

Allerdale Borough Council

Planning Application FUL/2021/0013

Development Panel Report

Reference Number: FUL/2021/0013
Valid Date: 14/01/2021
Location: Gale Brow, Winscales, Workington, CA14 4UZ
Applicant: Brigham Holiday Park
Proposal: Re-submission of application FUL/2020/0189 for a change of use for the former CL caravan site and former kennel business to lodge site

RECOMMENDATION

Grant subject to conditions

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Background	The site has been used for mixed purposes and has a varied planning history. Inspectors comments in relation to recent planning appeals for tourism accommodation at the site have suggested that the main area of concern for tourism development related to landscape impact.
Principle	Inspectors comments in relation to recent planning appeals found the site to have accessible access to facilities. The site is brownfield and is well related to the local transport network. Despite conflict with Planning Policy SA32 of the Allerdale Local Plan (Part 2) July 2020, it is recognised that the development would bring about a cohesive use for the previously developed site in place of the existing mixed uses and would bring about some benefits to the local economy.
Landscape	The application is accompanied by a Landscape Visual Impact Assessment (LVIA) and landscaping scheme to mitigate against any adverse impacts which would be brought about by the development. Appropriately worded

	conditions can be used to safeguard the landscaping plan and ensure mitigation for the development.
Highways	Cumbria highways object to the proposal due to the absence of specified visibility splays from the existing access. It is considered that refusal of the application on these grounds would be unwarranted given the limited use of the access road by vehicular traffic, the likely low speed of such traffic and that the access is an existing access in use at the site.
Residential Amenity	The development would bring about a low density lodge site, separated from adjacent properties. Conditions are suggested to ensure the residential amenity of neighbouring properties is safeguarded.
Drainage	Suitable drainage can be secured by condition.
Contamination	Conditions in relation to contamination are required.
Ecology	Further ecology survey works prior to demolition of existing buildings can be secured by planning condition.

2. Introduction

- 2.1.** The application site has had a number of uses including as a garden centre, kennel business and a site for five touring caravans with associated amenities and workshop. As a result, there are a number of buildings and structures within the site, including a small dwelling and its garden, which are in a poor state of repair.
- 2.2.** The application seeks permission for the change of land from former CL caravan site and kennel business to form a lodge site. The application proposal would result in the removal of the existing structures, to be replaced with 13 lodges within a landscape setting. The proposal has been amended since the original application submission for 17 lodges. The number of lodges has been reduced and further planting has been introduced, which has altered the layout of the site. The layout plan indicates that an existing pond to the east of the site is to be retained. The lodges proposed would be single storey. An indicative brochure detail has been provided at this stage. Access would be as existing via Winscales Road, which connects directly to the A595.

3. Proposal

- 3.1.** The Plans for consideration are:-
Location Plan received 26th January 2022
Brochure detail for lodges
Drwg No: 01003 Rev:01 - Section through proposed entrance
Drwg No: 01002 Rev:01 - Proposed works to existing entrance
Plan of buildings to be demolished
Drawing number D/01 - Paving details
WW/10B Rev B - Landscape Sections
WW/L01 Rev J - Outline Landscape Plan
WW/L01 Rev F - Planting Plan

4. Site

- 4.1.** The application site is situated adjacent to the A595 and Winscales Road. The land slopes down from the A595 in a south easterly direction. Planting is in place to the site boundaries of varying heights and species. There are structures in place on the site in association with the former kennel business and the touring caravan site. These are generally in a poor condition.
- 4.2.** The site is located in the countryside, and surrounded by open fields. There are occasional farms and small groups of dwellings within the nearby countryside, including two recently constructed dwellings further along Winscales Road.

5. Recent Site History

- 5.1.** **2/2013/0156** – Change of use for the erection of 5 timber lodges at Gale Brow Nurseries, Winscales – Refused 1st May 2013.
- 5.2.** Reasons for Refusal:
1. The siting of 5 timber holiday lodges at this kennel compound are deemed to be an unsustainable, non-essential and inappropriate form of development in the open landscape and would result in unacceptable harm to the character of the landscape, at variance with the provisions of the National Planning Policy Statement (paragraph 14), saved Policy EN25 of the Allerdale Local Plan 1999 and saved Policies REM5 and TM2 of the Allerdale Local Plan 1999, First Alteration June 2006, and Policy E37 as saved from the Cumbria and Lake District Joint Structure Plan, Adopted April 2006.
 2. The siting of 5 timber lodges in close proximity to the existing kennel business are deemed to be at variance with saved Policy EN7 of the Allerdale Local Plan 1999 given the proposed pollution sensitive development is likely to be adversely affected by noise from the adjacent kennel business.

