6. Beyond this is South Lakeland District Council's refuse wagon depot.

- 3.4 The planning application site encompasses the eastern circulatory road and the southern portion of the HWRC site which contains a number of the smaller recycling bins and the on-ramp to the raised deposition area (and a few of the associated larger skip containers).

4.0 SITE PLANNING HISTORY

- 4.1 A household waste bunker has been present at Canal Head since 1979. In 1992 the site was granted planning permission to extend to accommodate the provision of containers for recyclable materials (Ref. [5/92/9012](#)). This planning permission related to the north-western elements of the current site and is permanent (i.e. not time limited).

- 4.2 In 2003 an application (Ref. [5/03/9012](#)) was submitted to further extend the area of the site to the south and east by 1,500m² so as to provide a modern HWRC facility with a segregated recycling area and provide more room for skip collection vehicles to manoeuvre. As part of this extension and re-configuration a new site entrance was created via the un-adopted road to the north of the site to provide a one-way system. The application was granted but was subject to a time restriction of two years to avoid long-term conflict with aspirations to restore the Kendal to Lancaster Canal. Since then six further applications have been granted to extend the time period for operation of the site (Refs. [5/06/9007](#), [5/08/9008](#), [5/10/9003](#), [5/12/9005](#), [5/14/9005](#), and [5/16/9005](#)). The current planning permission (Ref. [5/16/9005](#)) extended the time period for the application site by a four year period (in contrast to the preceding five permissions which had granted two year time extensions) in light of the then planning policy situation and previous five permissions. Planning condition 1 to planning permission 5/16/9005 restricts the life of this part of the site to 29th August 2020.

5.0 CONSULTATION RESPONSES AND REPRESENTATIONS

- 5.1 South Lakeland District Council Development Management (Planning) Department: No objection. Request that the applicant endeavours to find a permanent site to relocate the HWRC to in order to avoid the need for further time extensions in the future and to allow the long-term regeneration plans for the Kendal Canal Head Area to be realised.
- 5.2 South Lakeland District Council Environmental Health Department: No observations in respect of the proposed time extension.
- 5.3 Kendal Town Council: No objection. Requested that a timescale be provided as to the relocation of the HWRC to Kendal Fell Quarry or other suitable site. Relayed a copy of the minutes of the meeting at which the application was discussed. Within these one town councillor considered the five years sought to be reasonable as there appeared to be no movement on the regeneration of Canal Head. Another Town Councillor noted that the recent Kendal Future's Kendal Vision talks about using the development of Canal Head to alleviate traffic on Aynam Road and expressed concern that acceptance of this application would simply be followed by a further application in another 5 years' time to extend the term yet again. He commented that something needs to be done to

try and progress the development of Canal Head and the move of the HWRC. Another Town Councillor was minuted as having spoken on behalf of residents in the area and highlighting a number of complaints received by Ward Councillors regarding traffic using Canal Head, Gilkes and the lack of access for vehicles to turn.

- 5.4 Kendal Civic Society: No response received.
- 5.5 Environment Agency: No objection.
- 5.6 Cumbria County Council Highway & Lead Local Flood Authority: No objection. Consider the continued use of the site will have no impact on the local highway network and has no concerns in respect of surface water flooding.
- 5.7 Canal & River Trust: No comment.
- 5.8 Lancaster Canal Trust: No comment.
- 5.9 Local County Councillor Mrs Shirley Evans (representing the electoral division of Kendal Nether): Considers that Kendal HWRC is not in the right place due to:
 - a. its effective situation at the end of a cul-de-sac which promotes queues that “can and do, cause problems for local residents and businesses”;
 - b. its proximity to a key leisure route for walking and cycling (Kendal Canal Path);
 - c. the fact that it can only be accessed via the town’s one way system, and thus increases the volume of traffic through the centre of the town with journeys solely to deposit household waste. Considers that a reduction in traffic through the busy town centre is very desirable and that easy access to the town centre is important to support local high street shops.
 - d. potential for odour. Notes that “while the site is generally well managed and there do not appear to be problems with smells, this can not be ruled out as a possibility given that it is a waste disposal site”.
- 5.10 Reports that she has had discussions with County Council officers about the possible relocation of the HWRC to somewhere else in Kendal and that she appreciates that finding a suitable site is not going to be easy. Provides views on the strengths and weaknesses of hypothetical alternative sites at Mintsfeet and Scroggs Wood. Feels that, despite the lack of funding available at this moment in time, that detailed plans should be drawn up for the relocation of the Kendal HWRC. Considers that the sale of the existing site could provide a notable financial return. Highlights that it is planned to transform Canal Head into an attractive area with cafes, offices, homes, retail developments and water spaces and that she would not want the HWRC to be a stumbling block to any reinstatement of the canal or regeneration of the area.
- 5.11 Acknowledges that “the timescales involved make it difficult to oppose the proposed extension. However I do think that it is vitally important that this is not taken as a reason to ‘kick the problem into the long grass’ for the next five years. The Kendal HWRC does need to be relocated. We need to use the time to look at the long term plans for this area of Kendal and come up with a solution”.
- 5.12 No representations from any members of the public have been received.

