

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2294/001	
2.	Proposed Development:	OUTLINE APPLICATION FOR THE SITING OF 3 NO HOLIDAY ACCOMMODATION PODS/UNITS INCLUDING APPROVAL OF SITE LAYOUT, ACCESS, PARKING & SCALE (NO OF UNITS ONLY) WITH ALL OTHER MATTERS RESERVED	
3.	Location:	ROTHERSYKE HOUSE, EGREMONT	
4.	Parish:	Lowside Quarter	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, 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	<p>This application relates to a property, known as Rothertsyke House, located off the B5345 to the west of Thornhill. The large detached property is sited within its own grounds and is accessed via the C Class road which runs along the eastern edge of the site. The application is redundant land located to the south east of the of main residential property.</p>	

The greenfield site is comprised of sloped pasture with a number of mature trees located along the eastern boundary adjacent to the highway. The application site benefits from an existing agricultural access located to the south east corner of the land.

Relevant Planning History

4/97/0200/0 – Change of use from commercial to residential – Approved.

4/11/2518/0F1 – Construction of pitched roof to annex at rear of property – Approved.

4/22/2204/0F1 – Extension to existing annexe to create a new sunroom, utility/porch and external terrace – Approved.

Proposal

This outline application seeks to establish the principle for the siting of three holiday accommodation pods/units on the site. The application seeks approval of the site layout, access, parking, and scale (number of units) with all other matters reserved for future approval.

The proposed holiday accommodation units will be located along the eastern boundary of the application site and will run adjacent to its boundary. The three units will be significantly detached from each other with existing trees retained in between. Each pod will be accessed via an accessible path from the proposed car park to the south of the site, which will also provide access to a designated picnic/bbq area at each end of the site. The proposed access path will be winding and finished with permeable materials to reduce the camber for accessibility.

The application site will be accessed from a new access to the south east of the application site from the adjacent C Class road which has been closed to through traffic for a number of years. The proposed access will be located approximately 4.5m to the north of the existing field access, which will be blocked up. One tree will be removed to accommodate the new access point. The proposed new access will be located 25m from the junction with the B5345 providing clear access to this junction and splays of 65m to the north of the access and 61m to the south can be achieved. The proposed access road will be 4.5m wide and tarmacked for a distance of 10m into the site providing access to the proposed car park. The proposed car park with turning area is located to the south of the application site providing 6 car parking spaces and one disabled space to serve the proposed pods. The car park will be finished with permeable surfacing.

It is proposed that the foul water from this site will be drained via a package treatment plant and discharged into the watercourse, and surface water will discharge into the ground.

Consultation Responses

Lowside Quarter Parish Council

No comments received.

Cumberland Council – Highway Authority & LLFA

2nd August 2022

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

The LHA are aware that the proposed access is an existing field entrance, to which the LHA would welcome a detailed plan showing visibility splays in both directions from 2.4 metres within the centre of the proposed access road.

Within this detailed plan can it also show the distance the proposed access is from the Low Mill to St Bees road, as set in the Cumbria Development Design Guide (CDDG) a new access should not be within 25 metres of an existing highway Junction.

Also regarding the access onto the highway a detailed plan is required showing how this will be constructed, kerb detail, carriageway cross sections, materials being used for example.

Looking at the topography of the land within Rothersyke house the proposed access road will encourage surface water runoff onto the highway. We as the LHA and LLFA would welcome proposals to stop this happening.

Upon receipt of the above points raised I will be able to give a full response.

13th June 223

Local Highway Authority response:

Following our previous correspondence we as the LHA welcome the additional proposed site plan drawing number 2128-01B showing visibility splays of up to 65m to the left which is acceptable due to the road being permanently closed due to river erosion, although we accept the visibility to the left no visibility splay has been drawn to the right within the plan provided. The LHA would welcome this detail at this stage.

Within our previous response we asked how the surface water would be contained within the site (please see below).

Looking at the topography of the land within Rothersyke house the proposed access road will encourage surface water runoff onto the highway. We as the LHA and LLFA would welcome proposals to stop this happening.

The LHA welcome the perforated pipe to the south of the car park which should catch any surface water running off the car park area. The LHA would also like to see a proposal to eliminate surface water runoff within the hard surface of the access road.