Subsequent appeal APP/G0908/A/13/2200837 was dismissed on 28th October 2013 with the Inspector noting that the lodges, being in a row and end on to the A595, would lead the site to appear cluttered and urban such that the development would appear incongruous in its setting. The lodges, alongside the other buildings and paraphernalia adjacent to the site would create an intensely developed appearance, more urban than rural in form. It was indicated that the second reason for refusal could be overcome should the existing kennel business at the site cease operating. However, overall, the proposal was determined to harm the character and appearance of the area.

- 5.3. 2/2014/0699** – Proposed 3 bedroomed detached bungalow and garage to replace 2 bedroom detached park home at Gale Brow, Winscales – Granted 18th November 2014.
- 5.4. 2/2016/0677** – Change of use of land to provide five static caravans at Gale Brow Nurseries, Winscales Road, Winscales – Refused 20th December 2016.
- 5.5. Reasons for Refusal:**
1. The proposed static caravans are considered to constitute new tourist accommodation and not an extension to an existing site with formal planning consent as recognised under Policy S17. The proposals are therefore considered unacceptable at this location with no wider benefits that outweigh harm. The application is contrary to Policies S1, S2 and S17 of the Allerdale Local Plan (Part 1) 2014 and the core principles of the National Planning Policy Framework.
 2. The site location is considered unsustainable being in the open countryside and remote from local services and amenities. The caravans will not bring any environmental improvements to the site and with no real benefit to the local economy.
 3. The siting of the five caravans is considered to result in significant harmful impact upon the landscape and visual amenity of the locality contrary to Policies S32 and S33 of the Allerdale Local Plan Part 1 Adopted 2014 and the core principles of the National Planning Policy Framework.
- 5.6.** Subsequent appeal APP/G0908/W/17/3177762 was dismissed on 17th October 2017 with the Inspector finding that the proposal would have a detrimental impact on the character and appearance of the area, in conflict with Policies S17, S1, S2, S32 and S33 of the Allerdale Local Plan.
- 5.7.** The Inspector noted that there was dispute as to whether the proposal constituted an extension to an existing caravan site, with the Council considering that the site should be considered as a new site as the existing Caravan and Camping Club licence for 5 touring caravans did not benefit from planning permission. The Inspector stated that, 'Policy S17 of the Allerdale Local Plan (2014) (ALP) does not distinguish between sites which benefit from a licence or those with planning permission and I am inclined to agree with the appellant that the static caravans could be considered as an extension to an existing use'.

- 5.8.** The Inspector also commented on the proposal sites access to services, noting that, ‘the appeal site is located immediately adjacent to the A595 with good access to many nearby settlements and tourist facilities. There are bus stops within approximately 0.25 miles of the site, a restaurant within a few hundred metres and a petrol station with small shop within about 0.75 miles which can be accessed by a footpath. Therefore, I consider that the site is in a reasonable accessible location and future visitors would have the option of accessing some services and facilities by foot or bicycle. I therefore conclude that the proposal would have acceptable access to local services and accordingly I find no conflict with the National Planning Policy Framework in this regard which seeks to encourage patterns of development which facilitate the use of sustainable modes of transport’.
- 5.9.** **2/2018/0276** – Outline application for the demolition of kennels and erection of a new dwelling at Gale Brow, Winscales, Workington – Refused 3rd August 2018.
- 5.10.** Reason for Refusal:
1. The proposed dwelling constitutes unsustainable, non-essential development in the open countryside with no proven essential or locational need contrary to Policies S1, S2, S3 and S5 of the Allerdale Local Plan Part 1 Adopted 2014 and LP and paragraph 79 of the National Planning Policy Framework 2018.
- 5.11.** Subsequent appeal APP/G0908/W/18/3210042 was dismissed on 19th April 2019 with the Inspector finding that the proposed dwelling would be situated outside the defined settlements as set out in the settlement hierarchy, and did not meet any of the specified circumstances where an isolated home in the countryside could be permissible.
- 5.12.** **FUL/2020/0189** – Proposed demolition of existing kennel business and change of use of existing CL caravan site to sixteen holiday lodges (including one site managers lodge) and site landscaping at Gale Brow, Winscales Road, Winscales, Workington – Withdrawn.

6. Representations

- 6.1. Town/Parish Council** - Refer to other lodge development in the locality and comment that this new request is going to be overdevelopment and will increase the traffic, plus for this number of lodges they will need extra amenities.
- 6.2. Highways Agency England** - No objections
- 6.3. Cumbria County Council’s Highways and Transportation** - Recommend refusal of the application as there have not yet been adequate visibility splays submitted. If the requirement cannot be met then a speed survey should be carried out to reduce the maximum required. The reduced density of the site and revised layout is noted which means that there is more space within the site to accommodate parking. Some of the proposed parking bays may be impractical for use however the site is to remain private. Comment from the Lead Local Flood Authority that there is a strong recommendation that the drainage hierarchy is considered in line with NPPG and infiltration can be ruled out. They would like

to see more detail in regards to the sustainable materials which would be used to construct the road network within the site.