6.0 PLANNING POLICY

- 6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.
- 6.2 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) (CMWLP) was formally adopted on 6 September 2017. The key policies relevant to the determination of this planning application are considered to be:
- Policy SP1 - Presumption in Favour of Sustainable Development;
 - Policy SP2 - Provision for Waste;
 - Policy SP3 - Waste Capacity;
 - Policy SP14 - Economic Benefit;
 - Policy DC1 - Traffic and Transport;
 - Policy DC2 - General Criteria;
 - Policy DC3 - Noise;
 - Policy DC6 - Cumulative Environmental Impacts
 - Policy DC9 - Criteria for Waste Management Facilities;
 - Policy DC17 - Historic Environment;
 - Policy DC18 - Landscape and Visual Impact;
 - Policy DC19 - Flood Risk;
 - Policy SAP1 - Household Waste Recycling Centres (HWRC) - Site Allocation SL01B - Land adjacent to Kendal Fell Quarry to replace the HWRC at Canal Head.
- 6.3 The Mineral & Waste Development Scheme timetable published in July 2018 set out that a formal decision on whether or not to commence work on a new minerals and waste local plan would be made before 6 September 2022. The review process that informs this is currently scheduled to commence in July 2021 after the publication of the annual Local Plan Monitoring Report. One of the issues flagged-up in recent Annual Monitoring Reports is that proposals are not coming forward for replacement HWRC sites.
- 6.4 Some strategic, area based and thematic policies of South Lakeland District Council's Local Development Plan are also of relevance to the determination of these applications. South Lakeland District Council's Local Plan covering the application area currently comprises of the following:
- [South Lakeland Core Strategy](#) (SL-CS) - adopted 20 October 2010
 - [South Lakeland Local Plan Land Allocation Development Plan Document Policies](#) (SL-LA) - adopted 17 December 2013.
 - [South Lakeland Development Management Policies Development Plan Document](#) (SL-DMP) - adopted 28 March 2019.
- 6.5 The following policies from the above documents are considered to be of some relevance to the determination of these planning applications:
- CS2 - Kendal Strategy;
 - CS8.2 - Protection and enhancement of landscape and settlement character;
 - DM1 - General Requirements for all development;

