

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2042/0F1	
2.	Proposed Development:	USE OF LAND FOR THE SITING OF FOUR GLAMPING PODS WITH SMALL DECKING AREAS, CONSTRUCTION OF A PARKING COMPRISING 4 SPACES, FOOTWAYS AND ASSOCIATED DRAINAGE AND MINOR EARTH WORKS TO REGRADE THE LAND LEVELS	
3.	Location:	5 ELLERBECK BARNS, EGREMONT	
4.	Parish:	Egremont, St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to a property, known as 5 Ellerbeck Barns, which is situated within a group of five barn conversions located off the B534, the main road running south from the residential area of St Bees. The application site is located to the northwest of the detached residential barn. The greenfield site is sloping in nature, and benefits from an existing field		

access and large hardstanding area at the highest point adjacent to a number of outbuildings.

### **Relevant Planning History**

4/12/2280/0F1 – Change of use from residential to bed & breakfast – Approved

4/18/2204/0F1 – Change of use from bed and breakfast to one private dwelling – Approved

### **Proposal**

This application seeks planning permission for the use of the land for the siting of four glamping pods with small decking areas. The proposed glamping pods will be located upon the existing hardstanding area within the highest northwestern point of the site. The pods will be located to the rear of the hardstanding area and will be orientated in a north easternly direction. The oval shaped pods will measure 5m in length, 2.85m in width, and 2.5m in overall height. The proposed decking will reflect the width of the pods and will project from their front elevation by 2m. Minor earth works are proposed to regrade the land to accommodate the proposed pods.

The application site will be accessed via the existing field access from the B5345. The access point to the site is 4.21m wide, and will benefit from visibility splays of 91m to the northwest and 83m to the southeast. The application seeks to create a parking area for four cars at the entrance to the site constructed from a porous build up on free draining stone. Access to the pods will be via a new footway constructed from permeable materials running along the northwest edge of the application site.

It is proposed that the site will be drained via a package treatment plant located under the existing permeable built-up area, suitably sized for four pods with an integrated sample chamber. Surface water drainage will also be dealt with via the proposed soakaway and 250mm wide gravel borders around the pods.

### **Consultation Responses**

#### St Bees Parish Council

*22nd February 2022*

No objections.

*9<sup>th</sup> March 2023*

No objections.

#### Egremont Town Council



## Cumberland Council

*16<sup>th</sup> February 2022*

Councillors strongly support this plan.

*18<sup>th</sup> August 2022*

No objections.

*24<sup>th</sup> March 2023*

No objections.

Cumbria County Council – Cumbria Highways & LLFA

*22<sup>nd</sup> February 2022*

As presented the visibility splays are drawn incorrectly, visibility splays are required to be measured 2.4m from the edge of the junctions and drawn to the nearside kerbs in both directions. They should be informed by the speed limit. If the required visibility splays cannot be achieved, we would strongly recommend they carry out a speed survey or show speeds reflect the required visibility splays.

*15<sup>th</sup> August 2022*

The access from the B5345 Highway maintainable at public expense 60mph speed road to the private site. The required visibility splay for a 60mph speed road should be 215m at the minimum in both direction back by 2.4m and at a height of 1.05m above the carriageway. Drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway. The latter dimension is used to ensure small children can be seen. Within the visibility splay or sight line envelope there should be no obstructions to vision such as walls or vegetation etc within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicants ownership.

I would ask that they carry out a speed survey to determine the 85% tile speed.

*20<sup>th</sup> January 2022*

We welcome and have reviewed the additional information in support of this application and we as the LHA recognise that the 85%tile speed is above 37mph so would like to see visibility splays on a detailed plan showing NW bound at 91m and SE bound at 83m as we feel this is a true SSD for this development site access.

*16<sup>th</sup> March 2023*

No objections to the proposal subject to the inclusion of conditions relating to visibility splays,

surfacing of the access, measures to prevent discharge onto the highway, and provision for turning space.

Environment Agency

*3rd February 2022*

We have no objection to the proposal as submitted but would like to make the following comments.

Advice to LPA / Applicant re. Foul Drainage

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 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, additional 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.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

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.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at:

[Septic tanks and sewage treatment plants: what you need to do - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/septic-tanks-and-sewage-treatment-plants-what-you-need-to-do)

*22<sup>nd</sup> August 2022*

We have no objection to the proposal as submitted.

