

**Eden District Council**  
**Planning Committee Agenda**  
**Committee Date: 17 February 2022**

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<b>2</b>	<b>Planning Application No: 21/0549</b> Change of use of agricultural land for the siting of timber clad caravan lodges Whitbarrow Field, Berrier, Penrith Mr D Norton	Recommended to:  APPROVE Subject to Conditions
<b>3</b>	<b>Planning Application No: 21/0533</b> Reserved Matters application for appearance, landscaping, layout and scale, attached to approval 17/1003 Land adjacent Forge Court, Low Hesket, Carlisle Mr H Barrow – Greenwood Properties Limited	Recommended to:  APPROVE Subject to Conditions
<b>4</b>	<b>Planning Application No: 21/0834</b> Creation of Carpark for Scheduled Ancient Monument Long Meg Land south of Long Meg, Little Salkeld North Pennines AONB Partnership – Ms F Knox	Recommended to:  APPROVE Subject to Conditions

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**Agenda Item 1**  
**REPORTS FOR DEBATE**

**Date of Committee:** 17 February 2022

**Planning Application No:** 21/0355      **Date Received:** 09 April 2021

**OS Grid Ref:** 350552 528928      **Expiry Date:** 09 July 2021

**Parish:** Dacre      **Ward:** Dacre

**Application Type:** Full

**Proposal:** Erection of an industrial building for research and development to include workshop, test areas, offices, exhibition space, café/coffee shop and an underground car park alongside site works to include gated entrances, turning heads, set-down areas and an overflow car park.

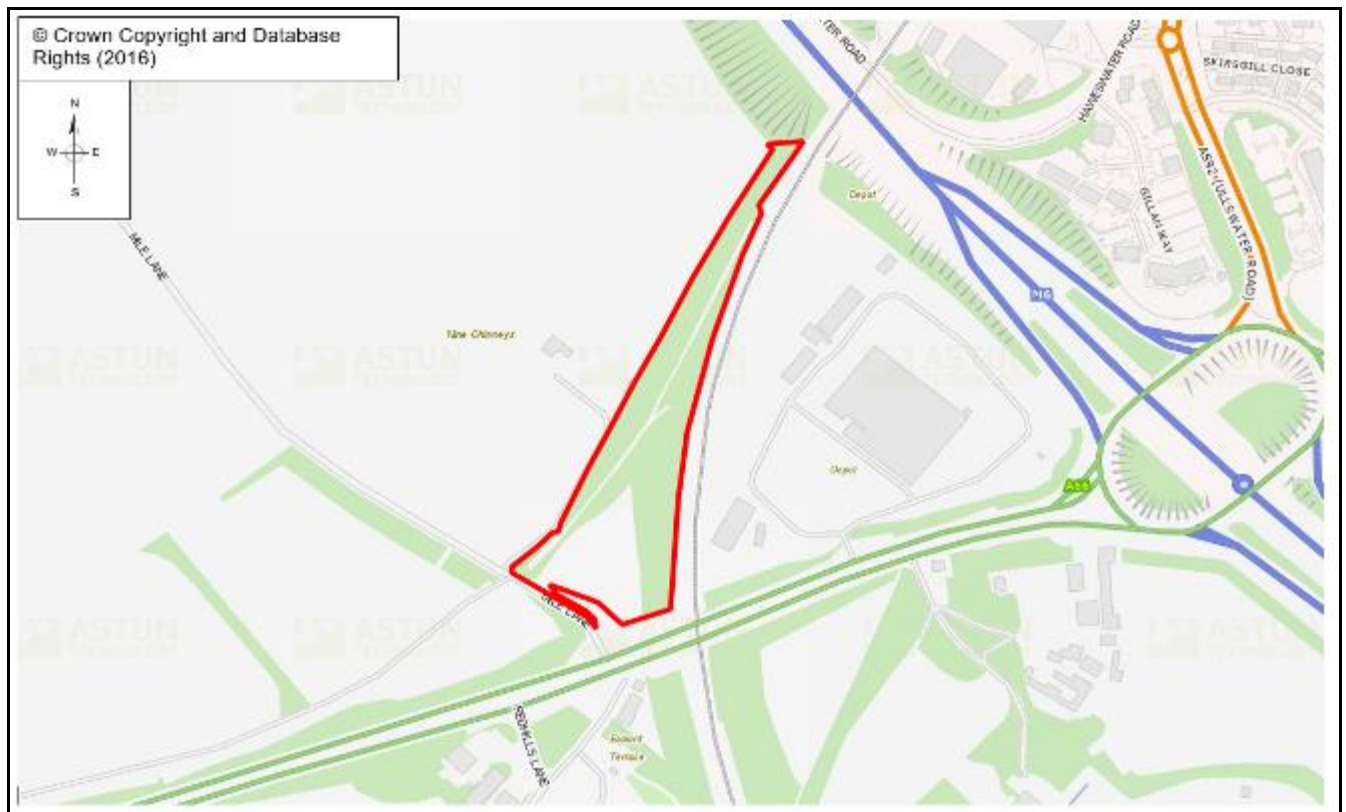
**Location:** Land north of Mile Lane, Penrith, CA11 0DS

**Applicant:** Barrnon Ltd

**Agent:** Addis Town Planning

**Case Officer:** Richard Fox

**Reason for Referral:** The application is a departure from the Development Plan. The application subject to an objection from Network Rail, whilst also being considered to be locally controversial.



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## **1. Recommendation**

It is recommended that Planning Permission is granted subject to the following conditions:

### **Time Limit for Commencement**

1. The development hereby approved shall be begun either before the expiration of three years from the date of this permission.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the drawings and documents hereby approved:
  - Location Plan (ref: 2006 – PL001 – Rev.A), received 18 May 2021;
  - Proposed Site Plan (ref: 2006 – PL200) – Rev.B), received 18 January 2022;
  - Proposed Site Plan – Detail (ref: 2006 – PL210 – Rev.B), received 18 January 2022;
  - Site Sections (ref: PL260), received 18 January 2022;
  - Ground and Basement Plan (ref: 2006 – PL300), received 8 March 2021;
  - First Floor Plan (ref: 2006 – PL301), received 8 March 2021;
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  - Tetra Tech 'Transport Assessment' (ref: 784-B024890 – Revision 3), received 9 April 2021;
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- Construction Traffic Management Plan, received 16 June 2021;
- Meridian Geoscience 'Phase 1 Desk Study' (ref: Phase 1 Desk Study – Rev.O – April 2021), received 9 April 2021;

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the approved details.

**Prior to commencement**

3. The development hereby approved shall not commence until the access and parking requirements have been constructed in accordance with the approved plans. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use.

4. Prior to the commencement of any development, a surface water drainage scheme, including ongoing management and maintenance, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions 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. No surface water shall discharge to the public sewerage system either directly or indirectly.

Thereafter, the development shall be undertaken in accordance with the approved scheme.

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

5. No development shall commence until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved plan at all times during the construction works.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

6. Prior to the commencement of the development, a scheme to demonstrate how boundary trees and hedgerows will be protected, shall be submitted to and approved in writing. Thereafter, the approved measures shall be implemented prior to the commencement of any site clearance, demolition or construction works and maintained throughout the duration of the construction phase.

**Reason:** In the interest of protecting the visual amenity of the area.

7. Prior to commencement of development, details of the retaining wall and earthworks to be constructed to retain the former railway track bed and formation together with a road vehicle access point to serve the location of the future rail connection with the NRIL WCML track should be submitted to and approved by the local planning authority, in accordance with the principles identified on plan ref. 2006 PL260 approved as part of this permission. The development should

thereafter be implemented in accordance with the approved details.

**Reason:** To facilitate the potential long term reopening of the former railway line.

**Other stage conditions**

8. The carriageways, footways, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to and approved in writing by the Local Planning Authority. No works shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety.

9. The development hereby approved shall not be commenced until the access road, as approved, is defined by kerbs and sub base construction.

**Reason:** To ensure that the access road is defined and laid out at an early stage.

10. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development hereby approved is occupied/brought into use.

**Reason:** In the interest of highway safety.

11. Within 6 months of the development hereby approved (or any part thereof) opening for business, the developer shall prepare and submit to a Travel Plan to the Local Planning Authority for approval in writing. The plan shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

**Reason:** To aid the delivery of sustainable transport objectives.

12. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

**Reason:** To aid in the delivery of sustainable transport objectives.

13. The development hereby approved shall be undertaken in accordance with the Tree Protection Measures set out within the Rowan Tree Surveys 'Tree Protection Measures', received 04 May 2021. The measures shall be erected on site prior to the commencement of the development and retained at all times throughout the duration of the construction works.

**Reason:** In the interests of the visual amenity of the area.

14. Prior to the first occupation or use of the buildings/development hereby approved, a scheme showing the proposed lighting plan for the development shall be submitted to and agreed in writing with the Local Planning Authority. This shall show the location, number and type of lighting units proposed, their orientation and brightness in lux and proposed hours of operation. It shall also predict the

light level in lux to be experienced at surrounding properties.

Once approved, the development shall then be carried out in accordance with the approved lighting scheme and retained thereafter as such.

**Reason:** In the interests of the amenity of the area.

15. Prior to the first use or occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme of plantings shall also include the mitigation measures and plantings as set out within Section 4 of the Environmental Solutions Ltd 'Biodiversity Net Gain Assessment', received 16 November 2021. Thereafter, the development shall be undertaken in accordance with the approved details.

**Reason:** In the interests of ensuring the development achieves a biodiversity net gain, and in the interest of protecting the visual amenity and character of the area.

**On-going conditions**

16. There shall be no vehicular access to or egress from the site other than via the approved access.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

17. Access gates, if provided, shall be hung to open inwards only away from the Mile Lane highway.

**Reason:** In the interests of highway safety.

18. The development shall be undertaken at all times in accordance with the recommendations and mitigation measures set out within Section 7.0 of the Martec Environmental Consultants Ltd 'Noise Assessment' (ref: 2021039 8978 Penrith BS4142.docx), received 9 April 2021.

**Reason:** In the interest of the amenity of the area.

19. No construction, demolition or site clearance works shall take place except between the following hours:

08:00 – 18:00hrs Monday to Friday

09:00 – 13:00hrs Saturdays

And at no times on Sundays or Bank (or Public) holidays.

**Reason:** In the interest of protecting the amenity of the area.

20. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway or waterway or aerodrome. Any signs shall be sited to ensure vertical and horizontal clearance between the sign and footway/carriageway that conforms with highway signing regulations.

**Reason:** In the interest of highway safety.

21. Footways shall be provided that link continuously and conveniently to the nearest footway. Pedestrians links within and to and from the site shall be provided that are convenient to use.

**Reason:** In the interest of highway safety.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

23. The development hereby approved shall be undertaken in strict accordance with the Construction Traffic Management Plan, received 16 June 2021, at all times during the construction phase.

**Reason:** In the interest of highway safety.

24. Foul and surface water shall be drained on separate systems.

**Reason:** To ensure proper drainage and to manage the risk of flooding and pollution.

**Note to developer:**

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.
2. The applicant is reminded that will need to seek a Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984 in relation to the existing weight restriction applicable to Mile Lane.
3. Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.  
  
Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.
4. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.
5. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the

demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk). Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

6. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows: Water assets – [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk) and Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk).

## **2. Background**

### **2.1 Reason for deferral at January Committee**

- 2.1 This application was withdrawn from consideration at the January Committee Meeting at the agreement of the Chairman of the Planning Committee following a request from the Secretary of State's Department that the Council hold off taking a decision on the application to allow the Secretary of State time to consider whether to call in the application. This followed a request from a third party that the application be called in. Committee will be updated on any developments relating to this issue.
- 2.2 The January Committee Report is attached at Appendix A.

## **3. Proposals**

- 3.1 The proposals are as set out in the January Committee Report. Revised plans were received on 18 January showing the site layout and sectional drawings showing the retention of the trackbed.

## **4. Site Description**

- 4.1 This is set out in Appendix A.

## **5. Consultees and Representations**

- 5.1 The application was initially subject of a consultation process on the 15 April 2021. However, following the receipt of revised details and information, a further re-consultation processes took place on the 16 June 2021. The comments received are set out fully in the January Committee Report.
- 5.2 Prior to the January Committee representations were received from Mr Oakley expressing concern that the plans did not demonstrate in three dimensional terms that the former trackbed of the disused railway line could be preserved. Following receipt of these representations the applicants submitted revisions to the site plan and sectional details showing the preservation of the trackbed. On receipt of these drawings Mr Oakley withdrew his objection subject to the imposition of a further condition which is recommended.
- 5.3 Network Rail have responded on several occasions. The latest representation was received on 18 January which stated that the Council would need to be satisfied that the proposals did not prejudice the reopening of the Penrith to Keswick railway. Further clarification is being sought from Network Rail.

**6. Relevant Planning History**

- 6.1 There is no previous planning history for the site.

**7. Policy Context**

- 7.1 This is set out in full in Appendix A.

**8. Planning Assessment**

- 8.1 The planning assessment of the scheme is set out comprehensively in Appendix A.
- 8.2 The only fresh information is the receipt of revised plans which have overcome any outstanding technical engineering reservations about the reopening of the railway line.
- 8.3 Many representations have referred to the reopening of the line. By way of background information a bid was submitted under the Restoring Your Railway Scheme, it was not included in the published list of successful bids.

**9. Implications**

**9.1 Legal Implications**

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

**9.2 Equality and Diversity**

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

**9.3 Environment**

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

**9.4 Crime and Disorder**

- 9.4.1 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.

**9.5 Children**

- 9.5.1 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.

**9.6 Human Rights**

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with Article 6 under the European Convention on Human Rights and Fundamental Freedoms 1950, as now embodied in UK law in the Human Rights Act 1998.

**9.7 Economic Impact**

- 9.7.1 The Corporate Plan promotes the well-being of future generations, and the post pandemic recovery of our communities. There are no specific or wider economic impacts arising from this development beyond those set out within Section 8 of this report.

## **10. Conclusion**

- 10.1 This application, if approved, would result in the development of an employment site for the company Barron Ltd, and the potential creation of a number of jobs for the locality and the area.
- 10.2 The Local Plan currently seeks to ensure such employment land provision is made for the market towns within the district as well as the 'main town', Penrith. However, further employment provision is possible outside of such locations where sites are considered on their own merits and comply with policies EC1 and EC3 of the Eden Local Plan. The site subject of this application is not an allocated site and accordingly, is considered a 'departure' application due to its location. The proposal has therefore been advertised and assessed as such.
- 10.3 Although the application is considered to be a 'departure', the Local Plan, Policy EC1 does permit development outside of settlements where they are considered to be well-related to them. In this instance, the application site is located on the periphery of the town, immediately adjacent to the A66. On this basis, the site can reasonably be considered to be sufficiently close to Penrith to warrant support on the basis that the site complies with the criteria set out in Policy EC3 of the Eden Local Plan.
- 10.4 Policy EC3 makes it clear that development should not cause harm to or have an unacceptable impact on the highway network or other infrastructure. In this case, the immediate proximity to the A66 and M6 make any traffic associated with the proposal able to join and depart the highway network easily, whilst only utilising a very small amount of the local highway network and without the need for any vehicle movements through any settlement. In this regard no objections have been received to the proposal from either the Highway Authority or from Highways England.
- 10.5 Policy EC3 also seeks to ensure that development is of a scale, type and design appropriate for the area would not result in any significant or adverse landscape impacts. The site is acknowledged to be located outside of any settlement and accordingly must be considered to be an 'other rural area'. The Local Plan seeks to protect such areas and only permit development on them in exceptional circumstances. Policy EC1 confirms such an exception would be for employment land sites, 'well related' to Penrith. Accordingly, given that Policy EC1 supports, in principle, the notion of an unallocated site being acceptable – and that if it is 'well related' it will be inevitable that these proposals will come forward on parcels of land outside of the settlement. Whilst the plan makes no definition of what 'well related' means in the context of the plan, this site is considered to be located in a place in accordance with this aspect of policy.
- 10.6 The application has also demonstrated that there would be no adverse impacts upon neighbouring residential amenity, neither would there be any adverse or increased flood risk.
- 10.7 The application has demonstrated, through a Biodiversity Assessment and Matrix, that although some damaging works have already taken place at the site by the applicant, through the development of an appropriate scheme of mitigation and replacement habitat creation and plantings (enhanced due to the works that have already taken place), the scheme would deliver a biodiversity net gain overall.
- 10.8 Finally, the development as amended would not result in any adverse impacts upon the heritage environment. The applicant has demonstrated that the proposal would not

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prevent the future opening of the Keswick to Penrith Railway line at a point in the future should this local ambition be realised.

10.9 Overall, whilst there would be a degree of harm caused by this development, the extent of that harm is not considered to be significantly detrimental or harmful. The benefits that the proposal would offer, through job creation and the sustainable expansion of an existing business within the district on a site that is reasonably well related to Penrith, are considered to outweigh the level of harm that would be caused. The provision of a site for the sustainable supply of employment opportunities is considered to be important to the District to facilitate economic growth.

10.10 Accordingly, the proposal is recommended for approval.

Fergus McMorrow  
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	09.01.22
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**Background Papers:** Planning File 21/0355

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**APPENDIX A**  
**REPORTS FOR DEBATE**

**Date of Committee:** 20 January 2022

**Planning Application No:** 21/0355      **Date Received:** 09 April 2021

**OS Grid Ref:** 350552 528928      **Expiry Date:** 09 July 2021

**Parish:** Dacre      **Ward:** Dacre

**Application Type:** Full

**Proposal:** Erection of an industrial building for research and development to include workshop, test areas, offices, exhibition space, café/coffee shop and an underground car park alongside site works to include gated entrances, turning heads, set-down areas and an overflow car park.

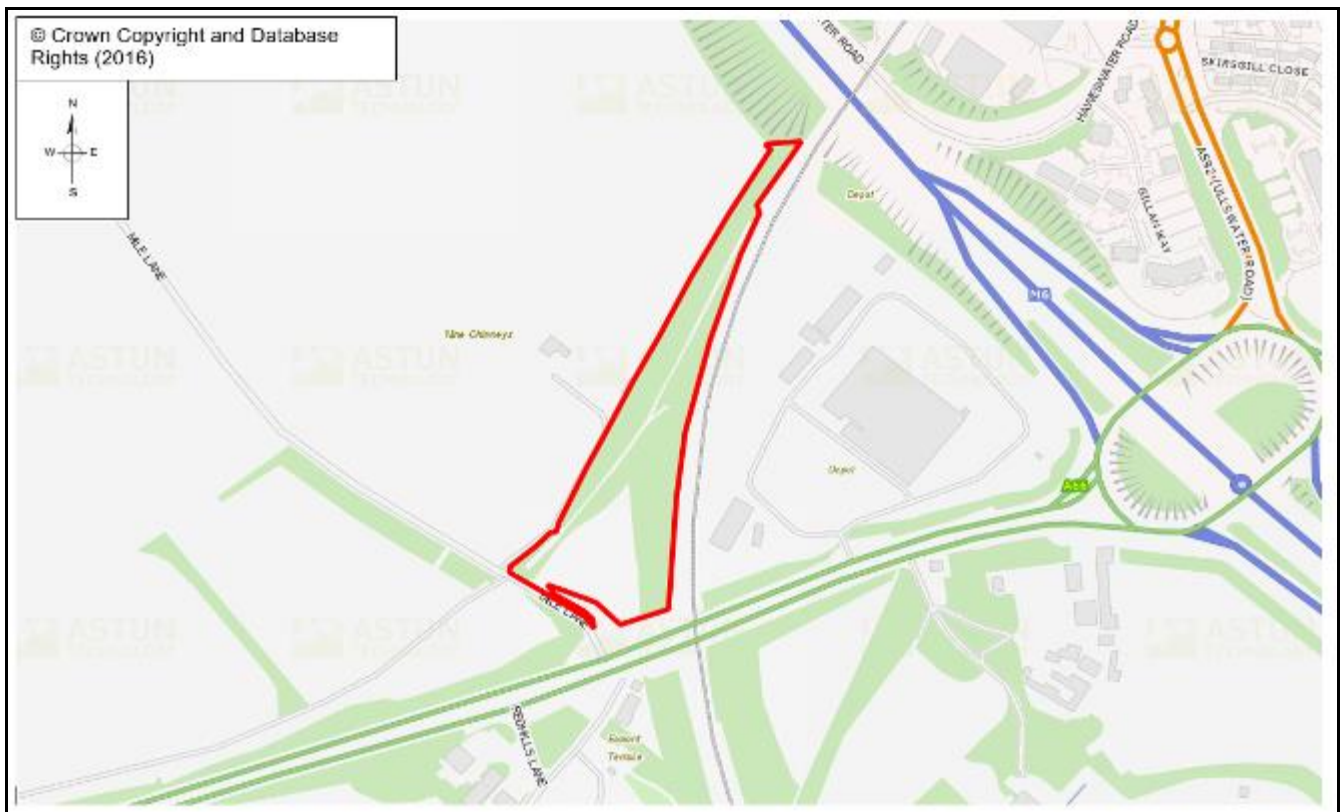
**Location:** Land north of Mile Lane, Penrith, CA11 0DS

**Applicant:** Barrnon Ltd

**Agent:** Addis Town Planning

**Case Officer:** Nick Atkinson

**Reason for Referral:** The application is a departure from the Development Plan. The application subject to an objection from Network Rail, whilst also being considered to be locally controversial.



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## 1. Recommendation

It is recommended that Planning Permission is granted subject to the following conditions:

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09:00 – 13:00hrs Saturdays

And at no times on Sundays or Bank (or Public) holidays.

**Reason:** In the interest of protecting the amenity of the area.

19. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway or waterway or aerodrome. Any signs shall be sited to ensure vertical and horizontal clearance between the sign and footway/carriageway that conforms with highway signing regulations.

**Reason:** In the interest of highway safety.

20. Footways shall be provided that link continuously and conveniently to the nearest footway. Pedestrians links within and to and from the site shall be provided that are convenient to use.

**Reason:** In the interest of highway safety.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation

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strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

22. The development hereby approved shall be undertaken in strict accordance with the Construction Traffic Management Plan, received 16 June 2021, at all times during the construction phase.

**Reason:** In the interest of highway safety.

23. Foul and surface water shall be drained on separate systems.

**Reason:** To ensure proper drainage and to manage the risk of flooding and pollution.

**Note to developer:**

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.
2. The applicant is reminded that will need to seek a Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984 in relation to the existing weight restriction applicable to Mile Lane.
3. Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

4. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.
5. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at

[DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk). Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

6. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows: Water assets – [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk) and Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk).

## 2. Proposal and Site Description

### 2.1 Proposal

- 2.1.1 The proposal seeks full planning permission for the creation of an 'employment' site on land north of mile lane. In this instance, the end user of the site is known and defined, with the proposal seeking permission for the erection of an industrial building for research and development to include workshop, test areas, offices, exhibition space, café/coffee shop and an underground car park alongside site works to include gated entrances, turning heads, set-down areas and an overflow car park.
- 2.1.2 The applicant Barrnon Ltd, is a UK-based specialist engineering company which specialises in robotic engineering solutions to meet environmental threats, which includes the decommissioning of nuclear facilities, oil and gas, defence and security, marine and agricultural. At the present time the company is based in the town of Appleby. However, the existing site has reached capacity preventing it from growing further.
- 2.1.3 The applicant has provided the following rationale for looking to relocate the existing business to the application site in question:
  - The site is accessible by all modes of transport, is close to Penrith and is on the main route to and from West Cumbria;
  - The site is large enough to accommodate the current and anticipated future needs of the business on a single occupancy site;
  - The site provides flexibility to allow Barrnon Ltd to set up various test areas in a secure setting to allow for research development to take place;
  - The application site can also accommodate Barrnon Media (owners of the Keswick Reminder, Cumberland and Westmorland Herald, and Cumbria Crack) in a neutral location.
- 2.1.4 The proposed building is of a relatively modern and contemporary design for an industrial development of this nature. The building would be constructed of dark grey composite cladding walls, with a similar but light grey pitched roof. The building would have dark grey aluminium double glazed windows and doors, a dark grey metal roller doors. The building will benefit from a number of large roof lights to enable natural light to enter the building.
- 2.1.5 The building would be a large two storey industrial building, with two differing elements – a reception building, measuring approximately 37 metres by 32 metres and extending to 9 metres in height; and the larger industrial building measuring approximately 40 metres by 145 metres and extending to 12 metres in height. The development would also include an underground basement layer primarily for parking and to serve the

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testing area. In terms of floorspace, the development would include the following areas/spaces:

- workshops (ground floor) – 3,164 square metres;
- Research and Development areas(ground floor) – 951 square metres;
- Staff areas (ground floor) – 448 square metres;
- Barrnon Offices (ground floor) – 337 square metres;
- Media Offices (ground floor) – 337 square metres;
- Open Foyer (ground floor) – 286 square metres;
- Reception/Exhibition Space/Café (ground floor) – 380 square metres;
- Circulation area (first floor) – 101 square metres;
- Break Out area (first floor) – 115 square metres;
- Board Room (first floor) – 64 square metres;
- Executive Areas (first floor) – 279 square metres;
- Toilets (first floor) – 64 square metres;
- Barrnon Offices (first floor) – 337 square metres;
- Media Offices (first floor) – 337 square metres.