Lead Local Flood Authority response:

We as the LLFA welcome the Drainage strategy in support of this application, unfortunately the proposal does not meet with the LLFA guidelines at this stage.

The LLFA agree the nearby water course River Ehen is the obvious choice for discharge from the site but as this will be treated foul water and the area being in a ground water source protection zone the treated foul water would not be permitted to discharge into the ground. The Environment Agency would also have to permit this discharge into the River Ehen before any further discussions can take place regarding this development site.

In light to the above comments additional details are required from the applicant.

Upon receipt of the amended plans I shall be better placed to provide full response, otherwise I will have no other alternative as to recommend refusal.

27th July 2023

I can confirm that the LLFA are content with this approach.

23rd August 2023

I can confirm that we have no objections to the proposal subject to the inclusion of conditions relating to visibility splays, footways, surface water drainage, and the submission of a traffic management plan.

United Utilities

17th August 2022

According to our records, the site overlies the sandstone rock, in a Groundwater Source Protection Zone (SPZ 1 and 2). At present, there is insufficient information within the outline planning application relating to the disposal of foul sewage. Given the sensitive location of the site, there is a potential risk of wastewater pollution from a private wastewater treatment plant if installed in the strata overlying the Groundwater Source Protection Zone (SPZ) 1 or 2, surrounding the United Utilities drinking water abstraction borehole.

United Utilities request the strategy for disposal of foul sewage be submitted for our review so that any risk to groundwater from the proposed development, including the future risks posed by new sewerage infrastructure on-site can be further assessed. The applicant should note that mitigation measures to manage the risk may be required. Therefore, we strongly recommend this matter is resolved PRIOR TO DETERMINATION.

GROUNDWATER PROTECTION ZONE

Risk to public water supply

ADVISORY - The site overlies the sandstone rock, in a Groundwater Source Protection Zone (SPZ 1 and 2). This forms an aquifer, abstracted at depth by United Utilities for public drinking water supply at the nearby Merry Hill borehole. The applicant should follow best practise on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction.

Discharge of clean roof water to ground

Together with the Environment Agency, United Utilities supports the principles of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.

The discharge of clean roof water to ground is acceptable within SPZ 1 and SPZ 2, provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground. No permit is required, if the above criteria can be met.

GROUNDWATER AND DRAINAGE

At present, there is insufficient information within the outline planning application relating to the disposal of foul sewage.

Given the sensitive location of the site, there is a potential risk of wastewater pollution from a private wastewater treatment plant if installed in the strata overlying the Groundwater Source Protection Zone (SPZ) 1 or 2, surrounding the UU drinking water abstraction borehole.

United Utilities request the strategy for disposal of foul sewage be submitted for our review. The applicant will need to confirm the following:

1. Will the foul sewage from the site connect to the mains sewer wastewater network, or to a private wastewater treatment plant?
2. Confirmation of measures taken to prevent the contamination of the abstracted aquifer, present at depth below the site, from potential hydrocarbon contamination arising from use of the site as a car park.

This information is required to be submitted our review so that any risk to groundwater from the proposed development including the future risks posed by new sewerage infrastructure on-site can be further assessed. The applicant should note that mitigation measures to manage the risk may be required. Therefore, we strongly recommend this matter is resolved

PRIOR TO DETERMINATION.

It is recommended that the applicant consider installation of a private wastewater treatment system outside of SPZ 1, and United Utilities welcome the upgrading of any existing septic

tanks within the adjacent farm plot as part of the environmental permit.

Please note that all sewage effluent discharges to ground within SPZ 1 require an environmental permit. It is recommended that the applicant contact the Environment Agency to discuss whether or not a new discharge to ground is likely to be granted a permit.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

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.

We recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.

6th February 2023

GROUNDWATER PROTECTION ZONE

The site overlies the sandstone rock, in a Groundwater Source Protection Zone (SPZ 1 and 2). This forms an aquifer, abstracted at depth by United Utilities for public drinking water supply at the nearby Merry Hill borehole. The applicant should follow best practise on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction.

Further to the additional information provided by the applicant, United Utilities has no objection to the proposal, on the basis that conditions are attached to any decision notice for this application.