- DM3 - Historic Environment;
 - DM5 - Rights of Way and other routes providing pedestrian, cycle and equestrian access;
 - DM6 - Flood Risk Management and Sustainable Drainage Systems;
 - DM10 - Safeguarding Land for Future Transport Infrastructure Improvements;
 - DM24 - Kendal Town Centre and Kendal Canal Head Area;
- 6.6 The SL-LA delineates the Kendal Canal Head Area (which encompasses Kendal HWRC) as to be subject to a separate Area Action Plan development plan document. Map 1.1 of the SL-LA shows the protected route of the Lancaster Canal and allocated areas of public and amenity space around the HWRC. The SL-DMP provided some amendments and additions to the previously established allocations in the Kendal Canal Head Area (see: Appendix 2 of SL-DMP). There were no changes to the unallocated (“white land”) status of the HWRC site. Land to the east of the HWRC site was deallocated from being “Amenity Open Space (no public access)”.
- 6.7 South Lakeland District Council has recently commenced early engagement work on a new consolidated “single” Local Plan to cover up until 2040. Their [early engagement leaflet](#) published in February 2020 sets out that they envisage an Issues and Options Consultation commencing in Autumn 2020 with adoption of the new Local Plan taking place by the end of 2023.
- 6.8 [The National Planning Policy Framework](#) (NPPF) was published in a revised form in June 2019. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:
- [Section 2. Achieving sustainable development](#) - Paragraphs 7, 8, 9, 10, 11 and 12;
 - [Section 8. Promoting healthy and safe communities](#) - Paragraphs 91 and 92;
 - [Section 11. Making effective use of land](#) – Paragraphs 117 and 120.
- 6.9 The following sections (and paragraphs) of the PPG are also of particular relevance to the determination of this application:
- [Determining a planning application](#) - *Paragraph: 010 Reference ID: 21b-010-20190315* - Can local planning authorities take the planning history of a site into account when determining an application for planning permission?
 - [Effective use of land](#) - *Paragraph: 001 Reference ID: 66-001-20190722* - What evidence can be used to help determine whether land should be reallocated for a more deliverable use?
- *Paragraph: 003 Reference ID: 66-003-20190722* - How can local planning authorities encourage best use of under-utilised land in the short term?
 - [Use of Planning Conditions](#) – *Paragraph: 014 Reference ID: 21a-014-20140306* - When can conditions be used to grant planning permission for a use for a temporary period only?
 - [Waste](#) - *Paragraph: 047 Reference ID: 28-047-20141016* - Should existing waste facilities be expanded/extended?

- 6.10 [The National Planning Policy for Waste](#) (NPPW), published on 16 October 2014, has also been taken into account. In doing so, particular attention has been paid to Paragraph 7 which concerns the determination of waste planning applications.

7.0 PLANNING ASSESSMENT

Is there a need to grant a further planning permission?

- 7.1 The existing temporary planning permission for the use and operation of Kendal HWRC on the south-eastern land component of the site is due to expire on 29th August 2020. Kendal HWRC currently handles approximately 5,000 tonnes of waste per annum. Vehicle count data for the site for the past five financial years ranges from a low of 104,549 per annum in 2019-2020 to a high of 122,493 per annum in 2015-2016. As such the HWRC receives a high level of usage. Further to this it is currently operating at an annual average recycling rate of 70% and thus makes an important contribution to targets for recycling of waste and the diversion of waste from landfill. The nearest existing alternative HWRC sites to Kendal are those in Ambleside (approx. 13 miles) and Grange (approx. 14 miles) and the latter is only open 3 days per week. There is clearly a continued need to provide a convenient waste deposit, sorting, aggregation and transfer facility within (or in close proximity to) the principal service centre of Kendal in order to provide for an integrated network of waste management facilities (to support targets for recycling and diversion of waste from landfill) and in order to minimise waste road miles / carbon emissions in line with CWLP policies SP2, SP3, DC1 and DC2.
- 7.2 If planning permission for the continued use of this parcel of land was refused the site would ultimately have to be physically re-configured to operate within a smaller area half of the size of the current site (i.e. the part of the site with a permanent planning permission) or be completely closed and relocate to another site (once identified and developed). The former scenario would create greater potential for negative externalities in the immediate locality in terms of traffic congestion and queueing. Unfortunately alternative sites for Kendal HWRC have not materialised over the last decade.

