

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2119/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM LARGE COUNTRY HOUSE (C3) TO 11-BED SHORT-STAY SELF-CATERING ACCOMMODATION (SUI GENERIS) AND ASSOCIATED WORKS INCLUDING ALTERATIONS TO ACCESS, PARKING & DRAINAGE (PART RETROSPECTIVE)
3.	<b>Location:</b>	DUNNINGWELL, THE GREEN
4.	<b>Parish:</b>	Millom Without
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b> <b>Site and Location</b> <p>This application relates to Dunningwell Hall, which is located within the small hamlet of Dunningwell situated to the southwest of The Green near Millom. The property is a large, detached house which is sited within its own extensive private land. The property comprises an 11 bedroomed dwelling and is accessed from the adjacent unclassified road which runs through the centre of Dunningwell. The application site has extensive tree cover, however only the area to the north of the property is designed as Ancient Woodland.</p> <b>Relevant Planning History</b> <p>4/17/2243/0F1 – Alterations to access – Approved.</p> <p>4/17/2244/0F1 – Addition of new rear extension for bathrooms, lift tower to rear roof and change of use of existing garage to form new kitchen – Approved.</p> <p>4/22/2290/0E1 – Certificate of lawful use application to establish the lawful use of</p>	

Dunningwell Hall for short stay self-catering accommodation – Withdrawn.

4/22/2444/0F1 – Change of use from large country house (C3) to 11 bed short stay self-catering accommodation (C3) – Withdrawn.

### **Proposal**

This application seeks planning permission to change the use of the existing large country house (C3) to an 11-bed short stay self-catering accommodation (sui generis), and associated works including alteration to the access, parking, and drainage arrangements.

The property will be utilised as an 11-bed short stay self-catering accommodation, to expand the existing provision of the First Resort holding at Brockwood Hall. The property will be rented as a single unit to large families and mixed parties, accommodating a maximum of 22 people. There will be no external alteration to the property to accommodate the change of use.

The application also seeks planning permission to alter the existing access to the site. These alterations reflect those previously approved under the expired planning approval ref: 4/17/2243/0F1. The property is currently accessed via a 17.3m wide access adjacent to the highway which benefits from a large gateway opening leading to the properties driveway. The existing access benefits from sandstone pillars, a stepped rubble wall, and basic metal gates, providing a driveway access of 4.1m, and is bounded by stone walls which run adjacent to the highway along the boundary of the property. This proposal seeks to widen the existing access point to 31.4m adjacent to the carriageway and widen the driveway opening to 10.1m, creating a larger vehicular access point and a separate pedestrian access. The proposed entrance will be finished with a stepped rubble stone wall with sandstone coping and sandstone pillars to match the existing entrance, black painted steel automatic gates, and lantern bollards on top of the proposed pillars.

As part of this application alterations are also proposed to the existing driveway and parking area. The proposed altered access will lead to an enlarged driveway to the property, which will be lined with bollard lighting. The driveway provides access to the existing parking area for the property which will comprise 13 parking spaces for guests, staff and visitors. The parking area will also include the installation of five lantern style lampposts.

Planning permission is also sought to amend the foul drainage at this site. The surface water drainage for this property is currently dealt with by existing soakaways and will remain unaltered as part of the proposed works. The application includes the installation of a new package treatment plant. The proposed treatment plant will be located to the southwest of the property, which will drain to a foul drainage field to the south of the tank.



## Cumberland Council

### Consultation Responses

#### Millom Without Parish Council

23<sup>rd</sup> May 2023

On the 7<sup>th</sup> December 2022 the Parish Council initially wrote to Copeland Council Planning department asking for the withdrawal of the application based on the errors and omissions within it and to give the Parish Council and local residents the courtesy of being able to respond to a resubmitted application. This would also have been an opportunity for the Local Planning Authority to consult individually with those neighbours with property and land adjacent to the development.

On the 19<sup>th</sup> January, you notified us that additional information had been submitted in support of the application and in subsequent correspondence you kindly agreed that an extension of time until the 9<sup>th</sup> February would be granted to allow the Parish Council to consider this matter.

After our meeting on 6 February 2023, with a number of public representations, the Parish Council requested that the application be either withdrawn or refused on the following grounds;

1. First and foremost the application does not recognise the need for a change of use from C3. Case law (as already identified in an earlier dialogue) would indicate that the proposed use as holiday accommodation is a) not permitted development (which a C3 to C3 use class order change would indicate) and b) not in fact C3 but potentially sui generis. Case law, both in applications and appeals have consistently demonstrated that holiday accommodation on this scale is not commensurate with a normal residential family use because of the potential injury to residential amenity.
2. The plans of the building that have been submitted as extant are actually plans which predate the purchase of the building by the applicant. The Parish Council were shown round the building not long after the sale and there had already been substantial change to internal layouts. New plans of the building as it is at the time of application should be submitted as part of any new application, ideally along with details of any works carried out between purchase and application. This would be to demonstrate that adequate amenities are provided (particularly bathrooms) for up to 22 persons without compromising the sizes of rooms or the general amenity of guests as well as to demonstrate how any of these facilities are to be connected to existing or proposed septic tank provision. We requested that these be amended but as of Monday 6<sup>th</sup> February, the applicant has not amended these or provided a set of drawings showing the building as existing to allow us to measure the impact of the development. This must naturally also impact on the planning authority's ability to gauge the scale of development and judgement of whether it meets the tests for permitted development.
3. We note that in response to our previous observations regarding sewage and the claim in

error that the building is served by mains sewerage that the applicant has now submitted a location plan for a septic tank. This is confusing, a) because it's marked as an option and b) because there is no plan showing current location or size of any existing septic tank. This option also renders the claim that no trees will be affected nonsensical, because the line indicating pipework clips the roots of at least two large trees. Of course this could be amended, but in reality the information is incomplete and leaves it extremely difficult for either ourselves or officers of Copeland Council to determine the impacts of this area of development.

4. The revised information confirms that there are no TPO's on the site and reaffirms the ancient woodland designation existing for part of the site but does not identify where this is. We maintain our opinion that the parkland setting of the building should be considered in this and any future development and suggest an independent tree survey be undertaken to identify where general landscape and specific trees might be worthy of protection through TPO's and local heritage designations.
5. A parking plan has been submitted, but it's not clear whether this is existing or as proposed. Irrespective, it does not offer adequate parking for 11 lots of guests and service vehicles. Also it is not properly identified either on the as existing or proposed plans. Parking remains a significant issue in the operation of the building as parking, in terms of its location and size is an area critical to considering injury to residential amenity, comings and goings and the timings of these being significant in determining the impact of the new use on local residents. No specific mention has been made regarding the parking needs for servicing the building. In addition, the submitted documents requested by Highways have clearly been written by someone who has never visited the site and the document is demonstrably just a cut and paste job. In addition there have been complaints about the lighting to the new entrance which have been reported as blinding drivers coming up the hill from School Ellis and which are visible from neighbouring properties at some distance at night. We will be requesting review by Highways of the intensity and level of this lighting.
6. We note that the emerging Local Plan policies on tourism and sustainability are now being examined by the inspector, which gives them some weight in the planning balance. Irrespective of this the applicant has still not outlined how the development is sustainable in either an environmental or tourism context. In fact their travel plan makes it clear that the only real way to access the property will be cars and this would seem to be in conflict with most of the emerging policies relating to Strategic Objectives 16-18 within the emerging local plan and specifically provisions within Policy ST1.
7. There is also a significant general concern locally that this will be a first step to the more systematic development of the land surrounding Dunningwell Hall in line with the applicant's other property at Brockwood Hall. We appreciate that normally only matters within the application can be considered in the planning balance but the Parish Council would point out that the proposed use would fundamentally change the character of the



## Cumberland Council

use of the property and its surrounding land, meaning this application could act as a gateway to future development like that at Brockwood. Because of this, the Parish Council would argue that future development is a material consideration. The agent, dismissively refers to this as 'stargazing' but given the business model at Brockwood Hall and the potential for the expansion of that model into the land around Dunningwell Hall, this comment is insultingly naïve and disrespectful of the concerns of local residents and the Parish Council.

### *The Current Application:*

We have noted that the applicant has amended the proposed change of use from C3 to sui generis but setting aside the issues around proper use class and permitted development set out in points 1 and 2 of our previous objection, all other objections stand. We would like to add to the issues raised in point 7 that the combined effect of a sui generis use class and any precedent set by the Local Planning Authority should they be minded to approve this application, is likely to open the door to future development of the kind at Brockwood Hall, a site also owned by this applicant, creating a staggered and cumulative impact on residential amenity and the local road network.

### *Insertion of previous planning application 4/17/2243/0F1 relating to an enlarged splay and gateway access to Dunningwell Hall into current application 4/23/2119/F1:*

The proposed gateway is considered by the Parish Council and by local residents to be incongruous in style, inappropriate and excessive in scale to the rustic, rural environment of Dunningwell hamlet.

The existing gates have been used for all vehicles including large wagons without issue, it is not imposing and sits within the original character of the hamlet.

The Parish Council has concerns with regard to the excessive depth of the proposed tarmac driveway approach and the realigned splays each side of the gates, when combined with the roadway, could facilitate greater vehicular speeds through the hamlet, an issue of concern at present amongst residents, with speed monitoring being undertaken by the then Cumbria Highways Department. The creation of a "lay-by" by the gates could encourage it to being used for parking, thus becoming an additional road hazard on an already hazardous road..

Observations made by members of the public to the Parish Council consider that there is currently adequate room for vehicles to pull off the (very quiet) lane whilst the gates are being opened/closed.

The proposed lanterns on the gates will adversely affect the character of Dunningwell, running contrary to the intentions of Dark Skies Policies. They also contribute to the overly grandiose and inappropriate appearance of the proposed gateway.

