

Date: 24 April 2017



District Council

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: cttee.admin@eden.gov.uk

Dear Sir/Madam

Special Planning Committee Agenda - 3 May 2017

Notice is hereby given that a special meeting of the Planning Committee will be held at 9.30 am on Wednesday, 3 May 2017 at the McPherson Room, Evergreen Community Hall, Penrith to consider the following item which was adjourned for reconsideration as Members had indicated they may make a decision contrary to officer advice.

1 Apologies for Absence

2 Declarations of Interest

To receive any declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

3 Planning Application 16/1102 Proposed 34no. lodges, additional parking and new arrivals lodge, Center Parcs, Whinfell Forest Holiday Village, Whinfell, Penrith (Pages 3 - 18)

To consider report a from the Assistant Director Technical Services which provides reasons for refusal following Members' initial indication that they may wish to refuse the application considered at the meeting held on 20 April 2017.

Yours faithfully

A handwritten signature in black ink, appearing to read "M. Neal", is written over a light grey rectangular background.

Matthew Neal

Deputy Chief Executive (Monitoring Officer)

Democratic Services Contact: *John Greenbank Ext 2275*

Encs

Background Papers

Item **3** Application files, letters of consultation, objection and support, internal memoranda and officers' notes.

For Attention

Members of the Planning Committee who made initial decision, ie

Chairman – Councillor J G Thompson (Conservative Group)

Vice Chairman – Councillor J Owen MBE (Conservative Group)