Our comments regarding foul drainage remain as per our previous response, ref NO/2022/114225/02 dated 3 February 2022.

*17<sup>th</sup> January 2023*

We have no objection to the proposal as submitted.

Our comments regarding foul drainage remain as per our previous response, ref NO/2022/114225/02 dated 3 February 2022.

*22<sup>nd</sup> February 2023*

We have no objection to the amended plans but we wish to make the following comments:-

#### Foul Drainage

In addition to planning permission the applicant may also require an Environmental Permit from the Environment Agency. 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.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24-hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules.

#### United Utilities

*28<sup>th</sup> February 2022*

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition to secure the development is carried out in accordance with the submitted drainage details.

*17<sup>th</sup> August 2022*

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition to secure the development is carried out in accordance with the submitted drainage details.

*30<sup>th</sup> January 2023*

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition to secure the development is carried out in accordance with the submitted drainage details.



## Cumberland Council

### Copeland Borough Council – Flood and Coastal Defence Engineer

*7<sup>th</sup> February 2022*

With regards to the proposed development, it is partially in Flood Zone 2, therefore a Flood Risk Assessment is required.

The Design and Access Statement does include paragraph relating to flood risk, but this is insufficient.

In August 2012, severe flooding took place parts of Copeland without warning.

The site was within the affected area and a number of properties were flooded and temporarily isolated because of the flooding, with the adjacent beck, Ellergill Beck being the source of flooding.

Whilst the siting of the glamping pods themselves may be out of the immediate risk of flooding consideration needs to be given to isolation of the pods and flooding of the reed bed forming part of the sewage treatment.

*22<sup>nd</sup> August 2022*

Just a couple of comments at this time:

- The FRA states that there are no reportable instance of flooding at or near the site. In August 2012 thunderstorms caused widespread flooding in the wider area, with the nearest reported property flooding being less than 500m from the site. It is not known whether there was any flooding at the site, as there were no properties on the site and the adjacent properties did not report any flooding.
- The FRA confirms that the glamping pods will be sited approximately 5.5m above the nearest point in Flood Zone 2.
- The FRA states that each glamping pod will be surrounded by a 250mm wide gravel border, 150mm deep to facilitate the drainage of excess water generated by the pods. All surfacing for access and parking will comprise permeable materials. However, the development would appear to lead to a loss of permeability overall and it doesn't state how it has been determined that there will be no net increase in surface water drainage as a result of the development.
- Foul drainage is to be disposed of by means of a suitably sized package treatment plant, which discharges to an existing reed bed on site. However, the treatment plant is situated near to the reed bed, where the flood risk to the site is the highest and would be better sited at a lower flood risk.

*20<sup>th</sup> January 2023*

With regards to the additional and amended information, since I was last consulted, I have

the following comments:

- The package treatment plant has been moved from the area at flood risk to beneath the parking area.
- It no longer discharges to the existing reed bed, but to what appears to be a drainage field.
- The package treatment will need to be structural suitable for siting beneath the parking area.
- The drainage field will need to comply with appropriate regulations.
- As the drainage field is sited on third party land agreements need to be in place for this to be located where it is proposed to be.

In addition to the above it appears that the proposed drainage field is actually outside the red line boundary...

*24<sup>th</sup> February 2023*

With regards to the additional and amended information, my previous comments have now been updated in [blue](#):

- The package treatment plant has been moved from the area at flood risk to beneath the parking area. [No change here. My mistake here as the parking area is near the entrance and the Package treatment plant is below the “permeable build up”. Therefore, structurally it is only required to carry pedestrian traffic.](#)
- It no longer discharges to the existing reed bed, but to what appears to be a drainage field. [No change here. Confirmation, that this is a drainage field. This will need to be appropriately designed, based on usage and permeability of the ground, which is more of a Building Control matter. If permeability is an issue, secondary treatment may be required, such as a reed bed, either the existing, or new, but if needed, then the red line boundary may need amended again.](#)
- The package treatment will need to be structural suitable for siting beneath the parking area. [No change here. Not required as per first bullet point.](#)
- The drainage field will need to comply with appropriate regulations. [No change here. Please see comments under second bullet point.](#)
- As the drainage field is sited on third party land agreements need to be in place for this to be located where it is proposed to be. [Based on updated plans, this is within the applicants boundary. Nothing required here.](#)

In addition to the above it appears that the proposed drainage field is actually outside the red line boundary... [The red line boundary has been amended and now includes this. Nothing](#)





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required here.