Private Wastewater Treatment

Based on the approach outlined in the Drainage Report (Ref. 22-349r001, Sept 2022, Kingmoor Consulting) received, we recommend that the LPA place a condition on the development, to manage the risks from foul effluent storage and treatment in this sensitive location for groundwater and surface water.

United Utilities strong preference is that the packaged treatment plant is sited as far from the groundwater abstraction as possible. The current position (Dwg. 22-349-DWG001) is in the far south-west corner of the plot, within 54m of the borehole.

Private Surface Water Drainage

Infiltration SuDS are proposed for surface run-off from roads, car parking and public / amenity

areas on this development. As previously recommended they should:

- be suitably designed;
- meet Government's non-statutory technical standards for sustainable drainage systems;
- these standards should be used in conjunction with the National Planning Policy Framework and Planning Practice Guidance; and,
- use a SuDS management treatment train, to protect surface water and groundwater.

We note a discrepancy between the location of the car parking spaces and associated drainage on the proposed site layout plan (ref: Aditus Architectural Services, P01 2128-01, dated June 22) and the plan shown in the Kingmoor Consulting Drainage report, 22-349-DWG001 Rev A, dated Sept 2022). This may impact on the drainage proposals for this area.

United Utilities request the LPA place a condition on the private SuDS system, to achieve a robust surface water management system that does not pose an unacceptable risk of overland flooding, pollution to groundwater and the nearby drinking water abstraction.

Cumberland Council – Flood and Coastal Defence Engineer

20th July 2022

With regards to the above application, it states that the surface water is to be disposed of by means of a sustainable drainage system, yet no details are provided and it is unknown how the foul sewage is to be disposed of.

Consequently, I am objecting to the proposed development.

1st August 2022

I am not seeking a full drainage scheme, I need to know that the site can be drained, therefore I need enough information to convince me that the site can be drained.

If planning permission is given then it is subsequently found that the site can't be drained what would happen?

8th June 2023

With regards to the amended description and additional and amended information for the above Planning Application, based on the Drainage Strategy, I believe that proposed development should be refused, as it cannot comply with the General Binding Rules.

It is stated that the site is in a Groundwater Source Protection Zone and therefore the treated

effluent from the site cannot be discharged to ground.

The proposal is to discharge into an informal drainage channel, which eventually lead to the River Ehen.

In order to comply with the General Binding Rules, the discharge needs to be into a watercourse that normally runs all the time.

The informal drainage channel is not a mapped watercourse and is therefore so minor that it is frequently dry.

I would advise that the above is checked with the Environment Agency with regards to compliance with the General Binding Rules.

The proposal for the surface water appears to be inadequate, however, by utilising the informal drainage channel, it does at least indicate that there is a means of disposing of surface water on site.

9th June 2023

With regards to my previous e-mail on this subject, it may be possible for the discharge to be permitted, which would be by the Environment Agency.

My advice that the Environment Agency still stands, but there is possibly a more favourable outcome than I'd previously anticipated.

12th June 2023

I had forgotten that discharges can be permitted.

However, because the site is within a Source Protection Zone, I can't say whether it can be or can't be.

The agent should check with the Environment Agency, as to whether the discharge could be allowed and permitted, or whether it would be refused, as I'd originally thought.

27th July 2023

Conditioning the drainage is now the sensible approach.

Environment Agency

15th June 2023

I can confirm that if this application had been referred to the EA for consultation, it would have been screened out as low risk. We would not comment on non-major development

where the only constraint is the use of a non-main drainage system.

Any new small sewage discharges (SSD) would need to comply with the General Binding Rules for [surface water discharges](#) or [groundwater discharges](#).

Any new SSD to ground within SPZ1 is not compliant with the Binding Rules and will require an Environmental Permit.

Any new SSD to surface water is not compliant with the Binding Rules if the watercourse to which the treatment plant discharges does not convey a flow throughout the year.

If a permit is required for any new discharge associated with the proposed development, we cannot determine whether or not it would be acceptable until a permit application has submitted.

27th July 2023

We'd have no objection to the use of a condition requiring details of a foul drainage scheme to be agreed.

Cumberland Council – Environmental Health

9th June 2023

Further to the above planning application.

