

SCHEDULE A: Applications with Recommendation

22/0364

Item No: 05

Date of Committee: 05/08/2022

Appn Ref No:
22/0364

Applicant:
Etman Enterprises Ltd

Parish:
Dalston

Agent:
Lambe Planning and
Design Ltd

Ward:
Dalston & Burgh

Location: Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX

Proposal: Change Of Use Of Land For 38no. Holiday Lodges To Be Used For A
12 Month Season

Date of Receipt:
09/05/2022

Statutory Expiry Date
04/07/2022

26 Week Determination
08/08/2022

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that the application is approved subject to a satisfactory solution to the issue of nutrient neutrality. Should Members be minded to grant permission it is requested that authority to issue the decision is given to the Corporate Director for Economic Development.

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the Grade II* Listed Building
- 2.3 Impact of the proposal on the Scheduled Monument
- 2.4 Impact of the proposal on the landscape character of the area
- 2.5 Impact of the proposal on the living conditions of neighbouring residents
- 2.6 Proposed drainage methods
- 2.7 Impact of the proposal on highway safety
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other Matters

3. Application Details

The Site

- 3.1 Dalston Hall Caravan Park is located 60-80 metres to the north-east of Dalston Hall Hotel on the eastern side of the B5299 Carlisle to Dalston road. Access to the application site is via an un-adopted access lane off the county highway which also affords vehicular access to Dalston Hall Hotel and Holly Lodge, a private residential property located at the entrance to the access lane.
- 3.2 Views of the caravan site as a whole are limited due to existing hedgerow and mature trees. The application site, subject of this application, is immediately to the east of the 16no. holiday units granted by Members at their meeting in May 2014 (application reference 14/0124) and also of the 9 holiday units approved by the council under delegated powers in 2011 (application 11/0176).

The Proposal

- 3.3 The application seeks full planning permission for the change of use of land for the siting of 38no. holiday lodges to be used for a 12 month season at Dalston Hall Caravan Park. The scale and design of the proposed holiday units would be similar to that of the existing holiday units and be served by their own parking spaces.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of two neighbouring properties and the posting of a site notice. In response, one representation of objection and twenty representations of support have been received.
- 4.2 In summary the issues raised within the representation of objection are:
1. queries the accuracy of the heritage statement;
 2. heritage statement fails to assess contribution that the undeveloped application site makes to the setting of the listed building and relies principally on existing vegetation;
 3. existing vegetation during winter months will not provide a level of screening;
 4. not all of the trees are in the ownership / control of applicant and are not a permanent fixtures with a limited life-span;
 5. lodges not of timber construction and have standard appearance of static caravans which would be an alien feature out of context with setting of listed building;
 6. application site is visible from the two towers of Dalston Hall with any development at the caravan park adversely affecting the setting of the listed building;
 7. Historic England should be notified of the application;
 8. implications of 'Agent of Change' principle should be considered and that the proposed units incorporate appropriate measures to mitigate for any

- alleged noise and disturbance taking place at the adjacent events venue;
9. prospective purchasers of the units should be made aware that Dalston Hall is an events venue as this has contributed to complaints being received against activities at Dalston Hall Hotel;
 10. to determine the application is contrary to Natural England's advice in respect of Nutrient Neutrality.

4.3 In summary the issues raised within the representations of support are:

1. support the development as it brings trade to other businesses;
2. receive a vast amount of trade from the caravan park on a regular basis;
3. following the last 2 years of lost earnings due to closure the whole village would welcome the boost the extension to the caravan park would bring;
4. the proposals will help the local economy and businesses in Dalston;
5. in favour of bringing more customers into the locality;
6. very good for village and passing trade;
7. this is tourism beyond the Lake District and would bring more tourists to the area to help secure all local businesses futures;
8. will support local businesses and tradespeople.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to the imposition of a pre-commencement condition requiring full details of the surface water drainage system;

Dalston Parish Council: - do not wish to make any representations;