What I hadn't previously looked was the site photos, which shows standing water on the existing permeable build up.

This now throws up the question about whether the surface water drainage arrangements are adequate. Having looked at the latest drainage plan, there is no provision for surface water drainage except for a 150mm deep by 250mm wide gravel border around the each of the pods, but not the decking. There is no supporting information to demonstrate that this will be adequate, which I suspect it won't be. Therefore, further information on surface water disposal is required.

*28<sup>th</sup> March 2023*

Whilst the plan of the drainage layout is fine, there's a question of capacity of the drainage field to take the treated water from the package treatment plant and surface water.

I don't think that glamping pods would require Building Regulations, so where would the infiltration rates and sizing of the drainage field be picked up?

To be honest, I don't know why I hadn't considered it before with regards to the treated water from the package treatment plant and I only picked it up because of the drawing showing the surface water going to the same drainage field.

*28<sup>th</sup> March 2023*

That's fine for the foul.

The surface water should be dealt with separately or taken into account for the design of the drainage field.

*30<sup>th</sup> March 2023*

I would suggest a separate soakaway system based on BRE365.

Attenuated discharge to the watercourse would be the next option if there isn't sufficient room for a soakaway.

The site can be suitably drained, so I have no reason to object to it.

*30<sup>th</sup> March 2023*

Happy for surface water to be dealt with by condition.

Copeland Borough Council – Environmental Health

*21<sup>st</sup> February 2022*

No objections from an Environmental Health perspective.

If approved, much of the day to day management of the site can be dealt with through the camp site licensing regime under provisions in section 269 Public Health Act 1936.

*20<sup>th</sup> September 2022*

This application was passed to me last week to comment on, apologies if the response is late.

I have no objections to the proposal, other than to request that a condition is imposed in relation to site lighting.

Other than that, much of the day-to-day activity of the glamping business can be dealt with through the provision of a site licence for camping under provisions of s269 Public Health Act 1936 which the applicants can obtain from the Council.

*27<sup>th</sup> February 2023*

No Environmental Health objections to the above amended proposal.

The glamping pods will require a camping licence from the Council and this will deal with much of the day-to-day management of the development.

Cumbria County Council – Resilience Unit

*11<sup>th</sup> February 2022*

The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advisable to signpost the applicant to the Cumbria County Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link below:

<https://www.cumbria.gov.uk/emergencyplanning/supportingpages/industrialsites.asp>

The location of the land does sit within a distance of 10km from the Sellafield site, an area known as the Outer Consultation Zone (OCZ) but after viewing the details of the application, the opinion is that the plan for this development is not of significance in relation to this particular zone, and, therefore, liaison with the applicant is not required.

There are no objections to the proposed works.

*31<sup>st</sup> August 2022*

There are no objections to the proposed works.

The location of the proposed works is situated just outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ) within which attention is paid to ensure that people and businesses are aware of what action to take if there is an incident at the Sellafield



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Site. As trades people/visitors may pass through this area it is advisable therefore, if this application is granted, to direct the applicant to the following webpage for the appropriate advice on What to do in an Emergency at Sellafield:

<https://www.cumbria.gov.uk/emergencyplanning/supportingpages/industrialsites.asp>

3<sup>rd</sup> March 2023

The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advisable to signpost the applicant to the Cumbria County Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link below:

<https://www.cumbria.gov.uk/emergencyplanning/supportingpages/industrialsites.asp>

The location of the land does sit within a distance of 10km from the Sellafield site, an area known as the Outer Consultation Zone (OCZ) but after viewing the details of the application, the opinion is that the plan for this development is not of significance in relation to this particular zone, and, therefore, liaison with the applicant is not required.

There are no objections to the proposed works.

Copeland Borough Council – Tourism Officer

No comments received.

Natural England

15<sup>th</sup> February 2023

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to seven properties. One letter of objection was received to this application offering the following concerns:

- The proposal is located on land subject to a legal restrictive covenants against non agricultural usage in particular human habitation together with the implications of associated disturbance and noise etc.
- Concerned about the unusual amount of supportive publicity in the local press recently about glamping pods which may sway the application unfairly.