From an Environmental Health perspective, there are no objections to this proposal.

A camping site licence may be required from the Council, and this would oversee much of the aspects of daily management aspects of the development.

I note the comments of the Flood and Coastal Defence Engineer about the provision for foul drainage, and agree that clarification should be sought from the Environment Agency on this matter.

I would request a condition on any approval granted with respect to site lighting.

Cumberland Council – Resilience Unit

15th July 2022

There are no objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at

the Sellafield site.

Condition – that the applicant contact CCC Resilience Unit office via emergency.planning@cumbria.gov.uk to ensure information about the business can be captured and the Sellafield Off Site Emergency Plan updated accordingly.

In view of the fact that this application could increase the number of persons in the area (including trade people) I would be grateful if you could, in the event of the application being granted, also advise the applicant to liaise with this office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors plus paying guests are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

5th June 2023

No objections as per comments submitted on the 15th July 2023.

Arboricultural Consultant – Capita

10th July 2023

Following our site visit, we have the following comment/observation to make on the proposed development.

The applicant has submitted a BS5837:2012 Tree Survey, Arboricultural Report and Tree Constraints Plan (Report Number: 0126) dated 21st April 2023. The report includes an assessment of 33 trees on the site and allocating them a British Standard (BS 5837:2012) retention category. The report gives guidance for protecting retained trees during construction.

RECOMMENDATIONS

Include a condition of any planning permission requiring:

- the submission of an Arboricultural Method Statement, which must include adequate tree protection measures. The Arboricultural Method Statement must be agreed in writing by the Local Planning Authority and must be implemented in full prior to and during construction activity on site.
- the submission of a detailed landscaping scheme prior to any construction activity on site. This should include a specification for new trees and shrubs, a detailed planting design and a five-year maintenance scheme. This must be agreed in writing by the Local Planning Authority and carried out during the first planting season following construction work.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to ten properties.

Fifty seven letters of support were received to the original consultation for this application offering the following comments:

- No objections.
- Why is this proposal not being allowed as it will bring in some tourism for the area.
- The ground is not being used for anything and would be perfect for the number of pods being suggested.
- There shouldn't be any impact on the roads as limited pods max 3 cars – 1 per pod.
- This application should be allowed to go ahead.
- Great idea for helping local area with tourism.
- There aren't many alternative accommodation options in the area.
- There is no reason this shouldn't go ahead.
- Much needed attractive for beautiful area of Cumbria which can be over looked.
- Employment for location works in building and maintaining the site.
- Contribution to local economy.
- We should be grateful to people who are willing to invest in our beautiful part of the county.
- Brilliant location.
- The site will be done to a high standard.
- I cant see anyone having an objection as the location of the property means the pods may not be visible at all.
- Extra custom to local rural public houses.

Following reconsultations on this application one letter of support was received. One letter of concern was also received which raised the following points:

- No objections in principle but I wish to draw Officer's attention to errors in the information presented so they are not misled when considering this application.
- The D&A and Proposed site plan amended the note on mitigation on limited visibility northwards from the proposed car park have the following errors:
 - o There is an other property to the north of Rothersyke House which uses this road for access and egress not just Rothersyke House as stated.

- Whilst the road is closed to vehicular traffic it is still open to other forms of traffic i.e. pedestrians horse riders, cyclists and motor cyclists.
- Proposed access have poor visibility to the north. Cyclists may well be travelling down the hill at speed. The road is overhung by trees creating shade reducing visibility further.

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



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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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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.

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; scale, design & landscape and visual impact; impact on neighbouring properties; access, parking and highway safety; drainage and flood risk; and trees.

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 within a small group of dwellings located to the west of Thornhill known as Rothersyke. 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.

Within the Emerging Local Plan, under Policy DSPU3 Rothersyke continues to be identified as within open countryside. Policy DM4PU allows for a number of types of developments within open countryside where there is a proven need, including agriculture, forestry, farm

diversification, or tourism proposals.

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.

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.