### *In Summary:*

- Whilst the Parish Council recognises the shift to a proposed sui generis use, we

do not understand why the applicant has made no attempt to assess or mitigate for the potential impact on residential amenity. The case law we highlighted was a clear enough indication that Planning Inspectorate (and by extension any potential judicial review) would place significant weight on residential amenity, something which the applicant has again chosen to ignore along with more detailed information on parking and sewage and sustainability.

- Millom Without Parish Council maintains that this application should be either withdrawn or refused and that a planning application featuring as existing and as proposed drawings and plans should be submitted for the building, surrounding facilities and landscape. We would also again recommend that the applicant take note of sustainability & climate change policies as well as mitigation strategies for offsetting the potential harm to residential amenity.
- The addition of the application now expired re the gateway should be submitted as a new application and not be included within this application.

The reality is that this planning application is no different in its quality from the last one, and this leads the Parish Council to wonder at the validation process for applications for this (and indeed any other) type of application. If planning permission any other approvals based on the poor quality of the information submitted is granted, the Parish Council wishes to confirm that its unanimous resolution at its meeting on the 6<sup>th</sup> February 2023 to consider funding legal counsel on a Judicial Review of such a decision subject to examination of the officers report and its content still stands

We remained seriously concerned over the way in which this application has been handled particularly in the standard of information which appears to be acceptable to the local planning authority when considering planning permission in a case where significant local concern has been expressed and where the very real potential for negative impact on residential amenity has been clearly set out. More significantly, we are increasingly concerned that the applicant has shown no intent to address any local planning policy other than convenient policies on tourism in any variation of their application or to look at potential mitigation of any impact on residential amenity.

*6<sup>th</sup> February 2024*

At the meeting of the Parish Council held on 5 February 2024, the above application was considered. Please find below the Councillors response to this application.

We have now reviewed the additional information supplied for application number 4/23/2119/0F1 for alterations to and change of use at Dunningwell Hall, Dunningwell, The Green.



## Cumberland Council

We'd like to first thank you for seeking further information on this case and appreciate the increased clarity that this has given us on issues such as parking and foul drainage.

We have run through the amended information and our observations are as follows in *bold* within the agent's original text. :

1. Existing access plan – Dwg number 2018-06-003 enclosed at a metric scale of 1:100.

*It remains unclear why these alterations are required. Even a single unit short term holiday let of this size is unlikely to require space enough for two large vehicles to pass each other. Staff vehicles and even potentially laundry and other deliveries would not reasonably account for changes on this scale. It remains the opinion of the Parish Council that the alterations and new gate lamps are both out of character with the local area and at an inappropriate scale (unless of course the applicant is preparing for a further phase of development with holiday lodges in the grounds of Dunningwell Hall), which makes no real sense for the development proposed.*

*If the applicant is planning further development, the application for the widening of the gates would more appropriately sit with that application and the Parish Council asks that this element of the application is withdrawn to protect the existing character of a site that does not appear to demonstrate enough traffic to warrant the changes.*

*Application 4/17/2243/0F1 cannot be accessed/found through the Cumberland planning application search function (supposedly approved on the 2<sup>nd</sup> October 2017), so no comparison can be made. We do not have any record (see also item 10), of being consulted on this application so would like to be provided with a copy of the application, the officers report and decision notice (with conditions). More importantly, this permission has now lapsed and the Parish Council wonders whether this should be considered as a separate application given the above.*

2. Floor Plans – Basement, Ground Floor, First Floor and Second Floor plans enclosed retitled "Existing and Proposed".

*NOTED*

3. Foul Drainage & Drainage Field – Updated on drawing number 7676-211D which clearly shows the location within the application site area.

*NOTED*

4. Parking - Revised showing the provision of 13 spaces on dwg number 2018-06-002. Please note this proposal is not for a guest house with individual rooms. The proposal is for a single unit of holiday accommodation.

*The reality is that once planning permission is granted, there is pretty much nothing the local authority can do to enforce arrival/departure patterns or the number of vehicles and therefore the impact on residential amenity down the line. The*

*appeal/Judicial Review cases we have already drawn attention to also make it clear that this is an issue that is notoriously hard to enforce against because noise levels are likely to be variable across different times of the day and often potentially at their greatest on evenings and weekends when there are unlikely to be local authority respondents to noise complaints. The above statement is meaningless in the context of subsequent ability to control.*

5. Transport form – As you correctly mention, please would you consult with the LLHA as the formal consultation response (see attached) raises no objection to the development and there is no requirement to complete the aforementioned.

*The Parish Council would be interested to see the response to this given our comments on the widening of the gates which could only reasonably be required if a significant increase of traffic beyond that generated by the current application is envisaged.*

6. Operation Statement – Bookings will be taken through Brockwood Hall. The number of guests will be dependent on the individual bookings, but this will be no more than 2 persons per double room maximum. Staffing is envisaged to be 3 x FTE dependant on bookings. The accommodation is for a single family or group unit. Therefore, it is expected families and groups will travel together and as such a maximum of 11 vehicle movements should result. It is in the applicant's best interests to ensure this valued country house as part of the wider tourist business is well run and successfully integrates with the community. A warden will be monitoring the site and can be called upon if needed 24 hours a day 7 days a week.

*This section and the document it refers to does not equate to a consideration of impact on residential amenity or provide any real strategy for mitigation. Like the situation with parking and vehicle movements, neither is it practically enforceable. The comment about integration with the community might have more weight if the owner or their agent had attempted any meaningful (or in fact any) direct engagement with the community rather than using patronising language and being dismissive of community concerns. What is clear is that the community have asked for engagement and it hasn't been forthcoming.*

7. Ownership - Ownership details are provided on the application form. The applicant is the General Manager who is acting on behalf of the owners. This is not unusual or unacceptable in planning terms.

*Not an issue raised by us, although we are unsure why these details were considered so sensitive given that local residents already know who the owners are.*

8. Application site area - The application site area measures 13412 sqm.

**NOTED**

9. Associated works - You are correct in assuming "associated works" is the new foul





## Cumberland Council

drainage. All 13 parking space can be accommodated on the existing hardstanding area, so no new works are proposed for parking.

*There appears to be an inconsistency between the updated management plan and previous information supplied against Cumberland Council's letter of 22.05.23 they stipulate one car parking space per bedroom (11 no.) plus one car space per three staff. Given that the management plan states that there are 4 staff spaces, in theory this would leave only 9 for guests. It would be useful if this error could be corrected or if any rationale behind this presentation of numbers could be supplied.*

10. Commencement of works - The drainage works have been undertaken as this was urgently required. Other works involve general maintenance and repair of the building. The applicant would be agreeable to a change in the description of the development to "part retrospective" in relation to the foul drainage if the LPA consider necessary. Third parties may be confusing work secured under planning permission reference 4/17/2244/OF1 dated 13/07/2017 for 'Addition of new rear extension for bathrooms, lift tower to rear roof and change of use of existing garage to form new kitchen'.

*The Parish Council are concerned that this application cannot be found through the Councils planning search engine. Could the Council please supply a copy of this application, the officer's report and a copy of the approval letter as this would allow an assessment of whether the development reflects any granted permission.*

11. Soakaway – As existing. There is no increase to hard surface areas such as roofs or hardstanding.

**NOTED**

12. Conclusion

What remains concerning to the Parish Council and the community is that yet again, despite repeated requests and a demonstration of how seriously the Planning Inspectorate and Judiciary take the issue of residential amenity with regard to short term holiday lets (particularly larger units), the applicant has offered no proper assessment of potential impact or a realistic or enforceable plan to mitigate these impacts.

Additionally, concerns we have previously raised about the conflict between this development and the most recent Local Plan Policies on sustainability have not been addressed. This has a bearing on the agent's assertion that there is a desire for this development to ensure that this development 'integrates with the community'.

In conclusion, whilst we are clearer on parking and foul drainage the rest of the application remains problematic for the Parish Council and a number of our residents who will be most affected by any disruption or reduction in residential amenity.

In light of this, should Cumberland Council be minded to approve this application in the

absence of any real attempt to assess and mitigate for impact on residential amenity, our resolution to consider commissioning a barrister to assess the application, the officer's report and its handling of material considerations such as residential amenity and highways issues remains.

*14<sup>th</sup> May 2024*

The Parish Council reviewed the application at its meeting last night and have agreed the following response:

The most recent amendments/submissions to the application are little more than the inclusion of a guest policy and a disagreement with planning on the issues raised by highways on parking.

Looking at these;

- a) The guest policy is not an analysis of the impact on residential amenity or a properly measurable or enforceable set of mitigations, and it's not really binding on guests either.
- b) The sales specs for the lights don't actually answer the concern we raised over glare or visual intrusion.
- c) They clearly don't feel they need to justify their approach to traffic and parking (linked to residential amenity). This would seem to be counterintuitive, except that increasing parking would potentially mean them accepting the arguments about car numbers.

Because of this, we would ask that our objections in this matter stand. The applicant has made no attempt to properly assess the impact of this development or its operation on residential amenity and neither have they offered sensible mitigations that might be controlled by condition. In addition, the applicant and their agent have been dismissive of local concerns throughout and we remain committed to the option of having any decision to grant planning permission reviewed by a barrister with a view to potential judicial review.

One thing I have been asked to request is the reasoning for not having public responses to the application visible online. Having checked with other local authorities this seems common practice (perhaps indeed best practice) and may be exacerbating the applicants claims to the Parish Council that he wasn't aware of their objections or that of local residents.

In conclusion, we would ask that this application is refused on the grounds that the applicant has had no material regard to the potential impact on residential amenity and has not properly attempted to assess these, speak directly to local residents or provide any kind of mitigation.

**Cumberland Council – Highway Authority & LLFA**

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

No objections to the proposal, subject to the inclusion of the following recommended



## Cumberland Council

conditions being included in any Notice of Consent: construction of access, surface water drainage details, approval of transport form, parking/turning requirements.

*14<sup>th</sup> February 2024*

I can confirm that we have no objections to the proposal, subject to the following recommended condition being included in any Notice of Consent which may be issued: construction of access.