Local Environment - Environmental Protection: - no objections. Should planning permission be granted, the current site licence would need to be amended for the additional pitches. Spacing, surfaces, sanitation and fire safety would need to conform to the Caravan Control and Development Act 1960;

Cumbria Constabulary - North Area Community Safety Unit: - no observations or comment to offer;

Historic England: - Historic England (HE) provides advice when HEs engagement can add most value. In this case HE are not offering advice. This should not be interpreted as comment on the merits of the application and suggest that you seek the views of your specialist conservation and archaeological advisers.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning

Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, SP7, EC9, EC10, EC11, IP2, IP6, CC5, CM5, HE2, HE3, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Character Guidance and Toolkit (March 2011), Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' and Dalston Parish Neighbourhood Plan 2015-2030 (DPNP) are also material planning considerations.

6.3 The proposal raises the following planning issues:

1. Principle of Development

- 6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.5 To support a prosperous rural economy, paragraph 84 outlines that planning policies and decisions should enable: *"a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship"*.
- 6.6 Paragraph 85 recognises that: *"sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist"*.
- 6.7 The aforementioned paragraphs of the NPPF are reiterated in Policies EC9, EC10 and EC11 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural services centres. Specifically, in relation to caravan, camping and chalet

sites, Policy EC10 of the local plan highlights that proposals for the development of caravan sites and the extension of caravan sites will be supported subject to compliance with the criteria identified within the policy.

- 6.8 The Dalston Parish Neighbourhood Plan 2015-2030 does not contain a specific policy in respect of tourism proposals, however; in its vision statement it outlines: *"This Plan aims to protect the rural environment and unique character of the Parish; to enhance the strong community spirit while encouraging the area to have a thriving and sustainable future. To do this, the Plan seeks to manage housing development, protect and promote businesses, support the farming community and to encourage tourism"*. Criterion 7 of its Strategic Objectives stating: *"To support the local economy through its existing businesses, by encouraging new enterprises and facilities which enhance commercial effectiveness and employment opportunities"*. In respect of jobs and the economy the neighbour plan highlights: *"historically this has always been a working Parish, with a recent, gradual increase in tourism. Tourism is an important industry throughout Cumbria and this Parish has much to offer by way of beautiful pastoral scenery ... there are two small campsites, some holiday cottages, Dalston Hall Hotel, but a great dearth of Bed and Breakfast accommodation which is much sought after"*.
- 6.9 Prior to the Covid 19 pandemic, tourism bodies annual statistics highlighted the value of tourism to the British economy through visitor spending and employment opportunities. Figures also detailed how the nature of holidays in the UK was increasingly diverse, with holiday makers going away several times a year, often for short breaks and not exclusively in the summer months.
- 6.10 The application seeks full planning permission for the change of use of land for the siting of 38no. holiday lodges to be used for a 12 month season at Dalston Hall Caravan Park. The submitted Design and Planning Statement outlining that: *"Dalston Hall Holiday Park was established many years ago, the Covid 19 Viral Pandemic has significantly and detrimentally affected the business and has put pressure on the enterprise to adapt to these new trading requirements. This proposal for additional holiday lodges will safeguard the existing enterprise, its existing employment, spends within the local economy, create additional employment and provide a much needed additional holiday lodge facility unlike anything else in the region"*.
- 6.11 The application site, part of a golf course, is immediately to the east of the 16no. holiday units granted by Members at their meeting in May 2014 (application reference 14/0124). The scale and design of the proposed units would be similar to that of the existing holiday units subject of that approval and also of the 9 holiday units approved by the council under delegated powers in 2011 (application 11/0176).
- 6.12 Should Members approve the application, conditions are recommended to restrict the holiday units subject of this application solely for holiday use and not as permanent residential accommodation. A further condition is also recommended that would require the owners/operators of the site to maintain an up-to-date register of the names of all owners/occupiers of the individual

caravans on the site, and of their main home addresses. This register would then have to be made available for inspection by officers of the council to ensure compliance with the existing and recommended conditions. These conditions are in line with another parts of Dalston Hall Caravan Park, other year round opening of caravan sites granted approval within our District, local planning authorities within the UK and by the Planning Inspectorate.