- 6.4. Environmental Health** – Recommend conditions relating to contamination be attached to any planning approval.
- 6.5. Environment Agency** – Comment that the development should follow the drainage hierarchy as set out within the National Planning Practice Guidance.
- 6.6. United Utilities** – Recommend that the applicant implements the scheme in accordance with the surface water drainage scheme outlined in the hierarchy contained in the National Planning Policy Framework and the National Planning Practice Guidance.
- 6.7. Natural England** – No objections.
- 6.8. Cumbria Wildlife Trust** – No response to date.
- 6.9. Cumbria Fire Officer** – No objections.
- 6.10.** The application has been advertised on site and in the press. Neighbouring properties have been notified.
- 6.11.** A letter has been received from a Councillor in relation to the proposal with concerns that traffic turning onto the site would have to wait on the carriageway and therefore cause a danger.

7. Environmental Impact Assessment

- 7.1.** The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- 7.2.** The development does not within Schedule 1 nor 2 and, as such, is not EIA development.

8. Duties

- 8.1.** The site does not contain, nor is it in close proximity to any listed buildings, nor is it within or affecting a conservation area or the national site network.

9. Development Plan Policies

9.1. Allerdale Local Plan (Part 1)

Policy S1 - Presumption in Favour of Development
Policy S2 - Sustainable Development
Policy S3 - Spatial Strategy and Growth
Policy S4 - Design Principles
Policy S5 - Development Principles
Policy S14 - Rural Economy

Policy S22 - Transport Principles
Policy S24 - Green Infrastructure
Policy S29 - Flood Risk and Surface Water Drainage
Policy S32 - Safeguarding Amenity
Policy S33 - Landscape
Policy S35 - Protecting and Enhancing Biodiversity and Geodiversity
Policy DM14 - Standards of Good Design

These policies can be found here:-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

9.2. Allerdale Local Plan (Part 2)

Policy SA2 - Settlement Boundaries
Policy SA32 - Tourism, Coastal and Countryside Recreation

<https://www.allerdale.gov.uk/en/siteallocations/>

10. Other material considerations

10.1. National Planning Policy Framework (NPPF) (2021)

10.2. Council Strategy 2020- 2030:

Thriving towns and villages

- Give people a reason to visit our towns (festivals, events, cultural and sporting activities, markets).
- Support businesses.

11. Policy weighting

11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

12. Assessment:

Background

12.1. The applicant has engaged with the Local Planning Authority prior to submission of the current application. The discussions sought advice on the potential for a proposed lodge park at the site. It was indicated that the lodges would number 13 spread throughout the site, with a comprehensive landscaping scheme.

- 12.2.** The Local Planning Authority offered pre-application advice on the planning merits of a proposed lodge scheme on 29th May 2020. The advice given by the Local Planning Authority noted and considered the planning history of the site, particularly the applications for lodges/ static caravans determined under 2/2013/0156 and 2/2016/0677 and the Inspectors' comments in relation to the merits of the proposals within the subsequent appeals.
- 12.3.** Paragraph 39 of the National Planning Policy Framework and National Planning Policy Guidance recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. 'Pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'.
- 12.4.** The earlier planning applications under 2/2013/0156 and 2/2016/0677 proposed 5 lodges/ static caravans to be positioned alongside and end on to the north west boundary, adjacent to the A595. The existing touring caravan site which permitted 5 caravans at the site, and the existing kennel business operating from the site, were to be retained.
- 12.5.** The reasons for refusal of the earlier application (2/2013/0156) by the Local Planning Authority (outlined above) were that the location of the proposed development was deemed unsustainable with unacceptable harm to the character of the landscape. It was also suggested that the proposed lodges would conflict with the existing kennel business in operation from the site.
- 12.6.** Upon consideration of the subsequent planning appeal, the Inspector concluded that cumulative built volume would lead to a cluttered site, more urban than rural in form. The screening proposed was insufficient to obscure the development. It was noted that the cessation of the kennel business would alleviate concerns in relation to the clash of uses at the site.
- 12.7.** The reasons for refusal of planning application (2/2016/0677) by the Local Planning Authority (outlined above) were that:
1. The proposed development was not considered to be an extension to an existing site, as the touring caravan site in operation was approved and licensed by the Caravanning and Camping Club, and was exempt from the planning system. Planning Policy S17 of the Allerdale Local Plan (now removed), indicated that tourism accommodation outside the defined settlement limits could be permitted where it formed part of an extension to existing tourism accommodation.
 2. The site was considered to be unsustainable, being in the open countryside and remote from local services and amenities, without bringing any environmental or economic benefits to the locality.
 3. The siting of the caravans was considered to result in a harmful impact upon the landscape and visual amenity of the locality, particularly with regards to the existing buildings, touring caravans, parked visitors vehicles and other paraphernalia which would lead to a cluttered appearance at the site.
- 12.8.** Upon consideration of the appeal submitted in relation to the proposal, the Inspector found that:

1. 'Policy S17 of the Allerdale Local Plan (2014) (ALP) does not distinguish between sites which benefit from a licence or those with planning permission and I am inclined to agree with the appellant that the static caravans could be considered as an extension to an existing use'.
2. The appeal site would offer the proposal acceptable access to local services with many nearby settlements, tourist facilities, a bus stop within 0.25 miles, a restaurant within a few hundred metres, a petrol station and shop within 0.75 which could be accessed by a footpath allowing visitors options to access services and facilities by foot or bicycle. '...I find no conflict with the National Planning Policy Framework in this regard which seeks to encourage patterns of development which facilitate the use of sustainable modes of transport'.
3. The proposal raised concerns regarding the impact on the character and appearance of the area. 'Taking into account the existing development at the site, including the CL (caravan and Camping Club licence), the proposal would combine to create a haphazard and cluttered development which would detract from its rural setting'.

12.9. Planning Officers advice noted the Inspectors commentary of the latter appeal which suggested that a tourism use at the site was indeed sustainable at this particular location and could be considered an extension to an existing tourism accommodation. It was accepted that there was a prospect of minimising visual impact with a robust landscaping scheme. Concerns relating to the variance of mixed uses at the site referenced in the earlier appeal would be overcome by the proposed single use. In light of the Inspectors' comments, it was considered that the prospect of developing an amount of tourist accommodation at the site was acceptable in principle subject to appropriate landscaping. The scale suggested within the submitted layout plan, amounting to 13 lodges throughout the site, was considered acceptable.

Principle – Policy Context

12.10. Planning Policy S1 of the Allerdale Local Plan (Part 1) July 2014, reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It indicates that the Council will always work proactively with applicants jointly to find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning Policy S2 of the Allerdale Local Plan (Part 1) July 2014 sets out sustainable development principles, recognising that that the three interconnected pillars (economic, social and environmental) should be considered together to deliver sustainable development.

12.11. Planning Policy S3 of the Allerdale Local Plan (Part 1) July 2014 sets out the Council's Spatial Strategy, in which it is stated that new development should be concentrated within the towns and villages identified in the settlement hierarchy. It also specifies that proposals outside defined settlements will be limited to:

- a. Housing essential for rural workers in the operation of a rural based enterprise;
- b. Housing following the rural exceptions policy;
- c. An appropriate diversification of an existing agricultural or land based activity;

- d. The optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets;
- e. A recreation or tourism proposal requiring a countryside location;
- f. Facilities essential to social and community needs;
- g. The replacement of an existing dwelling;
- h. A suitably scaled extension to an existing building;
- i. The conversion or reuse of a suitable existing building;
- j. Other development requiring a countryside location for technical or operational reasons.

12.12. Planning Policy S17 of the Allerdale Local Plan (Part 1) July 2014, relating to tourism, coastal and countryside recreation, has been deleted and replaced by Policy SA32 of the Allerdale Local Plan (Part 2) July 2020, which is applicable to the proposal. This Policy highlights that a strategic priority of the Local Plan is to promote economic growth by supporting key tourism activities such as outdoor recreation, improvement of accommodation, food and drink production and improvements to the historic environment.

12.13. The Policy SA32 sets out that proposals which offer new or improved visitor accommodation will be supported within Principal, Key and Local Service Centres. Tourism accommodation will also be supported in other locations where it has no significantly harmful impact (directly or indirectly) on the countryside or coast in terms of landscape quality, ecological/biodiversity value or the historic environment (and its settings), is of appropriate scale and design and it:

- a. Forms part of a farm or land based rural business diversification scheme;
- b. Forms part of an extension proposal for an existing hotel or guest house and it will enhance or maintain the viability of the business;
- c. Forms part of an extension, realignment or relocation of an existing camping or caravan site to a less sensitive location which would reduce the impact on nature conservation areas and the local environment;
- d. Is part of a scheme to upgrade ancillary facilities at an existing holiday park or camping or caravan site; or
- e. Is a conversion or reuse of a redundant rural building which complies with the requirements of Policy S31.

12.14. Furthermore, Policy SA32 sets out that proposals to extend existing tourist accommodation sites will only be considered as an extension when the original site has been considered and approved through the planning process.

12.15. Planning Policy S14 of the Allerdale Local Plan (Part 1) July 2014 is equally relevant to the principle of the proposal. This Policy recognises the Councils' commitment to supporting the economic prosperity and sustainability of rural communities by enabling appropriately scaled economic development. The accompanying text also encourages rural enterprises which have a clear need to be located in a rural location.

12.16. This Policy reflects the advice of the National Planning Policy Framework in recognising that planning policies should support a prosperous rural economy by enabling:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

12.17. Paragraph 85 of the National Planning Policy Framework goes on to explain that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not served well by public transport. It is expected that such developments are sensitive to the surroundings.