*30<sup>th</sup> April 2024*

I can confirm that the response made on the 14<sup>th</sup> February should still apply.

### **Cumberland Council – Environmental Health**

Environmental Health have been asked to comment on the above planning application insofar as such relevant remit matters are concerned.

Noise disturbance may be a potential problem with the development, both during any construction activity and the site's operational use.

Construction-related noise is usually and primarily controlled by the imposition of construction working hours.

Noise from short-stay guests can be more difficult to control given its sporadic and unpredictable nature. Its control is dependent on good management of the facility, and the Council can assist in promoting this through a planning condition for a noise management plan.

It should also be noted that any excessive and unreasonable noise that may be produced, should the application be approved, can be addressed by the statutory nuisance provisions of the Environmental Protection Act 1990.

This is also the case with nuisance from external lighting. It is standard practice to also impose a planning condition for external lighting to ensure that good practice is followed.

The provision of a good quality sewage package treatment plant would be welcomed. It may be helpful if the applicants could provide details of this – the package treatment plant and drainage field should be of large enough capacity to serve 22 x persons (maximum capacity of the accommodation). These works are overseen through the Building Regulations procedure.

Fire safety within short-term holiday accommodation is now covered through the Fire Safety (England) Regulations 2022 and Regulatory Reform (Fire Safety) Order 2005 that the applicants will no doubt be familiar with. This includes the provision of fire doors and fire detector system; again controlled through the Building Regulations procedure.

Fire safety measures could be requested from the applicant for information as an optional

planning condition.

Accordingly, whilst the concerns of residents are understandable, the statutory nuisance provisions do provide potential redress and the following planning conditions may also be requested: noise from construction works, noise management plan, artificial lighting, and fire safety scheme.

**Cumberland Council – Countryside Access Officer**

No comments received.

**Public Representation**

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

One letter of support was received which stated that they are in full agreement with this change as we need to bring visitors to our area.

Six letters of objection have been received raising the following concerns:

- Dunningwell Hall is located in the hamlet and the application to convert the Hall into a hotel will dramatically change the dynamics and environment of not just the hamlet but also the surrounding area. The historic environment is an essential element of sustainable communities. Whether through traditional buildings, ancient woodland, historic green spaces, farming etc. heritage provides communities with a sense of identity and place.
- Dunningwell hamlet should be preserved.
- The significant changes from a 5 bed house to an 11 bed house, together with extra hotel standard facilities along with the alterations applied for will show you how extreme this will change the character of Dunningwell allowing a significant material change of use and will allow disturbance, noise, environmental issues, compromise safety to all the local residents and all road users.
- Until 2016 Dunningwell Hall has been a family residence and well within the keeping the character of the hamlet, quiet and peaceful. Since the sale in 2016, although the property has not been lived in, there has been significant change to the property, developed to a larger premises, the work and changes have been going on for the last six years and this has changed the whole characteristics of Dunningwell.
- The proposed change of use will not only change the properties historic character but will have a direct affect on all residents and locals.
- If approved it will be a 11 bed party house in the middle of the small country hamlet.
- The application to change to self-catering units makes no mention of supervision or



## Cumberland Council

management of visitors or how transient they might be. The grounds of the Hall present easy access to the rear of at least three other properties so there are multitude of safety issues. The application lacks any consideration for neighbours or awareness of dangers.

- It is questionable who will actually be staying and using the house for the purpose intended.
- Although the application states the accommodation has 11 bedrooms, this does not give a true accountable figure for bed spaces and actual guest numbers that will be able to stay, eg if for example each bedroom has 2 person occupancy this will allow 22 guests to stay, if there are more bed spaces to allow for family units or 3 bedded rooms potentially the house could accommodate 30 plus guest's which will change the whole character of the hamlet and cause disruption and stress by constant visitor use rather than the original residential use.
- To get full booking potential the accommodation will be open to let 52 weeks of the year with larger groups (typically of the same sex) staying for 1, 2, or 3 nights.
- Accommodation of this scale will attract very large groups of guests and will escalate to large functions and parties each weekend which will cause large levels of noise and disturbance for residents.
- The sui generis use is just another way for the applicant to cover their tracks. Both the last planning application and then the amended application together with letters of explanations from the agents for this change of use insisted this was a class C3 accommodation.
- The applicant states in the submitted documents that this will be an expansion to their existing business tourism facility therefore this clearly shows that this immediate area is already over developed with holiday accommodation and that this is not a small scale tourism facility, allowing this proposal will only enhance traffic congestion on the single track road, increase noise, litter, disturbance and a sense of loss on the community and will certainly not be of appropriate scale.
- The 33 holiday lodges are not on this specific site so this development is not expansion.
- The applicants' promotion of Tourism benefits has little basis in facts. There is no equivalent business model in the area to indicate that a converted or despoiled country house would be a success.
- The single track road is not suitable for a development of this scale and has no formal passing places.
- The application also seeks to renew permission for the now expired access alterations.

Apart from a block plan the application does not give any other relevant documentation on materials, time scale, Highway approval, construction details, disturbance to local residents, noise impact and additional lighting impact.

- The access should be on a separate application not an addition to this one due to the scale of the alterations.
- The proposed new entrance will not be acceptable in appearance to the hamlet of Dunningwell, the landscape or be within character of the existing house or the relevance for the requirement to change, this will adversely affect highway safety and the safety of all highway users.
- The 25ft access will significantly change the appearance of the entrance and will be overbearing and over development of the site.
- The existing access sits with the original character of the hamlet of Dunningwell and already has significant visibility.
- We have “modern larger vehicles “using this road and access to the farm entrance without any issues.
- The access is far too big and not necessary. The existing access has been suitable for all vehicles, commercial including large wagons that have used this entrance for the last six years without any issues.
- This issue is effectively dealt with in the Parish Council's latest response but we consider that there is also an issue with the extensive stone wall on either side of the gate. The applicants intend to destroy a large section of this feature. This wall pre-dates Dunningwell Hall and is a historic estate boundary marking the Old Dunningwell Home gardens and parkland. It is not just a field wall but a property statement at least 4 foot high and nearer 8 in some places.
- This extreme widening will have two sudden bottle necks approaching from Mirehouse and the other approaching from Dunningwell Hamlet.
- The alterations will give traffic clearance to speed even more. It is already noticeable following the clearing the verges.
- The proposal for access alteration will not offer any further safety to residence of Dunningwell and other highway users.
- The proposal for the change of use and access alteration will significantly compromise the safety of all road users, especially walkers, cyclist, horse riders and including all of the residents and vehicles accessing departing both Dunningwell Hall and Dunningwell Farm together with residents of Dunningwell hamlet.
- The national speed limit on this road needs changed from the national speed limit. Residents have requested this to Cumbria Highways. The request has also been raised with the Parish Council.
- The existing entrance already creates a “(informal) layby” if the larger layby goes ahead this will only create an opportunity for more vehicles to pass and park there and



## Cumberland Council

potentially more a safety hazard.

- The access and road widening will be a great hazard to livestock on the adjacent farm.
- Not enough car parking provided.
- The applicant has failed to submit a Transport Form or Plan document with this application.
- The original submitted Transport Form is wildly inaccurate with its predictions of journeys.
- The transport and vehicle estimates have no serious basis. Neighbours can see and hear the traffic generated by the work at Dunningwell Hall. Furthermore last year Cumbria Highways conducted a traffic count on the approach and can provide their findings.
- The submitted Planning Applications states there are existing parking spaces for 10 cars with no other details given on journey data therefore suggesting the applicant is playing down relevant information of journey impact.
- No accountability has been given for guest's leaving on that day or the cleaning/maintenance staff which in all could be in excess of 10 cars, then 10 or more cars for newly arrived guest's travelling back or forth for shopping provisions, looking around the area and for guest's who order super market deliveries. In reality this can easily be in the region of 40 plus journeys just on the changeover day.
- The applicant states that "will not have any impact on local highway network" looking at the high number of vehicle usage this proposal will attract there is no doubt there will be a direct detrimental impact on the highway usage, a direct impact on the residents and for those who walk, cycle and ride.
- Due to the location of the proposal and the distance to local shops/town, rail station (2 miles away) attractions and lack of public transport it is inevitable any guest's staying will use their car frequently during their stay. The road is a single track road any substantial increase of traffic usage will only cause congestion, potential accidents, effect walkers, cyclist local residents who use this road, disturb and change the whole characteristic of the Dunningwell hamlet.
- Signage refers to Brockwood Hall.
- The proposed gateway lighting will light up the entrance and will have a direct effect on the residents of Dunningwell Farm and others and will give a false impression of vehicles approaching on the narrow bends of the highway.
- Increase in light pollution impacting on the Dark Skies and wildlife. Planners should visit the site at night.
- Additional lights will impact on existing bedrooms.

- Since 2016 hundreds of trees and shrubbery have been removed and no natural sapling growth is allowed. The grounds are well manicured, this has certainly had a huge environmental impact on all the wildlife that originally habitat the grounds and woodland.
- The site also includes Victorian stone ponds.
- There are protected species within the site and neighbouring properties which will be affected by this proposal with no evidence of the applicant dealing with these issues.
- The application has failed to submit any of the following: environmental impact assessment, ecological assessment, habitat survey, protected species assessment, transport assessment, travel plan, drainage and flood risk assessment, noise impact assessment, tree plan showing root protections area, tree survey within 15 m of boundary area.
- The concern about tree felling was not about felling in the future but the obvious impact of previous felling on the water table and the visible increase in flooding in the neighbourhood. The applicants ignore their contribution to neighbours' problems.
- The installation of the treatment tank will have an impact on the mature trees.
- The applicant is not the direct owner and is operation on behalf of a company and should give their name.
- The stated site area is incorrect.
- The site location plan is misleading as the whole area of Dunningwell Hall grounds will be used.
- Works have stated on site therefore statement in application form is incorrect.
- The application site is vacant and has not had anyone living there since 2016, therefore the application form is incorrect.
- No details of materials provided within the application form.
- The application form states that therefore will be no alteration to pedestrian or vehicle access this is not true.
- The application form states that foul sewage will be disposed of by the mains sewer. This is again incorrect. Dunningwell Hall is currently serviced by a private septic tank and is not linked to the mains sewer system, and this is a non-existent facility, all residence in this hamlet have septic tanks.
- The current tank onsite is not fit for purpose.
- Plans do not show location of treatment tank and any other details.