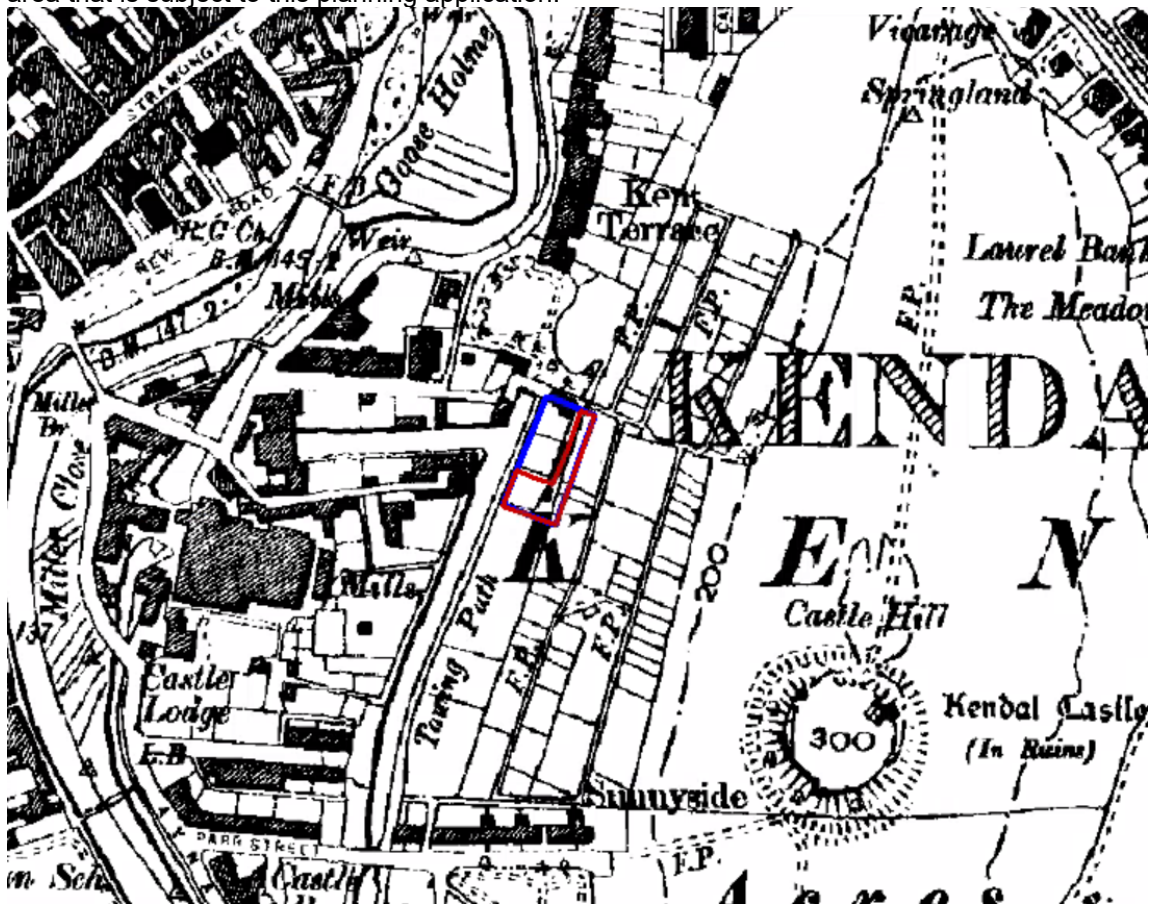
Would a further temporary time period extension be acceptable?

- 7.3 Principle to the consideration of the above question, is the related question of whether the retention of the parcel of land in a HWRC use for a further temporary period would prejudice the regeneration of Canal Head. Policy CS2 of the SL-CS identifies the Kendal Canal Head area as a regeneration area. Policy DC6 of the CMWLP sets out that waste development proposals will be assessed in light of other nearby land-uses and that considerations will include, amongst other aspects, impacts on the wider economy and regeneration.
- 7.4 Policy DM24 of the SL-DMP establishes a framework for consideration of proposals in the Kendal Canal Head Area. It stipulates that the Council will, amongst other aspects, :-
- “encourage proposals that complement the offer within the town centre, with the priority emphasis on employment uses, alongside a mix of other uses including leisure, entertainment, tourism, recreational and housing”;

- “safeguard the route of the Lancaster Canal, encouraging development that enhances its recreational/green corridor function, and its, social, economic, historic and cultural value”;

7.5 Policy DM10 of the SL-DMP echoes this latter aspect; requiring development proposals to protect the line of the Lancaster Canal and sets out that “development will be permitted provided it does not prevent or impair opportunities for restoration... or harm its visual amenity”. The current development plan does not define the extent of the historic footprint of the canal or area required for its reinstatement, only showing an approximate line of the route on their policy maps. Figure 1 below illustrates that the HWRC does not cover the footprint of the old canal basin, but is immediately adjacent to it. This immediate proximity could potentially impair opportunities for the canal’s restoration.