Within the Emerging Local Plan, Policy T1PU states that the Local Plan supports the creation, enhancement and expansion of tourist attractions, new build visitor accommodation and infrastructure in line with the settlement hierarchy. All tourism development must be of an appropriate scale, located where the environment and infrastructure can accommodate the visitor impact, and where it does not result in unacceptable harm to environmental assets or the character of the area. This policy further states that tourism development will be supported out of the defined settlement boundaries where the proposal includes a function or activity that requires a location that cannot be accommodated within the Principal Town, Key Service or Local Service Centres, the proposal enhances existing place bound assets, the proposal is for a change of use or diversification of an existing building to provide overnight or longer stay visitor accommodation, or the proposal is for a farm diversification in rural area that will provide or enhance tourist provision.

This application seeks to develop this site for three holiday pods/units, 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 modest scale and character which is 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 ST1, ST2, ER6, ER10, DM8 and DM9 of the Copeland Local Plan, Policies T1PU of the Emerging Local Plan, and the provisions of the NPPF.

Landscape Impact 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.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhanced by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside, reinforcing woodland belts, enhancing water and soil quality



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and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.

The application site relates to redundant greenfield land associated with a large residential property. The site comprises of sloped pasture with a number of mature trees located along the eastern boundary. Whilst the application is in outline form only it is specified that the application seeks permission for three holiday accommodation pod/units, the scale and size of these pods is not included within this application. The proposed holiday accommodation units will, however, be located along the eastern boundary of the application site and will run adjacent to its boundary. Concerns have been raised with the agent for this application regarding the prominent location of the proposed pods/units adjacent to the main highway and it was initially requested that a full application be submitted in order for this to be fully considered as part of the application process. This request however was declined as the applicant wanted to establish the principle of developing the site before committing to a final design for the scheme.

The application does not include details of landscaping, however the submitted block plan indicates that the majority of the well-established trees and vegetation at the site will be retained. The Council's Arboricultural Consultant (Capita) has reviewed the application and offered no objections to the application, however have requested the inclusion of conditions requiring the submission of an arboricultural method statement and detailed landscaping scheme prior to construction commencing at this site.

Given the location of the site, the development is considered to result in localised change to the landform and would result in impacts on the local landscape, the extent of which cannot be determined until full details of the proposed units have been submitted for approval. However, it is considered that a scheme could be developed which limits the impacts of the development on the surrounding area, and a landscaping scheme could be developed to mitigate some of the adverse impacts on the surrounding area. As any landscaping details are indicative only and full details of landscaping will be secured by condition alongside a maintenance schedule.

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.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles,

creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

As the application is on outline form only no details have been submitted at this stage to show the proposed scale or design of the proposed holiday units/pods, with these details reserved for subsequent approval. Details of the proposed layout have, however, been provided confirming that the proposed units will be located along the eastern boundary of the application site and will run adjacent to the boundary of the application site. The application site is detached from any neighbouring dwelling, with the nearest residential property being the applicant's own dwelling, Rothersyke House. Other residential properties are located over approximately 125m away from the application site. Although the development will result in the intensification of the access which serves two other properties, this is located a significant distance from these dwellings and is therefore not considered to impact on their existing amenity.

The Council's Environmental Health Officer has confirmed that they have no objection to the proposal and much of the daily management aspects of the development would be controlled by a site licence. They have, however, requested a condition to control any external lighting in order to safeguard the amenity of any neighbouring dwellings.

Whilst the matters of scale, appearance and landscaping are reserved for subsequent approval, it is considered that a development layout could be achieved within this site that would not result in harm to the residential amenity of the neighbouring residential dwellings.

Access and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

It is proposed that the application site will be accessed from a new access to the south east of the application site from the adjacent C Class road which has been closed to through traffic for a number of years. The proposed access will be located approximately 4.5m to the north of the existing field access, which will be blocked up. The proposed new access will be located 25m from the junction with the B5345 providing clear access to this junction and splays of 65m to the north of the access and 61m to the south.

Initially, the Highway Authority raised concerns regarding the proposed new access, in particular the achievable visibility splays, location from the existing junction, and surface run off onto the highway. In response to these concerns the agent for the application submitted plans to relocate the proposed access away from the existing junction with the B5345, and provided additional detail regarding visibility splays and surface water drainage at the access point. Based on these amended details the highway authority confirmed that they have no

objections to the development subject to the inclusion of conditions relating to visibility splays, footways, surface water drainage, and the submission of a traffic management plan.