2.1.6 Access to the building will be achieved directly off Mile Lane. A widened and improved, gated access will be created in the same location as the existing access point. The applicant has noted that 40 car parking spaces, including 4 accessible parking spaces will be achieved in the basement level of the building itself, with a further 62 overflow parking spaces to the north of the building, 6 no surface parking spaces and 5 drop off parking spaces to the west of the building. The development will also include 3 industrial turning heads for larger vehicles accessing the building.

2.1.7 In order to facilitate the development, much of the existing vegetation has already been removed from the site, with the remaining vegetation throughout also needing to be removed. As mitigation, the applicant is proposing a landscaping scheme which will includes plantings throughout the site, and also includes replacement tree planting along the boundaries of the site, with the exception of the eastern boundary which borders to the West Coast Railway Line.

2.1.8 As part of the development, the proposal would include space for the Cumberland and Westmorland Herald Offices. The applicant has confirmed that to maintain interest and to raise awareness of the paper amongst the local community, a small museum/exhibition space will be included within the building. This will house a digital and physical archive for the paper and community groups and independent visitors will be encouraged to visit and learn about the paper and search the archives.

2.1.9 The development will also include areas set aside for recreation within the grounds, whilst also including a café coffee shop and a fitness suite for future members of staff to use.

2.1.10 The application has been supported by the following documents:

- Layout and elevational plans;
- Arboricultural Impact Assessment;
- Tree Report;

- Tree Protection Measures;
- Biodiversity Net Gain Assessment;
- Design and Access Statement;
- Drainage Strategy;
- Flood Risk Assessment;
- Noise Assessment;
- Ecological Appraisal;
- Transport Assessment;
- Construction Traffic Management Plan;
- Sustainability Statement.

2.1.11 In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2012, the application was screened to determine whether or not this proposal represented EIA development. Whilst the development does fall within Schedule 2 of the aforementioned regulations, it is considered that the proposal would not have significant impacts upon the environment and as such, the application does not comprise development for which the planning application would need to be accompanied by an Environmental Statement. Therefore, the proposal is not considered to be EIA development.

## **2.2 Site Description**

- 2.2.1 The site subject of this application is located to the north of Mile Lane. The site is presently an underused parcel of land covering an area of 2.8 hectares (7 acres), which was last used for agricultural grazing.
- 2.2.2 The site is bounded to the south by a band of mature trees, and then the A66. The site is bounded to the east by the west coast railway line and then beyond by the M6 motorway. The site is bounded to the south west by the mile land public highway, and by the property 'Nine Chimneys' and further expanses of agricultural land to the north and north west.
- 2.2.3 The land is topographically higher than the land to both the south and west, although largely visually constrained by the mature tree plantings that exist. The site sits level with the land to the east and north east, whilst rising to the north/north west.
- 2.2.4 The nearest residential dwelling to the application site is the dwelling 'Nine Chimneys' which is located approximately 60 metres to the north west at the nearest point with the application site. However, due to the aforementioned rise in topography, there are no direct views or lines of site between the application site and this property.
- 2.2.5 The nearest buildings to the site beyond 'Nine Chimneys' is the Penrith Auction Mart which is located approximately 40 metres to the east at its nearest point to the application site. However, the west coast railway line runs between these two sites.
- 2.2.6 The site is located within a Flood zone 1, being an area of lowest flood risk. Furthermore the site is not located in an area subject to any 'special' designation in terms of landscape or heritage zones. There are no other constraints considered relevant to the determination of this application.

### 3. Consultees

#### 3.1 Consultees

- 3.1.1 The application was initially subject of a consultation process on the 15 April 2021. However, following the receipt of revised details and information, a further re-consultation processes took place on the 16 June 2021.

Consultee	Response
Local Highway Authority – Cumbria County Council	<p>Responded on the 6 May 2021 raising no objection to the proposal. However, it was noted that due to the size and scale of the development, and as per the detail contained within the Transport Assessment in association with the reduction of parking provision from the Cumbria County Council guidance requirements (of 157 spaces down to 113), a detailed Travel Plan is required and a contribution from the developer to monitor this should be secured through a Section 106 agreement, in addition to the inclusion of conditions in any decision notice as may be issued relating to:</p> <ul style="list-style-type: none"> <li>• Construction of carriageways and footways;</li> <li>• Construction of kerbs and laying out of roads;</li> <li>• Surfacing of the access road;</li> <li>• Restrictions to use approved access road only;</li> <li>• Restrictions on advertisements;</li> <li>• Setting out of parking provision;</li> <li>• Submission of a travel plan and annual report;</li> <li>• Submission of a construction management plan.</li> </ul> <p>These conditions are included within the recommended conditions set out within Section 1 of the report.</p> <p>A further response was received on the 02 July 2021 raising no objection to the proposal. It was noted that the plans now indicate that the old Railway Line will be retained for potential future reuse. Previously recommended conditions should still be retained.</p>
Highways England	<p>Initially provided a number of consultation responses submitting a holding objection, whilst further information was sought by the applicant and considered. This is due to the proximity of the site to the A66.</p> <p>A final response was received on the 22 November 2021 in which it was confirmed that no objection was offered to the scheme.</p>
Lead Local Flood Authority – Cumbria County Council	<p>Responded on the 06 May 2021 raising no objection to the proposal. However, there was not agreement with the proposed discharge rate of surface water from the site, which in part is considered to have high potential</p>

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	<p>for flood risk (northern edge of the site).</p> <p>Notwithstanding, it was noted that the applicant has demonstrated that there is a potential drainage option for the site and as such no objection is raised subject to the inclusion of conditions in any decision notice as may be issued relating to the following:</p> <ul style="list-style-type: none"> <li>• Submission of a surface water drainage scheme;</li> <li>• Submission of a surface water management plan.</li> </ul> <p>These conditions are included within the recommended conditions set out within Section 1 of the report.</p> <p>A further responses was received on the 02 July 2021 raising no objection to the proposal. Previously recommended conditions should still be retained.</p>
Natural England	<p>Responded on the 26 April 2021 noting the site is in close proximity to the River Eden and Tributaries SSSI and the River Eden SAC, with high quality Priority Woodland habitat within the site boundary. As such, a preliminary Ecological appraisal should be undertaken to ascertain the ecological value of the site.</p> <p>The applicant has subsequently undertaken and submitted an ecological survey which is considered later in this report.</p>
Network Rail	<p>Initially responded on the 15 April 2021 raising no objection to the proposal but noting the following matters and guidance which the applicant was requested to take into account in the design of the scheme:</p> <ul style="list-style-type: none"> <li>• Measurements to railway tracks and railway boundary;</li> <li>• Risk Assessment and Method Statement (RAMS);</li> <li>• Fencing;</li> <li>• Encroachment;</li> <li>• Scaffolding;</li> <li>• Vibro-impact Machinery;</li> <li>• Drainage proposals and Network Rail land;</li> <li>• Arrangements for drainage to avoid flooding of adjacent land;</li> <li>• Excavation and Earthworks and Network Rail Land;</li> <li>• Providing a 3 metre gap;</li> <li>• Noise;</li> <li>• Trees;</li> <li>• Parking/Hard standing areas;</li> <li>• Basic Asset Protection Agreement (BAPA)</li> </ul>

	<p>A further response was received on the 06 May 2021 raising an objection to the proposal, providing the following comments:</p> <p><b><i>'The Eden Local Plan 2014-2032 states:</i></b></p> <p><i>4.4 Policy DEV3 - Transport, Accessibility and Rights of Way</i></p> <p><i>Development will not be supported where it meets any of the following criteria, individually or cumulatively in combination with other development proposals:</i></p> <ul style="list-style-type: none"> <li><i>• It would prevent the future opening of any road or rail schemes under consideration.</i></li> </ul> <p><i>There are aspirations to reopen the Keswick - Penrith railway line – currently the proposal is under consideration as part of the Restoring Your Railway – with a view taken by the government in summer 2021. The above proposal is on land that would be used for the junction and would therefore obstruct the opening of the branch to Keswick.</i></p> <p><b><i>The NPPF states:</i></b></p> <p><i>9. Promoting sustainable transport</i></p> <p><i>102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</i></p> <ol style="list-style-type: none"> <li><i>a) the potential impacts of development on transport networks can be addressed;</i></li> <li><i>b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;</i></li> </ol> <p><i>104. Planning policies should:</i></p> <ol style="list-style-type: none"> <li><i>c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;</i></li> </ol> <p><i>In light of this Network Rail is objecting to the proposal.'</i></p> <p>It is noted that since the receipt of this objection, the applicant has amended the proposed scheme so that it no longer affects the alignment of the former Keswick to Penrith railway line. These revised details have been subject of a re-consultation process.</p> <p>Network Rail provided a third response on the 16 June 2021 in which it noted that there were no further comments to add from the original submission.</p>
United Utilities	Responded on the 17 May 2021 raising no objection to

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	<p>the proposal. However, it was recommended that conditions relating to surface water drainage and foul water be attached to any decision notice as may be issued.</p> <p>These conditions are included within the recommended Section 1 set out within Section 1 of the report.</p> <p>A further response was received on the 02 August 2021 confirming that there are no further comments to add from the original response.</p>
Environmental Agency	<p>Responded on the 19 April 2021 raising no objection to the proposal. However, due to historical backfill and track bed remnant materials which may be present at the site, a condition is recommended to be attached to any decision notice as may be issued requiring remediation works to be undertaken should any contaminated land be uncovered during construction works.</p> <p>This condition is included within the recommended conditions set out within Section 1 of the report.</p> <p>A further response was received on the 05 July 2021 following the re-submission of additional information. This confirmed that there were no further comments.</p>
Arboricultural Officer – Eden District Council	<p>Responded on the 20 April 2021 raising no comments in regards to the loss of the small trees and hawthorn bushes at the site.</p> <p>However, it is recommended that a condition be attached to any decision notice as may be issued requiring the submission of a landscaping scheme which provides mitigation for the loss of these trees. The scheme should include large growing species (e.g. oak and beech etc) in locations that provide the space for the trees to grow to maturity.</p> <p>In addition, it is recommended that a scheme for the protection of trees and hedges also be secured through a condition.</p> <p>These conditions are included within the recommended conditions set out within Section 1 of the report.</p> <p>A further response was received on the 28 June 2021 confirming that there are no further comments to add from the original response.</p>
Environmental Health Officer – Eden District Council	<p>Responded on the 18 May 2021 noting the recommendations of the Environmental Noise Assessment supplied by the applicant.</p> <p>It was recommended that a condition be included in any planning permission as may be issued restricting the hours of construction to protect neighbouring amenity.</p>

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	This condition is included within the recommended conditions set out within Section 1 of the report.
Economic Development Team – Eden District Council	<p>Responded on the 13 May 2021 confirming that the facilitation of this development would be encouraged due to the importance for the economy and for the future marketing of Eden and Penrith as a location for business.</p> <p>The Economic Development Team provided the following further comments:</p> <p><i>‘The Economic Development team have been previously been involved in helping this applicant search for a suitable site for expansion which has proved difficult given the required size of the new building. As the site is adjacent to the Auction Mart and near the outline planning permission for employment land, this suggests that the site is being proposed in a location which is an already established location for employment development. The Council has been keen to promote the Penrith area as a key location to take advantage of nuclear developments on the west coast and the strategic road links available. Given the proposal for the increased number of jobs this represents a really important development to the economy of Eden, especially as the jobs available are likely to be higher wage jobs.’</i></p>
Minerals and Waste Planning Authority – Cumbria County Council	Responded on the 05 May 2021 raising no objection to the proposal.
Historic Environment Officer – Cumbria County Council	Responded on the 28 June 2021 raising no objections and offering no recommendations to the proposal.
Crime Prevention Officer – Cumbria Police	<p>Responded on the 26 April 2021 noting a number of security measures that the applicant should include within the scheme given the nature of the development.</p> <p>A further response was received on the 06 July 2021 noting the previous recommendations and raising no further comments or matters.</p>

#### 4. Parish Council/Meeting Response

Parish Council/Meeting	Object	Support	No Response	Comments
Dacre Parish Council		✓		
Penrith Town Council				✓

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- 4.1 The Dacre Parish Council responded on the 20 April 2021 as follows:

*‘Resolved by all present that Dacre Parish Council support this application on the grounds of expansion of the local economy and job creation. However, Dacre Parish Council do have concerns about the access to the site from the A66, which already gets very busy and congested at busy times at J40, and the impacts this development might have on this already identified issue’.*

- 4.2 Further responses were received on the 7 June 2021 and on the 28 June 2021 noting the previous comments submitted are still relevant. However, the following further comments were added:

*‘The Parish Council have requested that I make one further comment on their behalf, which is that the use of Monday at 5:20 Google Traffic Flows to illustrate peak PM traffic is not representative of average conditions. The data should be captured Thursdays or Fridays 3pm-5:30pm which is peak time and when the traffic is stationary east bound well beyond the Rheged Roundabout.*

*Therefore the traffic data being relied upon is not accurate.*

*I trust that the above comments will be added to the comments already submitted by Dacre Parish Council?’*

- 4.3 Penrith Town Council responded on the 8 June 2021 initially raising an objection to the proposal with the following comments:

*‘Penrith Town Council has considered the formal application in front of them, but would wish to say that this is without prejudice and should revisions come forward for further consultation they have the right to review their response.*

*Penrith Town Council welcomes new businesses that bring quality jobs to the town and the area and this development is for a company that would bring high tech innovation to the area which is to be applauded. Due to the complexity of the site the Town Council has given much thought to their response to the application in front of them and on balance OBJECTS to the application on the following grounds:*

1. *Paragraph 102 of the NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated. At the present time the Penrith to Keswick Railway has been revealed as one of the 85 schemes competing for investment from the Restoring Your Railways ideas fund and the development currently sits on part of the old track bed should the reinstatement of the railway receive the funding to go ahead.*
2. *The development does not accord with Policy DEV3- Transport, Accessibility and Rights of Way of the Eden Local Plan which states that ‘development will not be supported where it meets any of the following criteria, individually or cumulatively in combination with other development proposals:*
  - *It would prevent the future opening of any road or rail schemes under consideration’.*

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*Penrith Town Council hopes that a revised application can be put forward which does not compromise the potential reinstatement should funding be received to enable further consideration be given to the application’.*

- 4.4 A further response was received from Penrith Town Council on the 12 July 2021 with the following comments:

*‘Penrith Town Council welcomes new businesses that bring quality jobs to the town and the area and this development is for a company that would bring high tech innovation to the area which is to be applauded.*

*Penrith Town Council do not wish to return either no objection or an objection to the application as the issues of concern are technical issues which would be best commented on by the appropriate consultee however the following comments are provided:*

1. *On the face of the application, it appears that the changes to the layout of the building and parking no longer compromise the potential reinstatement of the rail line should funding be received to enable further consideration be given to the project.*
2. *There are concerns about highways issues to and from the A66 given the speed of traffic along this section of road although it seems from the documentation provided that visibility splays are adequate and that traffic entering the site will not need to queue. Thought must also be given to passage of construction traffic from the A66 along Mile Lane to the site due to the narrowness of the road.*

*Technical details regarding highway safety must be acceptable to the Highways Authority or Highways Agency who have the expertise to comment on these matters’.*

## 5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours on the 15 April 2021, a site notice was posted on the 22 April 2021 and a press notice was published in the Cumberland and Westmorland Herald on the 24 April 2021.

<b>No of Neighbours Consulted</b>	23	<b>No of letters of support</b>	3
<b>No of Representations Received</b>	283	<b>No of representations providing comments</b>	55
<b>No of objection letters</b>	225		

- 5.2 Due to the number of objection letters received, it is not possible to convey each response verbatim word for word. However, the following summary sets out the comments and points raised by objectors:

- The development would obstruct and prevent the re-opening of the former Keswick to Penrith Railway Line.
- The proposed building would destroy the former trackbed of the former railway line that currently exists on the site.
- The trackbed for the former Keswick to Penrith Railway line needs to be kept intact to ensure that any future re-opening is possible.

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- The re-opening of the former Keswick to Penrith Railway line would have significant beneficial effects for the area in terms of tourism and sustainable transport options.
- A bid has been submitted to the Department of Transport for the reinstatement of the Keswick to Penrith rail link.
- The re-opening of the former Keswick to Penrith Railway line would enable more sustainable transport options and help achieve a carbon-free future.
- There are plenty of other brownfield sites available which could be developed without affecting the former Keswick to Penrith Railway line.
- The former Keswick to Penrith Railway line must be protected.
- The site access is unsafe with the volume of traffic planned for the site and the live traffic usage on the A66 and Mile Lane.
- Visibility onto Mile Lane is limited and will impact upon highway safety.
- Vehicles joining the A66 at the junction with Mile Lane will be unsafe.
- The site is not within the Eden Local Plan's defined areas for development.
- The development of a greenfield site for industrial development adjacent to the A66 and West Coast Mainline is inappropriate.
- This proposal will spoil and otherwise beautiful part of the local area.
- The revised plans do not show sufficient information to demonstrate that the trackbed of the former Keswick to Penrith Railway line will be preserved and could be re-opened.
- It is questionable as to whether the developer would allow the former Keswick to Penrith Railway line to re-open across their land. Also there are concerns about the works that would need to take place to facilitate this and whether these would be allowed.
- The proposed drainage scheme is unacceptable. There is an assumption that there is a right to drain across a neighbouring property to the Eamont. It is hard to see how there would not be more pressure and pollution risk on the system.
- The proposal goes against government policy to reinstate former railway lines.
- The application should be deferred until a decision is made on the re-opening of the former Keswick to Penrith Railway line.
- The benefits of re-opening the former Keswick to Penrith Railway line outweigh the benefits of this proposal.

5.3 Due to the number of letters of observation received, it is not possible to convey each response verbatim word for word. However, the following summary sets out the comments and points raised in this correspondence:

- Ensuring the development does not hinder or prevent the re-opening of the former Keswick to Penrith Railway line is important.
- It is important that the former Keswick to Penrith Railway line is protected for environmental, sustainability and tourism reasons.

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- There are other areas within the district that the site could be located.
- The area does not need more sites like this.

5.4 The letters of support raised the following matters:

- I am supportive of the use of this land for employment creation, but the former Keswick to Penrith Railway Line must be preserved and enough room left for its reinstatement.
- The Keswick to Penrith former Railway line will never re-open.

5.5 A letter of response was received by Dr Neil Hudson MP which raised the following comments:

*'I have been contacted by many constituents who are very concerned that this planning application, if approved, will have significant impacts on the proposed reopening of the Penrith to Keswick Railway line.'*

*As you are no doubt aware I am a strong supporter of the reinstatement of the line and last year, along with 3 of my fellow Cumbrian Conservatives, I wrote to the Department of Transport supporting the bid which was submitted by Allerdale Borough Council and CKP Railways Ltd. I was delighted the application received a positive response, and the DfT are still actively engaged in this process.*

*This transport project will be great for Cumbria, providing jobs and opening up links that will really help in the economic development of our county. Joining areas by improved physical connectivity will be good for our region and be a shot in the arm for our local economy, not least our important tourist sector which has been hit so hard by the Coronavirus pandemic. Equally, I am very supportive of companies that are developing their businesses in Eden as that will be of major economic benefit to our area. The two need not be mutually exclusive.*

*Although as an MP I do not normally become involved in planning matters as you know, I would be very grateful if a member of your planning team could update me on this case and if planning application would potentially affect the proposed reinstatement of the railway line'.*

5.6 A letter of response was received from Mr Tim Farron MP which raised the following matters:

*'I have been approached by the Managing Director for the Threlkeld Quarry and Mining Museum who wishes to lodge his strongest objection to this application being approved.'*

*I have explained my role on planning matters because it is usually inappropriate for me as Member of Parliament to give formal support or objection to an individual planning application because the quasi-judicial nature of the process will probably require legal rather than political advice and intervention. However, I do keep a close watch on developments in the area in order to alert the planning authorities to the known concerns of constituents without taking the side of applicants or objectors. In this instance, whilst I am not the local MP, I do have an interest as Chair of the Cumbria Better Connected group of Cumbrian MPs that look at issues to do with transport infrastructure and the Managing Director has asked that I make his views and objections known.*

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*The Managing Director has raised the following points:*

*“Barrnon Ltd has made a planning application to Eden District Council for a site in Penrith that could fatally frustrate the Penrith to Keswick railway reinstatement. I know along with your fellow Cumbrian MPs that you have recently supported this scheme to the Department for Transport.*

*We have been in correspondence in the past regarding the railway re-instatement project and the Museum strongly supports the railway scheme.*

*The site proposed for the Barrnon development lies directly on the site where the reinstated line would logically join the Network Rail main line. This is just south of the bridge carrying the main line over the M6 motorway. Given the constrained nature of the site, there is not room for both projects within the site boundaries.*

*The Museum has staff and volunteers familiar with the basics of railway construction matters. They advise that simply moving the new railway sideways, to pass by the Barrnon development, cannot be guaranteed. Indeed it looks to them a little tricky here as this is the only realistic place where the railway lines should meet. If moving sideways was possible in engineering and operational terms, the impacts on the adjacent property holdings must also be properly taken into account.*

*We would like you to make representations to the applicant, Barrnon Ltd and the planning authority, Eden District council, to defer an early decision on the application. This is in the wider interests of the County, which will benefit from the re-instatement of the railway.*

*We would not wish for Barrnon Ltd as the developer, nor Eden District Council the planning authority, having a legacy of being accused of killing off the Penrith to Keswick railway scheme”.*

*I trust these objections will be noted and factored into any decision which is ultimately taken’.*

5.7 A letter of objection was received by TravelWatch North West, which raised the following comments:

- The development would jeopardise the potential re-opening of the disused Penrith to Keswick railway line.
- Bridges and structures along the route have been strengthened and left open for future possible use.
- The re-opening of this line would have a huge benefit for Lake District sustainable tourism as well as creating a high quality public transport service for local people and a convenient connection from the West Coast Main railway line at Penrith.

5.8 A letter of objection was received by the Keswick Tourism Association, which raised the following comments:

- The proposed development would remove a section of the trackbed of the Keswick to Penrith railway line where the line would join with the West Coast mainline.
- Plans to re-open the Keswick to Penrith line have been submitted to the Restoring Your Railway Fund with a decision expected later this year.

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- As visitor numbers to the Lake District grow, more sustainable transport options are required and the Keswick to Penrith Line would be an asset to the area.

5.9 An objection was received from the Chairman of the Lake District National Park Authority. The objection letter raised the following comments:

- The proposal would compromise the restoration of the Keswick to Penrith railway line.
- The part of the site which includes this former route should be safeguarded.
- The Lake District National Park Local Plan Policy 21 safeguards former railway lines. We hope that under the duty to co-operate our officers can discuss aligning our policies for cross boundary routes in future local plans.