FIGURE 1: WESTMORLAND 2ND EDITION MAP (1896-1904) showing the old canal extent and how it relates to Kendal HWRC. The blue line represents the full HWRC site and the red line the area that is subject to this planning application.



7.6 In light of the continued (and recently refined) planning policy ambitions for a mixed-use regeneration of this area of Kendal, it is considered that any proposal to grant a permanent planning permission for this part of the HWRC site would not be compatible with the above planning policies. It is within this overarching policy context that a further temporary permission represents a better planning policy fit. This is in line with Paragraph 014 (*Reference ID: 21a-014-20140306*) of the PPG which qualifies its statement that it “will rarely be justifiable to grant a second temporary permission” with the exception of cases “where changing circumstances provide a clear rationale” and where it is considered appropriate to enable the temporary use of land “prior to any longer-term proposals coming forward (a ‘meanwhile use’)”. Consequently a further temporary time extension is

considered reasonable proposition and to not represent a departure from planning policy in this instance (that is to say, by only allowing the continued use for a temporary period). The next question that follows is whether the five year time period sought is reasonable within the context of existing and emerging planning policy; in light of actual development on the ground and likely to come forward; and the environmental impacts of the site.

Would the additional five year time period sought be reasonable and acceptable?

- 7.7 There are currently no specific land allocations for future development of the existing HWRC site or any land immediately adjoining the site within South Lakeland District Council's adopted development plan documents. South Lakeland District Council has not yet commenced its call for sites for site allocations as part of its new single local plan. As established at paragraph 6.6, this new local plan is unlikely to be adopted until winter 2023 at the very earliest. Consequently any proposals which seek to come forward through the site allocation process would be unlikely to commence on site until 2-3 years after adoption of the plan. As such the proposed five year time extension sought would not constrain regeneration of this area in this scenario.
- 7.8 South Lakeland District Council's Development Management Team report that they have not had any pre-application discussions concerning any new development at, or within the immediate proximity of, the HWRC. The SL-LA sets out that, depending on the size of the development, that it generally takes 1 to 2 years for a proposal to be designed and gain planning permission. Recent SLDC figures suggest that it generally takes 9 months to a year from an award of planning permission to construction work commencing on the ground in their council area. For residential proposals it currently generally takes a further 9 months to a year from site wide commencement to completion of the first residential dwelling. Based on these dates, if any new windfall development proposal for regeneration in Canal Head did come forward in the coming months, based on the shortest timeframes of this range, it would unlikely that any part of them would have been constructed and come into use by early 2023 (i.e. two and half years). Based on the longer timeframes of this range we would be looking at the first part of any larger development (for example of circa 40 residential units plus) not being completed until early 2024 at the very earliest. In light of the above and the near certainty that the UK economy has entered into recession in light of the Covid19 pandemic; it is considered that there is little reasonable prospect of completion of any new built residential or commercial development in the vicinity of the HWRC until the latter months of the five year time extension period sought. Whilst this area has established suitability to accommodate new development; and there is a degree of likelihood of development coming forward (in light of the availability of land and achievability of development); it is currently considered that no regeneration related development would be completed/brought into use with the short term nor early middle term. Consequently I am of the view that the application proposal would not unduly prejudice the sought-after regeneration of this area (or the wider economy) and therefore complies with this aspect of CMWLP Policy DC6 and district policies.

Would the continued use of the site for a further five years have an unacceptable environmental impact upon local amenity?