## Cumberland Council

- All the area covered by the proposed sewage treatment plant system falls down hill, our concern is that the wastewater will seep further, this either flowing onto the highway or flow onto our lane that runs along the boundary and then into our field.
- The proposal can increase flooding elsewhere because of changed and additional water dispersal. In heavy rainwater regularly runs down the unclassified road from the site in the direction of the Green. Flooding occurs between the Old Chestnut and Calabria-by-Dunningwell.
- Hours of operation should be provided.
- At the very least, we urge that planning permission for change of use is dependent on the proven completion of adequate sewage disposal and the certification by the authorities before any letting is begun.
- The applicant has submitted existing floor plan and no original layouts therefore comparisons cannot be made.
- The planning application has been littered with false information which the applicant states are true and accurate, lack of information and poor documentation.
- The applicants have shown a lack of good faith by initially submitting an application which contained misleading and incomplete information particularly in regard to waste disposal and building size. Their second version contains only vague commitments. We urge that this application is treated with the greatest caution and that the site is inspected for accuracy.
- The application states 'with associated works'. What are these? Clarification needed.
- The application is extremely short on detail as to the works that have been carried out transforming the property to a 11 bed ensuite facilities hotel.
- The owners are only interested in profit with total disregard for people living in the area and the effect this will have on their lives and property values.
- If this application is granted it will just be the start of the applicant adding additional accommodation units causing further disruption to residents and therefore should be a material consideration.
- No one at Dunningwell Hall has made any effort to discuss their proposal with residents, showing a disregard for its neighbours and community.
- This is a major application and not a minor as stated by the Council.

### **Public Reconsultation**

Following the receipt of amended/additional information for this application a reconsultation was undertaken informing all those who were previously consulted or made comment on the

application previously.

One letter of support was received which provided the following comments:

- I am in full agreement with the changes to Dunningwell Hall.
- The owners provide jobs for local people and bring money to the area which is much needed within the Millom and surrounding district.

Six letters of objection were received which raised the following concerns/comments:

- All our previous and new comments should be read in conjunction with the application as all is still very relevant in relation to the alterations already taken place and to take place , material impact on the existing residents , safety, noise, traffic, wildlife, lighting and visual impact on the change of character of the Dunningwell hamlet and Dunningwell Hall and grounds.
- If this application is approved this development will be bookable 365 days of the year, potentially housing 22 guests' staying each day, full potential booking could give rise to 8030 guests staying over full the year. Even realistically if you took the figures to a 40 week (280 days) booking period this would give you based on a daily occupancy guest numbers will be 6160 guests of that period.
- The applicants states that the area Application Site Area is 13412 sqm (3.3 acres) marked by a red line drawing on the site location documents provided. The whole area of Dunningwell Hall grounds is approx 17-19 acres . Once guests arrive there is not anyway roaming can be monitored and this will give free rein over the whole grounds of Dunningwell Hall therefore the area marked red is not a correct indication that this will be the only area allowed to be used for the self-catering unit.
- As guest's will not be limited to keep within the "red line" there is a strong possibility this will cause further privacy and noise disturbance issues with other residents of the hamlet as the grounds back onto other residential properties .
- If the booking process allows dogs to stay with guest's this will add to potentially free roaming dogs, dogs do not know boundaries and a "red line will not keep them restricted to stay within the applications boundary.
- The whole site including the house is in full view from the public highway and neighbouring houses. There is no screening in place and therefore any outside activity will have an invasive feel to the locals and to the guest's.
- The planning statement admits that this property is part of a larger more extensive holiday business, First Resort Holdings with there already being over 33 lodges and cottage already running as a self-catering holiday let complex, just one field away, this shows there is already enough self catering units in the area and already has its quota



## Cumberland Council

to contribute to rural tourism.

- The change of use is only referring to the house accommodation from a private dwelling the actual access does not fall into this category and therefore should be a separate issue and application.
- The document relation to the Existing & Proposed Access amendment January 2024 shows the existing access and an overlay of the new access next to a map of showing the area in a red block. Again this is a misleading map, the diagram does not show any marked residential houses that are near to the build, this gives the impression there are not any other properties near the alterations and therefore no impact.
- As a resident I think the extra traffic will make this bad situation even worse. I am sick to death, particularly after dark of having to dive into a hedge to avoid cars driving too fast for the width and condition of the road.
- The speed limit should be reduced and some form of lighting installed. More expense I know but surely safety of residents is a priority. Or maybe the council prefer to await a fatality first!!!!
- With the excessive number of guest's cars, deliveries, cleaning and maintenance vehicles, there will be a considerable concerning level of traffic on the Dunningwell road.
- No accountability has been given for guest's leaving on that day and also the cleaning and maintenance staff which in all could be in excess of 15 cars, then 11 or more cars for newly arrived guest's travelling back or forth for shopping provisions, looking around the area and for guest's who order supermarket deliveries. In reality can easily be in the region of 40 plus journeys just on the changeover day alone.
- Not all potential guest bookings will be for just a week stay, it is a known fact and well documented that large guest accommodation units attract more short stay breaks, if short breaks 3 night s are booked this could potentially be 3 booking within a week or 5 3 night booking within 2 weeks week hence 3 to 5 different changeover days then the journey figures will be extremely high.
- Due to the location of the proposal and the distance to local shops/town and nearest rail station (2 miles away) attractions and lack of public transport it is inevitable any guest's staying will use their car frequently during their stay. The Dunningwell road is ½ mile to the main A5903 road to Millom, as Millom would be the nearest town to buy groceries you would need to travel a further 3.5 miles away, there is not a direct footpath to Millom, If you followed the footpaths and road ways you would have a potential walk over 5to 6 miles there and 5 to 6 miles walk back.
- Once guest's arrive at Dunningwell Hall there will be not be any way the guest's usage of their vehicles can be monitored by the applicant, they will not be able to enforce usage.

- Unless guest car numbers are policed/monitored by the owners potentially more cars can use the designated parking area.
- Arrival times will also be very varied, evening and late night arrivals, The road will become a never ending traffic flow. The road to and from Dunningwell is a single track road any substantial increase of traffic usage will only cause congestion, potential accidents, effect walkers, cyclist local residents who use this road, disturb and change the whole characteristic of the Dunningwell hamlet.
- There is potential for uncontrolled traffic, unsociable behaviour, excessive noise, disturbance, unregulated visitors etc, that will hardly be controlled by a warden hot line.
- It is questionable if the warden hot line will be available for the community to use, it is even more questionable what actions a warden will be able to enforce.
- This will undoubtedly be a party house.
- No consideration has been given to extra traffic for deliveries.
- Guest's also commonly invite friends & family to visit during their stay therefore causing more traffic journeys.
- The original submitted Transport Form is wildly inaccurate with its predictions of journeys.
- 13 spaces have been allocated, they say potentially 11 cars max for guest's then they state 4 spaces for cleaning/maintenance, they need to take inconsideration, and this happens, single guests, can come in individual cars so in reality 22 cars could arrive.
- The applicant strives in saying this accommodation is for large families and mixed groups and therefore assuming they will travel together sharing transport, it is inevitable guests' will go their own way not always together so car numbers can be and will be greater than what the applicant suggests.
- The proposed changes to the entrance gate area, of which work has started, is totally out of character for the area. It is my view the change is purely a whim of the property owner to enable large scale signage to be installed on the entrance walls.
- Wider gates are not required whatsoever, the width of the gates were more than adequate for any vehicles entering or leaving the property, many hundreds of cars, vans, large delivery wagons and plant had used the entrance without problems.
- The driveway lighting is certainly not downward lighting they are quite luminous and very distinctive, the lighting is overbearing and these lights already give a false impression that vehicles are approaching on the narrow bends of the road running alongside the property which is quite dangerous.



## Cumberland Council

- All this existing lighting and further lighting to be on the proposed new entrance/access will only enhance the effect of oncoming traffic, produce light environmental pollution by the artificial lights hence total fails to fall within the Dark Skies Policy. Again planners need to visit this property at night and then they can see the visual impact the existing have on the hamlet of Dunningwell.
- Lights will have impact on existing bedrooms.
- The road widening and larger access is going to be totally out of character, overbearing and out of scale with the neighbourhood of Dunningwell, far too big and not necessary, the existing access has been suitable for all vehicles, commercial including large wagons that have used this entrance for the last seven years without any issues and that this existing entrance is not imposing and sits with original character within the hamlet of Dunningwell and there is already significant visibility from the existing access from the Dunningwell Hall side.
- This extreme widening will have two sudden bottle necks approaching from Mirehouse and the other approaching from Dunningwell Hamlet.
- There is no doubt that the proposal for access alteration will not offer any further safety to residence of Dunningwell and other highway users. The taking back of the historic stone walls which will make the existing highway wider will only give clearance for traffic to speed even more.
- The proposal for the change of use and access alteration will significantly compromise the safety of all road users, especially walkers, cyclist, horse riders and including all of the residents and vehicles accessing departing both Dunningwell Hall and Dunningwell Farm together with residents of Dunningwell hamlet.
- Just to update on the comments relating to the change of access, the owners have now on the 9th February 2024 completely demolished the existing driveway/access prior to any planning permission approval, this together with the installation of a new sewage plant system and the lighting in 2023 the owner have had a total disrespect to comply with planning procedure, a total disrespect to any local residents and to the Millom Without Parish Council. The owners have throughout their ownership of Dunningwell Hall and a disregard to wait for planning approval for change of use have deliberately continued with any alteration they want to do without consent or monitoring from the planning authorities.
- The new access will be a substantial change, you can see this now the demolition has taken place and how already this has a direct material change to the history and characterisation of the area.
- The alterations to the access should be a separate application given the scale of the

alterations and not an add-on to this current application.

