

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2185/0R1
2.	<b>Proposed Development:</b>	APPLICATION FOR RESERVED MATTERS RELATING TO APPEARANCE, SCALE & LANDSCAPING PURSUANT TO OUTLINE APPLICATION 4/22/2294/001 – OUTLINE APPLICATION FOR SITING OF 3 NO HOLIDAY ACCOMODATION PODS/UNITS INCLUDING APPROVAL OF SITE LAYOUT, ACCESS, PARKING & SCALE (NO OF UNITS ONLY) WITH ALL OTHER MATTERS RESERVED
3.	<b>Location:</b>	ROTHERSYKE HOUSE, EGREMONT
4.	<b>Parish:</b>	Lowside Quarter
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
6.	<b>Publicity Representations &amp; Policy</b>	Se Report
7.	<b>Report:</b> <b>Site and Location</b> <p>This application relates to a property, known as Rothersyke House, located off the B5345 to the west of Thornhill. The large detached property is sited within its own grounds and is accessed via the C Class road which runs along the eastern edge of the site. The application is redundant land located to the south east of the of main residential property.</p> <p>The greenfield site is comprised of sloped pasture with a number of mature trees located along the eastern boundary adjacent to the highway. The application site benefits from an existing agricultural access located to the south east corner of the land.</p>	

### **Relevant Planning History**

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

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

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

4/22/2294/001 – Outline application for the siting of 3 no holiday accommodation pods/units including approval of site layout, access, parking & scale (no of units only) with all other matters reserved - Approve

### **Proposal**

Outline planning permission was granted for the siting of three holiday accommodation pods/units on the site in September 2023. The application secured approval for the site layout, access, parking, and scale (number of units) with all other matters reserved for future approval.

This application seeks the approval of the matters reserved by the outline application namely appearance, scale & landscaping.

The application has been submitted with the following details:-

- Application form
- Site location plan
- Proposed Site Plan
- Proposed Cabin Plans and Elevations
- Soft Landscape & Management Plan
- Hard Landscaping Plan

### **Consultation Responses**

#### Parish Council

No response received.

#### Highways/LLFA

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site

or elsewhere.

#### Resilience Unit

There are no additional comments in relation to the above, to those sent during June 2023.

#### Environmental Health

There are no objections to this proposal from Environmental Health though the following comments and advice are offered:

Soft Landscape Plan – it is noted that there is a conditioned requirement for the protection of trees on the site, and the proposed appearance of the site is one which encompasses the generous provision of vegetation and grassed areas. The proprietors should, however, be aware of fire risk and spread. The site would be required to produce a Fire Risk Assessment, under provisions of the Regulatory Reform (Fire Safety) Order 2005, and this would need to take into account the soft landscaping and its maintenance.

Hard Landscape Plan – the width of the site vehicular entrance should be, if possible, a minimum of 3.1 metres wide and have a minimum height clearance of 3.7m to allow for the safe access / egress of the site by emergency services vehicles.

Footpaths should be not less than 0.9 metres wide where practicable.

The provision of a barbeque area and fire pit would also need to be included in the Fire Risk Assessment.

Site plan – in order to minimise fire spread, the spacing of the three pod units should be not less than 6 metres apart. It is noted that the pod units are ex-shipping containers of steel construction though they will contain fixtures and fittings that would potentially be combustible.

This spacing requirement may be reduced to 5.25 metres if Class 1 fire rated external cladding material is added to the pod units.

Any external structure including steps, ramps and decking that are added to the pod units which extends more than 1 metre into the separation distance between the pod units should be of noncombustible construction.

The pod units should be at least 2 metres from any road and 3 metres from the boundary hedges where practicable.

Every pod unit should stand on a concrete base or hard standing.

The above advice is taken from the camping and caravan model standards, and provides the 'ideal' standard for a licenced holiday site such as this.

Compliance should be achieved where it is practically possible to do so, though if it is not, such a situation should be accounted for within the site's Fire Risk Assessment.

United Utilities

Whilst United Utilities has no specific comments to make on the reserved matters application in respect of scale, appearance and landscaping, we wish to highlight there are unresolved issues with the private Wastewater Treatment Plant and SuDS hydrocarbon retention and runoff.

We request United Utilities are consulted on any planning applications submitted to discharge planning condition numbers 4, 5 and 6 attached to application number 4/22/2294/001, relating to private wastewater treatment plant, surface water drainage and CEMP.

Advisory - Please note that all sewage effluent discharges to ground within SPZ 1 require an Environmental Permit. It was recommended that the applicant contact the Environment Agency (EA), to discuss whether or not a new discharge to ground is likely to be granted a permit.