Principle

12.18. The proposed development would create tourism accommodation outside a principal, Key or Local Service Centre.

12.19. Whilst the proposal does not strictly sit within criteria a) to e) in Policy SA32 above, some weight is given to the Inspectors comments made within the planning appeal in relation to application 2/2016/0677 at the site, which accepted that the location of that particular development could be seen as sustainable due to its proximity to facilities and services and its accessibility on foot or on a bicycle. The National Planning Policy Framework also recognises that it may be necessary to locate development beyond existing settlements, particularly in support of a prosperous rural economy, where the character of the local community is respected.

12.20. It is noted that the land is a brownfield site and its development would bring about visual improvements to the site and economic benefits to the locality. The Inspector in relation to the appeal to planning application 2/2016/0677 took a view that the proposal could be seen as an extension to the existing tourist accommodation available at the site and acknowledged that the site would bring some economic benefits to the area, particularly in terms of expenditure in the local economy. However Policy SA32 subsequently clarifies the Councils position in that proposals to extend existing tourist accommodation sites will only be considered as an extension when the 'original site has been considered and approved through the planning process' and therefore the CL caravan site is not considered an existing tourist accommodation site when assessing against the criteria of SA32 ALPP2 2020.

- 12.21.** Taking a balanced approach to the proposal, considering the developed nature of the site, policy merits and planning history relevant to the site, Officers note that the Council has advised in pre-application communications that the principle of development at the site could be accepted for lodges, if the applicant is able to suitably demonstrate that the landscape and visual impact concerns are addressed.
- 12.22.** Although earlier applications at the site for lodges under 2/2013/0156 and static caravans under 2/2016/0677 have previously been refused, it is noted that this scheme should be considered on its particular merits and with regard to the provisions of the Allerdale Local Plan (Part 1) July 2014, Allerdale Local Plan (Part 2) July 2020 and the National Planning Policy Framework 2021.
- 12.23.** The current proposal differs to that of planning application 2/2016/0677. The earlier application would have resulted in 5 static caravans, end on, against the north eastern boundary and adjacent to the A595, at the highest part of the site. Existing uses (kennels and touring caravans) and structures at the site were to be retained.
- 12.24.** The current application proposes 13 lodges, however removing the existing structures. The lodges would be spread and spaced throughout the site, with landscaping. The current proposal would therefore eliminate the clutter and paraphernalia associated with the mixed uses and structures, which contributed to the landscape concerns outlined as the main barrier to development within the earlier proposal. Officers consider that the proposed use would therefore bring about some visual benefits providing a more cohesive and sensitive development to this brownfield site.
- 12.25.** Officers consider the proposed scheme has a well-balanced layout throughout, at an appropriate scale. The applicant has provided an indicative brochure for the proposed lodges, however, it is considered that specific details as to the final design (including any external amenity space) could be suitably agreed by condition, to ensure an appropriate design in terms of external finishes.
- 12.26.** It is noted that the scheme has been advertised as being a departure from the local plan. However, on balance, given that the proposed development would be in place of an existing mixed use on the site and recognising the comments of the Planning Inspector in relation to the appeal to planning application 2/2016/0677, which did not consider the site to be unsustainable and recognised the economic benefits which the proposal could bring, it is Officers opinion that the proposed development could be accepted in this particular case, subject to appropriate landscaping to overcome the landscape and visual impact issues identified by the Inspector.

Landscape

- 12.27.** Intrinsically related to the principle of the proposed development is a requirement to ensure appropriate landscaping to minimise the visual impact of the development, taking into account the sensitive location of the site and surrounding. The lack of suitable landscaping was a significant issue to the

development proposed under 2/2016/0677, and it was this element which ultimately resulted in the dismissal of the subsequent planning appeal.

- 12.28.** Planning Policy S33 of the Allerdale Local Plan (Part 1) indicates that landscape character and local distinctiveness shall be protected, conserved and, wherever possible, enhanced. The Policy also states that ‘the Council will support proposals that involve the removal or a reduction in the impact of existing structures and land uses that are detrimental to the visual quality of the landscape’.
- 12.29.** The applicant has submitted details of a landscaping scheme and a Landscape Visual Impact Assessment alongside the planning application. Indicative sections through the land have also been provided.
- 12.30.** The existing landscape value has been assessed with the author noting that ‘the site and surrounding landscape are not nationally or locally designated but are valued at the level of the immediate setting of local settlements and the existing caravan park. The LVIA assesses the landscape as medium-low.
- 12.31.** Landscape and visual effects may occur during construction, when the proposed development is complete and in use and after 15 years as the new landscape features mature. There would be some direct effects on the landscape features of the site including loss of part of the pond and loss of a garden area and caravan grass area. There would be a net gain in tree planting and hedgerow reinforcement to the site boundaries to tie in with existing hedges. There were also opportunities for enhanced biodiversity and improved habitat value with wildflower grassland and wet marshland.
- 12.32.** Paragraph 10.3 of the Assessment considers the impact on the potential landscape effects. ‘The assessment concludes that there would be a moderate-slight (direct and permanent) localised negative effect on the character of the Ridge and Valley landscape character sub type area which is of community value. It is acknowledge that the rural nature of the site would be changed to some degree by the proposed development so that the landscape baseline could not be maintained. This change would be in the context of existing development in the form of the medium scale commercial buildings associated with the former nursery and adjacent houses which form the immediate setting of the site. As the landscape framework of the proposed development matures and contributes to landscape distinctiveness in the Ridge and Valley sub-type, this effect would reduce to slight’.
- 12.33.** The effects on visual receptors have also been considered. For residents at home in the properties on Winscales Road, 100m to the east of the site, the overall visual effect on their views would be moderate-substantial as the proposed lodges will be prominent in the foreground. The effect would be negative as the proposed development would change the character of their views. Officers note that the scheme as amended has incorporated an additional landscaping buffer between the proposed lodge site and the adjoining dwellings to the east.