- Any increase in the number of cars, delivery trucks and other vehicles would be a major hindrance to the residents and farms as the road infrastructure is not suitable for any additional traffic. Without doubt the increased road use will cause congestion and increased emissions.
- Although location of treatment tank is now shown within the grounds the plan does not show the boundaries in relation to the neighbouring land owners, us, and the public highway road. This is important as this would show us the true location of the sewage plant instead of a plan just showing an area within the grounds.
- The treatment tank has been installed without planning permission. The works were stated as urgent however this is only because the developers are going ahead with the alterations bit by bit without planning consent.
- Protected species, such as bats and owls, will be and have been affected with the proposed development. The owners have already taken down hundreds of trees, not just a few due to fallen/dangerous as they have declared but hundreds of trees have been taken down and removal of all substantial ground cover which has already caused a great loss of natural wildlife.
- The grounds are now well manicured therefore any natural wildlife, bats, breeding birds, reptiles, invertebrates and plant life have already been disturbed together with the continuous lighting through the night, noise and large amounts of people protected species and other wildlife will be disturbed 24 hours a day.
- As this the installation of the lighting is within the remit of this planning application the owners have already installed the lighting near the house and all the way down the driveway of the property, once again the owners have blatantly ignored the planning process and installed the lighting without granted permission.
- The application has failed to submit any of the following: Environmental Impact Assessment, Ecological Assessment, Habitat Survey, Protected Species Assessment, Drainage & Flood Risk Assessment, Noise Impact Assessment, Tree Plan showing Root Protection Area, Tree Survey within 15 metres of Boundary Area.
- The agents state that they are only now putting in place a "tree management plan" why was this not done prior to any felling of a huge number (100's) of trees and not just "some".
- We had been verbally told by Brockwood Hall representative at previous parish council meetings that they had permission and talked to the forestry authorities and all documentation was in place for felling and ground cover clearance, obviously not the case, giving misleading statements and again destroying and removing trees for the



## Cumberland Council

sole purpose of their business.

- There are a variety of protected species within the boundary and neighbouring properties such as bats , owls , birds of prey, insects, butterflies, all have and will continue to be effected by this proposal, there has been no evidence of the owners dealing with this matter and with the continuous ground clearance, lighting, traffic, people, noise this will have a severe impact on all wildlife that have or would naturally use these grounds.
- What are the associated works stated within the application?
- The applicant has not interacted with the residents of the community.
- The application site can be seen from a public footpath therefore the application form is incorrect.
- The new planning application is littered with more inaccuracies and is a minor reworking of the original.
- The agent seems to have no regard for the local residents welfare and the effects of this development on their lives. She is dismissive and patronising and shows no empathy whatsoever.
- This development will not integrate with the local community, brings no benefits and will potentially be a disaster. This is just a money-making scheme for the owners who couldn't care less how the local community will be effected.
- There is no doubt this change of use and access alteration with have a direct material impact on the character of the house, the whole of Dunningwell and local area, noise, disturbance, increased traffic, huge safety issues for all local residents and road users, wildlife and environmental issues which once changed cannot be rectified.
- This change of use is going to be overwhelming, over developed and totally out of character, excess traffic to and from Dunningwell Hall will no doubt cause potential hazards to local residents, all walkers, cyclists and riders. The single track road will not be adequate for all this extra continuous traffic.
- It is quite obvious from the submitted objection that the change of use of Dunningwell Hall should be rejected and not be reconsidered in the future to preserve the historic hamlet, the environment, wildlife, surrounding area and communities.
- Dunningwell hamlet should be preserved.
- The approval of this development also has the potential to reduce neighbouring property values and may also give difficulties selling properties.

### Public Reconsultation

Following the receipt of additional information for this application a reconsultation was undertaken informing all those who were previously consulted or made comment on the application previously.

One letter of support was received which provided the following comments:

- We need to keep bringing visitors to our area.
- We should all be in support as Brockwell employs local workers as I am sure Dunningwell would.

Five letters of objection were received which raised the following concerns/comments:

- Previous objections should be taken into account.
- This application is for a grossly intrusive development which is unsuited to the immediate locality. As so many times before, the applicants are utterly dismissive of the neighbours' dwellings and properties and elevate the need for their own financial returns.
- The various site plans are presented so that they do not show the proximity of neighbouring buildings. They are simply chopped off. The applicants give distance measurements for the neighbourhood which are deliberately vague and appear informative but give no genuine information.
- The description now includes "(PART RETROSPECTIVE)" The owners, irrespective of waiting for planning approval have already put in place the parking, the complete new sewage system, the lighting and demolished the driveway entrance therefore knowing breached planning control before approval. These alterations are not small scale by any means and declaring "part retrospective permission is just another cover up and add on to their application.
- The document, yet again misinformation is provided by the agent in relation to the proximity of the neighbouring residents and the impact on noise and vehicle movement.
- The agent states that "Dunningwell Hall lies at a considerable distance from neighbouring properties" and have gone to the trouble to provide measurements to prove the distance., "134 to 210 metres respectively ". These measurements seem to be important to the agent to clarify this matter and we have seen they are more or less correct, give or take a metre or two.
- The agent states that "Brockwood Hall lies within close proximity to the northwest of Dunningwell Hall so are close at hand" but fail to state that they, Brockwood Hall, are 1287 metres away, which is strange they don't mention this relevant distance as they have done above. Seeing that the residents are a "considerable distance" away 134 to 210 metres from Dunningwell Hall and Brockwood Hall "lies within close proximity" 1287 metres of Dunningwell Hall just shows the planning board that the agents





## Cumberland Council

continue to deceive the planning board with deliberate disinformation.

- The Agents states the trees “limits intervisibility and acts to absorb any sound”. As previously stated in our other correspondence Dunningwell Hall is clearly visible from the nearest property, Dunningwell Farm. The site entrance is directly opposite the farm entrance, the hall can be seen as can the front red door, the car park and most of the grounds.
- Because of the constant manicuring of the grounds and trees by the ground’s men, these trees have no impact what so ever on absorbing any sounds from potential guest’s, vehicles and ground maintenance that comes from the hall.
- The applicants seek praise for their clearance of the woodland but do not mention the obvious and now established effect on the immediate water table. The road from Dunningwell Hall now has a regular stream running down.
- I would like to see, if any, the actual survey evidence/data the agents have submitted to TRICS especially showing the size of the accommodation, guest’s numbers, car parking spaces, maintenance staff vehicles and local amenities distance for travelling by car and this being a single track road, please can you request this information.
- A quick view of the Dunningwell demographics would show a total population of around a dozen, mostly over 50 and retired or working from home. If the applicants ever achieved full occupation and staffing, Dunningwell Hall would contain more than double the neighbouring population. Traffic would surely increase in proportion.
- It is highly unlikely and again impossible to monitor and tell guests to share cars to “minimise disruption on our local road network and the environmental effects.”
- Changeover days in reality could see 22 visitor vehicles, in addition numerous staff vehicles and deliveries. There is also the reasonable possibility that car sharing will not take place therefore 22 guest cars could arrive! Changeover days could realistically be every day. Guest cannot be instructed to leave their vehicles to walk or cycle.
- There is a near non-existent bus service and the railway station at Green Road is 1.2 miles away. Hardly encouragement for visitors to leave their cars.
- There are poor pedestrian links to the existing network. As stated previously, the single carriage road has the potential to be dangerous.
- The submitted statement clearly does little to highlight the dangerous road, level of vehicle numbers and impact to local residents.
- The number of vehicles using what is a single track road without formal passing places is a major concern. The fact that the road has been declassified and now has a speed limit up to 60mph is whichever way you choose to look at it dangerous.

- The lighting to the driveway is an absolute eyesore, made even worse when internal lighting of the property is switched on. Dark skies have become a thing of the past already! There are also environmental impacts to wildlife that have to be taken into consideration in this rural setting.
- The extortionate lighting system the owners have put in place on the driveway and parking area, and the proposed lights that will also added to the gateway will be and are already have the most OVER BEARING impact on the residents. These lights are totally out of character overpowering and have a oppressive impact on myself and other residents. We have since the installation of the lights have had to put up with a fully lit up, football stadium like, grounds and continuous lighting from the house.
- Lighting effects bedrooms and also give a false effect of traffic approaching on the road, makes you think traffic is approaching you.
- The lighting takes away the tranquillity, peaceful and certainly not enjoyable for the residential neighbours and like the rest of the alterations the lighting on this property has been done without the relevant planning.
- The light pollution that I have referred to in my previous objections, is now considerably worse since the Hall is occasionally occupied. Along with security lights and the access lane lit with numerous unshielded lights either side of the drive, the Hall becomes even more visible.
- This is direct acknowledgment that the agent/owners and management know that there will be a detrimental impact on the increased number of cars from the development of Dunningwell Hall using this single track road, this is a huge safety issue for all walkers, cyclists, horse riders and other users.
- Giving the number of guest's staying in large groups there is no restrictions for potential party house group stays, who will monitor this?
- I am unsure of the quality of guests they are expecting to visit when they are issuing threats of eviction and making "A formal report to police". Considering the nearest night manned police station is the best part of an hour away by car is hardly encouraging for local residents.
- It also seems a snitch line will be available to guests to contact a duty manager.
- This is hardly encouragement to local residents that our welfare and safety will be given any form of consideration.
- There are it seems no plans to have a staff night manager located on site to ensure guests behave as stated in the policy.
- Why are guest issues focused on when it's the local residents that should be



## Cumberland Council

considered?