5.10 An objection letter was received from CKP Railways PLC. The objection letter raised the following comments:

*CKP Railways plc (CKP) strongly objects to the application in its current form because the proposed groundworks (changes of levels and associated batters) would destroy the track bed of the Keswick to Penrith railway through the site. CKP has been working for almost 25 years to re-open this route and highlight the potential benefits of replacing additional sections of the former route between Workington, Keswick, Penrith and Appleby to extend the national rail network to meet present and future transport demands in the North Lakes and Eden in a more sustainable manner.*

*The CKP Keswick to Penrith railway project has the backing of four local MPs (the Members for Penrith and the Border, Workington, Copeland and Carlisle) who jointly made a bid for funding to the Department for Transport (DfT) in early 2020. The DfT responded pro-actively – and is still actively engaged in this process.*

*CKP Railways has kept Members and Officials of Eden District Council (EDC) constantly updated of the project's progress and is therefore disappointed not to have been approached directly as a consultee on this occasion.*

*In the past, some Members of Eden District Council have tried to dismiss the CKP Railway Project as "pie in the sky" or avoid taking it into consideration. Given the Project's political backing, strong economics and great potential to benefit Penrith and Eden, perhaps it is time for the Council to re-consider.*

**BENEFITS FROM THE RAILWAY FOR PENRITH AND EDEN**

*Whilst the proposed industrial development at the Mile Lane site would have some immediate benefits for the local economy, Eden District Council should take care that it does not destroy the potential for greater benefits from the railway in the future.*

*Benefits would accrue to Penrith and Eden through:*

- *Enabling more people from the North Lakes and West Cumbria to visit Penrith for shopping, education, employment and essential services without cars – reducing the known pressures on parking in Penrith.*
- *Encouraging train operators to have more West Coast Main Line trains stopping at Penrith because of the connecting and overlapping services to the North Lakes and West Cumbria. Eden District Council has more than once complained about the declining number of trains stopping at Penrith.*

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- *Allowing Penrith to become a centre for sustainable (car free) tourism.*
- *Providing potential to develop the Rheged area into a multi-modal transport hub which could also act as a “park and ride” location for Penrith.*

*These are only a few of the benefits which Penrith and Eden could lose by allowing destruction of the railway trackbed at Mile Lane.*

**SPECIFIC PROBLEMS WITH PLANNING APPLICATION 21/0355**

*All of the relevant data, site plans and images can be found in the “desk study” document lodged by the applicants and available on the EDC website for this application.*

*CKP Railways plc has made specific comments on several pages – annotated copies are attached to this letter for ease of reference.*

- *The “site features” plan clearly acknowledges the existence of the trackbed of the Keswick to Penrith Railway (originally CK&PR) line through the site.*
- *The “proposed site plan” shows that buildings, roads and car parking would be located away from the trackbed of the Keswick to Penrith Railway, which in two dimensions might suggest there is no problem.*
- *The “cut and fill” diagram, however, clearly shows that with the proposed changes in site levels, new “batters” (slopes between existing and newly created ground features) would completely remove the trackbed of the railway through the site.*
- *Images of the railway trackbed in the same document show that it is largely intact, in good condition and could be re-used with minimal remedial works (near zero preparatory cost for railway track laying). Useable works would be wasted.*

**LOADING COSTS ONTO FUTURE RAILWAY RE-INSTATEMENT**

*If the trackbed is removed, the railway re-instatement would have to include a new level trackbed surface along a new, man-made, hillside. To do that would require either massive earthworks which might encroach on other parts of the site, or an engineered structure throughout – effectively a long bridge or retaining wall the full length of the Mile Lane site. Such a structure would need major excavations and deep foundations to avoid it sliding downhill in future. Such work could easily add 5 to 10% to the whole cost of re-instating the railway between Keswick and Penrith. That is a totally disproportionate burden for a section only a few hundred metres long.*

*Deviating the railway round the Mile Lane site would also cost many millions of pounds but would be futile, as the track from Keswick needs to join the existing railway bridge over the M6 to reach Penrith station and the rest of the national railway network. That connection is only accessible through the Mile Lane site.*

*Bypassing the Mile Lane site would require a new railway bridge over the M6, completely new railway earthworks from Penrith Driving Range through to Penrith station, new platforms (separate from the main station) and a new junction arrangement with the West Coast Main Line. Those features could easily add 25 to 30% to the total railway project cost.*

*Currently the whole railway can be re-instated for around £100 million and the economics include a benefit to cost ratio which could be as high as 3.0 depending on future traffic management policies in the Lake District National Park. Allowing the*

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*railway trackbed through the Mile Lane site to be obstructed or destroyed could worsen the economics of the railway to the point where it becomes impossible without massive public sector assistance.*

*The Mile Lane site is key to any new railway route west of Penrith.*

**POLICIES TO PROTECT THE RAILWAY TRACKBED**

*Eden District Council has a policy (RE 7) to protect railway trackbeds which have potential for re-use for leisure purposes amongst others.*

*As the re-instated railway would provide a solid foundation for a major expansion of sustainable tourism across the north of Cumbria and equalise access to education, employment and services for many large and small communities, protection of the route should be included in EDC's planning policies and actively enforced, as has been done in the Lake District National Park since 2010.*

*National Planning Policy Guidance PPG 13 places responsibility on Local Authorities to identify and protect former railway routes which have potential for re-use.*

*By encouraging the applicant to leave the trackbed of the railway undamaged, EDC has an opportunity to reap economic gains in the short term and many more in the longer term.*

**CKP'S WORK TO DATE**

*To date CKP has undertaken feasibility, design, consultation and environmental impact works, while a business case was developed showing that particularly in the light of future traffic management policies in the Lake District National Park, this proposal could have cost benefit ratios as high as 3.*

*The economics and business case of the CKP plan centre on using the existing earthworks of the railway which closed in 1972. Earthworks and other supporting structures (bridges, culverts, drainage systems) account for around 70-80% of the cost of building a railway, so route protection is vital.*

*Passenger numbers would be expected to approach half a million per annum (equalling or exceeding the Windermere line which has already run out of capacity). Passenger forecasts and construction costs have recently been reviewed by relevant industry specialists and been found to be robust.*

*CKP undertook many local consultations and a significant part of the required environmental impact assessments were undertaken.*

*All of CKP's design and development work has been funded by its supporters supplying capital in many forms. A significant proportion of the nearly 500 original Bondholders, as well as many other active supporters live along the route. Several Parish and Town Councils openly support the railway project.*

**RAILWAY DESIGN CONSTRAINTS**

*Earthworks and other supporting structures (bridges, culverts, drainage systems) account for around 70-80% of the cost of building a railway. Over the route as a whole, about 90% remain undisturbed. Solutions have been devised to economically overcome the few damaged areas.*

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*Railways require large radius curves (over 250m radius) to avoid severe speed restrictions. They are also subject to maximum gradients in the order of 1 in 100 to prevent issues with slipping and sliding in extremely wet or snowy conditions.*

*A railway route has to be planned over long distance – it cannot be considered “piecemeal” and it cannot tolerate “street corners” or step changes in level.*

*To allow an attractive service to be run over the whole route with modern trains, it is imperative that no further speed restrictions are added to the route which would extend the times needed for trains to travel from Penrith to their westerly destinations and return. Any added time would increase the number of trains required to operate a credible service and add to operating costs, potentially damaging the overall economics.*

*A modern mainline standard railway is the only type whose trains would be allowed to use the Network Rail lines bridging the M6 to reach Penrith station. Heritage or light railway trains would not be permitted to use the bridge over the M6.*

**CONCLUSION**

*CKP Railways plc objects only to some specific aspects of the “cut and fill” earthworks proposed at the Mile Lane site which would destroy the trackbed of the Keswick to Penrith Railway.*

*EDC’s own policies state that “by careful design” such issues can be avoided.*

*The Council and the Applicant could, following local and national planning policies, work towards a scheme which maximises benefits for all, now and in the future’.*

- 5.11 It is noted that since the receipt of the numerous objection letters above, the applicant has revised the proposed plans so that the development no longer impinges upon the former Keswick to Penrith Railway Line or the former trackbed. As such, it is considered that the development would no longer adversely affect this former line. However, no letters rescinding the objections received have been submitted, and such these must still be considered live objections to the proposal.

**6. Relevant Planning History**

- 6.1 There is no previous planning history for the site.

**7. Policy Context**

**7.1 Development Plan**

**Eden Local Plan 2014-2032:**

The specific policies considered relevant in the determination of this particular application are as follows;

- Policy LS1: Locational Strategy;
- Policy DEV1: General Approach to New Development;
- Policy DEV2: Water Management and Flood Risk;
- Policy DEV3: Transport, Accessibility and Rights of Way;
- Policy DEV5: Design of New Development;
- Policy EC1 Employment Land Provision;
- Policy EC3 Employment Development in Existing Settlements;

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- Policy ENV1: Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity;
- Policy ENV2: Protection and Enhancement of Landscapes and Trees;
- Policy ENV5: Environmentally Sustainable design;

**7.2 Other Material Considerations**

**National Planning Policy Framework (July 2021):**

- Chapter 2 - Achieving sustainable development;
- Chapter 4 - Decision-making;
- Chapter 6 - Building a strong, competitive economy;
- Chapter 9 – Promoting sustainable transport;
- Chapter 11 - Making effective use of land;
- Chapter 12 - Achieving well designed places;
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15 - Conserving and enhancing the natural environment.

**7.3 National Planning Practice Guidance (NPPG)**

**7.4 Cumbria Landscape Character Toolkit (2011)**

**8. Planning Assessment**

**8.1 Key/Main Planning Issues**

- Principle of development
- West Coast Railway Line
- Economic Development
- Landscape and Visual Impacts
- Residential Amenity
- Highways/Highway Safety
- Flooding and Environmental Impacts
- Departure from the Development Plan
- Ecology
- Historic Environment

**8.2 Principle of development**

- 8.2.1 This planning application is considered to be a departure application, in that the proposal is not considered to be in line with the development plan for the district. In this instance the Development Plan consists of the Eden Local Plan.
- 8.2.2 Within the Eden Local Plan, Policy LS1, entitled 'Locational Strategy' seeks to ensure that development is 'appropriate' for where it is proposed and accordingly provides guidance upon the type and size of development that either should be supported, or resisted dependent upon where the proposed development would be located. In this regard, the Local Plan seeks to focus new and appropriate development towards locations higher up the settlement hierarchy such as Penrith. This includes the development or large scale employment land provision such as is proposed through this current application.
- 8.2.3 In this instance it is the case that the application site is located within an area of open countryside land outside of any settlement, and outside of Penrith. Notwithstanding, the

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site is considered to be reasonably well-related to Penrith due to the strong transport links that exist between it and Penrith, by means of vehicular access on the A66 and the footpath link that exists from the town. As such, the application site could be considered as an appropriate location for sustainable development, following the principles outlined within Policy DEV1 of the Eden Local Plan, subject to further site specific considerations detailed within this report.

- 8.2.4 Within the Eden Local Plan, Policy PEN1 entitled 'A Town Plan for Penrith' confirms that as part of the aims for Penrith, in order to help provide new jobs, an additional 11.91 hectares of employment land is allocated as an extension to Gilwilly Business Park and a further 3.29 hectares at Skirsgill. This would provide an additional 15.2 hectares of employment land in total for Penrith, which Policy LS1 refers to as the 'Main Town' within the Local Plan.
- 8.2.5 Within the Eden Local Plan, Policy EC3 of the Eden Local Plan, entitled 'Employment Development in Existing Settlements' again seeks to focus new development and employment sites to within or adjacent to existing settlements. However, where a proposal is not within or adjacent to an existing settlement, development may still be acceptable when assessed against the wider employment/economic benefits of the scheme and also the impacts of the proposal. In this regard, proposals can still be considered acceptable where the following criteria is met:
- *'Development is of a scale, type and design sympathetic to the location within which is it proposed;*
  - *Development would not have an unacceptable impact on highways or other forms of infrastructure;*
  - *Development would not cause harm to local amenity, landscape, ecology, historic environment or other environmental and cultural heritage considerations;*
  - *The development is capable of achieving appropriate standards of access, servicing, parking and amenity space'.*
- 8.2.6 Furthermore, Policy EC1 of the Eden Local Plan confirms that alternative sites will be determined against the criteria listed within Policy EC3. In such circumstances, any proposals for employment land on unallocated sites which are well related to Penrith; have good transport infrastructure, and which have acceptable effects in terms of landscape character will be looked upon favourably. The Policy further states, in recognition that land at Eden Business Park Phase 2 is constrained, the Council will give favourable consideration to any proposals for B1, B2 and B8 purposes on unallocated sites which are well related to Penrith and its transport infrastructure and which have acceptable effects in terms of landscape character.
- 8.2.7 This position is supported within the National Planning Policy Framework (NPPF), where there is general support for sustainable development which provides economic benefits and a stronger economy such as the current proposal. Within Paragraph 81 of the Framework it is noted that, *'Planning Policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.*

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- 8.2.8 This position is further expanded upon within Paragraph 85 of the NPPF which confirms 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 well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'*.
- 8.2.9 Accordingly, any proposals for a development of this nature requires careful consideration and assessment to ensure that there would be no adverse or harmful impacts in terms of landscape, highways, amenity, ecology, upon the historic environment, whilst also being able to being serviced by appropriate levels of access, parking, drainage and amenity space. In addition, the application site would need to be considered to be well-related to Penrith to be considered acceptable and appropriate. In the case that the aforementioned caveats were met, and where the benefits of a scheme significantly outweigh the harm that would be caused, the proposal could be considered an acceptable departure from the Development Plan.
- 8.2.10 However, whilst the aims of the Development Plan is to focus new development towards urban areas such as Penrith, this is not considered to be exclusive as such accepting that other areas may be considered. It is considered that the Local Plan does not seek to entirely prevent new employment development in the areas of open countryside. Instead, both documents seek to ensure that in such locations, it is important that proposals are assessed against their compliance with the criteria in Policy EC3 of the Local Plan to fully understand the extent of any adverse impacts and the level of harm which would be generated. It is on this basis that such proposals are determined with regards to whether or not they represent sustainable development and whether they would result in adverse harm.
- 8.2.11 In assessing whether or not a proposal can be considered as a truly sustainable development, consideration must be given to the economic, social and environmental impacts or gains of the development.
- 8.2.12 From an economic perspective, the proposed development represents an opportunity to deliver a new employment land supporting the town of Penrith and surrounding settlements. The proposal benefits from good transport links without the constraints of being sited within a large urban area. As such, it is considered that the proposed development is considered to have the potential to provide wider economic and social benefits to Penrith and the wider Eden District. In addition, the application would seek to secure the delivery of employment to the district, which is supported in principle. The proposal makes a significant contribution towards the Council's target of the provision of new employment land within the emerging Local Plan.
- 8.2.13 The environmental dimension of sustainability includes amongst other things, protecting and enhancing the natural and historic environment. This thread runs through both the Development Plan and also the NPPF. In terms of environmental impacts, the extent of the level of harm to be created would not be significantly adverse, as will be covered later within this report. The proposal would not result in the loss of any protected or important landscape, nor result in any significant environmental

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harm to an extent which outweighs the benefits of the proposal. The development would not result in the loss of any important heritage assets or adversely impact upon the character of the local landscape. As such, whilst it cannot be said that the development would enhance the local environment; the proposal would not have an adverse impact upon it.

- 8.2.14 In terms of the social element of the proposal, it is considered that the proposal would provide a degree of social support to the local community and its services linked to the provision of employment opportunities and through access to jobs. This is considered to be the case due to the site being well-related and easily accessible to Penrith through its direct transport links and short distance between. The proposed development has the potential to develop and create a number of higher paying jobs for the area, which would add to the social and economic enhancement of the District.
- 8.2.15 It is noted that the company is presently already located within the District, and as such some of the jobs to be created already exist offering no net gain in this regard. However, the expansion to the business sought by this proposal would outweigh this matter through the creation of additional jobs and economic expansion which is not presently achievable at the current site location.
- 8.2.16 In this instance, the site is considered to be located on the periphery of, but outside Penrith. It is noted that employment land provision was approved by Eden District Council (ref: 19/0636), on the opposite side of Mile Lane. The current application site is located geographically closer to Penrith than this site, and benefits from the same transport links.
- 8.2.17 In the determination of application 19/0636, the Council acknowledged that the site was well-related to Penrith, consistent with Policy EC1. Furthermore, it was noted that that the site was in close proximity to a number of existing developments along Mile Lane, including a gold driving range, Mile Lane Nursery and Omega Proteins, all of which are similarly relevant considerations for this current application.
- 8.2.18 As such, for the reasons detailed above, it is considered that the proposal can be considered to broadly represent sustainable development. Furthermore, the site can reasonably be considered to be well-related to Penrith. Therefore, it is officers' opinion that the principle of the development can be considered acceptable as a departure from the Eden Local Plan, subject to further considerations of all other material considerations relevant in the determination of this application.

**8.3 West Coast Railway Line**

- 8.3.1 Within the Eden Local Plan, Policy DEV3, in part seeks to ensure that all new development would not result in any adverse impacts upon local highway or railway networks. In this regard, Policy DEV3 notes that development will not be permitted if there would be adverse impacts upon the safety of the rail network.
- 8.3.2 In the case of the current application, it is noted that the initial consultation response from Network Rail did not offer an objection to the proposed scheme, but did set out a number of considerations that the applicant would need to make in order to ensure that there would be no adverse impacts upon the West Coast Mainline, or the stability and safety of this important National Infrastructure route.
- 8.3.3 Following the submission of revised information by the applicant, a further response has been received from Network Rail in which an objection has been registered against

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this proposal. The consultation response received is set out in full in Section 3.1.1 of this report, however the main area of objection can be summarised in regards to the impact of the proposal on the aspirations to re-open the former Keswick to Penrith Railway Line – specifically that the proposed development would be on land that would be used as a junction for the connection to the West Coast Mainline.

- 8.3.4 It is noted that the concerns raised by Network Rail do not relate to any matters of safety or structural integrity of the West Coast Mainline. In this regard, the plans submitted by the applicant are considered to have fully taken into account the developments position in close-proximity to this national infrastructure route, and have ensured that there would be no adverse impacts upon the line in accordance with the requirements of Policy DEV3 of the Eden Local Plan.
- 8.3.5 In regards to the comments received from Network Rail regarding the former Keswick to Penrith Railway line, as noted in Section 8.9 above, it is considered that the applicant has satisfactorily demonstrated that the alignment of this former line and trackbed would be preserved. It is noted that Network Rail have indicated that the land subject of this application is ‘...*on land that would be used for the junction and would therefore obstruct the opening of the branch to Keswick*’. However, no specific details and documents have been provided by Network Rail which show or demonstrate this to be the case.
- 8.3.6 Furthermore, Network Rail have provided no details or assessment which ascertains why this would be the only option for the former Railway Line junction, where the aspiration for this railway to be re-opened be realised in the future, nor any further details as to how or why this proposal would obstruct this line.
- 8.3.7 As noted in Section 8.9 above, the impact of the proposed development upon this former Railway line are considered to be finely balanced. This is in terms of the positive economic development and job creation benefits of the scheme, balanced against ensuring that this former Railway line is not prevented from aspiration future re-opening. However, on balance, it is again considered that the applicant has demonstrated that the development can be realised without preventing the future re-use of this line. Although the comments in this regard from Network Rail are duly noted and should be afforded weight as a material consideration in the determination of this planning application.
- 8.3.8 Overall, it is considered that there is no categorical evidence which clearly demonstrates that the concerns of Network Rail in regards to the former Railway line and junction would be adversely affected by this proposal, with the concerns or objections being raised in regards to the impact of the development upon the West Coast Main Line. Therefore, it is considered that the proposal sufficiently accords with the requirements of Policy DEV3 of the Eden Local Plan.

### 8.4 Economic Development

- 8.4.1 As a proposal for a new employment land site and relocation/expansion of an existing business, the economic benefits and merits of the scheme represent an important consideration in the determination of this application. This is particularly the case as the application is considered to be a departure from the Local Plan.
- 8.4.2 The applicant has provided supporting information which sets out the economic and employment benefits of the proposal to the area. The applicant has confirmed that at the present time the business employs 77 members of staff. A figure that is expected to

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increase to 150 were the scheme to be approved. In this regard the applicant has also confirmed that the following benefits would be achieved and delivered through the proposal:

- *'The relocation of the head office from Appleby to Penrith provides the applicant with a wider catchment of potential employees from the local area and attracting potential employees from further afield to relocate to this area;*
- *Providing brand new, state of the art offices within this key location will give the applicant a greater chance of sustainable growth by matching demand with resource.*
- *Training opportunities and work placements will be provided and networks to local schools'.*

8.4.3 It is also evident that the development of a new, larger and modern site will help this existing business to sustainably grow and develop in the future, to the benefit of the locality as a result of the job opportunities that will be created.

8.4.4 Within both the Eden Local Plan and the NPPF, broad support is given to proposals which would be considered sustainable development and which would add to the economic vitality of an area and support sustainable growth, as is proposed through this current submission.

8.4.5 This position is supported by the Council's Economic Development Team who in consultation on this application have registered strong support for the proposal, due to the importance that the site would make to the local economy and also the future marketing of Eden and Penrith as a location for business development. The response from the Economic Development team has re-affirmed the positive and important aspects of the scheme being the creation of an increased number of jobs and the likely higher wage nature of these new jobs.

8.4.6 In support of the proposal and to better outline the nature of the business and jobs that would be created, the applicant has provided details on the existing business, noting the following:

- *'The company presently employs 24 members of staff (an increase from 10 in 2018) with up to 20 contractors.*
- *The average salary paid to staff is £48,079. The average wage in Eden (according to Payscale in August 2020, was £22,466), and in the UK this figure was £31,772 according to the ONS in April 2021.*
- *The need for highly skilled experts will only intensify – Penrith gives the business more realistic options to attract talent.*
- *The Cumberland and Westmorland Herald employs 36 staff including contractors'.*

8.4.7 In addition, the applicant has also provided further details on the future direction and growth of the business, were planning permission to be granted for this proposal. In regards to the investment the applicant is looking to make in Eden, the following aims and aspirations were provided:

- *'Although Eden is a district with relatively low unemployment, 250 jobs could be created in the next five years if plans are passed. These jobs are different to the*

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*norm. They would be highly skilled. They'd also provide diversification as they are not in the usual Cumbrian consumer services of 'tourism and food' sectors.*

- *It is hoped these high-skilled people will reduce the 'brain drain' from the district and considering its high employment rate – give credence to those who've left the area the chance to return.*
- *It is likely to boost the local economy to the tune of £40m over that period – not only in terms of employment but also in income to the local supply chains.*
- *The site is strategically important as a throughway to Sellafield – it would move Barron within reach of significant transport networks including the West Coast Main Line and M6 and make it better placed to link with potential customers on Cumbria's nuclear coast as well as the firm's international client base.*
- *It would also allow for enhanced security - vital given the classified nature of much of Barron's work'.*

8.4.8 In this regard the economic benefits of the proposal to the wider area are considered to be significant and should be afforded positive weight in the planning balance and determination of this application. This is both through the creation of a significant number of new jobs to the area and also the nature of those jobs. This would represent an economic boost to the area should planning permission be granted and the companies aspirations for future growth be realised.

8.4.9 Overall, it is considered that the proposal provides a relatively unique opportunity for the creation of jobs and economic development of the area, which merits support in the opinion of officers.

## **8.5 Landscape and Visual Impacts**

8.5.1 An important consideration in the determination of this planning application, is the impact of development upon the appearance, setting and character of the surrounding wider landscape. It is noted that the site is not subject to any special landscape designation or protection. However, it is acknowledged that the Lake District National Park is located approximately 2 kilometres to the south-west from the application site.