Councillors

A Armstrong, Conservative Group

I Chambers, Conservative Group

M Clark, Independent Group

D Holden, Liberal Democrat Group

J C Lynch, Conservative Group

W Patterson, Independent Group

R Sealby, Conservative Group

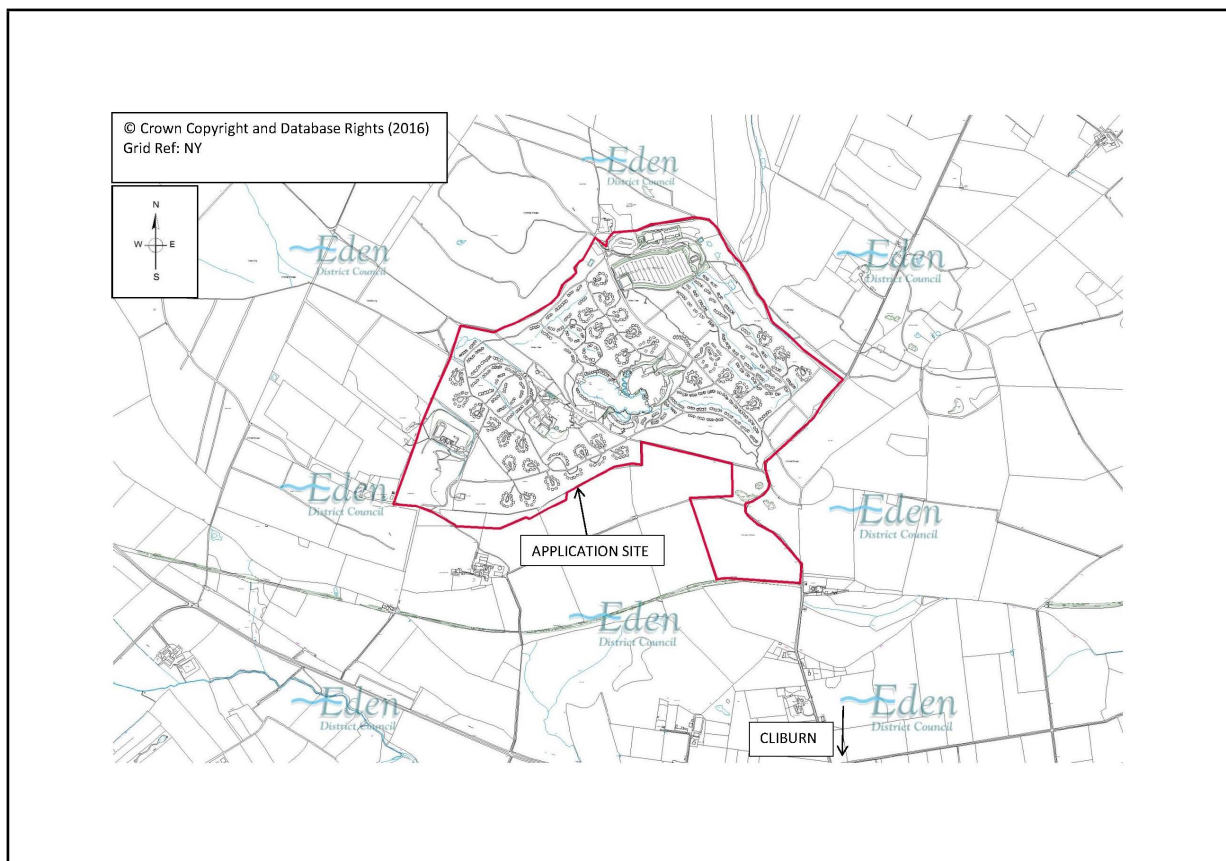
T Sheriff, Liberal Democrat Group

H Sawrey-Cookson, Independent Group

For information – All remaining members of the Council

Eden District Council
Special Planning Committee
3 May 2017

Planning Application No:	16/1102	Date Received:	15 December 2016
OS Grid Ref:	5787 2688	Expiry Date:	23 March 2017 Extension of time agreed to 25 April 2017
Parish:	Brougham	Ward:	Kirkby Thore
Application Type:	Full		
Proposal:	Proposed 34 No lodges, additional car parking and new arrivals lodge		
Location:	Center Parcs, Whinfell Forest Holiday Village, Penrith		
Applicant:	Center Parcs (Operating Company) Limited		
Agent:	Jackson Design Associates - Mr L Fleet		
Case Officer:	Mat Wilson		
Reason for Referral:	To allow Members to consider the application further and to provide a reason why Members wish to refuse the application contrary to Officer advice.		



1. Recommendation

It is recommended that planning permission is granted subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby granted shall be carried out strictly in accordance with the following details and plans hereby approved

16/2052/(PL) 007
16/2052/(PL) 008
16/2052/(PL) 009
16/2052/(PL) 010 Rev A
16/2052/(PL) 011 Rev A
16/2052/(PL) 012 Rev A
16/2052/(PL) 013
16/2052/(PL) 014
16/2052/(PL) 015
16/2052/(PL) 016
16/2052/(PL) 017
16/2052/(PL) 018
16/2052/(PL) 019
16/2052/(PL) 021
16/2052/(PL) 022 Rev A
3. Prior to the commencement of development, a method statement shall be submitted to the Local Planning Authority for approval detailing the method of implementation of site clearance/construction mitigation measures recommended in the ecology assessment report and the timing of vegetation clearance works. Development shall be carried out in accordance with the approved details.
4. The development shall be carried out in strict accordance with the submitted Arboricultural Survey Reports prepared by EMEC Arboriculture revised March 2017.
5. Prior to the commencement of development, details of the surface and foul water drainage shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details.
6. Prior to the commencement of development, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the location of barriers/fencing/ ground protection measures etc. to be installed for all trees identified for retention in the EMEC Arboriculture report. The approved scheme shall then be implemented in full and shall be retained throughout the duration of the construction phase.
7. Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide full details of the arboricultural supervision to be carried out during the development. The approved scheme shall then be implemented in full and shall be retained throughout the duration of the

construction phase.