- 12.34.** Residents of three bungalows adjacent to East Town End farm 250-270m to the west of the site would experience an overall visual effect of no greater than moderate as the development will be largely screened by existing trees. Other residential properties assessed would have an overall visual effect rating no greater than moderate-slight. This includes properties in and near to Greysouthen approximately 4.2Km to the north-east.
- 12.35.** The overall visual effect on motorists using the A595 will be moderate-slight due to the extensive screening effect of the roadside trees, despite the short view distances of 15m+. Walkers on the PROW adjacent to Fair View will experience a moderate visual effect.
- 12.36.** The level of change for visitors to the Oilys pub restaurant would be slight due to their distance from the proposed development, oblique and obscured nature of the view and the moderate-minor scale of change in their views. The effect of the development on long range views from the higher ground to the south-east within the Lake District National Park will be slight due to the long view distances (7Km for the viewpoint assessed at Fellbarrow).
- 12.37.** The LVIA proposes mitigation measures which include extensive tree, hedge and shrub planting to help screen the development and integrate it with the natural environment. Changes have been made to the landscaping proposal through the course of the application. The proposal is reduced in scale and the landscape scheme has been enhanced to all boundaries. Although the Assessment notes that the development would change the character of views, particularly those of the adjacent properties on Winscales Road, the environmental benefits brought about by the proposal through the removal of the existing structures and the enhanced planting and landscaping needs to be carefully balanced.
- 12.38.** The applicant has been able to provide a section through which demonstrates how the lodges would integrate with the site. The section suggests that the lodges would be sited so as not to intrude visually on the landscape significantly beyond the existing contours of the site. The proposed landscaping and layout provides mitigation of the potential landscape and visual effects through the arrangement of the lodges across the contours in small cluster groups rather than regimented lines, combined with tree groups to reduce the impact of the lodges in the landscape. Existing hedges and trees on and adjacent to the site would be retained alongside the introduction of new trees and shrubs to the boundary hedges and grounds surrounding the lodges. These measures would help to screen the development.
- 12.39.** On balance, it is Officers opinion that the proposed landscaping would provide a suitable level of landscaping and mitigation for the proposed development, alleviating the concerns raised in the earlier planning applications and subsequent appeals. The scale and layout of the proposal as amended is considered appropriate subject to the landscaping scheme to be secured by condition to ensure compliance with Policy S33 of the Allerdale Local Plan (Part 1) July 2014.

Highways

- 12.40.** The proposal would utilise an existing access serving the site from Winscales Road, which offers a direct link to the A595. Winscales Road is a no through road which also serves two dwellings and a farm track. The cycle path and a footpath are accessible via the A595. A bus stop is also available on the A595. The proposed layout demonstrates that parking would be provided within the site.
- 12.41.** Planning Policy S22 of the Allerdale Local Plan (Part 1) July 2014 indicates that development should be accessible by public transport, walking and cycling. Development should be able to be accessed safely without compromise to the safety of any transport route.
- 12.42.** The Highways Department have objected to the proposal due to the absence of a plan demonstrating clear visibility from the access. They note that Winscales Road has a 60mph speed limit and comment that visibility splays of 214m in both directions, set back by 2.4m, should be achieved. If the required visibility splays cannot be achieved, it is recommended that a speed survey be carried out. The Highways Department acknowledge that the access is existing but consider that the change would generate an intensification of the use.
- 12.43.** The applicant submits that the U2330 at Winscales Road is a quiet cul de sac and has very little traffic. It is suggested that although there is a 60mph speed limit in operation on the highway, the traffic rarely exceeds 30mph. Although the 215m visibility splay cannot be achieved, the applicant has submitted a plan to show a line of visibility.
- 12.44.** Officers accept that other users of the highway, beyond that of the proposal site, would be low in number, given the limited users served by the highway. The applicant has been able to demonstrate that visibility can be achieved from the site, albeit not within the strict confines of the highways requirements in relation to a highway with a 60mph speed limit.
- 12.45.** On balance, taking existing conditions into account and the low density of the proposed development, it is Officers opinion that the access serving the proposal site is acceptable.
- 12.46.** The revised layout plan has reduced the number of lodges from 17 to 13. The Highways Department accept that this has resulted in more space to accommodate onsite parking. Although they suggest that some of the parking bays on the plan may be impractical for use, the site is to remain private and any comments on parking are advisory. Officers consider the layout plan acceptable.
- 12.47.** The proposed site is considered well located, having easy access to the A595 which provides public transport routes, access to the cycle path and has good proximity to a number of walking routes. The proposed development therefore satisfies the criteria of Planning Policy S22 of the Allerdale Local Plan (Part 1) July 2014 in terms of accessibility to a number of transport options.