Following reconsultation on amended/additional plan one objector submitted two letters which detailed the following concerns:

- The flood risk assessment is conspicuous by convenient shortcomings in topographic mapping detail, specifically the Ellerbeck stream and its catchment.
- No mention in FRA about the Ellerbeck catchment being subject to a pollution enquiry by the EA because of complaints.
- This is relevant as the dirty water from the pods is directed into the reed bed treatment plant adjoining the Ellerbeck Stream.
- The reed bed was previously part of the drainage for the barn conversions at Ellerbeck barns but now is not managed by anyone. The development would therefore overrun the capacity of the existing reed bed adding further pollution to Ellerbeck stream.
- There is a restrictive covenants on the land restricting development. Legal advise is being sought on this matter.
- The proposal will create disturbance and noise for cattle within adjoining fields.
- Have UU sanctioned the proposed earth works with regard to the large water main that runs though the area?

Following reconsultation on the amended plans one objector submitted two letters which detailed the following concerns:

- Please can full details of the proposed water treatment plant be provided.
- I disagree with your explanation as to why the application has not been advertised on the local press.
- Farmer/graziers down stream of this reed bed treatment works depend on the cleanliness of the Ellerbeck stream for clean drinking water for grazing animals.
- Unless farms/graziers are made aware of this treat of pollution to their normal animal drinking water their democratic right to object is usurped.
- The serious pollution of the Ellerbeck stream was recognised by he EA last summer.
- This letter elaborates the previous content of my previous letters of objection can be viewed as an affidavit to which I am prepared to swear the contents on oath.



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- The restrictive covenants was not made clear to the purchaser. Why was the sale and search so unprofessional.
- Conflict of interest existed between those selling and searching. The ombudsman may be needed in this regard.
- Noise from the 4 pods will deter my stock from grazing my field adjoining this western boundary fence.
- Pod inhabitants dogs will deter my livestock grazing my neighbouring field adjacent to this fence.
- Glampitect's Market Research states that there are no glamping pods in this area. what about the glamping pods in Calderbridge (2 or 3 miles from Egremont) which the Lake District Park Authority approved last year and for which your department was officially notified.

### Planning Policy

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### Copeland Local Plan 2013 – 2028 (Adopted December 2013)

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER10 – Renaissance through Tourism

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM8 – Tourism Development in Rural Areas

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

**Other Material Planning Considerations**

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.



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Strategic Policy DS1PU: Presumption in favour of Sustainable Development  
Strategic Policy DS2PU: Reducing the impacts of development on Climate Change  
Strategic Policy DS3PU: Settlement Hierarchy Strategic  
Policy DS4PU: Settlement Boundaries  
Policy DS6PU: Design and Development Standards  
Policy DS7PU: Hard and Soft Landscaping  
Strategic Policy DS8PU: Reducing Flood Risk  
Policy DS9PU: Sustainable Drainage  
Strategic Policy E1PU: Economic Growth  
Strategic Policy E2PU: Location of Employment  
Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy  
Strategic Policy R2PU: Hierarchy of Town Centres  
Policy R9PU: Non-Retail Development in Town Centres  
Strategic Policy T1PU: Tourism Development  
Policy SC5PU: Community and Cultural Facilities  
Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity  
Strategic Policy N2PU: Local Nature Recovery Networks  
Strategic Policy N3PU: Biodiversity Net Gain  
Strategic Policy N6PU: Landscape Protection  
Strategic Policy CO4PU: Sustainable Travel  
Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

### **Assessment**

The key issues raised by this application relate to the principle of the development; creation of a new tourism facility; settlement character, landscape impact and visual impact; design and impact on neighbouring properties; access, parking and highway safety; and drainage and flood risk.

#### Principle of Development

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site lies adjacent to a small ground of barn conversions located to the west of the of Egremont. Policy ST2 of the Copeland Local Plan identifies the application site as outside of any defined settlement boundary. Policy ST1 and ST2 of the Copeland Local Plan seeks to

support development outside of designated settlement to those which have a proven requirement for such a location, including land uses characteristically located outside settlements such as tourism activities requiring location in the countryside. The NPPF also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. As such the principle for developing this site for a tourism accommodation is considered to be acceptable.