8.5.2 The Cumbria Landscape Toolkit confirms that this site is Type 12b 'Rolling fringe' which is confirmed as having the following key characteristics;

- Large scale undulating topography;
- Large fields of improved pasture;
- Stone walls mainly in the east, occasional hedges and fence boundaries;
- Very sparse scale conifer plantations;
- Small streams and rivers cut through the following topography.

8.5.3 Specifically, the Cumbria Landscape Toolkit refers to development and advises that development is recommended to be avoided in '*exposed areas that will degrade their character*'. It also recommends that '*large scale wind energy, other vertical structures such as telecommunications masts, pylons and overhead transmission lines in open and prominent areas where they could degrade the rural character of the area*' should also be encouraged away from such a landscape.

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- 8.5.4 Within the Eden Local Plan, Policy DEV5 seeks to ensure that all new development reflects local distinctiveness, and 'protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity. This is further supported by Policy ENV2 of the Eden Local Plan which confirms that new development will only be permitted where it conserves and enhances distinctive elements of landscape character and function.
- 8.5.5 Furthermore, Policy EC3 of the Eden Local Plan requires all proposals for new employment land provision to be;
- *'Development is of a scale, type and design sympathetic to the location within which it is proposed;*
  - *Development would not have an unacceptable impact on highways or other forms of infrastructure;*
  - *Development would not cause harm to local amenity, landscape, ecology, historic environment or other environmental and cultural heritage considerations;*
  - *The development is capable of achieving appropriate standards of access, servicing, parking and amenity space'.*
- 8.5.6 As has been established earlier within this report, the application site is not within the existing settlement of Penrith, but very much on the immediate periphery of it. However, the above requirements of the Policy would still be relevant in this case given the support for unallocated sites, well related to a settlement as per Policy EC1.
- 8.5.7 In the case of the current proposal, the application site is noted to be slight elevated topographically to the land to the south, which generally rises upward in a north east direction. However, the topography of the site is that it sits lower than the land to the immediate north west, with a small embankment and mature plantings providing a natural screen preventing any discernible views of the site to the north and north west.
- 8.5.8 Furthermore, although the land is noted to sit higher topographically than the land to the south and also to the west, both the rising topography and the existence of mature trees forming the boundary of the site, prevent wider public views into the site from either direction. In this regard, the site is considered to be largely self-contained visually, and not a visually prominent location in the wider landscape.
- 8.5.9 The site is noted to sit on a similar topography to the land to the east, with much of the previous boundary woodland and trees having been recently felled. This has opened up views into the site from the West Coast Mainline and also from the neighbouring Auction Mart. Whilst this is considered to be unfortunate, and makes the site more visible, it is considered reasonable to conclude that the landscape and visual harm in this regard is limited. Only fleeting views would exist from trains passing along the West Coast Mainline, and there would be limited wider public views to the east and from Penrith into the site.
- 8.5.10 In this regard, whilst the development would cause a degree of harm to the undeveloped and semi-rural character of the area by virtue of the loss of an area of agricultural land, and the nature of the development itself, it is considered that the level of harm caused would not be significantly adverse. Furthermore, it is considered that the level of harm that would be caused would not outweigh the economic and public

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benefits of the scheme, in this instance being the creation of a well-related, and accessible employment opportunity for Penrith and surrounding area.

- 8.5.11 Due to the rolling topography of the site and the surrounding landscape, and due to the presence of the mature woodland plantings around the boundary of the site, the site itself has a limited significance and importance in the context of the wider landscape. The contribution and significance the site plays to the setting, appearance and value of the wider landscape is further reduced by the limited inter-visibility between it and the surrounding wider countryside and landscape.
- 8.5.12 Whilst some longer distance/range views of the site may be achievable to the north east and east, there are no views into the site from the west or south. In this regard the site is considered to be reasonably self-contained and largely discrete in the wider landscape context and setting despite its size.
- 8.5.13 On balance, it is considered that the development would be capable of being accommodated into the local landscape without causing an unacceptable level of harm to the visual amenity of the area despite the relative prominence of the site, if a good quality of final design is achieved. This is in part due to the limited prominence that the site holds and the limited wider public views, but also due to the appropriateness of the design of the buildings.
- 8.5.14 In the determination of planning applications, the Local Planning Authority must consider each site upon its own merits. These considerations must therefore take account of the setting the site. In this case, the site under consideration benefits from being in close proximity to Penrith. This is unlike land further to the west which becomes increasingly rural, are more visually prominent in the wider landscape and extend further away from Penrith.
- 8.5.15 Overall, it is noted that the site is considered to be an 'other rural area' as defined within the Eden Local Plan. However, Policy EC1 does make provision for the development of employment land within the open countryside. In consideration of the site and its specifics, its position is on the periphery of Penrith, the 'Main Town' of the entire district. Furthermore, the topography and existing mature screen boundary plantings ensures that the site is well screened, which reduces its visual prominence within the local landscape and furthermore, reduces its interconnectivity with the neighbouring land.
- 8.5.16 The application would be subject to a scheme of hard and soft landscape plantings as further mitigation to the scheme, which would further reduce and soften the visual appearance of the site in the surrounding landscape.
- 8.5.17 Therefore, whilst it is noted that the proposed development would result in an impact upon the local landscape due to the loss of open countryside and undeveloped agricultural land, it is considered that the impact would not be significantly adverse. In addition, the level of harm to the local landscape would not outweigh the benefits of the scheme and warrant the refusal of this application.
- 8.5.18 On this basis, it is considered that the proposal can be considered acceptable in landscape and visual impact terms given its setting and if approved and implemented it would likely result in a very limited landscape harm. Accordingly, the proposal is considered to sufficiently accord with Policies DEV5 and EC3 of the Eden Local Plan.

## **8.6 Residential Amenity**

- 8.6.1 Within the Eden Local Plan, Policy DEV5 requires all new development to ensure that it protects the amenity of neighbouring dwellings and businesses and also provides an acceptable level of amenity for all future users.
- 8.6.2 In the case of the current application, it is noted that the nearest dwelling to the site is the property known as 'Nine Chimneys', which is located to the north/north west of the site at a distance of approximately 60 metres to the nearest part of the site.
- 8.6.3 As noted previously, due to a rise in topography and the existence of mature trees and plantings along the boundary, despite the size and height of the building proposed, there would be no direct line of sight between it and 'Nine Chimneys'. In addition, to the topography, the separation distance that exists is sufficient to ensure that there would be no loss of privacy resulting from this proposal, either from direct facing or over-looking. Neither would the proposed building result in any loss of light nor would it appear over-bearing.
- 8.6.4 In terms of noise impacts, the applicant has undertaken and supplied a noise impact assessment for the proposal. This assessment models the likely noise levels which would be experienced at 'Nine Chimneys' and concludes that the development would have a low impact in terms of noise and would not result in any adverse harm being caused to the amenity of this property. The assessment also includes a number of further mitigation measures to reduce any potential impacts, including keeping the doors and shutter doors closed during noise generating operations.
- 8.6.5 This application and the submitted noise assessment have been subject of consultation with the Council's Environmental Health Department. It is noted that no objections or adverse comments have been received to this consultation subject to the inclusion of a condition in any decision notice as may be issued, restricting the hours of construction to avoid noise sensitive hours. This condition is considered to meet the six tests for planning conditions and as such is included in the set of conditions within the recommendation.
- 8.6.6 Therefore, for the reasons detailed above it is considered that the proposal would protect and preserve the amenity of the nearby neighbouring property 'Nine Chimneys' and would result in no harmful conditions being created. As such, the development is considered to be in-accordance with the requirements of Policy DEV5 of the Eden Local Plan.

## **8.7 Highways/Highway Safety**

- 8.7.1 Within the Eden Local Plan, Policy DEV3 seeks to ensure that all new development do not result in severe or adverse impacts upon existing highway conditions, both from a safety or capacity/congestion perspective.
- 8.7.2 This position is supported by Paragraph 111 of the NPPF which confirms that, *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 8.7.3 In the case of the current application it is noted that the site is located in very close proximity of the A66, with only a short length of Mile Lane being used to access it. In addition, the site is located approximately 700 metres from the M6 motorway. The site access would be achieved onto and from Mile Lane. This is subject to a HGV weight

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restriction, although an amendment to this would already be required to enable access to the employment land site on the opposite side of Mile Lane.

- 8.7.4 In support of the application, the applicant has undertaken and submitted a Transport Assessment and supporting documentation which models the likely traffic movements which would be generated by the development, and the impact of those movements on the surrounding highway network. The assessment reaches the following conclusions:
- The proposed access can accommodate traffic likely to be generated without impacting unduly on the capacity of the existing road network;
  - There are no evident highway safety issues which would be worsened by the proposal;
  - The development would have an immaterial impact on both the A66/Mile Lane priority junction and the Slapestones roundabout;
  - The development would have no adverse impact upon the nearby M6 motorway junction.
  - The site is optimally located in terms of its location to the trunk road network.
  - The site is accessible by foot, bicycle and by rail with appropriate levels of off-street car parking being provided.
  - The site would generate 66 two way trips in morning peak hours and 56 two way trips in afternoon peak hours. This equates to approximately 1 trip every minute on average.
  - Overall the cumulative impact of the development is not significant or severe. The local highway network would continue to work within capacity with the development in place.
- 8.7.5 This application has been subject of consultation with both Cumbria County Council as the Local Highway Authority, and also Highways England. This has included a number of extended discussions between the applicant and each authority to enable them to arrive at their final positions on the proposal.
- 8.7.6 In regards to the Local Highway Authority, it is noted that no objection is raised in regards to this proposal, subject to the inclusion of a number of conditions in any decision notice as may be issued. The conditions suggested are considered to meet the six tests for planning conditions and are included within the recommendation within this report.
- 8.7.7 In regards to Highway England, it is noted that a number of holding objections were received following the consultation process which took place on this application. The holding objections predominantly related to the submission of additional information to support the Transport Assessment which was subsequently provided by the applicant. On the basis of the information supplied, Highways England have confirmed that there is no objection to the proposal.
- 8.7.8 Overall it is considered that the site benefits from good transport links by virtue of the close proximity of the A66 and the M6 Motorway at Junction 40. Access to and from the site to this strategic transport network can be fully achieved without the need for vehicles to pass through any settlement or built-up residential area. Whilst the proposal may result in an intensification of the use of vehicles along the adjacent highway

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network, due to the size and standard of the highway network, this does not in itself represent a constraint to the development and is subject to no objections from any statutory highway consultee.

- 8.7.9 Therefore, for the reasons detailed above it is considered that the proposed development would not result in any adverse impacts upon the surrounding highway network, either from a safety, capacity or congestion perspective. The applicant has demonstrated that safe and appropriate access can be achieved to and from the site. As such, the proposal is considered to accord with Policy DEV3 of the Eden Local Plan and the NPPF.

### 8.8 Flooding and Environmental Impacts

- 8.8.1 Within the Eden Local Plan, Policy DEV2, seeks to ensure that all new development 'meet the sequential approach to development in flood risk areas'. Furthermore, this Policy seeks to ensure that new development does not result in any adverse or increased flood risk at the site or on land elsewhere.

- 8.8.2 The Policy confirms that 'new development must incorporate sustainable drainage systems (SUDs), where practicable, to manage surface water run-off. All applications major development, defined in Appendix 2, will be subject to review by the Lead Local Flood Authority. Surface water should be discharged in the following order of priority:

1. *'To an adequate soakaway or some other form of infiltration system.'*
2. *By an attenuated discharge to a watercourse.*
3. *By an attenuated discharge to a public surface water sewer.*
4. *By an attenuated discharge to a public combined sewer.*

*Applicants will need to submit clear evidence demonstrating why there is no alternative option but to discharge surface water to the public sewerage system and that the additional discharge can be accommodated. The presumption will be against the discharge of surface water to the public sewerage network'.*

- 8.8.3 Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change confirms in paragraph 154 that 'New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.

- 8.8.4 Paragraph 159 of the NPPF states that, '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.*

- 8.8.5 Paragraph 162 of the NPPF states that, '*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk*

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*assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding’.*

- 8.8.6 Paragraph 167 of the NPPF states that, *‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
  - b) the development is appropriately flood resistant and resilient;*
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
  - d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan’.*
- 8.8.7 Paragraph 169 of the NPPF states that *‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
- a) take account of advice from the lead local flood authority;*
  - b) have appropriate proposed minimum operational standards;*
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
  - d) where possible, provide multifunctional benefits’.*
- 8.8.8 In the case of the current application, it is noted that the site is located in a Flood Zone 1, being at the lowest flood risk. The applicant has confirmed that soil infiltration and percolation testing has demonstrated that the sites soils has insufficient properties to allow for an adequate volume of surface water infiltration. As such, the applicant would achieve an appropriate drainage solution for the site by connecting to the existing highway drainage via an existing manhole, with attenuation tanks to be installed to control the flow to a value of less than the current greenfield runoff for the site.
- 8.8.9 This application has been subject of consultation with Cumbria County Council as the Lead Local Flood Authority, which has considered the site and the proposed drainage solution. It has been confirmed that there are no objections to the proposal subject to the inclusion of conditions in any decision notice as may be issued requiring the design, submission and implementation of a suitable final surface water drainage scheme and management plan. The proposed conditions are considered to meet the six tests for conditions and as such are included within the recommendation of this report.
- 8.8.10 The applicant has also confirmed that foul water drainage will be achieved via connecting the site to the existing sewer, via manhole on the southern boundary of the site. The applicant proposes to collect all foul drainage from the new facilities and treat this wastewater using a treatment plan of sufficient size and capacity before

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discharging to this existing manhole. This application and proposal has been subject of consultation with United Utilities which has raised no objection or concerns with the proposal.

8.8.11 Whilst an objector to the scheme has raised concerns in regards to the potential flood risk associated with this development, there is no reason to suggest or indicate that an appropriate drainage scheme and solution could not be engineered for the site. There are no objections or concerns raised by any statutory consultee to the application, and no evidence to suggest that the development of the site would exacerbate or result in an increased flood risk at the site or to any surrounding land.

8.8.12 Therefore, it is considered that the proposal can be serviced by appropriate levels of infrastructure and drainage, in accordance with the requirements of Policy DEV2 of the Eden Local Plan and the NPPF.

## 8.9 Ecology and Biodiversity

8.9.1 Within the Eden Local Plan, Policy ENV1 seeks to ensure that new development avoids any net loss of biodiversity. This policy is then built on by the NPPF, in particular Paragraph 147 which notes *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.*

8.9.2 Furthermore, Paragraph 180 of the NPPF notes that in the determination of planning applications, Local Planning Authorities should apply the following principles:

*d) 'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.*

8.9.3 In the case of the current application, it is noted that the true ecological value of the site has already been altered by the earth stripping works, tree and vegetation and clearing works which took place earlier this year. In this regard, the ecological and biodiversity assessment of the site, should not look solely at the site as it presently exists following these works, which will have undoubtedly already decreased its value.

8.9.4 It is noted that the applicant has undertaken and submitted both an ecological survey and also provides a biodiversity matrix to enable an assessment and calculation of the development in regard to biodiversity net gain that would be required.

8.9.5 In terms of the habitats that will be lost as a result of this development, the biodiversity impact assessment confirms this as being:

- 0.86ha of artificial un-vegetated, unsealed surface;
- 0.02ha of sparsely vegetated land, ephemeral/ruderal;
- 0.28ha of sparsely vegetated land, grassland;
- 0.25ha of neutral grassland.

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- 8.9.6 In addition, the assessment confirms that two areas of the site are classified as 0.28ha of lowland meadow and 0.16ha of lowland meadow, scattered shrub which would also be lost, with further commentary noting, *'In the Metric, the loss of this type of habitat is unacceptable'*. The assessment further notes that the works already undertaken at the site have severely damaged this habitat, meaning that alternative compensation is required. This mitigation is set out as being:
- *'0.04ha of lowland meadow be created on the western side of the site between the woodland edge and retained Keswick-Penrith Railway route. This will be undertaken by translocating salvaged turves and seedbank from the extant damaged lowland meadow on site broadly as follows:*
    - *The receptor site will be prepared by the stripping of 300mm-600mm of any available top and subsoils in a phased manner, with this material transported to a temporary soil storage bund where required;*
    - *The receptor site will be shaped through removal of soils into a landform with a gentle slope towards the site ensuring that any surface water runoff is not impounded in the area;*
    - *Where turves can be salvaged from donor site, these should be lifted by machine with a straight-edged, flat- bottomed bucket or fork of a minimum size of 2000 x 1000mm with side plates. Turves will be cut cleanly and vertically, using a hydraulically operated turf cutting device with a three-sided cutting bar;*
    - *Turves will be of sufficient depth to include the entire root-zone of the surface grassland vegetation, together with any additional topsoil to protect the roots, likely ~300mm;*
    - *Turves should be translocated on a flatbed trailer with handling minimised;*
    - *Turves should be installed neatly and evenly, making sure there are no gaps. Each should be firmed in using the flat bottom of the bucket;*
    - *Any loose material scraped up should be transported directly to the receptor site and re-spread to the same depth and extent as in the area from which it was stripped. The material should be pressed down with an excavator bucket or by light tracking with a tracked excavator, to ensure good contact with the subsoil base of the receptor site.*
  - *4.5 Two areas of neutral grassland will be created as part of the proposals; ~0.06ha to the south of the proposed building and ~0.1ha in the northernmost part of the site.*
  - *It is proposed that c.034ha of 'fairly poor' hawthorn scrub be enhanced to 'good' quality through selective thinning.*
  - *0.16ha of other woodland, mixed will be retained within the development.*
  - *0.015km of existing poor unmanaged hedgerow will be lost in the centre of the site. 0.015km of new native hedgerow will be created to compensate for this loss'.*
- 8.9.7 Overall, the Biodiversity assessment confirms that the using the Defra Biodiversity Metric 2.0, the development would result in a 21.22% net gain for Habitat Biodiversity Units and a 67.37% net gain for Hedgerow Units.
- 8.9.8 Therefore, for the reasons detailed above, subject to the mitigation measures set out within the Biodiversity Net Gain Assessment being secured through the imposition of a

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condition, and implemented on site, despite the works that have already taken place the applicant has demonstrated that a biodiversity net gain would be achieved for the site.

- 8.9.9 As such, the proposal is considered to achieve a greater requirement than set out with the Eden Local Plan and accords with the requirements of the NPPF, in achieving an environmental gain through the on-site delivery of habitat creation and an enhancement to the sites green infrastructure, which should be afforded positive weight in the planning.

**8.10 Historic Environment**

- 8.10.1 Within the Eden Local Plan, Policy ENV10 seeks to ensure that new development conserves and enhances the historic environment, heritage assets and their setting. The requirements of Policy ENV10 further extends to the protection of the Districts non-designated heritage assets.

- 8.10.2 In the case of the current application, the site is not located within a Conservation Area, neither is located within the curtilage or setting of any Listed Buildings. However, the main consideration in this regard relates to the impact of the development upon the former Keswick to Penrith Railway Line which runs through part of the site. It is in this regard that the application has attracted such a significantly high level of public interest and objection.

- 8.10.3 Historically this section of former line was part of the Cockermouth to Penrith Railway line which also passed through and served the town of Keswick. The route provided a link from Cockermouth and Keswick to the West Coast Mainline at Penrith. The line operated from the 1860's until the section from Cockermouth to Keswick was closed in 1966, and the section from Keswick to Penrith was closed in 1972. The section between Keswick and Threlkeld has re-opened as a footpath and cycleway following reinstatement works after damage caused during Storm Desmond.

- 8.10.4 Within the Eden Local Plan, Policy DEV3, in part, seeks to ensure that developments do not adversely impact upon public transport options. In this regard, the Policy states that new development will not be supported in the following circumstances:

- *'It would prevent the future opening of any road or rail schemes under consideration'.*

- 8.10.5 At the time of the original submission of this application, the scheme proposed would have adversely affected the alignment of the former railway line, through the removal of and building upon a section of the former trackbed. This would have effectively permanently obstructed this former route, likely preventing any potential re-opening or re-use of this line in the future.

- 8.10.6 In response to the objections and comments received in this regard, the applicant revised the plans and submission, altering the proposed site layout to avoid the alignment of this former route. The revised plans submitted show how this former track would be retained, with the route passing to the west of the buildings and car parking area. Although the revised plans showing this alterations to the scheme have been subject of a re-consultation process, none of the previously received letters of objection have been formally withdrawn.

- 8.10.7 In revising the scheme, the applicant has ensured that should this former railway line would be preserved in its current state, and mean that it could be re-opened at a point

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in time in the future should plans for its reinstatement be passed. Although the line if re-opened, would pass close to the buildings and development subject of this current application, this would represent only a small section of the railway line and would not likely adversely affect the attractiveness of this route or the feasibility of its re-opening.

- 8.10.8 Therefore, whilst the impact of the proposed development upon this former Railway line is considered to be balanced, it is considered that the proposal would not affect any designated heritage assets, nor reasonably prevent the future re-use of any non-designated heritage assets, thus preserving the historic environment. As such, the development is considered to accord with the requirements of Policies ENV10 and DEV3 of the Eden Local Plan.

## **9. Implications**

### **9.1 Legal Implications**

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

### **9.2 Equality and Diversity**

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

### **9.3 Environment**

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

### **9.4 Crime and Disorder**

- 9.4.1 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.

### **9.5 Children**

- 9.5.1 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.

### **9.6 Human Rights**

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with Article 6 under the European Convention on Human Rights and Fundamental Freedoms 1950, as now embodied in UK law in the Human Rights Act 1998.

### **9.7 Economic Impact**

- 9.7.1 The Corporate Plan promotes the well-being of future generations, and the post pandemic recovery of our communities. There are no specific or wider economic impacts arising from this development beyond those set out within Section 8 of this report.

## **10. Conclusion**

- 10.1 This application, if approved, would result in the development of an employment site for the company Barron Ltd, and the potential creation of a number of jobs for the locality and the area.

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- 10.2 The Local Plan currently seeks to ensure such employment land provision is made for the market towns within the district as well as the 'main town', Penrith. However, further employment provision is possible outside of such locations where sites are considered on their own merits and comply with policies EC1 and EC3 of the Eden Local Plan. The site subject of this application is not an allocated site and accordingly, is considered a 'departure' application due to its location. The proposal has therefore been advertised and assessed as such.
- 10.3 Although the application is considered to be a 'departure', the Local Plan, Policy EC1 does permit development outside of settlements where they are considered to be well-related to them. In this instance, the application site is located on the periphery of the town, immediately adjacent to the A66. On this basis, the site can reasonably be considered to be sufficiently close to Penrith to warrant support on the basis that the site complies with the criteria set out in Policy EC3 of the Eden Local Plan.
- 10.4 Policy EC3 makes it clear that development should not cause harm to or have an unacceptable impact on the highway network or other infrastructure. In this case, the immediate proximity to the A66 and M6 make any traffic associated with the proposal able to join and depart the highway network easily, whilst only utilising a very small amount of the local highway network and without the need for any vehicle movements through any settlement. In this regard no objections have been received to the proposal from either the Highway Authority or from Highways England.
- 10.5 Policy EC3 also seeks to ensure that development is of a scale, type and design appropriate for the area would not result in any significant or adverse landscape impacts. The site is acknowledged to be located outside of any settlement and accordingly must be considered to be an 'other rural area'. The Local Plan seeks to protect such areas and only permit development on them in exceptional circumstances. Policy EC1 confirms such an exception would be for employment land sites, 'well related' to Penrith. Accordingly, given that Policy EC1 supports, in principle, the notion of an unallocated site being acceptable – and that if it is 'well related' it will be inevitable that these proposals will come forward on parcels of land outside of the settlement. Whilst the plan makes no definition of what 'well related' means in the context of the plan, this site is considered to be located in a place in accordance with this aspect of policy.
- 10.6 The application has also demonstrated that there would be no adverse impacts upon neighbouring residential amenity, neither would there be any adverse or increased flood risk.
- 10.7 The application has demonstrated, through a Biodiversity Assessment and Matrix, that although some damaging works have already taken place at the site by the applicant, through the development of an appropriate scheme of mitigation and replacement habitat creation and plantings (enhanced due to the works that have already taken place), the scheme would deliver a biodiversity net gain overall.
- 10.8 Finally, the development as amended would not result in any adverse impacts upon the heritage environment. The applicant has demonstrated that the proposal would not prevent the future opening of the Keswick to Penrith Railway line at a point in the future should this local ambition be realised. However, the views to the contrary raised by objectors and Network Rail are a material consideration in the determination of this

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planning application and should be afforded due weight and consideration in the determination of this application.