Arborist Consultant (Capita)

*07<sup>th</sup> October 2024*

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

The applicant has submitted a Soft Landscape & Management Plan (Dwg. No:RREepd-ELS-XX-DR-L-0001 Rev.P01) and a Hard Landscape Plan (Dwg. No. RRE-epdELS-XX-DR-L-0002 Rev.P02), both dated 09/07/2024.

The Soft Landscape & Management Plan includes details and specifications for the proposed new planting. It also describes the procedures for establishing and maintaining the new planting.

**RECOMMENDATIONS**

We recommend attaching the following conditions to any planning permission:

- The submitted Hard Landscaping Plan (Dwg. No. RRE-epd-ELS-XX-DR-L0002 Rev.P02) and Soft Landscape & Management Plan (Dwg. No:RREepd-ELS-XX-DR-L-0001 Rev.P01) should be implemented in full during the first planting season following completion of construction. Any trees or shrubs dying within a ten-year period should be replanted with a similar species and in a similar location within one growing season. Any alterations to the agreed Landscape Plan should be approved in writing by the Local Planning Authority.

Also include a condition of any planning permission requiring:

- The submission of an Arboricultural Method Statement, which must include adequate tree protection measures for the retained trees. The Arboricultural Method Statement must be

agreed in writing by the Local Planning Authority and must be implemented in full prior to and during construction activity on site

*10<sup>th</sup> April 2025*

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

The applicant has submitted a Soft Landscape & Management Plan (Dwg. No:RREepd-ELS-XX-DR-L-0001 Rev.P03) dated 03/03/2025 and a Hard Landscape Plan

(Dwg. No. RRE-epd-ELS-XX-DR-L-0002 Rev.P02) dated 09/07/2024.

The Soft Landscape & Management Plan includes details and specifications for the proposed new planting. It also describes the procedures for establishing and maintaining the new planting.

#### RECOMMENDATIONS

We recommend attaching the following conditions to any planning permission:

- The submitted Hard Landscaping Plan (Dwg. No. RRE-epd-ELS-XX-DR-L0002 Rev.P02) and Soft Landscape & Management Plan (Dwg. No:RREepd-ELS-XX-DR-L-0001 Rev.P03) should be implemented in full during the first planting season following completion of construction. Any trees or shrubs dying within a ten-year period should be replanted with a similar species and in a similar location within one growing season. Any alterations to the agreed Landscape Plan should be approved in writing by the Local Planning Authority.
- Prior to commencement of development, an Arboricultural Method Statement and Tree Protection Plan must be submitted to and approved in writing by the Local Planning Authority. The Method Statement and Plan should follow the guidance in the British Standard (BS 5837:2012) and must include, but not limited to:

- i) Facilitation tree works;
- ii) Installation of temporary and permanent ground protection;
- iii) Location of tree protection barriers, to include an adequate construction zone;
- iv) Excavations, level changes and the requirement for specialised excavation techniques in root protection areas for the installation of underground services;
- v) Installation of permanent and temporary access roads – materials and design;
- vi) Installation of specialist foundations in root protection areas;
- vii) Preparatory works for new landscaping;

The approved Arboricultural Method Statement must be implemented in its agreed form unless the Local Planning Authority gives written approval to any variation.

## **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 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 2021 - 2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:-

Strategic Policy DS1: Presumption in favour of Sustainable Development

Strategic Policy DS2: Reducing the impacts of development on Climate Change

Strategic Policy DS3: Settlement Hierarchy Strategic

Policy DS4: Settlement Boundaries

Policy DS6: Design and Development Standards

Policy DS7: Hard and Soft Landscaping

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

Strategic Policy T1: Tourism Development

Policy T3: Caravan and Camping Sites for short term letting

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy CO4: Sustainable Travel

Policy CO7: Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (2024)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

### **Assessment**

#### Principle of Development

The principle for developing this site for residential purposes has previously been established by the outline permission (ref: 4/22/2294/001)

This application seeks approval of reserved matters relating to scale, appearance and landscaping.

#### Scale and Appearance

Policy DS4 of the Copeland 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 scale of the proposed pods has been reduced during the course of the application. The initial proposals were considered to be excessive. The pods as now proposed are 6.275 m long and 2.55 m wide. They will contain a living/bedroom area including a small sink and cooker and a separate toilet/shower room.

The design includes a large panel of glazing on the side elevation which will allow access to a small timber decked area. A large glazed panel is also included on the front elevation. Each glazed panel will be constructed of grey Upvc frames.

Externally each pod will be clad in horizontal cedar cladding.

Overall, it is considered that the development as amended is of an appropriate scale, design

and appearance and complies with Policies DS4 of the ELP

### Landscaping

Strategic Policy N6: Landscape Protection of the LP seeks to protect 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 development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit.

A detailed landscaping scheme has been submitted which includes the retention of the existing trees on the site, the addition of additional tree planting on the eastern boundary and also some native woodland planting adjacent to the parking area. An area of native hedgerow is to be planted adjacent to each pod to provide a defined private area and also to introduce additional screening.