Concerns have been raised by an objector that there is a restrictive covenant on this land to prevent any non-agricultural uses. The agent for this application has confirmed that the applicant is aware of this matter and, should planning permission be granted, they will look to remove or amend this covenant in order to allow the development to proceed. This matter is therefore considered to be a legal issue outside of the scope of this planning application process.

#### Creation of New Tourism Facility

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate growth of the Borough's local economy. The NPPF states that planning policies and decisions should help to 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. Paragraph 83 adds that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

Policy ST1, ER10, DM8 and DM9 of the Copeland Local Plan seeks to maximise the potential of tourism in the Borough and will seek to expand tourism outside of the Lake District National Park boundaries to take pressure off the National Park's busiest locations and deliver economic benefit in the Borough. The NPPF also states that planning policies and decision should enable the sustainable growth and expansion of all types of businesses in rural area both through conversion of existing and well-designed new buildings, and sustainable rural tourism developments which respect the character of the countryside.

This application seeks to develop this site for four glamping pods, with associated infrastructure. This proposal will help to build the capacity to accommodate and attract additional visitors to the Borough. Policy DM8 of the Copeland Local Plan states that tourism facilities within rural area where it involves small scale development of new buildings will only be considered favourably where there is a need that cannot be met through the conversion of existing buildings. The proposed type of visitor accommodation within this application clearly cannot be met through existing buildings therefore the development is considered to comply with this policy. The development is also considered to be of a scale and character appropriate for this location ensuring the development complies with Policy DM9.

On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan and the NPPF.





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### Settlement Character, Landscape and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 4 'Coastal Sandstone'. The Key Characteristics of the land comprise: coastal sandstone cliffs, sandstone rolling hills and plateaus, large open fields, prominent hedge banks bound pastoral fields, small woodland blocks along valley sides, and exposed coastal edge moving to intimate and enclosed farmland inland.

The Guidelines for development include: strengthen definition between town and country by using extensive buffer planting to screen the built up areas and reduce the impact of industry, improve visual containment of caravan parks close to the coast with landscape works and discourage further large scale developments, such as wind energy, in prominent coastal locations, conserve and enhance the traditional farm buildings and features within their own setting, and reduce the impact of any new buildings by careful siting and design.

The application site relates to a sloping greenfield site which lies adjacent to a small group of barn conversions. Although the pods will be located within an elevated position within the site, the development is not considered to result in significant intrusion into the open countryside as the proposed pods would be viewed against the backdrop of the existing outbuildings located to the south east of the site. The proposed pods are also to be sited upon an existing hard standing which is already well screened by existing well established vegetation which is to be retained as part of the proposal development. The proposed/existing landscaping is considered to provide adequate levels of screening to limit the impacts of the development on the overall streetscene and will be secured by an appropriately worded planning condition.

### Design & Impact on Neighbouring Properties

Within the Copeland Local Plan, Policies ST1 and DM10 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design to achieve quality of place. These policies seek to create and maintain a reasonable standard of amenity.

The application site is located to the northwest of an existing group of residential barn conversions. The nearest property is 5 Ellerbeck Barns, which is the applicants residential dwelling. The other barn conversions are located approximately 80m to the southeast of the application site. No objections have been received from these nearby neighbouring dwellings.

The proposed development is also not considered to impact significantly on nearby dwellings as a new access is proposed to the site rather than utilising the shared access serving the existing barn conversions, taking additional traffic movements away from the existing residential amenity. The Council's Environmental Health Officer has also confirmed that they have no objection to the proposal and much of the day-to-day activities of the glamping site would be controlled by the camp site licensing regime under provisions in section 269 Public Health Act 1936. They have, however, requested a condition to control any external lighting in order to safeguard the amenity of any neighbouring dwellings.

In terms of the overall design of the proposal, whilst the pods will be located at an elevated position on the existing hardstanding, efforts have been made to develop a scheme which limits the impacts on the site and the overall streetscene. The proposed pods are of a small scale and a timber construction and are set back on the raised hardstanding to ensure the proposal does not dominate the area or impact on the streetscene. The existing well establish hedgerow fronting the site and the existing vegetation along the hardstanding will also help screen the development from the main vantage points.