It is therefore considered that, based on the inclusion of the requested conditions, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Flood Risk and Drainage

Policy ST1 of the Copeland Local Plan and paragraph 159 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site lies within Flood Zone 1.

Following initial concerns with the application a Drainage Strategy was submitted to support the application which stated that as part of the application it is proposed that the foul water from this site will be drained via a package treatment plan and discharged into the watercourse, and surface water will discharge into the ground.

Whilst additional details have been provided regarding the proposed drainage for the site, concerns were still raised by statutory consultees with regard to the proposed scheme due to the sites location within a ground water source protection zone. It was also stated that an Environmental Permit would be required for the proposed drainage scheme, however the Environment Agency couldn't confirm whether the new discharge associated with the proposed development would be acceptable until a permit application has been submitted. In order to progress this application it was confirmed by consultees and the agent that they were happy to progress based on the inclusion of a condition requiring the submission of a full drainage scheme for the proposal. This will allow the applicant to gain an outline planning approval and would allow for discussions with the EA regarding the required Environmental Permit before formally submitting and agreeing a drainage scheme with the Local Planning Authority. This also reflects the conditions requested by UU. UU have also requested a condition to secure a Construction Environment Management Plan due to these concerns.

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 Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging

Local Plan, and the provisions of the NPPF.

Planning Balance & Conclusion

The application site lies within the grounds of a large residential dwelling, located within the area known as Rotherskye. 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. As such the principle for developing this site for a tourism accommodation is considered to be acceptable.

The application site lies within the grounds of a large residential dwelling, located within the area known as Rotherskye. 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. As such the principle for developing this site for a tourism accommodation is considered to be acceptable.

The application is in outline form only, with only the layout and number of pods forming part of the application. Concerns have been raised with regard to the impact of the development upon the surrounding landscape, however the scale and size of the proposed pods are not included as part of this application. Given its prominent location the development of this site would result in localised change, the extent of which cannot be fully determined until full details of the scheme are submitted. It is considered, however, that a scheme could be developed which limits the impacts of the development on the surrounding area, and a landscaping scheme could be developed to mitigate some of the adverse impacts on the surrounding area. These details will be controlled and secured by condition.

The development is not considered to create any significant adverse impact upon residential amenity due to separation distances with neighbouring properties. The proposed access is considered to be acceptable and the development is not considered to have any adverse impact on highway safety subject to the inclusion of relevant conditions.

Concerns have been raised with regard to the proposed drainage scheme given the sites location within a ground water source protection zone and requirement for an Environmental Permit. Conditions will therefore secure a full surface water and foul drainage scheme for the development in order to progress this outline application and allow the Environment Permit application to be progressed.

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.

8.	<p>Recommendation: Approve in Outline</p>
9.	<p>Conditions: <u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The scale, appearance, and landscaping must be approved by the Local Planning Authority. <p>Reason</p> <p>To comply with Section 92 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"> 2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:- <ol style="list-style-type: none"> a) The expiration of THREE years from the date of this permission <p>Or</p> <ol style="list-style-type: none"> b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. <p>Reason</p> <p>To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> 3. 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"> - Location Plan (Amended), Scale 1:1250, Number: 2128-02A, received by the Local Planning Authority on the 22nd May 2023. - Site Plan (Amended), Scale 1:200, Number: 2128-01C, received by the

Local Planning Authority on the 7th August 2023.

- Design and Access Statement (Amended), Prepared by Aditus Architectural Services, received by the Local Planning Authority on the 22nd May 2022.
- Drainage Report, Prepared by Kingmoor Consulting September 2022, received by the Local Planning Authority on the 27th September 2022.
- Tree Survey, Arboricultural Report and Tree Constraints Plan, Prepared by Rowan Tree Surveys, received by the Local Planning Authority on the 4th May 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:

4. Prior to development commencing a Wastewater/Foul Drainage design for the Development must be submitted to, and approved in writing by the Local Planning Authority. The drainage scheme must include:
 - i) Foul and surface water shall drain on separate systems.
 - ii) Evidence that any wastewater drainage systems mitigate the risk of pollution to groundwater, for the lifetime of the development.
 - iii) Incorporate mitigation measures to manage the risk of sewer and channel surcharge, where applicable.