Reasons

1. In order to comply with the provisions of the Town and Country Planning Act 1990.
2. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
3. To ensure that the favourable conservation status of protected species is maintained. The condition is considered necessary to be complied with pre-commencement as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.
4. To ensure the adequate protection of the trees.
5. To ensure the site is adequately drained. The condition is considered necessary to be complied with pre-commencement as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.
6. To ensure the adequate protection of the trees. The condition is considered necessary to be complied with pre-commencement as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.
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However, should Members remain minded to refuse the application, then although the Planning Officer is of the opinion that the application is in accordance with the Development Plan, the Planning Committee were of the opinion that sufficient harm existed to outweigh the compliance with the Development Plan. Specifically, Members were minded to refuse the application since it was considered to be contrary to Policies CS12 and CS16 of the Core Strategy. The application would therefore be refused for the following reasons:

- 1) Whinfell Forest Holiday Village has expanded incrementally from the 700 lodges granted in 1993 and, with construction of recently approved developments ongoing, will soon number 882 lodges. The Holiday Village is considered to have reached its full capacity, such that the development of a further 34 lodges will constitute overdevelopment of the site to the detriment of the character of the area contrary to CS12 of the Core Strategy.
- 2) The proposed development will require the removal of over 240 trees and areas of the protected orchid Creeping Lady's Tresses, and will affect the habitat of protected species including badger and red squirrel. To grant permission would conflict with policies seeking to protect the natural environment, and as such the ecological harm caused by the development is contrary to CS16 of the Core Strategy.

2. Background

- 2.1 At the Planning Committee on 20 April 2017, planning application 16/1102 was put before the Members with a recommendation that the application be granted permission. This recommendation was made on the basis of the assessment of the application as set out in the original committee report, a copy of which is included as Appendix A to this report.
- 2.2 Following a presentation by the Senior Planning officer, Members debated the application. Members considered that the proposed development would be contrary to the development plan on the basis that the Holiday Village had reached saturation point and that further development would detrimentally affect the character of the area through loss of trees, increased noise and light pollution. Concern was raised that the benefits to Center Parcs from increased visitor numbers would not translate into benefits for Eden District, since the customer experience is focused on visitor requirements being catered for onsite, all the facilities and activities being provided within the confines of the Holiday Village.
- 2.3 The proposed development will entail the removal of a significant number of trees and aside from the ecological impact, the concern is that the Holiday Village will become more conspicuous and have a detrimental landscape impact, both as the number of buildings increases and the extent of tree cover reduces. This concern is reinforced by the lack of any indication of the number of trees the applicant is willing to replant to compensate for the tree felling.
- 2.4 Whinfell Forest is home to a diverse range of protected species of flora and fauna, and Members considered that the level of development proposed would inevitably have a detrimental ecological impact, through loss of habitat.
- 2.5 Members recalled an agreement Center Parcs had previously made with the Council which stated that no more lodges would be constructed in Whinfell Forest. Officers were not aware of such an agreement.
- 2.6 That notwithstanding, the applicant has intimated that the 34 additional lodges now proposed will bring the level of visitor accommodation up to their self-set limit, beyond which the customer experience would begin to depreciate. The applicant is willing to provide a written assurance on further development of the site and Members are keen that such a document is provided before the application is reconsidered. The applicant's letter will be circulated to Members on receipt.

3. Reasons for Refusal

- 3.1 Officers remain of the opinion that the application is in accordance with the Development Plan. This is because Officers consider the woodland setting of Whinfell Forest will continue to provide adequate cover for the Holiday Village; the loss of trees can be mitigated through appropriate replanting to be secured as a pre-commencement condition; the ecological impact is contained through compensatory measures which will maintain the high value natural environment integral to the customer experience; and the proposal is otherwise in accordance with Eden's development plan policies which are highly supportive of tourism proposals which allow existing facilities to expand.

The proposed development is well served by public transport and will not significantly affect highway safety. Therefore it is the officer's professional opinion that the

proposed development is in accord with policies CS12 and CS16 of the Core Strategy.

- 3.2 Members attached weight to a previous agreement the applicant had entered into, such that no further expansion of the visitor accommodation on the Holiday Village would take place. It does not appear however that this constituted a legally binding agreement and as such Officers consider that this application be considered on its own merits.
- 3.3 Notwithstanding this, should Members continue to wish to refuse the application then the reasons given in Section 1 above could be used.