Subject to the planning condition set out above the proposal is considered to achieve the requirement of Policies ST1, and DM10 of the Copeland Local Plan.

#### Access, Parking and Highway Safety

Policies ST1 and T2 of the Copeland Local Plan seeks to ensure developments accommodate traffic and access arrangements in ways that make it safe and convenient for pedestrians and cyclists to move around. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF requires that planning applications ensure that a safe and suitable access to the site can be achieved for all users.

The proposal seeks to utilise the existing field access from the B5345, located to the north of the site. The access point to the site is 4.21m wide and will benefit from visibility splays of 91m to the northwest and 83m to the southeast. The application seeks to create a parking area for four cars at the entrance to the site. Each pod will also be accessed via a new footway from the proposed parking area running along the northwest edge of the application site.

Initially, Cumbria Highways stated that the proposed visibility splays for the development were drawn incorrectly and should be informed by the speed limit. Cumbria Highways also stated that if the required visibility splays can't be achieved they would recommend that a



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speed survey is submitted to justify the proposed splays. Following the submission of a speed survey and further discussion with Cumbria Highways, it was agreed that the 85%tile speed is above 37mph therefore a plan was required to show splays of 91m NW bound and 83m SE bound. Based on the submission of this amended plan showing these revised visibility splays Cumbria Highways confirmed that they have no objections to the proposed subject to the inclusion of appropriately worded planning conditions to secure visibility splays, surfacing of the access, measures to prevent discharge onto the highway, and provision for turning space.

Based on the inclusion of these requested conditions the proposal is considered to be compliant with the Policy T1 and Policy DM22 of the Copeland Local Plan.

#### Drainage and Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensuring that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The majority of the application site is located within Flood Zone 2, however the northeast corner is located within both Flood Zones 2 and 3, therefore the application is supported by a Flood Risk Assessment following an initial request from the Council's Flood and Coastal Defence Engineer.

The submitted Flood Risk assessment for this application concludes that fluvial, surface water ground water and artificial flood risk are considered to pose a low risk to the site. To mitigate any risks of surface water flooding the assessment recommends that the proposed drainage plan should be followed and the drainage system maintained. The FRA therefore demonstrates that the proposed development of this site is suitable in the location proposed and will be adequately flood resilient and resistant, is unlikely to place additional persons at risk of flooding and is unlikely to increase flood risk elsewhere.

As part of the original application, it was proposed that surface water would be dealt with by a sustainable drainage system and foul sewage would be dealt with by the existing reed bed. Following initial concerns regarding the proposed drainage for this site the proposal was amended to ensure foul water was drained via a water treatment plant suitably sized for the four pods with integrated sample chamber. The amended plans for this development show the proposed treatment plant located under the existing permeable built-up area and is suitably sized for four pods with an integrated sample chamber. The amended plans also now

show surface water drainage being dealt with via proposed soakaway, permeable parking/footways, and 250mm wide gravel borders around the pods.

Concerns were originally raised by the Council's Flood and Coastal Defence Engineer regarding the location of the proposed treatment plan which was initially located within part of the site with the highest flood zone. Based on these concerns the treatment plant was relocated to a position beneath the existing permeable area where the proposed pods will be sited with the treatment plant discharging into a drainage field. The Officer made no objections to the location of the treatment plant but raised concerns regarding the size of the proposed drainage field, and the suitability of the proposed surface water drainage for the site. As the size of the proposed drainage field would be dealt with by building control under the Building Regulations the Flood and Coastal Defence Engineer and agent for the application have agreed to a condition to secure the proposed foul water drainage as shown on the submitted plans and if any alterations are required following this will require an amendment. A condition has also been agreed in order to secure a full surface water drainage scheme for the proposal to ensure that this is adequate for the development.

No objections have been received from the EA or UU but they have requested that the site is drained as per the submitted details. This will be secured by an appropriately worded planning condition.

Concerns have been raised from the one objector to this application regarding the proposed drainage at this site. They have raised concerns regarding the existing pollution of the Ellerbeck Stream and how this development will impact/increase this issue as the development will drain into the existing reed bed. The objector states that the EA are aware of this pollution issue which has gone on for over a year. The objector has been consulted on the amended drainage information for this application however they still object to the proposal and discharge into the reed bed. As the development has been amended the proposal will now drain into a drainage field and not the reed bed, therefore the development should not increase the pollution issues raised by the objector. The EA have offered no objections to the proposal but have confirmed that an Environmental Permit will also be required for this development. The objector has also requested more details about the proposed water treatment plant, however the agent has requested that this matter is dealt with by condition as the applicant has yet to confirm models or suppliers.