Residential Amenity

- 12.48.** Planning Policy S32 of the Allerdale Local Plan (Part 1) looks to safeguard appropriate standards of amenity, suggesting that support should be given to those proposals which make a positive contribution to an area and that development should be resisted where it would result in an unacceptable effect on residential amenity.
- 12.49.** Given that the proposal site would offer a low density lodge site on a brownfield site with landscape and visual impact mitigation measures proposed, it is considered that the proposal would not have a significant adverse impact upon adjacent residential amenity. However, it is considered appropriate to secure details of any proposed external lighting in relation to the development and to ensure the proper management of construction by conditions, to safeguard suitable standards of amenity for nearby residents.

Drainage

- 12.50.** The application details include a Drainage Strategy Report suggesting that, in the absence of any adopted sewers in or around the site, it is proposed that foul waste be disposed of via a treatment plant and that surface water be disposed of via the existing pond and discharged to a designated water course.
- 12.51.** Planning Policy S29 of the Allerdale Local Plan (Part 1) July 2014 indicates that development should be drained in accordance with the drainage hierarchy.
- 12.52.** Comments received from Cumbria County Council's Lead Local Flood Authority, United Utilities and the Environment Agency indicate that the development should be drained in accordance with the drainage hierarchy as set out in the National Planning Policy Framework and National planning Practice Guidance. It is considered appropriate to secure suitable means of drainage in accordance with the drainage hierarchy by condition, to ensure compliance with Planning Policy S29 of the Allerdale Local Plan (Part 1) July 2014.

Contamination

- 12.53.** The site is within an area with potential for contamination. The proposed works would involve some excavations to the site. The applicant has included a Phase 1 Desktop Study in support of the application. The Study concludes that a Phase 2 Ground Investigation should be carried out for submission to the Local Planning Authority.
- 12.54.** The Council's Environmental Health Department recommend that conditions relating to contamination investigations be attached to any planning approval. It is therefore considered appropriate to secure these measures by suitable conditions.

Ecology

- 12.55.** The applicant has submitted a Preliminary Ecological Appraisal in support of the planning application. The Appraisal suggests that the development has the potential to impact on bats, breeding birds, other mammals and invasive non-native species. Further survey works are suggested.
- 12.56.** Natural England offer no objections to the proposed development with a comment that, 'based on the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes'.
- 12.57.** As the proposal involves demolition works on the existing structures at the site, it is considered appropriate to secure further works prior to any demolition.

Local Financial Considerations

- 12.58.** Having regard to S70 (2) of the Town and Country Planning Act, Local Financial Considerations relate to Business Rates Revenue

13. Conclusions

- 13.1.** The application site has been subject to a number of planning applications and appeals. Of significant relevance to the current proposal are those in relation to proposals for lodges and static caravans, the most recent of which found the application site to have acceptable access to facilities and services but raised concerns in relation to the impact of the proposal on the character and appearance with the local area.
- 13.2.** The proposal relates to 13 lodges alongside a scheme for landscaping, submitted to overcome the reason for refusal of earlier applications for tourism accommodation at the site. The proposed development would sit within the landscape and bring about a single use in place of the existing mixed uses at the site. The proposal demonstrates that the concerns raised in previous submissions in relation to landscape impact can be suitably mitigated to permit development of this brownfield site.
- 13.3.** It is acknowledged that the proposed development does not meet the specified criteria of Planning Policy SA32 of the Allerdale Local Plan (Part 2) July 2020 in terms of tourism development. However, given the comments of the Planning Inspector in the recent appeal at the site, which found the site an acceptable location for tourism development, and the wider benefits the proposal would bring to the local economy and environment, it is considered when carefully weighing up all factors, that the principle of the proposed development is acceptable on this particular site.
- 13.4.** The Highways Department object to the proposal as the applicant has not been able to demonstrate adequate visibility splays within a 60mph speed limit zone. Given the low usage of the highway serving the development and the low density of the proposed development, the absence of the visibility splays as set out by

the Highways Department is not considered sufficient justification for refusal of the application in this case.