Prior to occupation of the development (hereby permitted) wastewater drainage shall be completed in accordance with the agreed design and subject to receipt of an Environmental Permit, or consent of the Environment Agency.

Reason

To manage the risk of pollution to the underlying aquifer, abstracted for drinking water supply and to promote sustainable development.



Cumberland Council

5. 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 schemes must include:

- i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water, in accordance with BRE365;
- 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);
- iii) Incorporate mitigation measures to manage the risk of sewer or culvert surcharge, where applicable;
- iv) Use a SuDS management treatment train, to protect surface water and groundwater;
- v) Evidence that any surface water drainage system mitigate the risk of pollution to groundwater for the lifetime of the development.
- vi) A maintenance schedule (identifying the responsible parties).

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.

Prior to occupation of the proposed development, the drainage scheme must be completed, in accordance with the approved details, and retained thereafter for the lifetime of the development.

Reason

To manage the risk of pollution to the underlying aquifer, abstracted for drinking water supply and to promote sustainable development and secure proper drainage and prevent flooding.

6. No development must take place until a Construction Environment Management Plan, including Pollution Risk Assessments and Method Statements, has been submitted to, and approved in writing by the Local Planning Authority. The Statement must provide for:

- i) Protection of surface and groundwater resources;
- ii) Best practise on the use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) the parking of vehicles of site operatives and visitors;
- vi) wheel washing facilities;
- vii) a scheme for recycling/disposing of waste, resulting from construction works;

The approved Construction Method Statement must be adhered to throughout the construction period for the development.

Reason

To prevent pollution of groundwater and flooding and ensure there is no contamination to public water supply during construction.

7. The development must not commence until visibility splays providing clear visibility of 65m to the north and 61 metres to the south measured from 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway.

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 grown 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 and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

8. The carriageway and footpaths must be designed, constructed, and drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval before work commences on site. No work must be commenced until a full specification has been approved. Any works so approved must be constructed before the development is complete and retained at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

9. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP must include details of:
 - i) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - ii) cleaning of site entrances and the adjacent public highway;
 - iii) details of proposed wheel washing facilities;
 - iv) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - v) construction vehicle routing;
 - vi) the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - vii) 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 in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

10. Prior to the commencement of development, an Arboricultural Method Statement,

which includes adequate tree protection measures, must be submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be implemented in full prior to and during construction activity on the site.

Reason

This is in order to ensure the safety and stability of the development, in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

11. No development must take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details and retained at all times thereafter.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

12. No development must take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule must include a specification for new trees and shrubs, a detailed planting design, details for its implementation and a five-year maintenance scheme. Development must be carried out in accordance with the approved schedule at all times thereafter.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

Prior to Installation Conditions:

13. Prior to their first installation within the development hereby approved, a scheme detailing the proposed external lighting must be submitted and approved in writing by

the Local Planning Authority. The development must be carried out and retained in accordance with the approved detail at all times thereafter.

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

In order to safeguard the amenities of adjoining residential occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Prior to Occupation Conditions:

14. No pods/units must be occupied until the access road including footpaths to serve such unit have been constructed in all respects and brought into full operational use.

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

15. No pods/units must be occupied until the measures to prevent surface water discharging onto or off the highway have been installed in accordance with the approved plan:

- Site Plan (Amended), Scale 1:200, Number: 2128-01C, received by the Local Planning Authority on the 7th August 2023.

These measures should be retained at all times thereafter.

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Other Conditions:

16. This permission gives outline approval for a maximum of three pods/units only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

17. 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.

Informatives:

1. 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 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 Sellafield site.
2. Please note that all sewage effluent discharges to ground within SPZ 1 require an Environmental Permit. It was recommended that the applicant contact the Environment Agency (EA), to discuss whether or not a new discharge to ground is likely to be granted a permit.
3. Any works within or near the Highway must be authorised by Cumberland Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit allowing such works. Enquires should be made to Cumberland Councils Street Work's team - streetworks.central@cumbria.gov.uk

Fees: <https://www.cumbria.gov.uk/roads-transport/fees.asp>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

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 : 06.09.2023

Authorising Officer: N.J. Hayhurst

Date : 08.09.2023

Dedicated responses to:-