10.9 Overall, whilst there would be a degree of harm caused by this development, the extent of that harm is not considered to be significantly detrimental or harmful. The benefits that the proposal would offer, through job creation and the sustainable expansion of an existing business within the district on a site that is reasonably well related to Penrith, are considered to outweigh the level of harm that would be caused. The provision of a site for the sustainable supply of employment opportunities is considered to be important to the District to facilitate economic growth.

10.10 Accordingly, the proposal is recommended for approval.

Fergus McMorro  
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	09.01.22
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**Background Papers:** Planning File 21/0355

**Agenda Item 2**  
**REPORTS FOR DEBATE**

**Date of Committee:** 17 February 2022

**Planning Application No:** 21/0549

**Date Received:** 9 June 2021

**OS Grid Ref:** 407287

**Expiry Date:** 8 September 2021

**Parish:** Hutton

**Ward:** Ullswater

**Application Type:** Full

**Proposal:** Change of use of agricultural land for the siting of timber clad caravan lodges

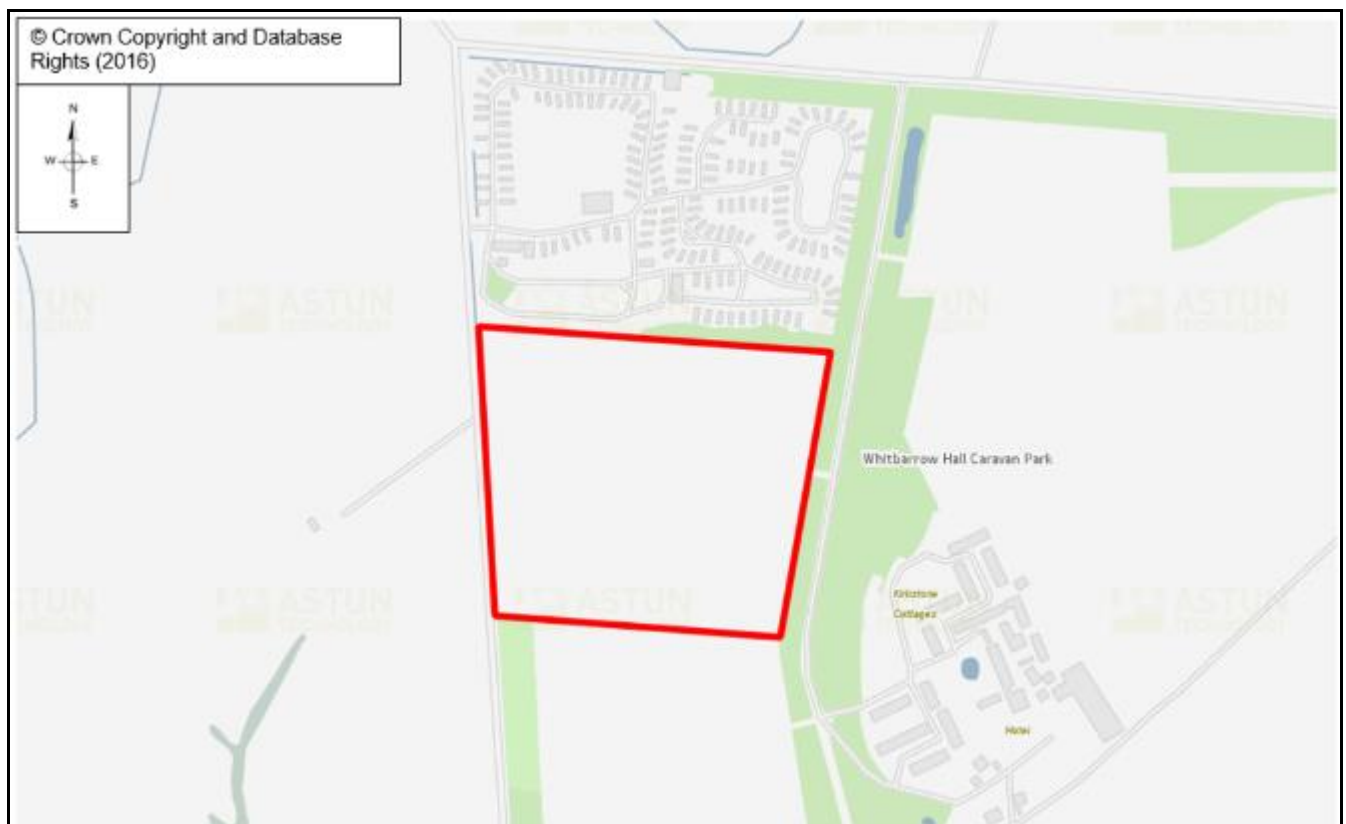
**Location:** Whitbarrow Field, Berrier, Penrith

**Applicant:** Mr D Norton

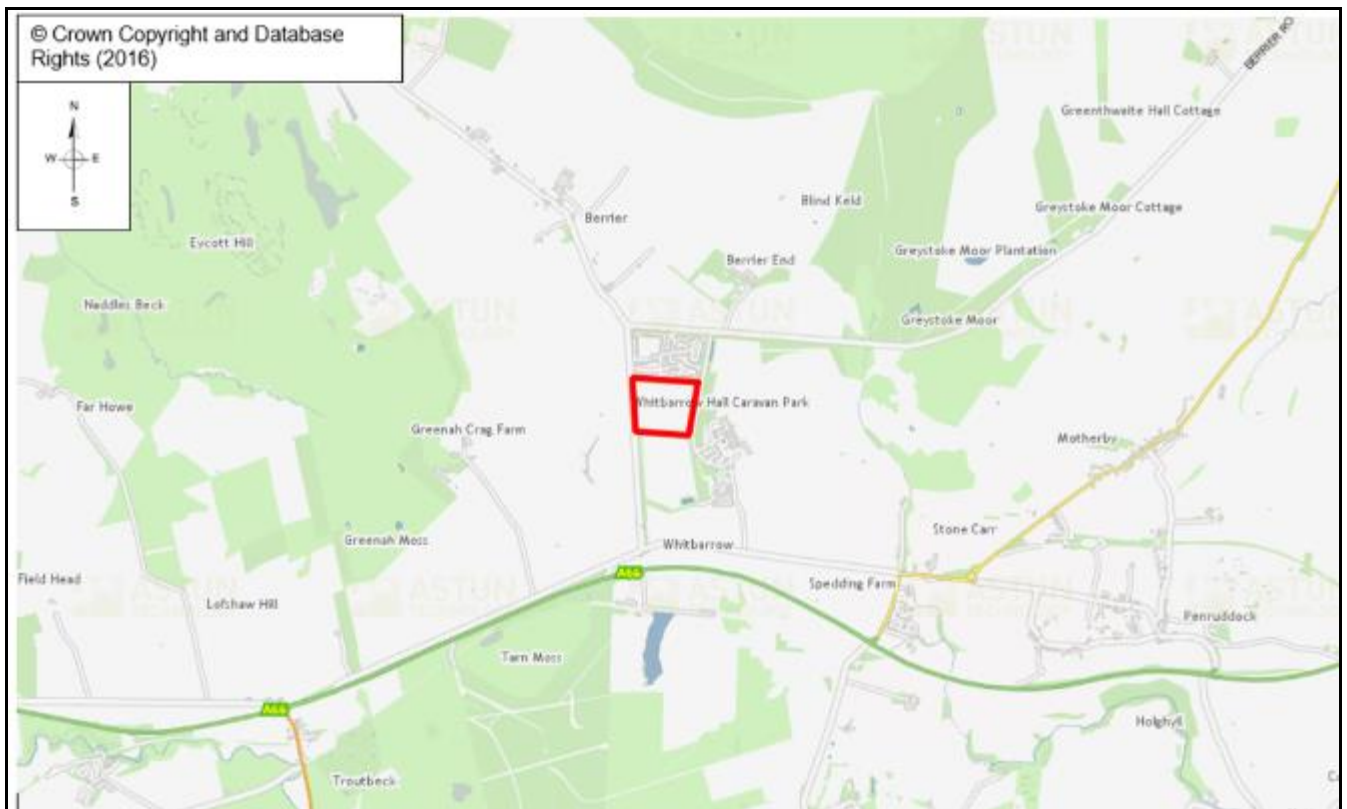
**Agent:** Michael Paul Consultancy Ltd – Mr David Broadhead

**Case Officer:** Mr Richard Fox

**Reason for Referral:** The Officer recommendation is contrary to that of the Parish Council



**Agenda Item 2**  
**REPORTS FOR DEBATE**



**1. Recommendation**

That the application is granted subject to the following conditions:

**Time Limit for Commencement**

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990.

**Approved Plans**

2. The development hereby granted shall be carried out strictly in accordance with the application form received 08 June 2021 and the following details and plans hereby approved;

- Assessed Scheme of Lighting received 17 October 2021;
- Business Review received 9 June 2021;
- Design and Access Statement received 9 June 2021;
- Flood Risk Assessment NPD received 11 June 2021;
- Further Design and Access Assessment received 17 October 2021;
- Landscape Management Plan received 17 October 2021;
- Layout Plan received 9 June 2021;
- Light Spill received 17 October 2021;
- Lighting Assessment received 17 October 2021;
- Location Plan received 9 June 2021;
- Planning Statement received 6 June 2021;
- Planning Review received 17 October 2021;
- Preliminary Ecological Appraisal received 17 October 2021;
- Residential Receptor Location Plan received 17 October 2021;
- Transport Statement received 11 June 2021;
- Landscape and Visual Impact Assessment received 9 June 2021;
- Sustainable Homes Design Solutions received 22 October 2021;
- Sustainable Homes Benefits received 22 October 2021

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the approved details.

**Prior to commencement**

3. Prior to the commencement of the development hereby approved, 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 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. 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.

4. Prior to the commencement of the development hereby approved, details of a construction surface water management plan shall be submitted to the Local Planning Authority for written approval. Once approved, those details shall be implemented for the duration of all construction works.

**Reason:** To ensure flood risk is not increased within the site or elsewhere.

5. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:

- Retained areas for vehicle parking, manoeuvring. Loading and unloading for their specific purpose during the development;
- Cleaning of the site entrances and the adjacent public highway where necessary;
- Details of proposed wheel washing facilities;
- The sheeting of all HGV's taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footways;
- Details of any proposed temporary access points (vehicular/pedestrian);
- Surface water management details during the construction phase.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

6. Prior to the commencement of the development hereby approved, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. The written scheme will include the following components:

- An archaeological evaluation;
- An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- Where significant archaeological remains are revealed by the programme or archaeological work, there shall be carried out within one year of the completion of that programme on site; a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved

by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

7. Prior to the commencement of the development hereby approved, details of tree protection measures to ensure the protection of all trees to be retained around the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details at all times during construction works.

The area beneath the spread of the branches of the trees to be retained as shown on the approved drawings shall not be used for the storage of building materials, plant, machinery or other items, or for vehicular access or for the burning of materials of any kind.

**Reason:** To prevent damage to the trees in the interest of the visual character and appearance of the area.

8. Prior to the commencement of development a landscaping scheme shall be submitted to and approved in writing by the local planning authority.

**Reason:** To protect the character and visual amenity of the area.

**Other stage conditions**

9. Before first use of the site, or within 12 months from the date of this permission being implemented (whichever is the sooner), the approved landscaping scheme shall be undertaken within the first available planting season. Any trees or other plants which die or are removed within the first five years following the implementation of the approved scheme shall be replaced during the next planting season.

**Reason:** To protect the character and visual amenity of the area.

10. Prior to their installation on site and first use, full details of the precise design of the lodges to be constructed upon site, including details of construction materials and finishes, shall be submitted to the Local Planning Authority for written approval. Once approved, those details shall be adhered to for the lifetime of the development.

**Reason:** In the interests of the visual amenity and character of the area.

11. Prior to their installation on site and first use, details of all external lighting affixed either to the lodges or within the site boundary shall be submitted to and approved in writing by the Local Planning Authority. The details shall comprise a light spill plan to demonstrate that the local dark sky will not be compromised and once approved shall be adhered to for the duration of the development.

**Reason:** In the interests of the amenity of the area.

12. Within 6 months of the development opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in

the Travel Plan shall be implemented by the developer within 12 months of the development opening for business.

**Reason:** To aid in the delivery of sustainable transport objectives.

13. Prior to the commencement of development full details of the sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority.

**Reason:** To avoid surface water runoff and to enhance the ecology of the site.

**Ongoing conditions**

14. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval, the Travel plan will then be monitored for a 5 year period.

**Reason:** To aid in the delivery of sustainable transport objectives.

15. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

16. The development hereby approved shall be undertaken in accordance with the recommendations in the preliminary ecological appraisal and landscape management plan.

**Reason:** In the interests of preserving and enhancing the ecological and biodiversity value of the site.

17. The occupation of all of the caravans hereby approved shall be for holiday purposes only. The site operator shall maintain an up-to-date register of names and addresses of the occupiers of the caravans, including those that are owner occupied, together with their dates of occupation, and shall make the register available to the local planning authority upon request.

**Reason:** The development is not a permanent residential accommodation site and in the interests of the amenity and character of the area.

18. The hereby approved caravans shall be maintained to a good standard of repair to the satisfaction of the Local Planning Authority throughout their retention on site.

**Reason:** In the interests of the visual amenity of the area.

19. There shall be no vehicular access or egress to and from the site other than via the existing approved access.

**Reason:** In the interests of road safety.

**Note to developer:**

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.
2. No work should be commenced, or allow any person to perform works, on any part of the public highway until in receipt of an appropriate permit allowing such

works.

3. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: [LFRM.consent@cumbria.gov.uk](mailto:LFRM.consent@cumbria.gov.uk) to confirm if an Ordinary Watercourse Flood Defence Consent is required.

## **2. Proposal and Site Description**

### **2.1 Proposal**

- 2.1.1 This application is a full application for the change of use of existing agricultural land for the siting of 103 timber clad lodges and associated works (such as access, internal amenity areas and landscaping).
- 2.1.2 The caravans are located off a loop road within the site. Primary access is gained from the road running along the western boundary of the site. A further secondary/emergency access is on the east of the site to the drive to the Whitbarrow Hotel. The caravan lodges would be of a size and scale to comply with the specifications that define such. It is noted that the applicant has not provided final design details and as such, were this application to be approved a condition related to materials and scale would be attached to any subsequent decision notice.
- 2.1.3 Wetland areas would be created in the south eastern part of the site offering some landscaping which would be part of the wider landscaping proposed.
- 2.1.4 The application has been submitted with the following supporting information:
  - Planning statement;
  - Preliminary ecological survey;
  - Flood Risk Assessment and drainage strategy;
  - Landscape Plan and Landscape Management Plan;
  - Lighting Assessment and Light Spill Plan;
  - Layout Plan;
  - Landscape and Visual Assessment;
  - Transport Statement.

### **2.2 Site Description**

- 2.2.1 The proposed site is located just to the west of Whitbarrow Hotel and to the south of Hopkinsons Caravan Park. The site is a roughly square shaped agricultural land holding covering an area of approximately 6.7 hectares. The site slopes towards the north of the site. The boundaries are formed by mature hedgerows.
- 2.2.2 The site is situated to the eastern boundary of the Lake District National Park. The site is easily accessed with the A66 main road situated ½ mile to the south of the site. This connects to the M6 main road motorway network. The site has no trees within it, there are some trees to the boundaries and hedgerows, and these are to be retained.
- 2.2.3 The site slopes from south to north down a gradual slope towards Hopkinsons Caravan Park and eastwards to the Whitbarrow Hotel Drive creating a partial bowl shape in the eastern part of the site. The field is enclosed by boundary fences and intermittent areas of woodland. Access to the existing Hopkinsons Caravan Park is achieved to the north via an access off the road serving the application site.

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- 2.2.4 The site is not located in an area subject to any ‘special’ designation in terms of landscape or heritage zones and is noted to be located in designated Flood Zone 1. However, the site is within close proximity of the boundary of the UNESCO designated, Lake District National Park.

### 3. Consultees

#### 3.1 Consultees

Consultee	Response
Cumbria County Council - Local Highway Authority	Responded on the 21 July 2021 raising no objection to the proposal. It was noted that the Transport Assessment submitted by the applicant demonstrates that the highway network has the capacity to accommodate the likely traffic movements generated by this proposal.
Cumbria County Council – Lead Local Flood Authority	Responded on the 21 July 2021 raising no objection to the proposal. It was noted that the Flood Risk Assessment and Drainage Strategy supplied by the agent indicates that the proposed vans would be located in areas away from flood risk and that an attenuation basin would be incorporated into the design to deal with surface water flows. However, it was requested that conditions be attached to any decision notice as may be issued relating to the submission and approval of a construction surface water plan.
Cumbria County Council – Minerals Planning Authority	Responded on the 10 September 2021 raising no objection to the proposal.
Environment Agency	Initially responded on the 26 July 2021 raising comments in regards to the foul drainage proposals. Following the submission of additional information by the applicant, a further response was received on the 08 November 2021 in which no further comments were made to the revised information. However, it was reiterated that the applicant should contact the EA for pre-application permitting advice for foul drainage proposals.
Natural England	Initially responded on the 16 July 2021 requiring the submission of further information from the applicant prior to the determination of this application. Following the submission of additional information, a further response was received on the 02 November noting the following: <i>‘We note that the Environment Agency have now conducted a site visit and advise that a bespoke permit will be required for the foul water discharge proposed from the site. As stated in Environment Agency <a href="#">guidance</a>: where there are complex permitting</i>

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	<p>issues, these need to be better understood before planning decisions can be made. In these cases, further assessment of permitting issues will be needed and we recommend the applicant comes to us for pre-permit application advice. Depending on the issues raised during pre-permit application discussions, we may recommend parallel tracking of the permit and planning applications. This will help us work with the developer and local planning authority to resolve complex permitting issues at the same time as decision making for the planning process. Although extremely rare, where we believe it is unlikely that we will issue a permit for a proposed development, we will make this clear as early as possible to prevent wasted time and effort. We believe that this joint working approach will benefit developers, operators and planning decision makers. By providing advice at an early stage, they can have a more reliable indication of the likely outcome of planning and permitting applications, which will help minimise costs, reduce burdens and contribute to sustainable growth.</p> <p>Both the Environment Agency and Natural England therefore advise you obtain pre-permit advice as, due to the scale of the proposal, it is uncertain whether the proposed foul water treatment will be adequate. When assessing a permit application the Environment Agency will undertake a Habitats Regulations Assessment (HRA) to assess whether the proposed treatment will be adequate to ensure no impact on the site integrity of the downstream River Eden Special Area of Conservation (SAC). As stated above it would be most beneficial to parallel track the applications so that the HRA can also be used to inform the planning decision. Alternatively your Authority will need to undertake the HRA, or the developer produce a shadow HRA, given that the EA have advised a bespoke permit will be needed.</p> <p>The ditch where the package treatment plants are proposed to be discharged to is hydrologically linked to the River Eden SAC, with unit 220 of the SSSI (Dacre Beck) currently in unfavourable condition due to water quality. Phosphate targets are not being met according to data received from EA in Jan 2020. Neither Package Treatment Plants nor Septic Tanks treat foul water for phosphorous. As a result, effluent discharging from these systems will contain high phosphorous levels and additional treatment measures will be necessary to attenuate phosphorous before it reaches the River Eden or any of its tributaries.</p>
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	<p><i>Our previous comments regarding landscape impacts on the Lake District National Park are still valid and these, along with the comments from the National Park Authority and Friends of the Lake District, should inform whether further information is still needed in addition to the submitted Landscape Appraisal.</i></p> <p><i>We note that a Preliminary Ecological Appraisal has now been submitted as advised. As trees are to be removed from the site a bat suitability assessment will be required prior to felling and avoidance of the breeding bird season’.</i></p>
United Utilities	Responded on the 02 August 2021 raising no objection to the proposal. It was noted that the applicant implements the scheme in accordance with the surface water drainage hierarchy.
Environmental Health Officer (EHO)	Responded on the 29 June 2021 raising no objection to the proposal but recommending that conditions be attached to any decision notice as may be issued relating to the submission and approval of an appropriate construction management plan.
Economic Development	<p>Responded on the 15 November 2021 as follows:</p> <p>As a matter of principle the Economic Development Service supports employment growth as detailed in the emerging Inspiring Eden Economic Prospectus; the Council’s plan for sustainable economic prosperity. On the same policy position the Economic Development Service objects to developments that lead to the loss of jobs, employment land and commercial premises.</p> <p>Based on the current information provided the EDS consider that this development would be of benefit to the visitor economy and wider rural economy for the following reasons:</p> <ul style="list-style-type: none"> <li>• It generates employment and spend within the local economy.</li> <li>• It provides self - catering holiday accommodation which is going to be very much in demand over the next year or two (and probably even longer) due to the pandemic. It will be seen as a safer holiday option for members of the same household. It may even be that demand out - strips supply in rural destinations like Eden-there are indications of this at the moment and this trend could well continue.</li> <li>• It supports farm diversification whilst helping to sustain the visitor and wider rural economy.</li> </ul> <p>Given the potential employment generation and positive impact on the rural economy (both direct and</p>

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	indirect), the application is supported.
Historic Environment Officer – Cumbria County Council	<p>Responded on the 22 June 2021. Whilst no objection was registered in regards to the proposal, the following comments were made:</p> <p><i>‘Our records indicate that the site lies in an area of archaeological potential. It is located between two sections of Roman road that ran from Voreda fort to the forts at Troutbeck, 1.5km to the south west of the proposed development site. An extensive area of earthworks survives to the east of the site which are thought to be the remains of prehistoric settlement and agricultural remains. It is therefore considered that the construction ground works of the proposed development have the potential to disturb buried archaeological assets.</i></p> <p><i>I recommend that, in line with policy ENV10, information is supplied by the applicant on any archaeological assets that may survive within the site and how any such remains would be impacted upon by the development prior to the determination of the application. I advise that the information should be sought by commissioning an archaeological evaluation, in this instance a geophysical survey. An informed judgement can then be made as to whether, in the event planning consent is granted, it is necessary to include provisions for the preservation of significant archaeological assets or the recording of assets of lesser interest affected by the proposal’.</i></p>
Penspen	Responded on the 12 July 2021 noting that the proposal will not affect the Shell pipeline.