- 7.9 ***Emissions (Noise, Odour etc...):*** The HWRC is well managed and generally operates with little environmental impact on the amenities of the area or nearest

residential properties. The acoustic sound barrier screen installed within the northern section of the site in summer 2006 reduced the noise impact of the site upon the nearby residential properties on Kirkbie Green to the north. The only waste streams that have potential to generate mal-odour that are handled at the site are residual/general waste and garden/green waste (all other waste streams are inert and/or inorganic). The operator reports that containers are actively monitored by site staff and once full they are swiftly removed from the site (being removed within no longer than 3 hours) thus greatly limiting any potential for odour impacts. The County Council Development Control Team has received no complaints in respect of the site over the last ten years concerning any site related emissions. South Lakeland District Council's Environment Health department (SLDC-EHD) have raised no objection to the time extension. They do not report having received any complaints concerning any pollution emissions (noise, odour or other) emanating from the site over the last five years.

- 7.10 **Traffic:** The implementation of the 2003 planning permission increased queuing capacity within the site and improved traffic flow on the highway around the site. The site operator reports that no queueing complaints were received between April 2015 and March 2018; but that 26 queueing related complaints have been received from April 2018 to date. The operator explains that the queueing issues experienced in recent years were the direct result of a decision to close the site during container exchange servicing which was made in response to a health and safety review of the container service procedures and traffic management controls on all HWRCs in the county. The operator reports that in order to reduce waiting times for the site new internal fencing infrastructure was introduced within the site on 8 November 2019 in order for areas of the site to be operational whilst container exchanges take place. The operator reports that this intervention has significantly reduced the total time of each exchange closure and hence reduced the waiting times for site users and resulted in no further queuing complaints being received that financial year. They report that on average there are 4 container exchanges per day each taking between 10 – 25 minutes. The operator sets out that when the site is operating under 'normal' circumstances that queues only tend to form over Bank Holiday weekends and particularly busy weekends. The operator also emphasises that the majority of queueing complaints they have received are from users of the HWRC, with only one complaint originating from a nearby resident.
- 7.11 Kendal HWRC was temporarily closed due to the Government's Covid-19 lockdown measures. It shutdown at 18:00 on 25 March 2020 and reopened at 08:00 on 12th May 2020 with social distancing restrictions in place. The 2m social distancing restrictions required limited the number of vehicles able to access the site at any one time and has resultantly increased incidents of queueing. The operator reports that to date this has resulted in one complaint in respect of queueing and two complaints of fumes from queueing traffic. In respect of this latter aspect it is understood that a sign is present that requests queueing traffic to turn off their engines and that site staff have been asked to monitor idling vehicles (making use of the sites' Video Management System in this) with verbal requests to turn-off engines subsequently being made. It is recognised that the queueing issues experienced since May this year are very much the result of an extraordinary world pandemic situation.
- 7.12 Whilst the site is well managed and has been improved over time so as to reduce its impact on the amenity of nearby residential dwellings; the fact remains that the site is in close proximity to residential dwellings and a key leisure route and

that this is far from ideal juxtaposition of land-uses. However, I am of the view that the current level of amenity impact would not be unacceptable for a further temporary period of five years.

OTHER MATERIAL CONSIDERATIONS

Would the time extension harm the character or appearance of this part of the towns Conservation Area?

- 7.13 The HWRC is located within Kendal's Conservation Area. In exercising planning functions the County Council must have regard to the duty under section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The area around Canal Head North has been characterised by larger industrial buildings since the creation of the Canal basin in 1819 and the area is currently host to a pocket of similar general industrial, engineering and waste-related uses. As such the continued use of the site for a further temporary period would preserve the existing status quo. It is also noted that the site is bounded with limestone faced walls that are in-keeping with the traditional building palette of the area. In light of the above this proposal is judged to have a neutral impact on the existing character and appearance of the Conservation Area.

Would the proposal have negative flood risk implications?

- 7.8 The area of land subject to this planning application is outside, but in close proximity to, the currently defined extent of Flood Risk Zone 2. An approximately 60m² area within the north-western raised deposition part of the HWRC falls within Flood Risk Zone 2. The Kendal HWRC site did not experience any fluvial flooding as a result of the December 2015 Storm Desmond event. It is not known to have experienced any surface water flooding issues. It is considered that its retention for a further temporary period would not result in any greater risk of flooding to surrounding land.