- No direct control over quiet times.
- Young adult groups, stag and hen parties and extended family groups will all be future clients of this proposed development. They will not be contained in a typical back garden area away from public view, the flat large lawn area by the entrance gate that runs along the roadside that has no screening at all, will be used for multiple purposes, becoming a distraction and hazard for passing road users. Clients dogs will be a further hazard not only to the passing public, but to livestock that grazes just outside the entire border of Dunningwell Hall. The 'Guest Policy' is in no way an adequate vehicle for the containment of activities becoming a 'public nuisance'.
- It is surprising to us as very local residents, to learn that the applicants are major employers. Perhaps the applicants would do well to show how they make this claim and how this staff of 60 is made up.
- The privacy of neighbours will be compromised, the overbearing effects with the continuous traffic from Dunningwell Hall will no doubt have significant safety issue for the locals. The environmental issues have already started at Dunningwell Hall. The overpowering lights that follow the driveway has an impact on wildlife and residents and light pollution. It is evident natural wildlife living in the grounds have decreased due to the ongoing development and will continue to decrease. Noise will be a continuous issue, along with traffic noise all hours of the day & night.
- There is also an issue that has not been addressed as far as I am aware. At the rear of the property a considerable number of shipping storage containers have been sited. They have been there for some time. Shouldn't this also be subject to planning regulations.
- There have been no meaningful attempts to formally contact residents to try to persuade anyone that the proposed development will enhance and benefit us in any meaningful and safe way.
- It is also interesting to ask what back up plan the applicants have. Supposing the converted house fails to reach economic occupancy levels as "short stay self-catering accommodation", what will it be used for. Will it become simply a "house of multiple occupancy" and a block of minimal bed-sits?
- The property owners, manager or agents using whatever excuses or tourist trade jargon they can conjure up to persuade the planners to approve the application, does not make this development any better given the properties rural location and nearness to neighbouring properties.
- The scale of this development is totally out of keeping with the character and

environmental assets of the hamlet of Dunningwell. It brings no realistic benefits and will highly probably cause a devaluation of property values and ability to sell.

- To quote a planning inspector who recently said of another development only 5 miles away. "This development will have a harmful effect on the living conditions of neighbours with regard to noise and disturbance." We are faced with a similar situation here, with in addition, danger to road users.
- This development will change all the aesthetics of this small residential area.
- For the above reasons and in light of the attached Guest Policy, the proposed use is considered to be UNSUITABLE to safeguard the residential amenities currently enjoyed at neighbouring properties.
- 

### **Planning Policy**

Planning law requires that 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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Policy ER6 – Location of Employment

Policy ER10 – Renaissance Through Tourism

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023. The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination. The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024. The Planning Inspectors Report is 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.

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

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy T1PU: Tourism Development

Policy DS11PU: Protecting Air Quality

Policy H6PU: New Housing Development

Policy SC1PU - Health and Wellbeing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

### **Assessment**

The key issues raised by this application relate to the principle of the development; expansion of existing tourist facilities; impact on settlement character; impact on residential amenity;



## Cumberland Council

access, parking and highway safety; impact on ecology; and impact on trees.

The application was originally called in for determination by the Planning Committee by the Ward Councillor due to concerns relating to harm to residential amenity and highway safety. However, this call in request has now been withdrawn by the Ward Councillor following the submission of amended/additional information for the application to address these concerns. Given the withdrawal of this call in request the application will be determined at Officer Level under delegated powers.

### Principle of Development

Policy ST1 of the Copeland Local Plan seeks to support the development of energy infrastructure, related economic clusters, rural diversification and tourism in appropriate locations.

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 the small hamlet of Dunningwell situated to the south west of The Green, Millom. 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 Dunningwell continues to be identified as within open countryside. Policy DS4PU 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.

Paragraph 89 of the NPPF also recognises that sites to meet local and business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

Policy ST1 of the CS also encourages the reuse of existing buildings and previously developed land wherever possible, directing development away from greenfield sites where this is consistent with wider sustainability objectives.

Policy DS2PU of the ELP states that the Council will support development proposals that make a positive contribution towards achieving the Cumbria wide goal of net zero carbon by 2037 where they accord with the Development Plan. Developers are encouraged to consider making the most efficient use of land by building at appropriate densities and encouraging the sympathetic reuse and refurbishment of the existing building stock and previously developed land.

Section 11 of the NPPF promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and

healthy living conditions, by utilising previously developed or brownfield land.

The application seeks to change the use of an existing residential property to provide tourist accommodation. Whilst the site is located outside of any existing or proposed settlement boundary, the proposed change of use is considered to meet the Policy requirements of developments allowed within an open countryside location. The alterations to the existing access serving the site have previously been approved under application ref: 4/17/2243/0F1, which has now expired, therefore the principle of these works has been established.

Concerns have been raised with regard to future development of the site if this application is approved, however this cannot form part of the material consideration for the application which has to be considered on its merits.

The principle of the proposed change of use is therefore considered acceptable. On this basis, the proposal is considered to comply with Policies ST1, ST2, and ER6 of the Copeland Local Plan, Policies DS2PU, DS3PU and DS4PU of the Emerging Local Plan, and provisions of the NPPF.

The other material considerations raised by the application are assessed below.

#### Expansion of Existing Tourist Facilities

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 87 adds that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

Paragraph 88 of the NPPF also states that to support a prosperous rural economy planning policies and decisions should enable: the sustainable growth and expansion of all types of businesses in rural area, both through the conversion of existing buildings and well-designed beautiful new buildings; and sustainable rural tourism and leisure developments which respect the character of the countryside.

Policies ST1 and ER10 of the Copeland Local Plan seek 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. Policy ER10 of the Copeland Local Plan also seeks to locate new tourist accommodation, facilities and attractions where there is proven capacity for additional visitors to be accommodated without adverse environmental or amenity impacts with consideration given to supporting development requiring a rural location within smaller





**Cumberland  
Council**

villages and countryside, if proven necessary to enhance the Borough's place bound assets, and permitted holiday accommodation which meets the requirements of Policy DM9.

Policies DM8 of the Copeland Local Plan states that outside of the Tourism Opportunity Sites, tourism facilities will be permitted in rural areas where it involves small scale development and it is demonstrated to be necessary for enhancing the natural, cultural or heritage value of the place bound asset; or it involves the reuse, conversion or replacement of existing buildings on site. Policy DM9 of the Copeland Local Plan states that proposals for new or improved visitor accommodation will be supported so long as their scale and character are appropriate to the location and setting.

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 Principle 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.

The property will be utilised as short stay self-catering accommodation, to expand the existing provision of the First Resort holding at Brockwood Hall which is located approximately 450m to the north of the application site. At present Brockwood Hall offers 33 Scandinavian inspired self-catering holiday lodges for short stay holiday lets. This current application seeks to expand upon this provision by offering a large group property to be rented as a single unit for families and mixed groups for up to 22 people. The proposal therefore seeks to support and expand the existing rural business and contribute to the rural tourism offer within the south of the Borough, through the reuse of an existing building within the open countryside.

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

#### Impact on Settlement Character

Policy ENV5 of the Copeland Local Plan 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 including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

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 11a: Upland Fringe - Foothills. The Key Characteristics of the land comprise: rolling, hilly or plateau farmland and moorland, occasional rocky outcrops, hills are dissected by numerous streams and minor river valleys, areas of improved grassland, unimproved heathland and extensive conifer plantations, and semi natural woodland.

Dunningwell Hall is a large detached dwelling situated within its own extensive grounds which benefit from a number of well-established trees providing a level of screening from the adjacent highway. The property is located within the Hamlet of Dunningwell, however it is detached from the main group of residential buildings which lie to the east of the site. A small farm also lies to the south east.

The proposed change of use will be accommodated within the existing property with no external alterations proposed to the traditional structure of the dwelling. The change of use of the dwelling to tourist accommodation is therefore considered to retain the traditional character of the property and associated grounds and is therefore not considered to have an adverse impact on the character of the overall settlement.

The property is served by an existing access, set back from the highway benefitting from traditional feature including sandstone pillars and stone walls. The proposal seeks to create a larger access to the property to create a separate pedestrian and vehicle access to the site. Concerns have been raised by residents regarding the scale of these alterations and the detrimental impact these alterations will have on the overall character of the Hamlet. These



**Cumberland  
Council**

access alterations have, however, been previously approved under the expired planning permission ref: 4/17/2243/0F1, therefore the principle of these alterations has already been established. Whilst the access will be wider than the existing arrangement and will create a greater surface area set back from the highway and driveway, the new access will reflect the character of the existing access by incorporating a stepped rubble stone wall with sandstone coping sandstone pillars to match the existing entrance. Whilst the increased surface area of the access will result in some localised change to the landform, given the location of the property and the use of a traditional access point the alterations to the overall access are not considered to have a significant detrimental impact on the character of the overall settlement.

The expanded car parking area is to be sited immediately adjacent to the building and, in this location, will be seen in the context of the building which is set back from the public highway. The expansion of the car park is not considered to have a significant detrimental impact on the character of the settlement or the local landscape.

On this basis, the proposal is considered to comply with Policies ENV5 and DM10 of the Copeland Local Plan, Policies N6PU of the Emerging Local Plan, and provisions of the NPPF.

#### Impact on Residential Amenities

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and addresses vulnerability to and fear of crime and antisocial behaviour.

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.

The application property is located within its own extensive grounds within the Hamlet of Dunningwell. The property is detached from the main group of buildings within the Hamlet. The nearest residential property is Dunningwell Farm, a working farm, located opposite the access for the site approximately 116m from the application property. The nearest residential property located within the main residential area of the Hamlet is located approximately 199m to the east of the application property. Numerous trees are located between these buildings which limit the intervisibility and acts to absorb any sounds from residential activities such as

vehicle movements or children playing in the garden.