4. The Development Plan and Material Considerations

- 4.1 Members are reminded that they are entitled to depart from the professional advice of officers but only where there is good reason to do so based on clear and legitimate material considerations. The Committee is required to provide clear justification on planning grounds for their decision.

5. Implications

5.1 Legal Implications

- 5.1.1 The following matters have been considered but no issues are judged to arise.

6.1 Equality and Diversity

- 6.1.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

6.2 Environment

- 6.2.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

6.3 Crime and Disorder

- 6.3.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

6.4 Children

- 6.4.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

6.5 Human Rights

- 6.5.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

7. Conclusion

- 7.1 It is recommended that the application should be approved for the reasons provided in the report to the Planning Committee at the meeting 20 April 2017.
- 7.2 Should members wish to refuse the application, the reasons set out in Section 1 of this report are considered appropriate.

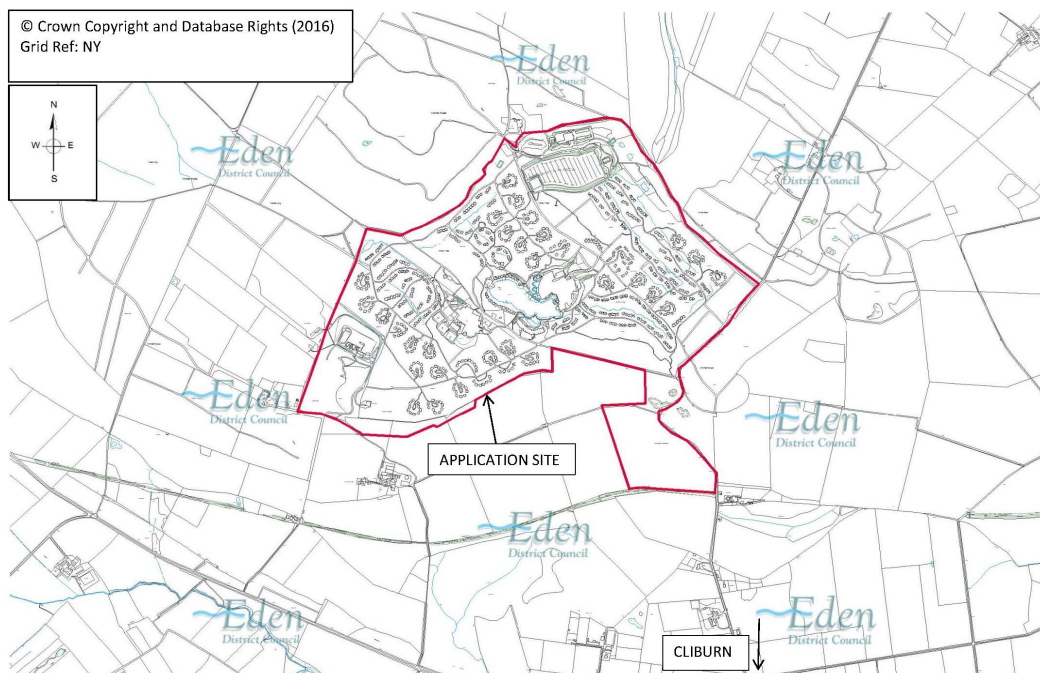
Jane Langston
Assistant Director Technical Services

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File

APPENDIX 1- Committee Report 17th November 2016

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Location:	Center Parcs, Whinfell Forest Holiday Village, Penrith		
Applicant:	Center Parcs (Operating Company) Limited		
Agent:	Jackson Design Associates - Mr L Fleet		
Case Officer:	Mat Wilson		
Reason for Referral:	The Officer recommendation is contrary to the view of the Parish Council		



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Reasons

1. In order to comply with the provisions of the Town and Country Planning Act 1990.
2. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
3. To ensure that the favourable conservation status of protected species is maintained. The condition is considered necessary to be complied with pre-commencement as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