- 6.13 In overall terms, the proposal would be an expansion of an existing sustainable rural tourism business, thereby, ensuring the continued viability of the enterprise. The application site is well related to the existing caravan park as a whole with existing and additional landscaping proposed to minimise any perceived visual impact. Adequate access and parking provision can also be achieved to serve each of the holiday units. Accordingly, the proposal accords with the objectives of the NPPF, relevant local plan policies and the Dalston Parish Neighbourhood Plan 2015-2030.

2. Impact Of The Proposal On The Grade II* Listed Building

- 6.14 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.15 Accordingly, Members must give considerable importance and weight to the desirability of preserving the adjacent Dalston Hall Hotel, a Grade II* listed building and its setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.16 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 189 highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".*
- 6.17 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict

between the heritage asset's conservation and any aspect of the proposal.

- 6.18 In considering potential impacts on heritage assets, paragraph 200 of the NPPF seeks to ensure that: "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ...".
- 6.19 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policies SP7 and HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweigh the harm.
- 6.20 In light of the foregoing, Members need to have cognizance of: a) the significance of the adjacent Grade II* listed building and the contribution made by its setting; and then assess b) the effect of the proposal on the Grade II* listed building and its setting (inclusive of its significance and on the appreciation of that significance).
- a) the significance of the adjacent Grade II* listed building and the contribution made by its setting
- 6.21 The south western periphery of the application site is located approximately 50 metres from the north eastern corner of Dalston Hall Hotel. As previously outlined, Dalston Hall Hotel is a Grade II* Listed Building. By way of background, listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of listed buildings are Grade I. Grade II* listed buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II*. The final tier of listed buildings are Grade II listed buildings are of special interest; 91.7% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner. Historic England's website details that: "surprisingly the total number of listed buildings is not known, as one single entry on the National Heritage List for England (NHLE) can sometimes cover a number of individual units, such as a row of terraced houses. However, we estimate that there are around 500,000 listed buildings on the NHLE".
- 6.22 Dalston Hall Hotel was listed by English Heritage as a Grade II* Listed Building in 1984. The listing details are as follows:

"Fortified house now hotel. Mid or late C15, dated by inscription below parapet: JOHN DALLSTON ELSABET MI WYF MAD YS BYLDYNG. West wing c1556 for Sir John Dalston, with central block of c1620; late C17 alterations and further extensions, dated 1899 on lead rainwater heads, by C.J Ferguson for E.W Stead. Large blocks of red and calciferous sandstone. Flat lead roofs on towers; graduated green slate roofs on wings, ashlar chimney stacks. 3-storey C15 tower to right; 4-storey C16 tower to left, linked together by C16 wings and C19 extension to rear. Early tower has extremely

thick walls on chamfered plinth with string courses and battlemented parapet. Angel stair turret projecting above parapet has 4 C15 carved shields of arms of the Kirkbride and Dalston families. 2-light stone mullioned windows with rounded headed in round arch. Interior: stone vaulted basement, now library. Newel Staircase for full 3 storeys to roof. Ground floor inner yett of iron is C15. Bedroom above has mural recess: former fireplace cut through to form bathroom. Wing to left has plank door in roll-moulded architrave. 2- and 3-light stone mullioned windows in roll-moulded architraves. Roll-moulded cornice has cannon-like water spouts. Battlemented tower to left with similar 2- and 3-light windows. Side wall to right has corbelled-out semicircular stair turret from first floor to roof. C19 extensions have stone mullioned windows imitating the earlier work. C20 extension to extreme right is not of interest. Interior of C16 wing was extensively altered by C J Ferguson in Arts and Crafts style; banqueting hall inglenook with firehood of pewter dated 1900 with initials E.W.S. Ground floor room on extreme left has fireplace with William de Morgan tiles".