The main concerns raised by the Parish Council and local residents relates to the impact of the proposed change of use upon residential amenity. In order to address these concerns the agent has confirmed that the premises will be let on a minimum 3 night stay basis. They have also provided a copy of the Dunningwell Guest Policy which sets out how the premises will be managed. This will be issued to the person booking the property at the point of booking, with a copy also provided within the welcome pack on arrival at the property. The agent has also confirmed that the site will be managed by First Resorts management team and staff who are located at Brockwood Hall located to the north west of the application site should there be any issues. The property will also be routinely checked by staff. It is intended that the guests will be met on arrival at the site and shown around the premises. A duty Manager will also be available 24/7 in case of emergencies.

Whilst the property is located a significant distance from any neighbouring residential property, with extensive grounds providing a buffer between the site and residents, extensive discussions have been undertaken with the agent and applicant in order to ensure the proposed change of use does not have a significant impact on neighbouring residential amenity. Following the submission of additional detail in terms of the site management the Council's Environmental Officer has reviewed the application and, whilst they offer no objections to the proposal, they stated the noise could be a potential problem during construction and site operation. The Officer has therefore recommended the inclusion of a condition to limit the construction working hours.

The EH Officer also states that whilst noise from guest can be more difficult to control it is dependent on good management of the facility which the Council can promote through the imposition of a condition to secure a Noise Management Plan. This condition will secure the submission of an approved Noise Management Plan for the site prior to its first use as a holiday let and will ensure that the applicant provides full details of the management of the site including a specific contact for liaisons with residents and the Council, controls and use of outside areas, control of noise breakout from the building, recording of complaints, and an annual review of the noise management plan. This will ensure that the Council retain control over the use/management of the site to ensure that the development does not impact on amenity. The requirement for and wording of this condition has been discussed and agreed with the applicant's agent.

Although the impact of the proposal would not result in excessive noise impacts of for the residential properties nearby there are other provisions to deal with any complaints that may arise under the provisions of the Environmental Protection Act 1990 should these arise.

A condition was also requested from the Environmental Health Officer in terms of fire safety within the building however this matter does not fall within the planning remit and would be dealt with through the Building Regulations.



## Cumberland Council

As part of the application additional lighting is proposed adjacent to the amended access, driveway and parking area. Three lanterns are proposed within the access, thirteen bollard lights along the driveway, five within the parking area. Concerns have been raised with regard to the impact of this lighting on neighbouring properties and the surrounding area. Within the Management Plan submitted by the agent it is confirmed that the proposed lighting will be directed as downward lighting and will be on day/night sensors as well as time clock in order to limit the impacts on residents and users of the adjacent highway. The Environmental Health Officer has again offered no objections to the installation of this lighting and has confirmed that nuisance from the external lighting could also be controlled by the provisions of the Environmental Protection Act 1990. The Officer has also requested a condition to ensure good practise is followed for the external lighting.

Dunningwell Hall is a detached property contained within its own extensive grounds and is set back from the public highway. The proposed car parking provision is contained within a space adjacent to the building, The nearest residential property is located adjacent to the access and forms part of a working farm. The working farm produces some vehicular movements throughout the day and night.

The main cluster of residential properties comprises 8 separate dwellings which lie to the south west. The separation distance with the nearest property is approximately 199 metres and there is a belt of trees within the space between the two. The public highway runs through this group of dwellings. The four houses on the northern side of the cluster are orientated with their main elevations running roughly parallel to the highway.

Given the location of the detached property, its separation from existing residents, and the imposition of conditions outlined above, it is considered that the proposed change of use would not have a significant detrimental effect on existing residential amenity of the existing residents.

The proposal is therefore consistent with Policies SS1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

### Access, Parking, 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 promote active travel.

The application site is accessed via the unclassified road which runs through the centre of the Hamlet. The Cumberland Road Network mapping system identifies the road as a single two-lane carriageway, however the majority of the road appears as a single track road. The road benefits from the national speed limit with limited passing places. It connects onto the A5093

which lies approximately 700 metres to the east.

The property is currently accessed via a set back entrance which provides direct access onto the driveway for the property. As part of the application works are proposed to alter and enlarge this access to create a larger vehicular access point and separate pedestrian access to the property. The access will also be set further back within the application site and this will create a larger hardstanding within the properties grounds and directly adjacent to the highway. Concerns have been raised regarding the requirement for this larger access, in particular the need for works given the scale of the proposed use of the property raising concerns about further development of the site. Although these concerns are noted the proposed access alterations have already been approved in 2017 under application ref: 4/17/2243/0F1. Although this application has expired the and the works were not commenced within the conditioned timescale, the works proposed within the current application reflect those previously approved when the property was utilised as a single dwelling. They were not considered excessive in the context of the existing site and were welcomed as the works sought to improve visibility for the site and overall highway safety. The creation of a larger access and surface area adjacent to the highway will also be a benefit for the users of this unclassified road as the altered access point will create an additional passing place within the highway. The Highway Authority has again offered no objections to this application subject to the condition that the proposed access alterations are implemented prior to the first use of the property as tourist accommodation.

Concerns have also been raised from the Parish Council and local residents with regard to the intensification of the use of the single-track highway from the proposed change of use. The agent has confirmed that the site will be utilised by a maximum of 22 people, which will be limited by an appropriately worded planning condition. The application is also supported by a transport form which states that the maximum number of journeys per day would be 12, this is based on 1 journey per day for each room and a daily staff journey. The form however also states that a lesser number of journeys will be expected as the site will be occupied by friends/families rather than individuals and occupants will be encouraged to walk, cycle, take public transport and share car journeys. A Management Plan will be provided to all guests detailing walking and cycling routes in the local area, and a bus timetable of services for the nearest bus stop outside the village hall in the neighbouring village The Green.

The application also includes alterations to the existing car parking area to create 13 off street parking spaces.

The agent has also stated that regarding vehicle movements, the TRICS (Trip Rate Information Computer System) database, which is based on up-to-date multi-modal transport survey data for developments in the United Kingdom for transport planning purposes and specifically to quantify the trip generation of new developments, shows holiday accommodation to generate less trips than a dwellinghouse. The agent has therefore stated that the number of vehicle movements from the proposal will be the same or less than those associated with the existing dwellinghouse.

The Highway Authority has reviewed all the information submitted as part of the application and have offered no objections to the application.

Based on the above it is reasonable to conclude that, whilst the proposed change of use may result in a slight increase in the use of the highway, the intensification of this use will not create issues in relation to highway safety. The increase in traffic is not considered to alter the character of the site or the amenity of the surrounding area..

Based on the inclusion of conditions requested by the Highway Authority, it is considered that 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 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, ensure 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 application site is located within Flood Zone 1 and therefore a Flood Risk Assessment has not been submitted to support this application.

As part of the proposed works the application also seeks to amend the foul drainage at the site through the installation of a new package treatment plan located to the south west of the property, which will drain to a foul drainage field to the south of the tank. The surface water drainage for the development will remain as existing and will be dealt with via existing soakaways.

Concerns were originally raised from residents regarding the information submitted to support the amended drainage scheme for the proposal, however the agent has since submitted amended plans to show the exact location and specific details of the proposed treatment plant.

The Council's Environmental Health Officer has stated that a good quality sewage package treatment plant would be welcomed at the site which would have enough capacity to serve the maximum capacity of the property. Details of the proposed plant have been submitted by the agent however the suitability of the system would be dealt with through Building Regulations process.

The LLFA initially offered no objections to the application, however additional surface water drainage details were requested to be secured by condition. Following these comments the agent confirmed that the existing surface water from the property would be dealt with via existing arrangements and submitted an amended plan to show measures to prevent surface water discharging onto the highway. On receipt of this information the LLFA has confirmed

that they have no objections to the proposal. An appropriately worded planning condition is proposed to ensure the additional surface water measures are implemented on site.

Subject to the inclusion of this condition, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

#### Impact on Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

Whilst concerns have been raised with regard to the impact of the development upon wildlife, the site is not identified as a potential or known site for protected species. The application is therefore not supported by any Ecological surveys. The proposed change of use is contained within the existing structure of the building with only a small area of hardstanding extended to accommodate the alterations to the access of the property. The application was also submitted prior to the introduction of the requirements for Biodiversity Net Gain.

The development is not considered to have a significant detrimental impact on ecology, and is therefore considered to comply with Policies ST1, ENV3 and DM25 of the Copeland Local Plan, N1PU and N3PU of the Emerging Local Plan, and provisions of the NPPF.

#### Impact on Trees

Policy DM28 of the Copeland Local Plan sets out how the Council will manage proposals that involve trees in the Conservation Area and trees that are protected by Tree Preservation Orders. This policy states that development proposal which are likely to affect any trees within the Borough will be required to include an arboricultural assessment as to whether any of those trees are worthy of retention and protection by means of a Tree Preservation Order and submit proposals for the replacement or relocation of any trees removed. This policy further states any proposed works to Trees within Conservation Areas, or protected with Tree Preservation Orders, will be required to include an arboricultural survey to justify why works are necessary and that the works proposed will, where possible, not adversely affect the amenity value of the area.





**Cumberland  
Council**

Policy N13PU of the Emerging Local Plan states that existing trees and hedgerows which contribute positively to the visual amenity and environmental value of their location will be protected. Development proposals which are likely to affect any trees within the borough will be required to: include an arboricultural assessment as to whether any of those trees are worthy of retention and protection by means of a Tree Preservation Order and submit proposals to replace or relocate any trees that are to be removed with net provision at a minimum ratio of 2:1.

The application site has extensive tree cover, however only the area to the north of the property is designed as Ancient Woodland. There is no TPO designation at the site.

Concerns have been raised with regard to the number of trees previously removed from the application site, however as the trees are not protected by a TPO the Local Planning Authority has no control over this matter.