The imposition of these conditions will secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

#### Planning Balance & Conclusion

The application site lies adjacent to a small ground of barn conversions located to the west of the of Egremont. Policy ST2 of the Copeland Local Plan identifies the application site as outside of any defined settlement boundary. Policy ST1 and ST2 of the Copeland Local Plan seeks to support development outside of designated settlement to those which have a proven



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	<p>requirement for such a location, including land uses characteristically located outside settlements such as tourism activities requiring location in the countryside. As such the principle for developing this site for a tourism accommodation is considered to be acceptable.</p> <p>Although the proposed pods will be located within an elevated position within the site, the development is not considered to result in significant intrusion into the open countryside as the proposed pods would be viewed against the background of the existing outbuildings located to the southeast of the site. The proposal is also considered to be of an appropriate scale and set back within the site in order to limit the impacts of the development on the overall streetscene. The existing vegetation will also provide adequate levels of screening to mitigate any potential impacts. Given the distance from existing residential dwellings the proposal is not considered to impact on existing residential amenity.</p> <p>The application seeks to utilise the existing access to the site and create a parking area. The submission of a speed survey and amended visibility splays have resolved any outstanding issues with the proposed access with details secured by condition. Issues relating to drainage will also be dealt with by appropriately worded planning conditions to ensure the development is drained in a satisfactory manner.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> <li>The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> <li>Ariel View (Amended), Scale 1:1250, Drawing Number: 210825-01-00, Rev: B, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.</li> <li>Location Plan (Amended), Scale 1:1250, Drawing Number: 210825-01-01, Rev: A, received by the Local Planning Authority on the 7<sup>th</sup> February 2023.</li> </ul> </li> </ol>

- Proposed Site Plan (Amended), Scale 1:200, Drawing Number: 210825-01-02 Rev: B, received by the Local Planning Authority on the 7<sup>th</sup> February 2023.
- Site Photographs (Amended), Drawing Number: 210825-01-03, Rev: A, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.
- Proposed Drainage Plan (Amended), Scale 1:100, Drawing Number: 210825-01-04, Rev: C, received by the Local Planning Authority on the 7<sup>th</sup> February 2023.
- Pod Elevations, Scale 1:50, Drawing Number: 210825-01-05, received by the Local Planning Authority on the 28<sup>th</sup> January 2022.
- Road and Access Plan (Amended), Scale 1:100, Drawing Number: 210825-01-06, Rev: A, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.
- Lighting Plan (Amended), Scale 1:100, Drawing Number: 210825-01-08, Rev: A, received by the Local Planning Authority on the 7<sup>th</sup> February 2023.
- Artist Impressions (Amended), Drawing Number: 210825-01-09, Rev: A, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.
- Cross Section (Amended), Scale 1:100 & 1:250, Drawing Number: 210825-01-11, Rev: B, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.
- Market Research, Prepared by Glampitect, received by the Local Planning Authority on the 8<sup>th</sup> August 2022.
- Design & Access Statement, Prepared by Glampitect, received by the Local Planning Authority on the 28<sup>th</sup> January 2022.
- Flood Risk Assessment, Prepared by Ashfield Solutions Group June 2022, received by the Local Planning Authority on the 24<sup>th</sup> June 2022.
- Landscaping Plan (Amended), Scale 1:200, Drawing Number: 210825-01-10, Rev: A, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.
- Ground Levels Plan (Amended), Scale 1:200, Drawing Number: 210825-01-14, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.
- Existing Cross Section (Amended), Scale 1:100 & 1:250, Drawing Number: 210825-01-12, Rev: A, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.
- Traffic and Speed Survey Analysis, Prepared by CTS Traffic and Transportation January 2023, received by the Local Planning Authority on the 13<sup>th</sup> January 2023.
- Speed Survey – Analysis Sheet, received by the Local Planning Authority on the 13<sup>th</sup> January 2023.
- Speed Survey – Northwest Bound (Class), received by the Local Planning Authority on the 13<sup>th</sup> January 2023.
- Speed Survey – Northwest Bound (Speed), received by the Local Planning Authority on the 13<sup>th</sup> January 2023.
- Speed Survey – Southeast Bound (Class), received by the Local Planning Authority on the 13<sup>th</sup> January 2023.
- Speed Survey – Southeast Bound (Speed), received by the Local Planning Authority on the 13<sup>th</sup> January 2023.
- Speed Survey – Location Map, received by the Local Planning Authority on the 13<sup>th</sup> January 2023.