#### 4. Parish Council/Meeting Response

Parish Council/Meeting	Object	Support	No Response	Comments
Hutton Parish Council	✓			

- 4.1 Hutton Parish Council responded on the 11 July 2021 raising an objection to the proposal. The following comments were made:

*‘The road is not currently wide enough to safely take an additional 200+ vehicles that will potentially use it to access and exit the site daily, along with additional service transport that will need to visit the site.*

*It could be said that the road was wide enough for 2 cars to pass in the past, but the majority of vehicles are now considerably wider and passing is an issue, as can be seen by the state of the verges.*

*If this application is given the go ahead, our suggestion is that the carriageway must be made wider BEFORE work commences, to assist with access by construction traffic.*

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*It has also been pointed out by a councillor that the water pressure and capacity have been a problem at Berrier in the past, with dwellings at the top of the village not getting enough pressure for a supply in times of high demand because of the location of the reservoir. Confirmation that this problem will be addressed should also be obtained before a planning decision is made. Further, Councillors have been alerted to an issue regarding the unsatisfactory electricity supply to the area which would need to be upgraded to cope with increased demand.*

*As far as the layout of the site goes, the proposed screening and landscaping would appear to be such that it should not greatly affect visual impact from the road, but it could be questioned whether the number of lodges seems excessive in an area where there are already numerous locations offering luxury family holiday lets within the locality of the proposed site, namely:*

*Whitbarrow caravan site – Static motor homes and tourers (100+)*

*Whitbarrow village - Luxury holiday let accommodation and timeshare (50+)*

*Beckses caravan site – Static caravans, pods, and tourers (30+)*

*Troutbeck Head – Luxury lodges, Pods, Static caravans, and tourers. (30+)*

*Ullswater Heights – luxury lodges (200+)*

*There are also 2 applications in the system for holiday let Pods at Whitbarrow farm and Highgate farm.*

## 5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted.

<b>No of Neighbours Consulted</b>	0	<b>No of letters of support</b>	0
<b>No of Representations Received</b>	148	<b>No of neutral representations</b>	12
<b>No of objection letters</b>	136		

5.2 A significant number of representations were from occupants of lodges on Hopkinsons Caravan Park. The letters of objection raised the following material comments:

- Excess water draining into ditches.
- There will be an increase in traffic along the access road.
- There will be noise and disturbance from the application site.

5.3 The letters of objection raised the following non-material comments:

- Loss of views.
- Incursions into Hopkinsons Site.

5.4 The Friends of the Lake District responded and concluded as follows:

This proposal will result in compromise to several of the identified characteristics of this landscape and is for a land use type and scale that both the Cumbria and Lake District Landscape Character Assessments state will effect negative change on this landscape. It will therefore result in harm to the character of the landscape, the setting of the Lake District National Park and to views from and into the Park.

**5.5 The Lake District National Park Authority commented:**

The site proposed for the expansion of the caravan site is located in a fold in the gently rolling countryside north of the A66 and east of Eycott Hill. There is a thin line of planting alongside the Berrier road that helps to screen the site in summer. These factors ensure that the development, from close quarters and during the summer would have little effect on the setting and visual amenity of the Lake District national Park.

However from more distant and elevated views (Blencathra, Great Mell Fell) and in winter the site is likely to be more prominent. From these vantage points and at this time of year, the development is likely to be quite conspicuous as a result of the limited amount of screening available.

Close attention to controlling the colour of any units to be stationed on the site (dark units in preference to pale units) and a robust and effective scheme for boundary planting (with a focus on using native species) to south and west would help to mitigate the impact.

**6. Relevant Planning History**

6.1 None.

**7. Policy Context**

**7.1 Development Plan**

**Eden Local Plan 2014-2032:**

The specific policies considered relevant in the determination of this particular application are as follows:

- LS1 – Locational Strategy
- DEV1 – General Approach to New Development;
- DEV2 – Water Management and Flood Risk;
- DEV3 – Transport, Accessibility and Rights of Way;
- DEV5 – Design of New Development;
- ENV1 – Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity;
- ENV2 – Protection and Enhancements of Landscapes and Trees;
- ENV5 – Environmentally Sustainable Design;
- ENV10 – Historic Environment;
- EC4 – Tourism Accommodation and Facilities.

**7.2 Other Material Considerations**

**National Planning Policy Framework July 2021:**

- Achieving sustainable development;
- Decision-making;
- Making effective use of land;
- Achieving well designed places;
- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment;
- Building a strong, competitive economy;
- Supporting a prosperous rural economy.

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

## **8. Planning Assessment**

### **8.1 Key/Main Planning Issues**

- Principal of development
- Design
- Landscape and Visual Impacts
- Drainage
- Natural Environment
- Amenity Impacts
- Highway Impacts

### **8.2 Principle of development**

8.2.1 In terms of the principle of any development, consideration is given to the Development Plan. This consists of the adopted Eden Local Plan (2014-2032) and the policies which it contains.

8.2.2 Within the Eden Local Plan, Policy LS1, entitled 'Locational Strategy' sets out the hierarchy of settlements where development should be focused in the most sustainable locations, the most sustainable being Penrith, the Market Towns and Key Hubs.

8.2.3 The Local Plan document confirms that that in relation to Policy LS1 *'the following policy sets out our settlement hierarchy and shows which areas we expected to be the focus for residential, employment and commercial provision'*.

8.2.4 Within the Eden Local Plan, Policy DEV1 entitled 'General Approach to New Development' states that *"Planning applications that accord with policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permissions unless material considerations indicated otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted'*.

8.2.5 Within the Eden Local Plan, Policy EC4, entitled 'Tourism Accommodation and Facilities' states that large scale tourism development that *'would result in a substantial increase in visitor numbers will only be permitted if the following criteria are met:*

- *The development proposed improves the range or quality of tourism and facilities in the area;*
- *The site is close to the strategic road network;*
- *They offer substantial economic benefits to the district;*
- *The development offers the highest possible standards of siting, design and landscaping;*
- *The traffic generated by the proposal will not have an unacceptable impact on nearby settlements or the local network;*

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- *Arrangements have been made to provide access by means other than the private car;*
- *The tranquillity and dark skies associated with the open countryside are not compromised’.*

- 8.2.6 Within the National Planning Policy Framework (NPPF), Chapter 6 entitled ‘Building a strong, competitive economy’ states that “*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future*”. When specifically referring to the rural economy, it also states that planning decisions should enable “*the sustainable growth and expansion of all types of business in rural areas*”, “*the development and diversification of agricultural and other land-based rural businesses*” and “*sustainable rural tourism and leisure developments which respect the character of the countryside*”.
- 8.2.7 In the case of the current application, it is noted that the proposal represents an extension to the existing holiday facilities in the vicinity.
- 8.2.8 *The development proposed improves the range or quality of tourism and facilities in the area* – It is considered that the development would contribute to the tourism facilities in the area and that the proposed facilities, which are of a high standard, would complement those existing. The application proposals can reasonably be considered to improve both the range and quality of tourism facilities within the district. As such, it is considered that the application can be said to comply with this particular criterion of Policy EC4.
- 8.2.9 *The site is close to the strategic road network* – The application site would utilise an already well established access road which links with the A66 via the B5288 just west of Penruddock. Whilst considerations in relation to the impacts of the development upon the existing highway network are discussed later in this report, in regards to this criterion of Policy EC4, the development is considered to be in accordance with this requirement.
- 8.2.10 *They offer substantial economic benefits to the district* – The application has been supported by information which suggests that there are economic benefits. This information has been assessed by both planning officers and the economic development team, whose consultation response is included in the relevant section of this report. Its conclusion was to support the application.
- 8.2.11 *The development offers the highest possible standards of siting, design and landscaping* – It is recognised that the site is an open, featureless area of grassland without any distinguishing features albeit with established boundary planting. The lodges are sited, in part, in a natural bowl to minimise their visual impact. The proposed landscaping scheme would augment the boundary treatment and create new areas of visual interest, specifically the wetland area.
- 8.2.12 The design of the units is proposed to reflect a ‘lodge’ type style but with no specific design as of yet formally proposed. It is considered that whilst the specific design cannot be assessed at this stage there is absolutely no reason to doubt that acceptable design can be achieved in terms of the visual appearance of the lodges proposed. However, a condition would be required in order to have this detail submitted prior to any commencement of the works taking place. This would ensure that sample

materials and final design was assessed in advance of being located upon site. Accordingly, whilst it cannot, therefore, be confirmed the specific design proposed for the sought after development, there is no doubt in the case officer's view, that such could not be achieved and as such, it is reasonable to seek this detail by condition (as drafted in this report).

- 8.2.13 *The traffic generated by the proposal will not have an unacceptable impact on nearby settlements or the local network* – this aspect of the scheme has been considered by Cumbria County Council as the Local Highway Authority in consultation on this application. Although some concerns have been noted by objectors to the proposal and the Parish Council's, no concerns or objections have been raised by the Highway Authority as statutory consultee. This is based on an assessment of the modelling that the proposal would generate as supplied within the Transport Assessment. This assessment has demonstrated that there would be no discernible or adverse impact upon existing highway conditions were the application to be approved. As such, whilst the objectors concerns in this regard are duly noted, on the basis of the comments provided by the Highway Authority it is reasonable to conclude that the scheme complies with this criterion of Policy EC4.
- 8.2.14 *Arrangements have been made to provide access by means other than the private car* – In relation to this particular criterion the site is adjacent to the national cycling network route C7 and can be reached by bus to Penruddock with an hourly service to Penrith. The applicant proposes a concierge service to pick up visitors arriving by public transport. Accordingly, the scheme is considered to be in compliance with this particular criterion of Policy EC4.
- 8.2.15 *The tranquillity and dark skies associated with the open countryside are not compromised* – It is noted that the existing caravan park does not have any adverse or detrimental impacts upon the tranquillity and dark skies of the area. In assessment of the application, officers consider that there are no elements to the proposal which would result in any harm in this regard or which would increase the impact of the overall site (alone or cumulatively) upon the areas dark skies. In any event, a condition is recommended to be attached to any subsequent approval of this scheme, requiring details of the external lighting to be fitted on site to be approved by the Local Planning Authority prior to any works commencing.
- 8.2.16 For the reasons detailed above, it is considered that this new tourism site is considered acceptable and in accordance with the requirements of Policy EC4. On the basis of compliance with the criterion of the policy and the perceived economic benefits, the overall conclusion of the case officer is that the achieves the planning balance in relation to the policy and is compliant. Furthermore, the proposed development is considered to comply with the requirements of the NPPF which also confirms that sustainable rural tourism and leisure developments, which respect the character of the countryside should be supported in support of the rural economy.
- 8.2.17 Therefore, the principle of the proposed development is considered to be acceptable, subject to further consideration of all other relevant material considerations as set out below.

### **8.3 Design**

- 8.3.1 Within the Eden Local Plan, Policy DEV5 states development which “*shows a clear understanding of the form and character of the district's built and natural environment,*

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*complementing and enhancing the existing area and reflecting the streetscene through use of appropriate scale, mass, form, design and materials” could be supported.*

8.3.2 If further states ‘New development will be required to demonstrate that it meets each of the following criteria:

- *Shows a clear understanding of the form and character of the district’s built and natural environment, complementing and enhancing the existing area.*
- *Protects and where possible enhances the district’s distinctive rural landscape, natural environment and biodiversity.*
- *Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.*
- *Optimises the potential use of the site and avoids overlooking.*
- *Protects the amenity of the existing residents and business occupiers and provides an acceptable amenity for future occupiers.*
- *Use quality materials which complement or enhance local surroundings.*
- *Protects features and characteristics of local importance.*
- *Provides adequate space for the storage, collection and recycling of waste.*
- *Can be easily accessed and used by all, regardless of age and disability’.*

8.3.3 Chapter 12 of the NPPF, entitled ‘Achieving well-designed places’ states at Paragraph 126 that, ‘good design is a key aspect of sustainable development’.

8.3.4 Paragraph 130 of the NPPF advises that ‘Planning Policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.*

8.3.5 Paragraph 134 of the NPPF says that ‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary

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*planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

8.3.6 Within the Eden Local Plan, Policy ENV5 entitled ‘Environmentally Sustainable Design’ states that ‘proposals for commercial development and for major residential development, defined in Appendix 2, should demonstrate, where it is practical for them to do so, that they have considered each of the following criteria:

- *Maximising daylight and passive solar gain through the orientation of buildings.*
- *Integrating sustainable urban drainage systems.*
- *Designing and positioning buildings to minimise wind funnelling, frost pockets and uncomfortable microclimates.*
- *Integrating renewable energy technology into the scheme, and in schemes comprising over 50 dwellings or on sites over 1.5 hectares, exploring the scope for direct heating.*
- *Minimising construction waste, through for example designing out waste during the design stage, selecting sustainable and efficient building materials and reusing materials where possible.*
- *Providing well-designed and visually unobtrusive outdoor waste storage areas to promote cycling.*
- *Promoting sustainable transport modes, through for example careful layout and road design to ensure it is conducive to walking and cycling and prioritises the pedestrian and cyclist over the car’.*

8.3.7 Paragraph 154 of the NPPF states that ‘New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards’.*

8.3.8 The scheme proposes a ‘lodge’ style caravan to be placed on each of the 103 pitches. This type of development has already been considered acceptable on the adjacent site, and as such, it is considered difficult to now consider such an approach completely unacceptable in this locality.

8.3.9 In that respect, the type of application is noted to be for ‘lodge’ style caravans and as such, the visual appearance of them will obviously reflect this. However, it is acknowledged that the precise visual appearance and design that the lodges would comprise has not been confirmed with an exact specification. The specific, intended

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design and materials to be utilised on site is reserved by condition as it is considered necessary for this to be reviewed prior to any development commencing upon the site. However, it is considered that an acceptable design and palette of materials could be achieved and agreed.

- 8.3.10 What officers can do in this instance is assess whether the generic acceptability of such units being located upon the site would be acceptable, notwithstanding the precise design and materials to be utilised is not presently confirmed.
- 8.3.11 Whilst it is recognised this will only be formally clear when that application is submitted for consideration, in a circumstance where the existing lodges have been found to be agreeable, it could not then rationally be said that a scheme that may well enhance that quality, would be unacceptable. A design of appropriate quality can be made and the recommendation includes a condition requiring the submission of final design and materials to be submitted to the Local Planning Authority for written approval prior to the commencement of any works on site.
- 8.3.12 It is considered that the scheme as proposed would result in a development similar in outward visual appearance to that already located on adjacent land but with a more spacious layout and the potential for high quality external appearance.
- 8.3.13 Accordingly, the development is considered to accord and be able to accord with Policy DEV5 and the NPPF and can be supported.

### 8.4 Landscape and Visual Impacts

- 8.4.1 An important consideration in the determination of this application is the impact of the proposal upon the character and appearance of the surrounding landscape.
- 8.4.2 Within the Eden Local Plan, Policy DEV5 also seeks to ensure that development protects and where possible enhances the rural landscape. One of its several criterion states that development should ensure that it *‘Protects and where possible enhances the district’s distinctive rural landscape, natural environment and biodiversity’*.
- 8.4.3 Furthermore, Policy ENV2 of the Eden Local Plan entitled ‘Protection and Enhancements of Landscapes and Trees’ confirms that *‘new development will only be permitted where it conserves and enhances distinctive elements of landscape character and function’*. It also confirms that as per criterion 5, the *‘tranquillity of the open countryside’* should be taken account of by any proposals submitted by an applicant.
- 8.4.4 In assessing the visual impact of the proposal, consideration should be given to Paragraph 130 of the National Planning Policy Framework (NPPF) which confirms that *‘Planning Policies and decisions should ensure that developments:*
  - a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

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- e) *optimise the potential site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.*

- 8.4.5 In the case of the current application, it is acknowledged that the site is reasonably large in size being 6.7ha, and is located in the open countryside. As such, any proposal of this nature and scale has the potential to result in significant impacts upon the character and appearance of the locality.
- 8.4.6 However, whilst the application site is located within a rural setting and open countryside, the site does not benefit from any special landscape designation or protection. The topography of the site and the surrounding landscape (which rises to the north), provides a largely natural screen preventing direct views into the site other than indirectly from the road running alongside the site to the west. Furthermore, it is noted the presence of existing areas of mature woodland along the eastern boundary. This together with existing hedgerow and tree boundary planting further mitigates the impact of the development upon the surrounding and wider landscape.
- 8.4.7 Due to the topography of the site and the surrounding landscape, and due to the presence of woodland around the boundary of the site, the site itself has a limited significance and importance in the context of the wider landscape.
- 8.4.8 It is further noted that as further landscape mitigation, the applicant is proposing to undertake additional landscape plantings to soften the visual appearance of the site and to enable the proposal to better merge and harmonise with its rural surroundings. Whilst the full details and specifics of the plantings are not known at this stage, these details would be secured through the imposition of an appropriate planning condition to secure their implementation were planning permission approved.
- 8.4.9 Whilst some longer distance/range views of the site may be achievable to the northwest, there are no views into the site from the east or south. In this regard the site is considered to be reasonably self-contained and largely discrete in the wider landscape context and setting.
- 8.4.10 Whilst the loss of an area of agricultural land is regrettable, and would result in some harm being caused to the character of the area, the extent of this harm is considered to be relatively minor and in itself does not warrant the refusal of this planning application.
- 8.4.11 The application would result in a considerable change to the character of the application site itself; however, it is considered that this would not result in a significantly adverse impact upon the character of the surrounding landscape and wider area, nor result in an unacceptable level of harm to the visual amenity of the area due to the relatively limited significance and importance that it makes to the value of the wider landscape character or its setting.
- 8.4.12 Overall it is considered that the development would be capable of being accommodated into the local landscape without any significant or adverse impacts upon the character of the area or cause an unacceptable level of harm to the visual amenity of the area.

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8.3.13 In consideration of the application site, the proposal and the design of the units proposed, it is considered that the development could be acceptable in landscape and visual impact terms. If approved, it is considered that the development would likely result in limited landscape harm and result in no significantly demonstrable harm.

8.3.14 Accordingly, the proposal is considered to reasonably accord with the requirements of Policies DEV5 and ENV2 of the Eden Local Plan and paragraph 130 of the NPPF. On this basis, the proposal is therefore considered acceptable in landscape and visual impact terms.

## 8.5 Drainage

8.5.1 Within the Eden Local Plan, Policy DEV2, entitled 'Water Management and Flood Risk' confirms that *'new development' should 'meet the sequential approach to development in flood risk areas'*.

8.5.2 The Policy confirms that *'new development must incorporate sustainable drainage systems (SUDs), where practicable, to manage surface water run-off. All applications for major development, defined in Appendix 2, will be subject to review by the Lead Local Flood Authority. Surface water should be discharged in the following order of priority:*

1. *To an adequate soakaway or some other form of infiltration system.*
2. *By an attenuated discharge to a watercourse.*
3. *By an attenuated discharge to a public surface water sewer.*
4. *By an attenuated discharge to a public combined sewer.*

*Applicants will need to submit clear evidence demonstrating why there is no alternative option but to discharge surface water to the public sewerage system and that the additional discharge can be accommodated. The presumption will be against the discharge of surface water to the public sewerage network'.*

8.5.3 Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change confirms in paragraph 154 that *'New development should be planned for in ways that:*

- a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.*

8.5.4 Paragraph 159 of the NPPF states that, *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.*

8.5.5 Paragraph 162 of the NPPF states that, *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk*

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*assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding’.*

8.5.6 Paragraph 167 of the NPPF states that, *‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan’.*

8.5.7 Paragraph 169 of the NPPF states that *‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits’.*

8.5.8 In the case of the current application, some objectors to the proposal have raised concerns about historic flooding into drainage ditches and within the Hopkinsons site.

8.5.9 The applicant has commissioned and submitted a design and access statement which illustrates the sustainable drainage measures proposed:

Permeable block paving will be utilised to the parking areas with compacted permeable gravel to all communal roads and footpaths. The caravans will sit directly onto concrete hardstanding’s supported by steel axle stands. These hard standings will meet the NCC and BH&HPA industry guidance for caravans as below. Their impact will be minimal as they will be covered by the caravans themselves.

There is a natural dip to the centre of the site that provides a natural run off for drainage. It is proposed to incorporate this into a balancing pond system.

8.5.10 The Flood Risk Assessment concludes that the application site is located within a Flood Zone 1, being at the lowest flood risk. Furthermore, the drainage strategy proposed is suitable to ensure that no adverse flood risks would arise as a result of the proposal.

8.5.11 In consultation with Cumbria County Council as the Lead Local Flood Authority, the application and the proposed drainage strategy have been assessed and no objection

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has been raised. Furthermore, no objection has been received from the Environment Agency or from United Utilities, both of which were also consulted on this proposal.

8.5.12 On the basis of the responses received from the consultees, there is no reason to doubt at this stage, that an appropriate drainage system can be implemented upon the site. The site is recognised to be located within a Flood Zone 1 (being at the lowest risk of flooding). Therefore, whilst the views of objectors are duly noted, on the basis of the information supplied by the applicant, and on the basis of the consultation responses received, it is reasonable to conclude that the proposed development will not result in any increase risk or impacts of flooding at the site or to any surrounding land.

8.5.13 Accordingly, the development is considered to be in accordance with the requirements of Policy DEV2 of the Eden Local Plan and Chapter 14 of the NPPF.

## 8.6 Natural Environment

8.6.1 Policy ENV1 of the Local Plan, entitled 'Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity' confirms that *'new development will be required to avoid any net loss of biodiversity, and where possible enhance existing assets. Should emerging proposals identify potential impacts upon designated sites, regard should be given to the objectives for each of the hierarchy of sites'*.

8.6.2 Chapter 15 of the National Planning Policy Framework (NPPF) entitled 'Conserving and enhancing the natural environment' confirms the national guidance on such matters. Paragraph 174 states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'.*

8.6.3 the application was provided with a preliminary ecological appraisal. The survey sought to identify whether any protected or notable habitats and species would or could be impacted upon by the scheme. There was no evidence of protected species on the site.

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- 8.6.4 The survey was a combination of desktop and site survey and the proposed mitigation measures are noted to be similar to those offered on similar sites and developments of such scale.
- 8.6.5 It is noted that the appraisal considered the existing grassland to have low ecological value overall but the scheme has the ability to offer biodiversity net gain. This will be achieved by the planting proposed and creation of a water body which combined will improve and achieve a 'net gain' in terms of the biodiversity across the site.
- 8.6.6 It is acknowledged that existing planting is in place, some of the proposed landscaping will augment this. Overall, the amount of landscape planting proposed is considered acceptable and would achieve a net biodiversity gain.
- 8.6.7 The other recommendations of the ecological work completed by the applicant are considered important and as such they are reflected as an approved document.
- 8.6.8 Policy ENV1 confirms that schemes should enhance existing assets. In this case, there is an acknowledged, limited value to the site as is in ecological terms. The applicant's proposals would improve the range of flora and fauna on site and also include a wetland area. This is considered appropriate and would allow the development to improve the ecological value of the site and improve its biodiversity. Accordingly, these intentions are supported by officers.
- 8.6.9 It can, therefore, be concluded that the proposed development is not considered to conflict with any national, regional or local planning policies and will not have any significant or adverse impacts on protected species and their habitat.
- 8.6.10 It is therefore considered that the proposal is compliant with Policy ENV1 of the Eden Local Plan as well as the NPPF and can be supported on the basis that appropriate condition(s) are imposed upon any subsequent grant of planning permission.

**8.7 Amenity Impacts**

- 8.7.1 Within the Eden Local Plan Policy DEV5, in part, seeks to ensure that new development does not result in adverse harm being caused and protects the amenity of neighbouring properties or businesses.
- 8.7.2 This position is supported by Paragraph 130 of the NPPF which states that decisions should ensure that development *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*.
- 8.7.3 In the case of the current application, due to the rural nature of the site, there are no residential properties adjacent to the site. The nearest are at Berrier End and Whitbarrow Farm some distance away whose amenity will not be impacted upon by the proposed development.
- 8.7.4 Therefore, the proposal is considered to accord with the requirements of Policy DEV5 of the Eden Local Plan.

**8.8 Highway Impacts**

- 8.8.1 Within the Eden Local Plan, Policy DEV3 entitled 'Transport, Accessibility and Rights of Way' states that *'development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people'*.