4. To ensure the adequate protection of the trees.
5. To ensure the site is adequately drained. The condition is considered necessary to be complied with pre-commencement as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The scheme comprises several elements, foremost of which is the construction of a total of 34 new Executive lodges in nine clusters across the holiday village.
- 2.1.2 12 lodges comprising a mix of two- and three-bed properties are proposed in the Three Oaks area to the east of the site. 10 of these would be across 3 clusters in close proximity to one another (Sites A, B and C), with a further 2 lodges located to the southeast (Site E).
- 2.1.3 4 clusters of two- and three-bed lodges are proposed in the Beechwood area at the southeast edge of the Whinfell Forest Holiday Village: 5 Executive lodges will be located on the north side of the perimeter road between existing lodges in Site F, and 16 lodges are proposed in the undeveloped woodland area south and east of the road across Sites G, H and I.
- 2.1.4 Finally, a single six-bed lodge is proposed in woodland toward the west of the Holiday Village in the Meadow View area.
- 2.1.5 All lodges will be single storey, timber clad, and incorporate monopitch roofs with deep overhangs. The six-bed lodge will also feature stone elevations and a green roof.
- 2.1.6 It is also proposed to demolish the existing arrivals hall, repurposing the area which is already tarmacked to create an extension to the carpark of an additional 120 spaces. A new 10 bay arrivals lodge would be erected on the existing approach road, where the road splits into two around a thin woodland bund. The elongated single-storey building will have 5 bays each side, with the road widened to accommodate the building and pull in bays, and the adjacent landscape bund alongside the carpark extended beyond the length of the new building.

2.2 Site Description

- 2.2.1 Whinfell Forest Holiday Village is a self-contained holiday resort screened almost entirely from external view by dense woodland. The complex currently accommodates 882 lodges with a further 10 currently under construction.
- 2.2.2 The sites for the proposed new lodges are generally in clearings within the forest where few mature trees have become established.
- 2.2.3 The northern half of the overall site is designated as Ancient Woodland and a County Wildlife Site. It is not within a Conservation Area or an area at risk of flooding.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority	The slight increase in vehicular use of the existing access is unlikely to have a significant material effect on existing highway conditions. I can therefore confirm that the Highways Authority has no objection to the proposal
Lead Local Flood Authority	Details requested on method of roof water and surface water discharge. Conditions recommended to ensure agreement of a site drainage scheme prior to commencement of development.
Highways England	No objections

3.2 Discretionary Consultees

Consultee	Response
Parish Council	Objections raised
United Utilities	The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Brougham Parish Council	✓			

4.1 Brougham Parish Council wishes to make a formal objection to this application.

The parish council has become increasingly concerned over the cumulative effect on the ecology and environment of the area of this large proposed development and previous increases. We note that the original planning permission in 1995 was for 700 lodges. The current number as declared in the application papers, including the 10 lodges nearing completion, is 882. This planning application for 34 new lodges would bring the total number of lodges to 916, which is an increase of over 30%.

The consequence of this expansion would be a continuation of the reduction of the forest area, and therefore inevitably less scope for the recommended mitigation by compensatory planting and remedial measures for fauna and flora.

The proposed expansion impinges on areas designated in the application papers as "biodiversity sensitive areas" which are either areas of wet and bog or habitats for ground flora and invertebrates. The sites listed as B, G, H and I are in such areas. The "six-bed lodge" is sited in a currently undeveloped area.

The parish council has concerns over the absence of any reference to what allowance would be made for the likely increase in the demand for local emergency and medical services and for sewage disposal. It is not acceptable that in Section 11 on the application form the method of disposal of foul sewage is indicated as “unknown”.

The Parish Council has further concerns over the extra demands for water extraction, and over the increased light pollution. However careful the detail of well-chosen light sources is, they cannot contribute to a “dark skies” promise.

We have no comments to make on the Arrivals Lodge or the extra car parking and no comments on the lodge construction materials or design.