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- Speed Survey Report – Appendix 2, received by the Local Planning Authority on the 13<sup>th</sup> January 2023.
- Visibility Splay Images, received by the Local Planning Authority on the 13<sup>th</sup> January 2023.
- Minimum Visibility Splays (Amended), Scale 1:250, Drawing Number: 210825-01-07, Rev: D, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.
- Proposed Surface Water Drainage Plan (Amended), Scale 1:100, Drawing Number: 210825-01-15, received by the Local Planning Authority on the 21<sup>st</sup> March 2023.

### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### Pre Commencement Conditions

3. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation must include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - iii. A timetable for its implementation.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted must be carried out only in accordance with the approved drainage scheme.

### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. The development must not commence until visibility splays providing clear visibility of 91m NW and 83m SE measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway as shown on the approved plan 'Minimum Visibility Splays (Amended), Scale 1:250, Drawing Number: 210825-01-07, Rev: D, received by the Local Planning Authority on the 17<sup>th</sup> February 2023'. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

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

Reason

In the interests of highway safety and environmental management in accordance with Policy T1 and DM22 of the Copeland Local Plan.

Prior to Use/Installation Conditions

6. The foul drainage for the development hereby approved, must be carried out in accordance with principles set out in the approved plan 'Proposed Drainage Plan (Amended), Scale 1:100, Drawing Number: 210825-01-04, Rev: C, received by the Local Planning Authority on the 7<sup>th</sup> February 2023'. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk



of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

7. Prior to its first installation full details of the proposed water treatment plant must be submitted to and approved in writing by the Local Planning Authority. The development must be completed in accordance with any approved details and retained as such for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

8. The use of the site hereby approved must not be commenced until the access and parking requirements have been constructed in accordance with the approved plan 'Minimum Visibility Splays (Amended), Scale 1:250, Drawing Number: 210825-01-07, Rev: D, received by the Local Planning Authority on the 17<sup>th</sup> February 2023'. Any such access and parking provisions must be retained and be capable of use when the development is completed and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with Policy T1 and DM22 of the Copeland Local Plan.

9. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

10. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, must be submitted to the Local Planning Authority for approval. The development must not be brought into use until any such details have been approved and the turning space constructed. The turning space must not thereafter be used for any other purpose.

Reason

To ensure that provision is made for vehicle turning within the site and in the interests of highway safety.

Other Conditions:

11. The development must be carried out in accordance with and implement all of the details and measures set out within the approved document 'Flood Risk Assessment, Prepared by Ashfield Solutions Group June 2022, received by the Local Planning Authority on the 24<sup>th</sup> June 2022'. Once installed these measures shall be retained at all times thereafter.

Reason

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

12. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations For Exterior Lighting Installations for Environmental Zone E2 within the Institute of Light Engineers Guidance Notes For the Reduction of Obtrusive Lighting GN01 dated 2005.

Reason

To safeguard the amenities of nearby residential occupiers.

13. Any access gates installed within the site must be of a style which do not open onto the highway and must be retained as such at all times thereafter.

Reason

In the interest of highway safety.

14. The development hereby approved must be constructed in accordance with the landscaping details specified within the following approved plans:

- Landscaping Plan (Amended), Scale 1:200, Drawing Number: 210825-01-10, Rev: A, received by the Local Planning Authority on the 17<sup>th</sup> February 2023.

The development must be carried out and maintained in accordance with this approved detail at all times thereafter.

Reason

In the interest of visual amenity.

**Informatives:**

1. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.
2. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Unit office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafeld site.
3. In addition to planning permission the applicant may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.

**Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer:** C. Burns

**Date :** 19.04.2023

**Authorising Officer:** N.J. Hayhurst

**Date :** 20.04.2023

**Dedicated responses to:-** Letter to objector