13.5. The application is recommended for approval, subject to conditions.

14. RECOMMENDATION

Grant permission

Annex 1

Conditions

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.
- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:**
Location Plan received 26th January 2022
Brochure detail for lodges
Drwg No: 01003 Rev:01 - Section through proposed entrance
Drwg No: 01002 Rev:01 – Proposed works to existing entrance
Plan of buildings to be demolished
Drawing number D/01 – Paving details
WW/10B Rev B – Landscape Sections
WW/L01 Rev J – Outline Landscape Plan
WW/L01 Rev F - Planting Plan
Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.
- 3. Prior to the commencement of demolition works on site, details of a bat emergence survey, a dawn survey or automated bat survey and further internal and external inspection by a qualified consultant shall be submitted to and approved by the Local Planning Authority. Any approved mitigation measures shall be fully implemented in accordance with the approved detailed scheme.**
Reason: To safeguard any potential bat species during construction works at the application site, in compliance with the National Planning Policy Framework, Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.
- 4. No trees or hedges on the site shall be topped, lopped, felled or uprooted without the prior consent of the Local Planning Authority.**
Reason: In order to ensure that adequate protection is afforded to the existing trees on the site.
- 5. Landscaping works shall be carried out in accordance with drawing number WW/L01 Rev F. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.**
Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

- 6. A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to operation. The development shall thereafter be maintained at all times in accordance with the approved landscaping management plan.**

Reason: To ensure the long term maintenance and management of the landscaping for the development in the open countryside in compliance with Policies S32 and S33 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 7. Details of the lodges including any terrace, platform or hard surfacing on or around the lodges site shall be submitted to and approved by the Local Planning Authority, prior to installation.**

Reason: In the interests of and to protect surrounding visual amenity.

- 8. The lodges hereby approved shall not be used at any time as the sole or principal residence by any occupants.**

Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 9. A register of all occupants of the holiday accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority within 10 days of a request. The register shall contain the name and address of the principal occupier together with the dates of occupation.**

Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 10. Prior to the use of the development hereby approved, details of the lighting scheme for the site shall be submitted to and approved by the Local Planning Authority. The works shall be implemented solely in accordance with the approved scheme.**

Reason: To safeguard the amenity of nearby residential properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 11. No part of the development hereby permitted shall be constructed above ground floor level until details of the treatment and finishes of all surfaces within the site have been submitted to and approved by the Local Planning Authority. The details so approved shall be completed prior to the use of the development hereby approved and shall be retained at all times thereafter.**

Reason: In order to ensure a satisfactory standard of development for the external appearance of the approved scheme in relation to its surroundings, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties.

13. Notwithstanding the proposed submitted levels prior to works commencing on site details of all proposed ground floor levels including finished floor levels of the building, levels of any paths, drives, garages, and parking areas and materials of any retaining walls shall be submitted to the Local Planning Authority. The works shall be carried out in accordance with the approved works.

Reason: To ensure that works are carried out to a suitable level in relation to the adjoining properties and highways and in the interest of visual amenity.

14. Prior to the use of the development, a surface water drainage scheme based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed and maintained after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

15. Prior to the commencement of works, details of the non-mains foul drainage systems for the development shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be carried out in accordance with the approved non-mains drainage assessment including the following specific mitigation measures detailed therein :

- a. **Soakaways to be constructed to BS6297:2007**
- b. **No connection to watercourse or land drainage system and no part of the soakaway system is within 10 metres of any ditch or watercourse.**
- c. **No siting of the septic tank/package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply.**

The details hereby approved shall be implemented prior to the use of the development.

Reason: To enable a satisfactory means of non-mains foul drainage, in compliance with the National Planning Policy Framework and Policy DM12 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 16. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following: Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off site parking, turning and compound areas;**
- a. Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.**
 - b. Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
 - c. A written procedure for dealing with complaints regarding the construction or demolition;**
 - d. Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
 - e. Programme of work for Demolition and Construction phase;**
 - f. Hours of working and deliveries;**
 - g. Details of lighting to be used on site;**
 - h. Highway signage/ Haulage routes.**

The approved statement shall be adhered to throughout the duration of the development.

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

- 17. No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to the commencement.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 18. Should land affected by contamination be identified under condition 17 following site investigations which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall**

take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

19. Should a remediation scheme be required under condition 18, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11.

Reason: To minimise any risk arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

21. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway. Reason: In the interests of highway safety and environmental management.

22. The use of the development shall not be commenced until the access has been formed to give a minimum width of 4.8 metres, and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

Reason: In the interests of highway safety and environmental management.

23. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway before the development is brought into use and shall not be raised to a height exceeding 1.0m thereafter.

Reason: In the interests of highway safety for the visibility of construction and operational traffic using the approved access.

24. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.

Other:

Advisory Note