5. Representations

- 5.1 Whilst there are no dwellings in the vicinity of the application site, the proposal was advertised by way of a notice posted at the site on 24 August 2016.

No of Neighbours Consulted	0	No of letters of support	0
No of Representations Received	1	No of neutral representations	0
No of objection letters	1		

- 5.2 One letter of objection raised the following concerns which are material considerations to the application:

- The development will result in increased traffic generation which will have a detrimental effect on the local infrastructure and particularly the road network. The Transport document does not consider the network beyond the A66 junction. There are already significant tailbacks and traffic congestion on the roundabouts at Penrith on change over days and these proposals will exacerbate that situation. These proposals do not go far enough in addressing the wider traffic issues around Penrith that are already significantly affected by the Centre Parcs site. The developer ought to contribute to mitigation measures to alleviate congestion.
- Concern is raised that the Centre Parcs holiday village makes no positive contribution to the local economy, encouraging visitors to stay within the holiday park for the duration of their stay; nor will the proposal be of any real or significant benefit to local employment in the Penrith area

6. Relevant Planning History

- 93/0024: Holiday Village comprising 700 lodges, 70 room hotel, village centre with water park, restaurants, health club, shops and sports club
- 99/0372: 24 No single storey one bed self-catering studio apartments
- 05/0826: Revocation of condition 7, 9 and 10 to allow the facilities to be used by off peak day tourists, for pamper day packages; and business/conference, single day basis.
- 07/1028: Construction of 5 new concept tree houses
- 08/0252: New staff car park
- 09/1037 + 10/0120: 5 No proposed detached two storey exclusive lodges.

- 12/0567: Construction of 3 No tree houses to provide holiday accommodation, erection of plant room and construction of car parking area.
- 13/0685: Proposal to erect 5 No new tree house lodges to provide exclusive accommodation at Whinfell Forest Holiday Village [Superseded by:]
- 15/0483: 5 Exclusive Lodges (on former Tree House site).
- 14/0410: Erection of 5 No exclusive lodges

7. Policy Context

7.1 Development Plan

Core Strategy DPD Policy:

- CS12 Principles for Economic Development and Tourism
- CS15 Tourism and the Visitor Economy
- CS18 Design of New Development

7.2 Other Material Considerations

National Planning Policy Framework:

- Presumption in favour of sustainable development
- Requiring good design

National Planning Practice Guidance

7.3 The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Tourism Policies
- Landscape and Visual Impacts
- Highway implications

8.2 Principle

- 8.2.1** The additional lodges proposed are located within the existing holiday village complex and would not extend the built form of the site into the surrounding countryside. The new lodges would add to the existing stock, including the provision of a new-style 6-bedroom lodge. The proposal would meet the aims of the Council's policies by improving the range of self-catering facilities and extending an existing facility.
- 8.2.2** The new arrivals lodge would replace an existing structure, increasing the number of check-in points thereby reducing congestion. The extended car park is proposed on the site of the existing arrivals lodge, which is already hard-surfaced. Matters of landscape impact, proliferation, highway safety and ecology are considered below; however as a development of an established tourist facility, the proposal is considered to be acceptable in principle.

8.3 Landscape and Visual Impacts

- 8.3.1** A total of 34 new lodges are proposed across nine clusters around the Village, all on the east side of the complex except for the six-bed lodge, near the Outdoor Pursuits centre toward the west side of the Village. All the lodges will be single-storey and reflect the design and appearance of the more contemporary accommodation on the

complex, incorporating timber cladding, monopitch roofs and dark concrete tiles (in contrast to the original lodge design at Whinfell which included two storey buildings with rendered walls).

