

# Morbaine Limited

BL/LJ

16 June 2010

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Jenna Rayner  
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Dear Miss Rayner

**Re: South Lakeland Core Strategy Development Plan Document  
Public Examination – Inspector's Possible Changes Consultation**

We write further to your letter dated 12 May 2010 inviting comments on various more significant changes discussed at the hearings into the Core Strategy document.

We wish to comment on the Kendal Canal Head Area Action Plan and the possible inclusion of a retail element within the regeneration area's proposed land uses. Our concerns relate to the highway implications of retailing at Canal Head, and in particular to any suggestion of a foodstore development. Our comments have implications for another of the headings in your letter – i.e. Kendal traffic impacts and the need to address highway and traffic issues as part of the forthcoming Allocation of Land DPD.

The Inspector may be aware that it is a fundamental part of Gilkes' proposals for Canal Head that a major foodstore development be provided on the site. The details provided so far by Gilkes refer to a foodstore of 6,900 sq.m. gross floorspace (5,500 sq.m. net), although their site layout drawings show a footprint of about 7,300 sq.m. (excluding the atrium which adds a further 650 sq.m.). Indeed, the 550 customer parking spaces referred to by Gilkes would normally serve a foodstore of about 9,233 sq.m. gross floorspace.

Whatever the actual size it is quite clear that a large foodstore development is proposed. Indeed, it would have to be so if it was to compete effectively with other foodstores in Kendal.

Morbaine has a planning application before the District Council for a foodstore and non-food retail development at the Kendal Rugby Club site in Shap Road, Kendal. The application is a resubmission following a public inquiry into an identical proposal that was dismissed by the appeal Inspector only because of lack of clarity concerning the ability of one junction to accommodate proposed

traffic levels; those traffic details have been submitted with our latest planning application.

As long as Canal Head is in the wings as a possible foodstore site the District Council is reluctant to grant permission for our resubmitted proposal. We trust that these submissions and particularly those of our highway consultants Turner Lowe Associates will persuade the Core Strategy Inspector to knock the Canal Head foodstore idea on the head once and for all, such that our planning application can be moved forward by the District Council.

No highway details relating to a foodstore at Canal Head have ever been put forward by Gilkes, by the District Council, or by the County Council as highway authority. It has been necessary, therefore, for Turner Lowe Associates to do this work in order to inform the Inspector of the highway situation that would ensue for a foodstore at Canal Head.

Turner Lowe Associates' report is attached. It has analysed a foodstore proposal at Canal Head on the basis of 6,900 sq.m. gross (5,500 sq.m. net) floorspace, although the Inspector will note my comments above regarding a larger foodstore on the site.

It will be seen in the Turner Lowe Associates report that a foodstore of this size would have a major adverse effect on traffic conditions and air quality in the town centre, jeopardising other businesses in the town and creating intolerable conditions for visitors.

This would also be the case for a significantly smaller foodstore and the simple wording suggested by the planning authority of an "appropriately sized" foodstore will not address the unquestionable damage this will cause to the town.

None of the "hinted at" so called improvements would address the real problems that this development would create.

The use of the Kendal Traffic Model appears to be seen as a way of making everything alright. As the Turner Lowe Associates report shows, the Model would never be able to do this and would simply show that the misery this scheme would cause would be felt over an even wider area than considered in the manual assessment Turner Lowe submitted in March.

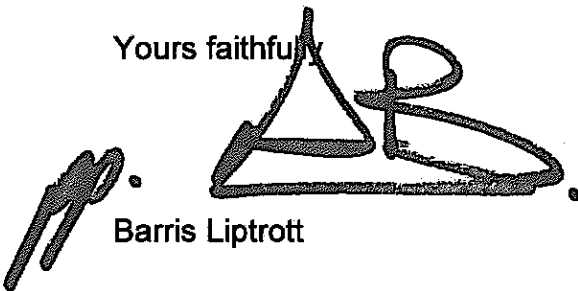
Furthermore as can be seen from the photographic evidence in the report (showing what is happening at the present time which the Inspector will be able to witness if desired) the Model is not representing what anyone familiar with Kendal town centre already knows, yet the highway authority still wish to maintain that the model has been "validated" and is not in need of any amendments. The Inspector will have to draw a conclusion on whether all the other site allocations in the LDF, which have all been tested using this same Model, can be confirmed on this basis or whether the Model should be

revalidated so it shows what everyone else can see before confirming any allocation.

As Turner Lowe Associate have repeatedly said, it would be an easy matter to correct the Model. Until that happens, or there is even a will to see it happen, the Model cannot be relied upon for any purpose.

The Inspector is accordingly requested not to allow the proposed change to the Canal Head Area Action Plan.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Barris Liptrott', written over a horizontal line. To the left of the signature is a small, stylized mark that looks like a pair of crossed pens or a similar symbol.

Barris Liptrott