### **Planning Balance & Conclusions**

The application site relates to a large, detached dwelling located on the north western edge of the Hamlet of Dunningwell. The application site is located outside of any existing or proposed designated settlement boundary and is therefore located within the open countryside. Policy ST2 of the Copeland Local Plan and DS4PU of the Emerging Local Plan restricts development within the open countryside to those which have a proven need including agriculture, forestry, farm diversification, or tourism proposals. The application seeks to change the use of an existing residential property for tourism accommodation. Whilst the site is located outside of any existing or proposed settlement boundary, the proposed change of use is considered to meet the Policy requirements of developments allowed within an open countryside location. The principle of the proposed change of use is therefore considered acceptable.

The alterations to the existing access serving the site have previously been approved under application ref: 4/17/2243/0F1, which has established the principle of these works. There has not been any significant change in planning policy since 2017 to alter the stance and the Highway Authority has confirmed that the works are acceptable and will not have an adverse impact on highway safety within the locality.

The application site will be utilised as short stay self-catering accommodation, to expand the existing provision of the First Report holding at Brockwood Hall, which is a well-established tourist accommodation site providing self-catering lodges. The proposal therefore seeks to support and expand an existing rural business and contribute to the rural tourism offer within the south of the Borough.

The proposed change of use is not considered to impact on the character of the overall settlement as the use will be accommodated within the footprint of the existing property with no external alterations proposed. Whilst the previously approved access alterations will have some localised change, given the location of the property, detached from the main residential area of the hamlet, and the traditional construction of the access point, the alterations to the

	<p>access are also not considered to have a significant detrimental impact on the character of the surrounding area.</p> <p>The development is not considered to create a significant adverse impact upon residential amenity due to the separation distances between Dunningwell Hall and the neighbouring properties, with extensive grounds with existing trees providing a buffer between the site and existing residents. Additional information has been submitted by the agent to detail the overall management of the site and the guest policy operated by the applicant's company. The accommodation will be limited to a minimum stay of 3 nights which will limit the need for visits to the premises by cleaners and other services. The proximity of the applicant's other leisure site close by is also likely to result in a shared use of staff which will help to limit the number of vehicular movements needed to service the building.</p> <p>Whilst Environmental Health have offered no objections to the proposal conditions have been requested to secure the submission of a Noise Management Plan, limit construction hours, and ensure lighting complies with good practice, to further protect residential amenity.</p> <p>The previously approved access is considered to be acceptable to serve the application site, and the applicant's agent has submitted a completed Transport Form and also referenced the TRICS (Trip Rate Information Computer System) database information with regards to holiday accommodation. Based on this information it is not considered that the level of traffic movements associated with the proposed use would be significantly greater than the previous use as a large 11 bed dwelling. Consequently, the development is not considered to have a detrimental impact upon highway safety or residential amenity. The Highway Authority has offered no objections to the application subject to the inclusion of a condition to secure the implementation of the proposed access prior to the first occupation of the property as tourist accommodation.</p> <p>The drainage proposed for the development is considered acceptable and can be secured by condition.</p> <p>On balance, whilst the development will result in some localised change to the immediate locality, the proposal supports the enhancement and expansion of the tourism offer within the south of the Borough. The development is considered to be of an appropriate scale and is 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. It is therefore considered that the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents an acceptable form of development which is consistent with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>



## Cumberland Council

### 9. Conditions:

#### Standard Conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

#### Reason

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

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-
  - Site Location and Block Plan (Amended), Scale 1:5000, Drawing Number: 2018-06-001, Revision: C, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Cover Letter, Prepared by Brodie Planning Associates, BPA Ref: 2018\_06, received by the Local Planning Authority on the 25<sup>th</sup> April 2023.
  - Cover Letter, Prepared by Brodie Planning Associates, BPA Ref: 2018\_06, received by the Local Planning Authority on the 17<sup>th</sup> August 2023.
  - Existing and Proposed Basement (no alterations proposed) (Amended), Scale 1:50, received by the Local Planning Authority on the 5<sup>th</sup> September 2023.
  - Existing and Proposed Ground Floor Plan (no alterations proposed) (Amended), Scale 1:50, received by the Local Planning Authority on the 5<sup>th</sup> September 2023.
  - Existing and Proposed First Floor Plan (no alterations proposed) (Amended), Scale 1:50, received by the Local Planning Authority on the 5<sup>th</sup> September 2023.
  - Existing and Proposed Second Floor Plan (no alterations proposed) (Amended), Scale 1:50, received by the Local Planning Authority on the 5<sup>th</sup> September 2023.
  - Existing Access Plan, Scale 1:500, Drawing Number: 2018-06-003, received by the Local Planning Authority on the 7<sup>th</sup> June 2023.
  - Proposed Entrance Site Plan and Elevations (Amended), Scale 1:100/50, Drawing No: 23, Revision: A, received by the Local Planning Authority on the 17<sup>th</sup> August 2023.
  - Proposed Site Plan (Amended), Scale 1:500, Drawing Number: 2018-06-002,

- Revision: C, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
- Existing Access Plan (Amended), Scale 1:100, Drawing Number: 2018-06-003, Revision: A, received by the Local Planning Authority on the 25<sup>th</sup> January 2024.
  - Road Details and Cross Sections (Amended), Scale 1:20/150/250, Drawing No: 5906/221, Rev: B, received by the Local Planning Authority on the 4<sup>th</sup> January 2024.
  - Transport Form, received by the Local Planning Authority on the 23<sup>rd</sup> October 2023.
  - Foul Drainage Scheme (Amended), Scale 1:200, Drawing No: 211, Rev: H, received by the Local Planning Authority on the 23<sup>rd</sup> October 2023.
  - BD/BE Biodisc General Dimension Customer Drg, Scale 1:15, Drawing No: DS0468P, Issue: 3, received by the Local Planning Authority on the 7<sup>th</sup> June 2023.
  - Sauro LED Classic Bollard Lights Details, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Noemi LED Lights Details, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Dunningwell Hall Management Plan, Prepared by Brodie Planning Associates, received by the Local Planning Authority on the 4<sup>th</sup> January 2024.
  - Email from Agent, received by the Local Planning Authority on the 19<sup>th</sup> March 2024.
  - Dunningwell Hall Guest Policy, received by the Local Planning Authority on the 19<sup>th</sup> March 2024.

#### 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.

#### Prior to First Use Conditions:

3. Prior to the first use of the building as tourist accommodation hereby permitted a Noise Management Plan must be submitted to and approved in writing by the Local Planning Authority.

The Noise Management Plan must include undertakings and procedures for:

- (i) The name/s of the supervisor/s responsible for the behaviour of guests and for liaison with local residents and this Council;



## Cumberland Council

- (ii) The control and use of outside areas;
- (iii) The control of noise breakout from within the building;
- (iv) Access and egress to and from the property by guests including arrangements for vehicle parking;
- (v) Recording of complaints and response to those complaints;
- (vi) The annual review of the Noise Management Plan and, if necessary, the submission and approval in writing by the Local Planning Authority of any revised Noise Management Plan;
- (vii) Any other matters that are reasonably required by the Local Planning Authority.

The use must be carried out in accordance with these approved details at all times thereafter.

### Reason

To safeguard the amenity of nearby residents and the area generally.

4. The new access as detailed within the following approved plans must be constructed and brought into use before the development is first occupied as tourist accommodation:

- Proposed Entrance Site Plan and Elevations (Amended), Scale 1:100/50, Drawing No: 23, Revision: A, received by the Local Planning Authority on the 17<sup>th</sup> August 2023.
- Road Details and Cross Sections (Amended), Scale 1:20/150/250, Drawing No: 5906/221, Rev: B, received by the Local Planning Authority on the 4<sup>th</sup> January 2024.

The access must be retained at all times in accordance with the approved details for the lifetime of the development and must not be altered within the prior consent of the Local Planning Authority.

### Reason

To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity).

5. Prior to the first use of the access hereby approved the surface water drainage measure to prevent water runoff onto the highway must be installed in accordance with the approved plan 'Road Details and Cross Sections (Amended), Scale 1:20/150/250,

Drawing No: 5906/221, Rev: B, received by the Local Planning Authority on the 4th January 2024'. These measures must be retained for the lifetime of the development.

Reason

In the interest of highway safety.

6. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the approved plans:

- Foul Drainage Scheme (Amended), Scale 1:200, Drawing No: 211, Rev: H, received by the Local Planning Authority on the 23<sup>rd</sup> October 2023.
- BD/BE Biodisc General Dimension Customer Drg, Scale 1:15, Drawing No: DS0468P, Issue: 3, received by the Local Planning Authority on the 7<sup>th</sup> June 2023.

Prior to the first use 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Other Conditions:

7. The use hereby approved must only be occupied by a maximum of 22 people at any time.

Reason

To safeguard the amenities of nearby residential occupiers.

8. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

- 08:00am to 18:00pm Monday to Friday;
- 08.00am – 13.00pm Saturdays.

No construction works shall take place at any time on Sundays or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.

9. All external lighting must be constructed in accordance with the details set out in the following approved plans:

- Proposed Site Plan (Amended), Scale 1:500, Drawing Number: 2018-06-002, Revision: C, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
- Road Details and Cross Sections (Amended), Scale 1:20/150/250, Drawing No: 5906/221, Rev: B, received by the Local Planning Authority on the 4<sup>th</sup> January 2024.
- Sauro LED Classic Bollard Lights Details, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
- Noemi LED Lights Details, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
- Dunningwell Hall Management Plan, Prepared by Brodie Planning Associates, received by the Local Planning Authority on the 4<sup>th</sup> January 2024.

All external lighting must be retained in accordance with the approved details for the lifetime of the development.

Artificial light to the development must conform to requirements to meet the Obtrusive

	<p>Light Limitations for Exterior Lighting Installations for Environmental Zone E2 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.</p> <p>Reason</p> <p>To safeguard the amenities of nearby residential occupiers.</p> <p><b>Statement:</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>	
<b>Case Officer: C. Burns</b>		<b>Date : 01.07.2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 02.07.2024</b>
<b>Dedicated responses to:-</b>		