- 8.3.2 The new arrivals lodge is designed to minimise visual impact through its low profile and external materials, and will constitute a significant improvement in visual amenity with the removal of the existing arrivals building, which is very utilitarian in appearance.
- 8.3.3 Although a large number of the proposed lodges will extend the built mass of the Village into the surrounding woodland, the sites selected are well protected by the established woods beyond. The lodges closest to the edge of the site boundary are those within Cluster C toward the northeast of the complex: just over 20m from the perimeter of the site. The mature trees on the intervening land will maintain the highly discrete form of the holiday village, which is secluded from public view and is expected to remain so following this development.
- 8.3.4 The landscape and visual impact will be limited to localised views within the holiday complex and any wider impact is likely to be negligible. The proposal is considered to be acceptable in this respect.

8.4 Natural Environment

- 8.4.1 The proposal will inevitably result in the felling of a number of trees. Further to the initial comments of the Council's Arboriculturalist, a revised and updated Arboricultural report has been provided and this establishes that only three trees within the application sites merit the highest quality 'A' category trees, which will all be retained. A greater number of moderate quality 'B' category trees are found within the application sites, and the proposed development will result in the loss of a significant number of this category of tree in absolute terms; for instance, 35 B category trees would be felled across sites A, B and C, with the greatest impact across sites G, H and I, where 83 B category trees would need to be removed. The report comments however that the majority of the Whinfell Forest Center Parcs site is made up of mature woodland and therefore the loss of canopy cover for the proposed schemes is a very small proportion of the site. The Arboricultural report concludes that in relative terms the proposed tree removal is considered to have a low impact on the amenity value of the site. The large majority of trees are low quality 'C' category trees of younger age and/or poor form, and they should not influence the proposal.
- 8.4.2 Whilst final comments from the Council's Arboriculturalist are awaited at the time of writing, it is considered that the extent of tree felling proposed, whilst substantial, will not have an unduly detrimental impact on the wider woodland since the most important specimens will be retained, and compensatory tree planting as recommended in the Arboricultural Report can be required through conditions. Center Parcs implement forestry management plans to maintain the health and longevity of their woodland settings, which includes selective thinning of trees to allow stronger specimens to flourish. Should permission be granted, it is recommended that conditions be included to require details of root protection fencing for those trees to be retained in addition to schemes of replacement tree planting and an enhancement strategy for the existing woodland, in order to mitigate the effect of the development.

8.5 Ecology

- 8.5.1 An ecology survey submitted with the application found that the sites assessed contained limited roosting and foraging opportunities for bats, potential foraging for badgers and a single outlying sett, and potential habitat for amphibians, birds and red squirrels. The proposed works would not directly affect the badger sett. Great Crested Newt are present at Whinfell Forest; none were observed within the application sites although an EPS license from Natural England will be required prior to works commencing due to the proximity of some of the sites to breeding ponds. All of the woodland habitats on site provided foraging habitat for bats. None of the buildings within the survey areas, particularly the arrivals lodge which is to be removed, were suitable for roosting bats and no evidence was found of bat occupation. Limited impact is anticipated on the Forest's red squirrel population; since the developments are all within area close to existing lodges and visitor activity, the new lodges are not considered likely to result in a significant increase in disturbance than the squirrels are already accustomed to. No specially protected species of bird was observed, and no records exist for protected bird species within the site. Works should avoid bird nesting season (March to September inclusive). Any works undertaken to vegetation during this time should be informed by a further ecologist's survey.
- 8.5.2 Mitigation measures recommended by the ecologist include installing temporary amphibian fencing and pitfall traps to exclude great crested newts from works areas for a period of 90 days prior to development commencing; protecting the badger sett; reducing potential impact on bats through using sensitive low-level lighting during construction; installing a range of bird boxes and planting native shrubs and climbers at the side of the new lodges to compensate for the loss of bird nesting habitat; and planting scrub species and coniferous trees to mitigate the loss of red squirrel habitat.
- 8.5.3 Concern had been raised with the agent during pre-application discussions that the proposed lodges in the southeast corner nearest the road to Cliburn would be within an area of important ground flora (a biodiversity character area created by Center Parcs themselves), designated for the presence of the protected orchid Creeping Lady's Tresses. The survey recorded specimens of this plant and recommends they be protected during the works, and any plants which would be lost should be translocated outside the area of works.
- 8.5.4 In view of the above, it is considered that the proposed development would not have a significant detrimental ecological impact, provided that the recommendations and compensatory measures set out in the Ecologist Report are implemented in full.