The main areas of the site are to be cultivated as amenity grassed areas and it is also Proposed to introduce some small areas of wild flower meadow.

The Council's Arboricultural Consultant has reviewed the application and is satisfied with the submitted details subject to the inclusion of a condition which requires the landscaping to be implemented in accordance with the submitted details and provision for the replacement of any of the trees or shrubs that die or become damaged or diseased within five years of their planting.

### **Planning Balance and Conclusions**

The principle for developing this site for residential purposes has previously been established by the outline permission (ref: 4/22/2294/001).

The scale and appearance of the pods are considered to be acceptable.

The provision of extensive landscaping to supplement the existing tree belt which is to be retained as part of the development will help to soften the impact of the development within the landscape and also provide an attractive setting to the pods.

In overall terms, subject to the planning conditions proposed, the development accords with the provisions of the development plan.



8.	<p><b>Recommendation:</b></p> <p>Approve Reserved Matters</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <p>1.The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission reference 4/23/2076/001.</p> <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004</p> <p>2.Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <ul style="list-style-type: none"> <li>- Amended Application form, received on 26th June 2024</li> <li>- Site location plan, drawing number P01-2128-02A, scale 1:1250, received on 29th July 2024</li> <li>- Proposed Site Plan, drawing number P04-2128-03B, scale 1:200, received on 12th February 2025</li> <li>- Proposed Cabin Plans and Elevations, drawing number P04-2128-04B, scale 1:200, received on 12th February 2025</li> <li>- Soft Landscape &amp; Management Plan, drawing number RREepd-ELS-XX-DR-L-0001 Rev.P03, scale 1:200, received on 4th March 2025</li> <li>- Hard Landscaping Plan, drawing number RRE-epd-ELS-XX-DR-L0002 Rev.P02, scale 1:500, received on 4th March 2025</li> </ul> <p>Reason</p> <p>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.</p>

#### Prior to Commencement Condition

3. Prior to commencement of development, an Arboricultural Method Statement and Tree Protection Plan must be submitted to and approved in writing by the Local Planning Authority. The Method Statement and Plan should follow the guidance in the British Standard (BS 5837:2012) and must include, but not limited to:

- i) Facilitation tree works;
- ii) Installation of temporary and permanent ground protection;
- iii) Location of tree protection barriers, to include an adequate construction zone;
- iv) Excavations, level changes and the requirement for specialised excavation techniques in root protection areas for the installation of underground services;
- v) Installation of permanent and temporary access roads – materials and design;
- vi) Installation of specialist foundations in root protection areas;
- vii) Preparatory works for new landscaping.

The approved Arboricultural Method Statement must be implemented in its agreed form unless the Local Planning Authority gives written approval to any variation.

#### Reason

To ensure that existing trees are protected in accordance with Policies DS5 and N6 of the Copeland Local Plan 2021-2039.

#### Prior to Occupation Condition

4. No holiday pods/units shall be occupied until the vehicular access and parking requirements to serve that pod/unit have been constructed in accordance with the approved plan and brought into use. The vehicular access and parking provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered.

#### Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO7 of the Copeland Local Plan 2021-2039.

#### Other Conditions

5. The submitted Hard Landscaping Plan (Dwg. No. RRE-epd-ELS-XX-DR-L0002 Rev.P02) and Soft Landscape & Management Plan (Dwg. No:RREepd-ELS-XX-DR-L-0001 Rev.P03) should be implemented in full during the first planting season following completion of construction. Any trees or shrubs dying within a ten-year period should be replanted with a similar species and in a similar location within one growing season. Any alterations to the agreed Landscape Plan should be approved in writing by the Local Planning Authority.

#### Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policies DS5 and N6 of the Copeland Local Plan 2021-2039.

#### Informatives:

1. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Unit office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

2. Please note that all sewage effluent discharges to ground within SPZ 1 require an Environmental Permit. It was recommended that the applicant contact the Environment Agency (EA), to discuss whether or not a new discharge to ground is likely to be granted a permit.

3. Any works within or near the Highway must be authorised by Cumberland Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit allowing such works. Enquires should be made to Cumberland Councils Street Work's team - [streetworks.central@cumbria.gov.uk](mailto:streetworks.central@cumbria.gov.uk) Fees: <https://www.cumbria.gov.uk/roads-transport/fees.asp>

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

4. The pre commencement conditions attached to outline planning permission reference 4/22/2294/001 must be formally discharged prior to works commencing on site.

	<b>Statement</b>  The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
<b>Case Officer:</b> C.Burns / N.J.Hayhurst		<b>Date :</b> 28/04/2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 28/04/2025
<b>Dedicated responses to:-</b> N/A		