- 6.23 The importance of Dalston Hall as an example of an historic former fortified building is further referenced in "The Medieval Fortified Buildings of Cumbria" (Perriam and Robinson, 1998).

- 6.24 Dalston Hall is a visually impressive and historic Grade II* listed building that has part of its landscaped garden surviving but the re-alignment of the drive altered much of this. The Hall has a woodland setting although the topography of the surrounding land is undulating resulting in the Hall and associated gardens nestling into the landscape such that the ground and first floor views from the building are predominantly to the east and towards Dalston. The views from the fifteenth and sixteenth century towers are naturally more extensive although those towards the River Caldew are obscured by the existing trees and topography. When viewing the property there is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century with the aspect of the landscaped garden achieving a greater significance. A marquee has also been erected within the grounds which Members gave temporary permission for its retention at the Development Control meeting on the 14th February 2020 (application reference 19/0243).

b) the effect of the proposal on the Grade II* listed building and its setting

- 6.25 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Accordingly, considerable importance and weight needs to be given to the desirability of preserving Dalston Hall Hotel and its setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.26 As highlighted earlier in the report, when considering potential impacts of a proposed development on the significance of a designated heritage asset,

great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 199 of NPPF).

Paragraph 200 of the NPPF outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Paragraph 202 expanding by stating that: *"where a proposed development would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

- 6.27 Planning Practice Guidance (PPG) outlines that: *"when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation"* (Paragraph 013 Reference ID: 18a-013-20190723). In relation to harm, paragraph 018 Reference ID: 18a-018-20190723 of the PPG highlights: *"whether a proposal causes substantial harm will be a judgement for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases ... it is the degree of harm to the asset's significance rather than the scale of the development that needs to be assessed. The harm may arise from works to the asset or from development within its setting"*.
- 6.28 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.29 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 6.30 The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking. The TSHA stating that: *"all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of*

the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (i.e. the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis".

- 6.31 A third party, who objects to the proposal, has employed a planning consultant to act of his behalf. This representation of objection has been reproduced in full for Members. In respect of the impact of the proposal on the setting of the listed building the salient points that the Agent raises are that: "*... the undeveloped section of the caravan park makes a positive contribution to the setting of Dalston Hall ... the Heritage Statement fails to assess in a meaningful way the contribution that the undeveloped application site makes to the setting of the listed building and relies principally on the presence of existing vegetation that has, in the author's view, the effect of screening the development ... the Heritage Statement's reasoning also disregards the fact that not all of the trees that provide a screening effect are in the applicant's ownership or control and that the trees are not permanent fixtures. Trees have a limited lifespan, and they will at some point die or need to be felled. As such, it cannot be assumed that the trees will have the alleged screening effect for the lifetime of the development ... the assessment limits itself to the assertion that Dalston Hall Hotel cannot be seen from the caravan park due to tree cover (notably no reference is made to the winter months); however, it fails to take into account the fact that the caravan park is visible from the elevated position of Dalston Hall Hotel, specifically its two towers, which are significant to its historical context as a fortified house. Patrons who are staying at Dalston Hall Hotel often request to visit the rooftop area and it is an integral part of their experience of staying in this Grade II* Listed Building. As such, views from the towers are not limited solely to staff but are available to the wider public ... any suggestion that the intervening deciduous vegetation has a screening effect during the winter months is clearly a flawed rationale. It also fails to take account of the fact that the trees that are heavily relied upon to mitigate the impact of the development will not provide a permanent solution to the harm that will arise to the setting of the building if the static caravans are visible ... it is submitted that the correct approach would be to: 1. assess the impact that the development will have during the winter months; 2. discount those trees that are not in the applicant's ownership or control; and 3. to correctly assume that the vegetation in question will not provide a permanent degree of mitigation to the potential impact upon the setting of the Grade II* Listed Building for the lifetime of the development. It is only once that the above reasonable tests are applied objectively to the development in question that a true assessment of the impact can be concluded in terms of whether the proposed development has "substantial harm" or "less than substantial harm" to the building's setting ... it is the objector's firm view that the ability to view any of the static caravans will result in substantial harm to the setting of the listed building".*