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- 8.8.2 This position is supported by Paragraph 111 of the NPPF which affirms that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 8.8.3 Furthermore, Paragraph 112 of the NPPF states that *'within this context, applications for development should:*
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.*
- 8.8.4 Due to the size and nature of the proposed development, the applicant has commissioned and submitted a Transport Statement produced by a competent consultant. This assessment considers the development proposal, the existing site context, estimated trip generation and consideration of the local highway network.
- 8.8.5 The modelling undertaken in the Transport Statement predicts that the development is forecast to generate 12 and 32 trips in the weekday AM and PM peak hours respectively. In the Saturday peak hour, the proposals are forecast to generate 39 trips. Even in the busiest peak hour, that equates to less than one vehicle every minute and a half. When it is recognised that these trip volumes represent both arrival and departure trips and that those will disperse across the highway network, it can be seen that any individual traffic stream will experience only a fraction of those additional trips.
- 8.8.6 Moreover, the level of traffic generated by the proposals will be lower than the peak hour figures for most months of the year, i.e. outside of the summer months, due to the holiday nature of the development. As such, the Statement concludes that the development would not have a material impact on the surrounding highway network.
- 8.8.7 In consultation with Cumbria County Council as the Local Highway Authority, the application proposals and the Transport Statement were assessed. No objection is offered by the Highway Authority to this application.
- 8.8.8 The applicants intend to utilise the already established site access so no new access would be required onto the existing highway network.
- 8.8.9 On the basis of the consultation response from the Highway Authority, whilst the concerns of objectors regarding adverse highway impacts are duly noted, there is no substantive evidence to suggest that such concerns are justified or likely to occur.
- 8.8.10 The applicant has demonstrated that the vehicle movements likely to be generated would not result in any highway safety or capacity issues, nor result in or add to traffic

congestion on the surrounding highway network. A view supported by the Transport Statement and the Highway Authority.

- 8.8.11 Therefore, it is reasonable to consider that the proposed development would not result in any significant or adverse impacts upon the highway network in accordance with the requirements of Policy DEV3 of the Eden Local Plan, and Paragraphs 111 and 112 of the National Planning Policy Framework.

## **8.9 Historic Environment**

- 8.9.1 Within the Eden Local Plan, Policy ENV10, entitled 'The Historic Environment' states that *'where a development proposal affecting an archaeological site is acceptable in principle, the council will ensure preservation of the remains in situ as a preferred solution. Where in situ preservation is not justified, the development will be required to make adequate provision for excavation and recording before or during development'*.
- 8.9.2 The Policy continues, *'Development proposal that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits. The Council will require proposals to protect and where appropriate, enhance the significance and setting of Eden's non-designated heritage assets, including buildings, archaeological sites, parks, landscapes and gardens. Where the harm is outweighed by the public benefits of the proposals, the Council will require an appropriate level of survey and recording, the results of which should be deposited with the Cumbria Historic Environment Record'*.
- 8.9.3 This is further supported by paragraph 197 of the National Planning Policy Framework which notes that, *'in determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) the desirability of new development making a positive contribution to local character and distinctiveness'.*
- 8.9.4 Paragraph 201 states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use'.*
- 8.9.5 In the case of the current application the site lies in an area of archaeological potential. It is located between two sections of Roman road that ran from Voreda fort to the forts

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at Troutbeck, 1.5km to the south west of the proposed development site. An extensive area of earthworks survives to the east of the site which are thought to be the remains of prehistoric settlement and agricultural remains.

- 8.9.6 The proposal does not involve any excavation works and an archaeological condition is recommended. On this basis it is considered that the proposal would result in no demonstrably significant adverse harm to the character of the historic environment in accordance with the requirements of Policy ENV10 of the Eden Local Plan.

## **9. Implications**

### **9.1 Legal Implications**

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

### **9.2 Equality and Diversity**

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

### **9.3 Environment**

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

### **9.4 Crime and Disorder**

- 9.4.1 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.

### **9.5 Children**

- 9.5.1 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.

### **9.6 Human Rights**

- 9.6.1 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.

### **9.7 Economic Impact**

- 9.7.1 The Corporate Plan promotes the well-being of future generations, and the post pandemic recovery of our communities. There are no specific or wider economic impacts arising from this development beyond those set out within this report.

## **10. Conclusion**

- 10.1 This scheme is for a tourism development and whilst is considered upon its own merits and rights, is noted to be an addition to existing and established tourism sites.
- 10.2 In that regard, utilising the site for such a purpose, is, in principle considered acceptable. The assessment of the application is made within this report but ultimately, the decision is based upon the benefits of the scheme, which the applicant considers would be substantial and the Council's own Economic Development team concur.
- 10.3 The potential impacts of such a scheme are landscape, drainage, highway impacts and potential impacts on ecology and in particular protected species. Additionally, schemes such as this can, where they are relevant have impacts upon the Historic Environment.

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- 10.4 In terms of landscape impacts, these are considered to be limited. The site is considered to be self-contained and even when taking account of the existing, adjacent caravan site, it is still considered to have no obvious, demonstrable landscape impact. It is recognised that the applicant proposes landscape planting which will improve the setting and ambience of the site and will enhance the local area too. Not only from a visual perspective but almost certainly improve and enhance the biodiversity of the local area and site (given it presently sits as an open pasture).
- 10.5 There will inevitably be an increase in built form in the area and views of it from within the National Park but it would be seen against the backdrop of the existing caravan park and Whitbarrow Hotel developments.
- 10.6 Concerns related to drainage and highways are also understood. There is, of course, potential for detrimental impacts in relation to both of these issues if they are not properly assessed and where necessary, addressed. In this case, the applicant has proposed a drainage plan and there are no objections raised from the Local Highway Authority. It is recognised that some responses received suggest the scheme will result in significant local highway impacts. Whilst this view is noted and understood, the basis upon which to refuse a scheme such as this, or indeed any, on such grounds needs to be demonstrated.
- 10.7 The perception of the potential impact is recognised but in this instance, given the views of the Local Highway Authority, it is considered that there is no justification whatsoever to refuse this application on such grounds.
- 10.8 The site is not recognised to have protected species in it and the proposals will result in a net gain in terms of biodiversity.
- 10.9 The Historic Environment has also been considered as part of this application. There is no objection to the scheme subject to the imposition of an appropriate condition.
- 10.10 As ever then there is the application of the planning 'balance' and the 'weight' afforded to such element considered in relation to the specific scheme before the Local Planning Authority. In this case, the potential harm to the landscape is given limited weight whilst the economic benefits are given significant weight.
- 10.11 On that basis, the scheme is considered to comfortably achieve the planning balance and as such, is recommended for approval, subject to the imposition of the conditions as drafted.

Fergus McMorrow  
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	04.02.21
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**Background Papers:** Planning File 21/0549

**Agenda Item 3**  
**REPORTS FOR DEBATE**

**Date of Committee:** 17 February 2022

**Planning Application No:** 21/0533      **Date Received:** 1 June 2021

**OS Grid Ref:** 346377 546502      **Expiry Date:** 21 February 2022

**Parish:** Hesket      **Ward:** Hesket

**Application Type:** Reserved Matters

**Proposal:** Reserved Matters application for appearance, landscaping, layout and scale, attached to approval 17/1003

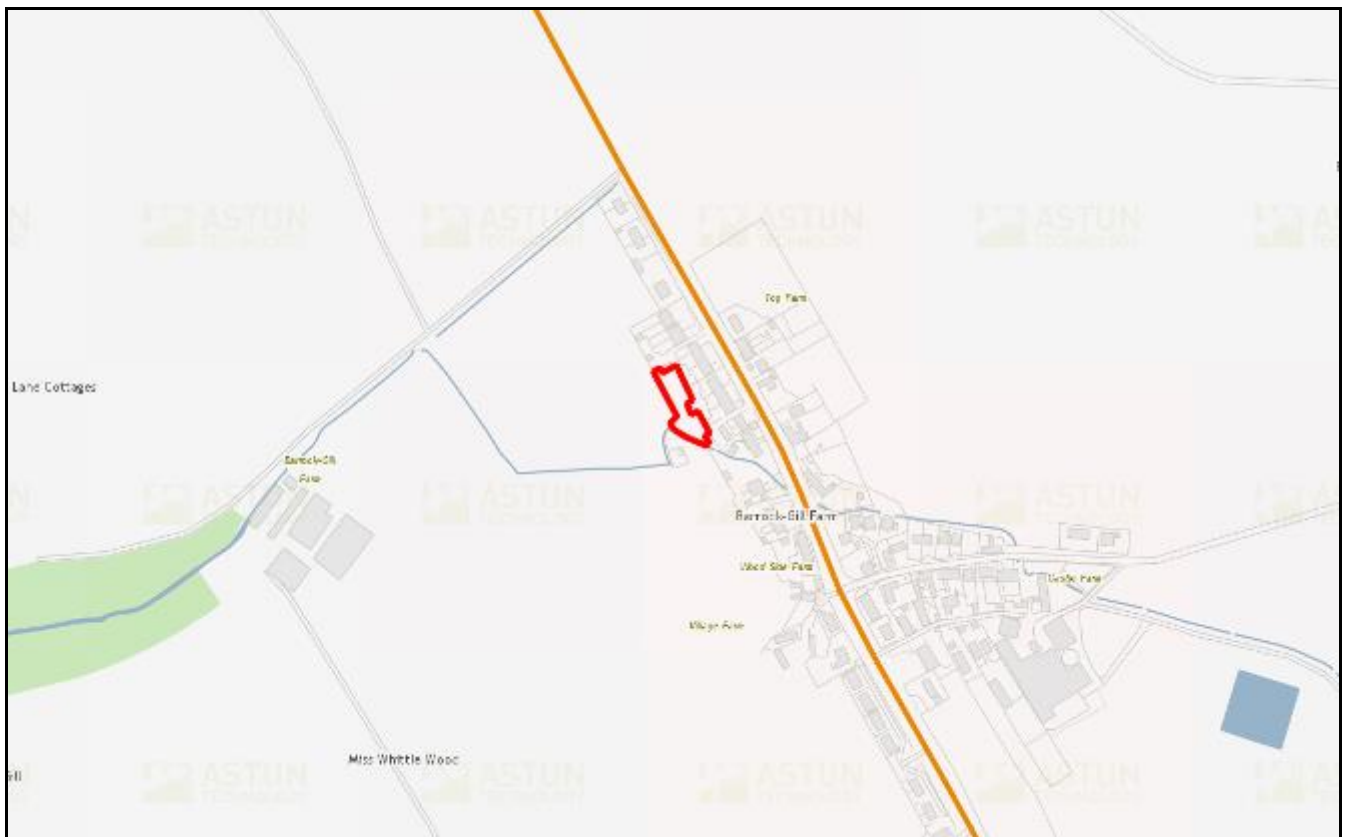
**Location:** Land adjacent Forge Court, Low Hesket, Carlisle

**Applicant:** Mr H Barrow – Greenwood Properties Limited

**Agent:** Mr R Lindsay – Calva Design Studio

**Case Officer:** Karen Thompson

**Reason for Referral:** An objector has requested to speak against the application.



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## **1. Recommendation**

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

### **Time Limit for Commencement**

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
  - i) Application form received 1 June 2021;
  - ii) Proposed site and location plan, drawing no. 2103 Site 2 Rev D received 24 November 2021;
  - iii) Proposed landscape and boundary treatment plan, drawing no. 2103 Landscape received 24 November 2021;
  - iv) Proposed elevations (3-bed terrace) drawing no. 2103 H7 ELE received 28 July 2021;
  - v) Proposed floor plans (3-bed terrace) drawing no. 2103 H7 FL received 28 July 2021;
  - vi) Proposed elevations (dormer bungalow) drawing no. 2103 H8 received 25 August 2021; and
  - vii) Proposed floor plans (dormer bungalow) drawing no. 2103 H8 Lay received 25 August 2021.

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

### **Before the Development is Commenced**

3. Prior to commencement of the development, the entire root system of the oak tree to be retained, as shown on drawing no. 2103 Site 2 Rev D, indicated by the spread of the branches, shall be protected by stout exclusion fencing until completion of the development.

**Reason:** To prevent damage to the trees in the interests of the visual character and appearance of the area.

### **Pre-occupancy or other stage conditions**

4. The area beneath the spread of the branches of the oak tree to be retained as shown on the approved drawings (2103 Site 2 Rev D) shall not be used for the storage of building materials, plant, machinery or other items, or for the vehicular access or for the burning of materials of any kind.

**Reason:** To prevent damage to the tree in the interest of the visual character and appearance of the area.

**Note to Developer**

1. This decision notice does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.
2. Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Council's Building Control Team should be consulted before works commence. You contact the team directly at [building.control@eden.gov.uk](mailto:building.control@eden.gov.uk)
3. This permission should be read in conjunction with the outline planning permission 17/1003. All pre-commencement conditions shall be discharged prior to development commencing on site.
4. The development is in close proximity to a watercourse and over the lifetime of the development, the frequency and severity of all forms of flooding is likely to increase as a result of climate change. The developer may wish to consider all available measures to mitigate the impact of more extreme future flood events. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>
5. Barrock Gill is a designated Main River. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

## **2. Proposal and Site Description**

### **2.1 Proposal**

- 2.1.1 This is a reserved matters application which seeks approval of the scale, layout, appearance and landscaping only. Matters relating to the access were approved under the outline application 17/1003.
- 2.1.2 In terms of scale, the proposed development is for 5 dwellings – 2no. detached dormer bungalows (three beds) and a terrace of three properties (three beds).

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- 2.1.3 The layout, as first submitted under this application, showed vehicular accesses off the existing back lane along the rear of the properties in Forge Court and Mill Bank. However, the proposal has been changed so that the access is as approved under the outline application by removing two garages and constructing an internal road along the western edge of the site. The site has an irregular, linear shape, which has to a certain extent dictated the layout of the proposed dwellings. The layout allows for the two dormer bungalows to be positioned facing westwards, while the row of three terraced properties would be at the wider southern end of the site and built across the site.
- 2.1.4 The size of the site allows for each of the five properties to have two car parking spaces each and private gardens.
- 2.1.5 In terms of appearance, the dormer bungalows will be finished in render with some brick detailing and the terrace will be finished in facing brickwork. The roofs will be 'Marley' interlocking grey concrete tiles; the windows will be grey/white upvc; and the doors will be upvc/timber composite.
- 2.1.6 In terms of landscaping, the submitted scheme shows a 2 metre high vertical timber fence along the eastern edge of the site with 600mm high horizontally timber fencing between gardens. The garden areas will be laid to lawn with stone paving to paths and patio areas and car parking will have cellular interlocking system with stone gravel fill.

**2.2 Site Description**

- 2.2.1 The application site related to an overgrown parcel of land to the east for Forge Court and Mill Bank, Low Hesket measuring approximately 20m x 70metres. There is an existing back lane separating the properties in Forge Court from the application site.
- 2.2.2 The site does not lie within a conservation area and there are no immediate listed buildings. Barrock Gill Beck lies along the west and south boundary of the application site.

**3. Consultees**

**3.1 Statutory Consultees**

<b>Consultee</b>	<b>Response</b>
Highway Authority	16 January 2022 – Since the CCCs response dated 19 September the applicant has provided further information which indicated minor amendments to the parking of vehicles. The applicant has also provided details of the refuse collection process within the vicinity. The layout is acceptable.
Lead Local Flood Authority	16 January 2022 - As per our responses dated 6 July 2021 and 19 September 2021, it would be beneficial to understand the drainage proposal in order to ensure it will not impact on the layout of the development. If this is not provided prior to reserved matters approval it may require changes to the layout at a later date. Further information would be required at a later date to discharge conditions 5, 6, 7, 8 (drainage conditions) of 17/1003.

### 3.2 Discretionary Consultees

Consultee	Response
Environment Agency	17 December 2021 - In our letter dated 19 July 2021 we objected due to the lack of clarity on building/landscaping over the top of, or next to the main river. We have reviewed the applicant's comments stating that there would be no culverting of the existing water course (Barrock Gill), and that no building or landscaping over the top of the watercourse are being proposed. We can therefore now remove our objection. Suggested an informative be attached regarding Environmental Permitting Regulations.
United Utilities	22 September 2021 – It should be noted that we have previously commented on the outline application (ref 17/1003). Condition 8 of the outline requires the submission of surface water drainage based on the most sustainable way (1. into the ground (infiltration); 2. to a surface water body; 3. to a surface water sewer, highway drain, or another drainage system; 4. to a combined sewer) prior to commencement of any development.
Minerals and Waste	16 September 2021 – No comment

## 4. Parish Council Response

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

### 4.1 Initially, the Parish Council **RESOLVED THAT:**

“With regard to the altered plan submitted for planning application 21/0533 on land adjacent to Forge Court, Low Hesket, for a reserved matters application for appearance, landscaping, layout and scale, attached to approval 17/1003, Hesket Parish Council wishes to object on the following material grounds;

- Layout and density of buildings - The proposed layout does not appear to allow for access by emergency vehicles to the properties, creating a potential risk to property and life.
- Nature conservation/flood risk - In agreement with the objection put forward by the Environment Agency, the Parish Council is concerned that proper consideration has not been given to the existing culvert to the west of the properties, and that drainage concerns have not been adequately considered.
- Trees - It is the Parish Council's understanding that an existing mature oak tree has not been included in the plan, and instead is shown as a parking area.

**REPORTS FOR DEBATE**

Access to the site has now been correctly shown as from the north entrance, as per the Outline Permission. Should this application be approved, a condition should be attached to the approval to ensure that the site is only accessible from the north, and not through parking spaces on the east side, to ensure that the main north entrance only continues to be utilised for the site’.

- 4.2 However, further to considering the amended scheme the following comments have been received:

‘The Parish Council had no further comments to add, noting that the original concerns raised in September had been addressed’.

## **5. Representations**

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 21 June 2021.

<b>No of Neighbours Consulted</b>	23	<b>No of letters of support</b>	0
<b>No of Representations Received</b>	20	<b>No of neutral representations</b>	0
<b>No of objection letters</b>	0		

- 5.2 Letters of objection raised the following material considerations to the application:

- Overlooking
- Scale of development
- Loss of sunlight
- Out of character with the surrounding area
- The oak tree will be affected by the development
- Conditions need to be attached to ensure the oak tree is not impacted by the development
- Conditions attached to the outline consent must be upheld

- 5.3 Letters of objection raised the following non-material considerations:

- Access (off the A6) to the houses will increase vehicle traffic in an already congested and very narrow access which is too narrow for construction/large vehicles.
- Flooding a problem as all surface water from the A6 currently runs onto the site and then into the beck.
- The site is an undisturbed habitat for breeding, migrating birds and insects Bats, owl, common lizards, hedgehogs, butterflies, moths.
- The site is within 8 metres of Barrock Gill Beck. In winter the site is very boggy.
- The proposed buildings would increase the flood risk.
- The existing water treatment works are currently working at capacity.
- Drains run across the application site.
- No foul drains pass across the site – foul will need to be pumped up hill.
- Concerns about the beck being polluted during construction works.

- Development would lead to increased traffic to the detriment of pedestrians and children playing.
- Development will result in a loss in value of nearby houses.
- There should be no access onto the adjacent private lane.
- The site was supposed to be affordable dwellings for local residents.

## **6. Relevant Planning History**

<b>Application No</b>	<b>Description</b>	<b>Outcome</b>
17/1003	Outline application for residential development with approval sought for access.	Approved at Planning Committee on 14 June 2018

## **7. Policy Context**

### **7.1 Development Plan**

#### **Eden Local Plan (2014-2032):**

- DEV5 – Design of New Development
- ENV2 Protection and Enhancement of Landscapes and Trees

### **7.2 Other Material Considerations**

#### **National Planning Policy Framework:**

- Requiring good design

## **8. Planning Assessment**

### **8.1 Key/Main Planning Issues**

- Principle
- Scale, Appearance, Layout
- Residential Amenity
- Infrastructure

### **8.2 Principle**

8.2.1 This is a reserved matters application for scale, layout, appearance and landscaping only, attached to outline approval 17/1003. Due to the earlier extant outline planning permission, the principle of residential development on this site as well as the access to the site, has been established.

- 8.2.2 The below conditions attached to the outline consent (17/1003) will be required to be discharged separately to this application and before any development commences on site:
- details of carriageways, footways etc (condition 5)
  - a plan showing land reserved for the parking of construction vehicles (condition 6)
  - a Construction Phase Traffic Management Plan (condition 7)
  - a surface water drainage scheme (condition 8)

### **8.3 Scale, Appearance, Layout and Landscaping**

- 8.3.1 Policy DEV5 – Design of New Development – within the Eden Local Plan states that support will be given to schemes that are of high quality design, which reflects local distinctiveness. The policy requires new development to show a clear understanding of the form and character of the district's built and natural environment and reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architecture design and use of materials.
- 8.3.2 This application site is to the west of Mill Bank and Forge Court, Low Hesket, which comprises two terraces of 5 and 6 dwelling houses. These existing dwellings are all two storey, some of which have been extended, and are finished in a light/natural coloured render. The houses have rear gardens and are set up on slightly higher land than the application property. An unmade back lane lies between the Mill Bank and Forge Court, and the application site.
- 8.3.3 The proposed development comprises two detached dormer style bungalows and a terrace of 3no. two storey dwellings. The type of dwellings proposed and the finishing materials in render and brickwork, will complement the existing dwellings in the area.
- 8.3.4 The former layout of the site, which originally included new vehicle accesses off the back lane, was of concern to the local residents, but also it was not in accordance with the outline consent. This has since been amended so that the access to the new dwellings is via the north end of the application site only and is in accordance with the outline consent.
- 8.3.5 The amended plans have also taken on-board comments from local residents regarding the oak tree and which will remain unaffected by the development. A condition is recommended that protective fencing is erected around the tree to protect it from construction activities and to prevent any materials etc from being stored over its root system.
- 8.3.6 In terms of landscaping, the details of boundary treatment, road surfacing, car parking, gardens and boundary treatment are considered acceptable in this location.
- 8.3.7 Overall, the proposed development is considered to be in accordance with the aims of Policy DEV5 with regards to scale, appearance and layout. The development is considered to be of a high quality which would complement the existing buildings in the area.

### **8.4 Residential Amenity**

- 8.4.1 Policy DEV5 – Design of New Development – within the Eden Local Plan – it states that new development is required to protect the amenity of existing residents and provides an acceptable amenity for future occupiers.
- 8.4.2 Concerns have been raised that the proposed development would result in overlooking and loss of sunlight to the occupier of nearby residents in Mill Bank and Forge Court. The proposed houses will be on land that is slightly lower than the existing dwellings, with a separation distance between the properties of between 20 metres and 24 metres. Furthermore the site is separated by the back lane and a 2 metre high boundary fence along the rear side of the proposed properties. Although there are some roof lights in the roof slope facing the existing dwellings, the distance complies with the Council's guideline of 21 metre separation between habitable room windows.
- 8.4.3 It is considered that the design and layout of the proposed dwellings will not result in overlooking or loss of light to the occupiers of the adjacent dwelling houses and

**REPORTS FOR DEBATE**

therefore the proposed scheme complies with the aims of Policy DEV5 of the Eden Local Plan.

**8.5 Infrastructure**

- 8.5.1 Concerns have been raised regarding access and drainage, as well as the proximity of the development to Barrock Gill Beck.
- 8.5.2 First of all, with regard to access to the site, the outline planning consent (17/1003) gave permission for the proposed access to the site and the Highway Authority did not raise any objections about the use of the existing access off the A6 road that runs through the village.
- 8.5.3 Issues have also been raised regarding drainage. Drainage is considered at outline stage and appropriately worded conditions were attached which requires a separate planning application to consider surface water drainage and that foul and surface water are on separate systems. Condition 8 of the outline permission will need to be fully discharged prior to works commencing on the site.
- 8.5.4 The site is adjacent Barrock Gill Beck. Concerns relating to flooding has been raised by some of the local community. However, consultations have been had with the Environment Agency, and they have advised that as there 'would be no culverting of the existing water course (Barrock Gill), and that no building or landscaping over the top of the watercourse are being proposed' they can remove their initial objection. Should this planning application be approved, the Environment Agency has suggested that an informative be added to the decision notice, advising that a permit is required from the Environment Agency for works within 8 metres of a main watercourse.
- 8.5.5 Concerns have been raised by some local residents regarding the construction of the site and the impact on the surrounding area. However, under the outline permission, a condition is attached that requires a Construction Method Statement to be submitted which outlines details of the proposed crossings of the highway verge; area for vehicle parking, manoeuvring, loading and unloading; cleaning of site entrances and the adjacent highway; wheel washing facilities; sheeting of all HGVs to prevent spillage of materials; and details of the construction vehicle routing. A separate planning application is required to be submitted before development commences on site.