8.6 Infrastructure

- 8.6.1 The application is submitted with a Framework Travel Plan. The highway impact of guest arrivals and departures on changeover days (Monday and Friday) is limited through encouraging early arrival and allowing guests to use facilities following check out on their day of departure. Staff are encouraged to utilise public transport (one or two buses an hour serve the holiday park) and to car-share.
- 8.6.2 The Highways Authority has no objection to the proposal, commenting that the slight increase in vehicular use of the existing access is unlikely to have a significant material effect on existing highway conditions. Following further detailed examination of the documentation supplied as part of the planning application process, Highways England has no objection to this planning application.

8.7 Objections

- 8.7.1 Objectors and the Parish Council have raised concerns with the cumulative effect of the additional lodges on water extraction, the thinning of the tree screen on the site boundary, additional light pollution of the night sky, ecology, and lack of benefit to Eden District. Whilst it is accepted that the proposal would result in a relatively substantial increase of 30% over the originally approved holiday village in 1995 comprising 700 lodges, it is not considered that the cumulative impact of existing and proposed development would result in significant harm to water extraction, woodland character, light pollution or ecology. The Environment Agency monitor and legislates water extraction. Tree planting is proposed to compensate for the trees to be felled, and it is not considered that the woodland thinning will result in newly emerging prominent views of the Holiday Village on the landscape. The proposals contain a minimal lighting scheme whereby the external lighting to lodges are limited and non-intrusive, fitted with down-lighters, and the car park and arrivals lodge will be lit with low impact lighting with a diffuse sphere with the top hemisphere shielded, to avoid light spillage into the night environment. Ecological impact is minimised through consultation with ecologists, arboriculturalists and wildlife experts prior to submission of the planning application to inform the development. The Ecology report concludes the impact will not be significant and that the proposal will manage the site ecology in a sensitive manner. In terms of benefit to Eden District, guests do spend the vast majority of time within the Holiday Village but the wider benefits are local employment (over 1100 people are employed at the Whinfell site) and engaging local suppliers and trades. An additional 10-15 full and part time jobs will be created through the proposal.

8.8 Other Considerations

- 8.8.1 Concern is raised that the development has increasing impact in terms of water extraction. The Environment Agency has previously commented in this respect on an earlier scheme in 2014, when it stated:

“Water abstractions at the site are regulated by the Environment Agency by means of a groundwater abstraction permit. Abstraction permits contain conditions that protect the environment, other abstractors and water users. If an abstraction is causing or could cause damage to the environment, the Environment Agency may make a proposal to change it or revoke it. If the Environment Agency finds someone is not complying with their permit, action will range from giving advice and guidance to prosecuting in the most serious cases. As the operators are abstracting water well below their abstraction limits we have no water resources concerns over the additional water usage from these new lodges.” (ref 14/0410).

9. New Homes Bonus

- 9.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a ‘material consideration’ in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case,

there are no plans to use the New Homes Bonus arising from this application in connection with this development.

10. Implications

10.1 Legal Implications

10.1.1 The following matters have been considered but no issues are judged to arise.

10.2 Equality and Diversity

10.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

10.3 Environment

10.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

10.4 Crime and Disorder

10.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

10.5 Children

10.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

10.6 Human Rights

10.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

11. Conclusion

11.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:

- The proposed additional lodges would provide accommodation to add to the existing stock and would result in an extension of the existing tourist facility without impact upon the existing ecological or landscape value of the site. The new arrivals lodge will provide for more efficient guest check-in and will be more in keeping with the area than the existing arrivals building, and the car park will provide overflow parking for guests without unduly affecting the character of the area.

Jane Langston
Assistant Director Technical Services

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File