OTHER MATTERS

- 7.14 ***Relocation of the HWRC:*** The existing HWRC site lacks space for easy manoeuvre of HGVs collecting/depositing skips/containers and for circulation of customer vehicles (with the ramped/raised deposition/unloading area only wide enough for one vehicle with no passing places or footway – resulting in queueing at busy times). As such it is considered that this is not a suitable site for a HWRC in the longer-term as current population projections suggest that the population of Kendal (and its hinterland's) will continue to grow. Nevertheless as an interim measure the retention of this part of the site in conjunction with the remaining part of the centre that has full planning permission is considered acceptable. I am of the view that a five year time period would provide sufficient time for the applicant to review potential alternative sites for a HWRC within (or in proximity to Kendal) and develop out a replacement facility.
- 7.15 Cumbria County Council's Waste Management Team have provided an update as follows: "Although there are no plans currently in the pipeline to relocate Kendal HWRC, Cumbria County Council intend on undertaking a review of alternative land availability in the area. Recruitment of a new Waste Operational Manager is pending and one of their roles, once appointed, would be to review the current plans".

Procedural Considerations

- 7.16 The site is not in a sensitive area as defined by the EIA Regulations and falls below the thresholds set out in Schedule 2 of these regulations. As a consequence this proposal is not considered to constitute EIA development.

8.0 CONCLUSION

- 8.1 Kendal HWRC is a well-used and well-managed facility that makes a significant contribution to maintaining and improving recycling rates in South Lakeland. It is recognised that it is not ideally sized or located as it is in close proximity to residential dwellings and can lead to traffic issues on the highway network in the vicinity of the site and draw additional vehicles into the town's one-way gyratory system. Other existing HWRC sites in the South Lakeland District Council area are too far away from the principal population and service centre of Kendal. Accordingly it follows that there is a continued need to provide a convenient waste deposit, sorting, aggregation and transfer facility within (or in close proximity to) Kendal in order to provide for an integrated network of waste management facilities (to support targets for recycling and diversion of waste from landfill) and in order to minimise waste road miles / carbon emissions in line with CMWLP policies SP2, SP3, DC1 and DC2.
- 8.2 This application seeks to extend the operation/use of part of the site for a further five year time period up until 29 August 2025. In light of the current planning policy landscape, situation on the ground and the minimal impact the site has upon the amenities of the nearest residential properties and immediate area, the time extension sought appears reasonable and is not considered to unduly impair opportunities for the regeneration of the area or aspirations to restore the canal. The proposal would extend the life and operation of this essential facility so as to maintain a beneficial use of the land whilst aspirations to restore the Lancaster Canal and regenerate the Canal Head area are progressed, and proposals for an alternative location for the HWRC in Kendal are developed.
- 8.3 In summary, I consider that the proposal is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. It is therefore recommended that this application be granted subject to conditions.

Human Rights

- 8.4 The proposal will have a limited impact on the visual, residential and environmental amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1 of the Human Rights Act 1998) are minimal and proportionate to the wider social and economic interests of the community.

Angela Jones
Executive Director for Economy and Infrastructure

Contact: Mr Edward Page

Electoral Division Identification: Kendal Nether ED

Development Control and Regulation Committee – 8 July 2020

Appendix 1 - PROPOSED PLANNING CONDITIONS

Time Limit of Permission

1. This permission shall be for a limited temporary time period only, expiring on 29 August 2025.

Reason: To ensure that the presence and operation of the Household Waste Recycling Centre does not impair the planning policy aspirations to restore Lancaster Canal or regenerate of the Kendal Canal Head area. In accordance with Policy CS2 of the South Lakeland Core Strategy Development Plan Document (adopted October 2010) and Policies DM10 and DM24 of the South Lakeland Development Management Policies Development Plan Document (adopted March 2019).

Approved Scheme

2. The site shall be operated in accordance with following:
 - a. Plan 1a - Boundary Plan – dated April 2010
 - b. Drawing No. P1741/amr/13 – Topographic Survey – dated February 2016 (Site Layout Plan)

Reason: To ensure the development operates to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