**8.6 Other Matters**

- 8.6.1 Several comments have been made by local residents that the development will have a negative impact on wildlife. While this is an important issue, they are not material planning considerations that are dealt with under this reserved matters application. Nonetheless, any future developer of the site will need to be mindful of not disturbing any legally protected wildlife or habitats and are defined under separate legislation including The Wildlife and Countryside Act 1981.

**9. Implications**

**9.1 Legal Implications**

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

**9.2 Equality and Diversity**

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

**9.3 Environment**

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

**9.4 Crime and Disorder**

- 9.4.1 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.

**9.5 Children**

- 9.5.1 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.

**9.6 Human Rights**

- 9.6.1 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.

**9.7 Economic Impact**

- 9.7.1 The Corporate Plan promotes the well-being of future generations, and the post pandemic recovery of our communities. There are no specific or wider economic impacts arising from this development beyond those set out within Section 8 of this report.

**10. Conclusion**

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:
- 10.2 This is a reserved matters application which deals with issues relating to scale, layout, appearance and landscaping only. The proposed access to the site was agreed under the outline application.
- 10.3 The scale of the development (5 dwellings), the layout of the scheme (2no. detached dormer bungalows and a row of three dwellings), and the overall design and use of materials are considered acceptable and would reflect the existing pattern of development in the area along with the existing pattern of materials, and would not have an adverse impact on the privacy or amenity of adjacent residential occupiers in Mill Bank and Forge Court.
- 10.4 Concerns have been raised by some of the local community, with issues mainly relating to drainage, access and potential loss of wildlife. However, this application is a reserved matters application and the principle of development on this site has already been established. Issues relating to access and drainage were either dealt with at the outline stage and/or require a further detailed application to be considered and discharged prior to development commencing on the site.
- 10.5 Overall, the proposed development is considered to be in accordance with the aims of the Eden Local Plan Policy DEV5 – Design of New Development.

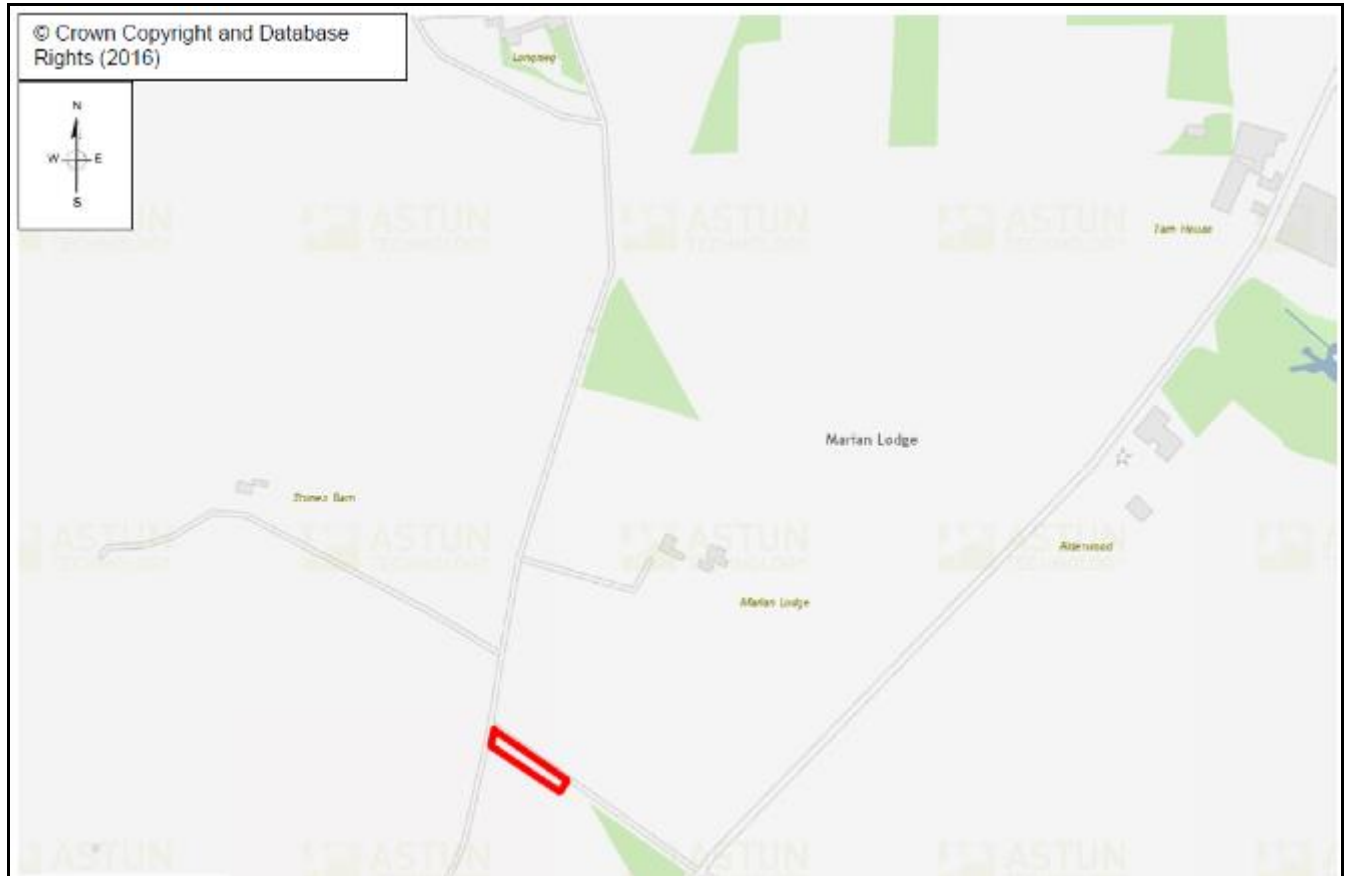
Fergus McMorro  
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	31.01.22
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**Background Papers:** Planning File 21/0533

**Agenda Item 4**  
**REPORTS FOR DEBATE**

<b>Date of Committee:</b>	<b>17 February 2022</b>		
<b>Planning Application No:</b>	21/0834	<b>Date Received:</b>	14 September 2021
<b>OS Grid Ref:</b>	357066, 536759	<b>Expiry Date:</b>	9 November 2021 (time extension agreed to 18 February 2022)
<b>Parish:</b>	Hunsonby	<b>Ward:</b>	Langwathby
<b>Application Type:</b>	Full		
<b>Proposal:</b>	Creation of Carpark for Scheduled Ancient Monument Long Meg		
<b>Location:</b>	Land south of Long Meg, Little Salkeld		
<b>Applicant:</b>	North Pennines AONB Partnership – Ms F Knox		
<b>Agent:</b>	None		
<b>Case Officer:</b>	Caroline Zalkind		
<b>Reason for Referral:</b>	Proposal has been called in on material planning grounds by a member of the public.		



**Agenda Item 4**  
**REPORTS FOR DEBATE**



## **1. Recommendation**

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

### **Time Limit for Commencement**

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

- i) Application Form received 14 September 2021
- ii) Site Plan received 14 September 2021
- iii) Information (Google Map) received 14 September 2021
- iv) Response to Planning Questions received 14 December 2021
- v) Pre-development Arboricultural Report received 25 January 2022

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

### **Before the Development is Commenced**

3. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site, in support of Policies DEV5, ENV1 and ENV2 of the Eden District Local Plan 2014-2032. It is necessary for the condition to be on the basis that "No development shall commence until" 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.

### **Pre-Occupancy or Other Stage Conditions**

4. The replacement sections of hedgerow to be provided adjacent the new car park, as identified in green on Drawing ref. AH/AIA/181121 'Pre-development Arboricultural Report' (Revised version received 25 January 2022) shall be planted in strict accordance with a detailed scheme that has first been submitted to and approved in writing by the local planning authority. The scheme shall be approved by the local planning authority before the car park is brought into use. The scheme shall include details of the following where relevant (this list is not exhaustive):

- new areas of planting plus planting densities
- new groups and individual specimen trees and shrubs to be planted
- specification/age/heights of trees and shrubs to be planted
- existing trees and shrubs to be retained or removed
- any tree surgery/management works proposed in relation to retained trees and shrubs
- any remodelling of ground to facilitate the planting
- timing of the landscaping in terms of the phasing of the development
- protection, maintenance and aftercare measures

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity and biodiversity, in accordance with Policies DEV5, ENV1 and ENV2 of the Eden District Local Plan 2014-2032.

5. The new access as approved shall be surfaced in bituminous or cement bound materials, or otherwise bound for the first 10m to prevent loose stone being tracked onto the highway and constructed before any part of the development permitted is first brought into use.

**Reason:** In the interests of highway safety.

#### **Ongoing Conditions**

6. 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 others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies DEV5, ENV1 and ENV2 of the Eden District Local Plan 2014-2032.

7. No hedgerows adjacent to or surrounding the new car park (including existing retained hedgerows and newly planted items) shall be removed either in their entirety or partially, neither shall any substantive structural alteration be undertaken to said hedgerows once the development has become operational.

**Reason:** To ensure that long term protection is afforded to all trees/hedges to be retained on site, so that the development will remain in accord with Policies DEV5, ENV1 and ENV2 of the Eden District Local Plan 2014-2032.

#### **Note to Developer**

The applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks East [streetworks.east@cumbria.gov.uk](mailto:streetworks.east@cumbria.gov.uk) for the appropriate permit.

## **2. Proposal and Site Description**

### **2.1 Proposal**

- 2.1.1 This full planning applications seeks permission to create a new visitor car parking area on a strip of agricultural field, approximately 500 metres to the south of Scheduled Ancient Monument Long Meg.
- 2.1.2 The area would measure approximately 70 metres by 20 metres.
- 2.1.3 The car park would be surfaced with a compacted fine aggregate. Parking is to be informal, with the only marked out bay to be for a coach, detailed with half round timber in the south east corner of the site.
- 2.1.4 A single 10 metre access/exit would be created at the north east corner of the site and a new pedestrian/wheelchair/buggy gate created in the north western corner. This would involve the removal of 10 metres of existing hedgerow to create the access and an opening already exists in the location of the proposed pedestrian/wheelchair/buggy gate.
- 2.1.5 The south east and south west would be bound by stock proof fencing and new mixed hedges.
- 2.1.6 The proposed car park would be open at all times and no litter bins provided. Signage is proposed in this regard, including how to behave responsibly in the countryside, no overnight camping/parking and to take litter home. However the signage does not form part of this planning application and it is unknown at this stage if advertisements consent would be required for the signage.

### **2.2 Site Description**

- 2.2.1 The site is located just over half a mile to the north east of the village of Little Salkeld, in the corner of an agricultural field and to the south of Long Meg, just off the access road to the Scheduled Ancient Monument.
- 2.2.2 There are no specific planning constraints on the site, i.e. it is not within a conservation area, there are no listed buildings in the vicinity and the site is flood zone 1.

## **3. Consultees**

### **3.1 Statutory Consultees**

<b>Consultee</b>	<b>Response</b>
Local Highway Authority	A response was received on the 2 November 2021 requesting additional information. This information was provided on the 14 December 2021. Highways responded on the 2 February 2022 raising no objection and requesting that <i>'the access to the site to be surfaced for the first 10m to prevent loose stone being tracked out onto the highway as these can be a hazard to other road users, thinking cyclists/motor cyclists and a potential skidding hazard'</i> .
Lead Local Flood Authority	A response was received on the 2 February 2022 raising no objection and advising that <i>'it should be noted that the surface water discharge rate should not be greater than the existing, and if installing a</i>

**Agenda Item 4**  
**REPORTS FOR DEBATE**

Consultee	Response
	<i>soakaway we would advise it is not positioned within 5m highway'.</i>
Historic England	A response was received on the 25 October 2021 stating ' <i>Historic England supports the application on heritage grounds. It will provide a safe parking facility for visitors to Long Meg and Her Daughters stone circle, and will be beneficial for the preservation of a prehistoric ritual monument of the highest significance</i> '.

### 3.2 Discretionary Consultees

Consultee	Response
Arboriculturist	<p>A response was received on the 19 October 2021 requesting an Arboricultural Impact Assessment in accordance with BS5837 be provided.</p> <p>This report was received on the 2 December 2021 and the following response received '<i>further to recent discussion regarding this item, and the revisions made to the Arboricultural Report (January 2022 revision) that clarify the intentions only to remove certain sections of the existing hedgerow to enable access for vehicles and pedestrians (as opposed to wholesale hedge removal) I would make the following observations:</i></p> <ul style="list-style-type: none"> <li><i>(i) Although partial removal of roadside frontage hedgerow would promote some adverse impacts in terms of public amenity and biodiversity, the full length of new hedgerow behind the car park area would adequately offset such specific impacts in the context of this application, having regard to the overall planning balance, enabling a modest level of biodiversity net gain to be achieved.</i></li> <li><i>(ii) In creating the new access points, it is understood that existing hedgerows may need to be trimmed/managed to enable adequate visibility to be achieved, which should be deliverable without substantial change to the structure of the hedgerows, (although this matter may need further consideration in the light of any new advice received from Cumbria County Council subsequent to its original consultation response).</i></li> <li><i>(iii) The revised Arboricultural Report is acceptable in terms of its conclusions, recommendations and general mitigation (protection of existing and new assets) proposed.</i></li> </ul> <p><i>In the event of a positive recommendation for the</i></p>

REPORTS FOR DEBATE

Consultee	Response
	<i>planning application, may I suggest inclusion of FOUR conditions of relevance to the specific circumstances? Although the Arb Report would inevitably be included in the list of approved documents, these conditions may help to ensure that all intended actions are definitively required to be undertaken, and can be followed up on if necessary via enforcement?’ (see recommendation).</i>

#### 4. Parish Council Response

	Please Tick as Appropriate			
Parish Council	Object	Support	No Response	No View Expressed
Hunsonby			✓	

- 4.1 Hunsonby Parish Council were consulted on the 12 October 2021 however have not provided a response.

#### 5. Representations

- 5.1 The site notice was posted on 18 October 2021.

<b>No of Neighbours Consulted</b>	0	<b>No of letters of support</b>	1
<b>No of Representations Received</b>	2	<b>No of neutral representations</b>	0
<b>No of objection letters</b>	1		

- 5.2 Letters of support were received which provided the following comments:

- The provision of appropriate off road and accessible parking, for visitors to the nationally important archaeological site of Long Meg and Her Daughters stone circle, is long overdue. This application should be welcomed and approved to enable the increasing numbers of visitors to reduce their impact upon the site by parking away from the sensitive archaeological environment. It will also encourage a greater understanding of the wider landscape context by giving visitors a chance to enter the site in a less intrusive way.

- 5.3 Letters of objection raised the following material considerations to the application:

- Is this proposed facility needed at all? There appears to have been no due diligence in terms of footfall, present usage etc.
- Whilst Long Meg and Her Daughters do receive regular visits, most visitors stay only for a very short period; there is no need to drastically increase the available parking and there is no justification whatsoever to develop coach parking. Lived at this site for 14 years and have seen only a small number of coaches in that time (there have been 2 this year which, due to COVID, is totally anomalous in terms of any statistics based model).
- In the current Green environment of low CO2 emission, the encouraging of the use of large coaches, as catered for in this proposal is totally incongruous and at odds with all current policy.

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- This is especially true of organised official visits, for example by school parties; local authorities should be, and should be seen to be, leading the way in the fight against climate change. At the very least they should be using small, minibus-type, low-emission vehicles and not large 52-seater coaches which highly polluting and totally unsuitable for small country lanes where they are an unwieldy hazard to other vehicle, people and livestock.
- There is a serious question over the proposed removal of 10 metres of established hedgerow which encompasses a huge diversity of plants, nesting birds, insects and mammals. This is totally contrary to the North Pennines AONB Partnership (Fell Foot Forward) own website which espouses the preservation of hedgerows at all cost.
- This application is therefore diametrically opposed to the Partnerships stated views and objectives in that it seeks approval to spend public monies and to use local government resources to remove hedges whilst using other areas of funding to support hedge planting and preservation. Even if mitigated by planting new hedges as car park screening it will years before these reach maturity and support the present levels of biodiversity.
- Regarding maintenance of the site, for example, will there be litter bins and who will empty them, how will illegal overnight campers and/or other after-dark usage be dealt with, will there be new signage and will it be totally in sympathy with the quiet rural setting.
- How will the proposed new site will be policed, how will people be stopped from parking at Long Meg if a new car park is developed; and importantly how will this be perpetuated when Fell Foot Forward have withdrawn.
- There is also the consideration of security of isolated rural properties of which there are 3 in direct sight of the proposed development.

**5.4 Letters of objection raised the following non-material considerations:**

- There is also the related issue of the current state of the present car parking at Long Meg and the lane leading to it, which are much more deserving of maintenance and tidying.

**6. Relevant Planning History**

There is no relevant planning history.

**7. Policy Context**

**7.1 Development Plan**

**Eden Local Plan (2014-2032):**

- DEV1 – General Approach to New Development
- DEV3 – Transport, Accessibility and Rights of Way
- DEV5 – Design of New Development
- ENV1 – Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity
- ENV2 – Protection and Enhancement of Landscapes and Trees
- COM1 – Principle for Services and Facilities

## **7.2 Other Material Considerations**

### **National Planning Policy Framework:**

- Chapter 2 Achieving sustainable development
- Chapter 4 Decision-making
- Chapter 12 Achieving well-designed places

7.3 The policies and documents detailed above are the most relevant policies relating to the determination of this application.

## **8. Planning Assessment**

### **8.1 Key/Main Planning Issues**

- Principle
- Landscape and Visual Impacts
- Residential Amenity
- Infrastructure
- Natural Environment

### **8.2 Principle**

8.2.1 Under policy DEV1 'General Approach to New Development' within the Eden Local Plan it states that '*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and secure development that improves economic, social and environmental conditions in the area*'.

8.2.2 Policy COM1 'Principles for Services and Facilities' within the Eden Local Plan advises that proposals for the development of or extension to community services and cultural facilities, including proposals that will assist in their retention, will be permitted where:

- The scale and design is suited to the location.
- It respects the local built environment, character and conservation interests.
- It is compatible with residential amenity.
- Appropriate parking and servicing arrangements can be made.

8.2.3 Long Meg is classed as a 'cultural facility', the proposal would provide a parking area for visitors a short distance away from the site, to help preserve it and discourage visitors parking at the site itself. It is considered that in principle, the creation of a car park for a cultural facility is in accordance with the development plan, subject to further considerations on the landscape and visual amenity, residential amenity and natural environment.

### **8.3 Landscape and Visual Impacts**

8.3.1 Policy DEV5 requires proposals to show a clear understanding of the form and character of the districts built and natural environment, complementing and enhancing the existing area.

8.3.2 The proposed location, whilst introducing a new development in the open countryside, would be softened into the landscape through the proposed new hedges.

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- 8.3.3 The application site is not located within an area of any landscape designation or sensitivity despite its rural setting and Officers consider the proposal site to be of an acceptable scale and design for its purpose.
- 8.3.4 Due to the proposed landscaping and topography of the area, it is considered that the limited landscape and visual impacts that this proposal would create are localised to the immediate area and would not cause a detrimental harm to the wider character of the area.
- 8.3.5 The appropriateness of the scale, design and appearance of the proposal is not considered to create an adverse visual impact and is considered to meet the aims and requirements of policies DEV5, ENV2 and COM1 of the Eden Local Plan.

**8.4 Residential Amenity**

- 8.4.1 Policy DEV5 requires that (inter alia) development shall protect the amenity of existing residents and provides an acceptable amenity for future occupiers.
- 8.4.2 The closest residential properties are Marion Lodge, approximately 200 metres to the north east of the site and Stones Barn, approximately 280 metres to the north west. Both properties are accessed along the road that leads to Long Meg, passed the proposed car park.
- 8.4.3 Concern is raised by an objector regarding implications of security of the isolated rural properties in this location which are advised to be in direct sight of the proposed development.
- 8.4.4 Whilst these concerns are duly noted, the purpose of the proposal would be to discourage parking on the grass verges on the narrow access road and at the Scheduled Ancient Monument Long Meg itself which, it is advised, has caused erosion scars on the monument.
- 8.4.5 It is not considered that the development of a car park in association with the Scheduled Ancient Monument Long Meg would create an additional security threat to nearby neighbouring properties. However, if planning permission was to be granted and should any matters arise that the car park was not being used in association with its granted use, dependent on what the issue was would then establish if a breach in planning control had occurred or whether it would be a matter for the police.
- 8.4.6 Given the distances of the neighbouring properties to the proposal site, it is not considered that their amenity would be adversely affected and the proposal is therefore in accordance with policy DEV5 and COM1 of the Eden Local Plan.

**8.5 Infrastructure**

- 8.5.1 Policy DEV3 of the Eden Local Plan seeks to ensure that all development would not result in any adverse impacts upon highway safety or congestion.
- 8.5.2 Cumbria County Council as Local Highway Authority have confirmed that they have no objection to the proposal however ask for the access to the site to be surfaced for the first 10 metres to prevent loose stone being tracked out onto the highway as these can be a hazard to other road users. It is considered to be reasonable and necessary to include a condition in this regard.
- 8.5.3 It is considered that there are advantages through providing a designated parking area to attract the public to the Scheduled Ancient Monument, which would discourage parking on the roadsides and at the site itself, and would also benefit the residents that use the road to access their properties, which would improve highway safety.

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- 8.5.4 As such, it is considered that with the inclusion of the condition to any approval granted, the development can be supported and would not result in severe impact in terms of road safety and increased traffic congestion, therefore being in accordance with Policy and Policy DEV3 of the Eden Local Plan.

**8.6 Natural Environment**

- 8.6.1 Policy ENV1 of the Eden Local Plan advises that new development will be required to avoid any net loss of biodiversity and where possible enhance existing assets.
- 8.6.2 Furthermore, policy ENV2 states that new development will only be permitted where it conserves and enhances distinctive elements of landscape character and function, taking into account (inter alia) natural elements such as hedgerows, woodland and local topography.
- 8.6.3 The proposal would see the removal of approximately 10 metres of hedgerow to create the access to the proposed development. It would also see new hedgerow planted along the south west and south east boundaries, totalling approximately 90 metres of hedgerow.
- 8.6.4 The Council's Arboriculturist raises no objection to the proposal and comments on the modest level of biodiversity net gain which would be achieved through the additional planting of hedgerows. There have been four conditions recommended (see recommendation) which are considered to be reasonable and necessary to ensure that protection of existing and new assets is achieved through this proposal.
- 8.6.5 It is noted that an objection has been raised regarding the removal of 10 metres of hedgerow, however given the additional planting proposed resulting in biodiversity net gain, this concern is considered to be adequately addressed.
- 8.6.6 The proposal is considered to meet the aims and requirements of policies ENV1 and ENV2 of the Eden Local Plan.

**9. Implications**

**9.1 Legal Implications**

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

**9.2 Equality and Diversity**

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

**9.3 Environment**

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

**9.4 Crime and Disorder**

- 9.4.1 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.

**9.5 Children**

- 9.5.1 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.

**9.6 Human Rights**

- 9.6.1 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.

**10. Conclusion**

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:
- 10.2 The proposal is considered to be an appropriate development in association with the Scheduled Ancient Monument Long Meg. It is considered that a designated car parking area will help to preserve the Scheduled Ancient Monument and discourage parking at the site itself.
- 10.3 Whilst creating development in the open countryside, the proposal will increase biodiversity net gain through the planting of additional hedges. Due to the setting and scale, it is not considered to have an unacceptable impact on the local amenity, visual or otherwise. Therefore, it is considered that the proposal meets the aims and requirements of the NPPF and Eden Local Plan policies DEV3, DEV5, ENV1, ENV2 and COM1 and is recommended for approval.

Fergus McMorrow  
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	31.01.22
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**Background Papers:** Planning File 21/0834