- 6.32 As highlighted earlier in the report, Dalston Hall is a visually impressive and

historic Grade II* listed building. The Hall has a woodland setting although the topography of the surrounding land is undulating resulting in the Hall and associated gardens nestling into the landscape such that the ground and first floor views from the building are predominantly to the east and towards Dalston. As found during previous site visits to Dalston Hall the views from the fifteenth and sixteenth century towers are naturally more extensive although those towards the River Caldwel are obscured by the existing trees and topography. In respect of the setting of the building this has evolved over the years through its use as a hotel. Works include the re-alignment of the driveway, formation of car parking, nineteenth century extensions together with the retention of a marquee.

- 6.33 When considering the immediate setting of Dalston Hall Hotel, the topography of the surrounding area is such that the property is located at a lower level than that of the application site. As found during the assessment of earlier applications for the caravan park, from within the grounds of Dalston Hall itself (excluding glimpses from the eastern end of the car park) there are no views of the caravan park due to the lower ground level, the existing boundary treatments and mature landscaping. From the eastern end of the car park, which also provides an alternative route to the retained marquee, any views of the caravan park is mitigated through extensive landscaping.
- 6.34 In respect of the views from the fifteenth and sixteenth century towers and their associated battlements, access and viewing by the public is restricted not only physically but also because previously the proprietor had advised that he insists on a member of staff being present. However, it needs to be acknowledged that the significance of such a heritage asset is not necessarily dependent upon their being an ability to experience the setting in question. From both towers, to varying degrees, there are views of parts of Dalston Hall Caravan Park. In respect of this current application; however, due to the existing mature landscaping belts along the shared boundary only partial views of some of the ramparts of one of the towers together with a chimney are visible from areas along the eastern boundary of the applications site. The current proposal would not affect the existing wood, nor the remaining views such as the landscaped garden and views towards Dalston. In the context of the caravan site as a whole, although the proposal is for the siting of a further 38no. static holiday units, given the existing and proposed landscaping, the proposal will have a less than substantial harm on the adjacent heritage asset or its setting.
- 6.35 In respect of the wider context of the setting of Dalston Hall Hotel, although sections of the caravan park are visible from the B5299 when travelling from Carlisle towards Dalston, Dalston Hall Hotel and its grounds together with the application site are screened by mature trees and hedgerows. Public Footpath 114018 follows the railway line located approximately 280 metres to the east of Dalston Hall; however, any views of Dalston Hall are again restricted due to the topography of the land and existing landscaping. Views from the caravan park are already constrained by existing mature landscaping and a 2.8 metre high brick wall.
- 6.36 In consideration of the proposal, the holiday units would be viewed against

the backdrop of existing caravans located on part of the golf course and in other parts of the caravan site, mitigated by the existing belts of mature landscaping together with proposed landscaping within the application site itself. In such a context it is evident that the proposal would not appear detached from the existing caravan park and the location is not considered to be highly visible. Concerns have been raised by a third party in respect of the ability of the existing and proposed landscaping to screen the proposal from the adjacent listed building especially during the winter months. The scheme proposes the retention of existing landscaping together with additional planting. The imposition of a condition is also recommended that would require the submission of a landscaping scheme. A further condition is also recommended that would ensure that any landscaping is maintained thereafter and that any trees which die, are removed or become seriously damaged or diseased shall be replaced with others of similar size and species. The submission of details of any proposed lighting within the application site would also help to mitigate any perceived visual impact.

- 6.37 In summary, Dalston Hall is a Grade II* Listed Building that has a woodland setting although the topography of the surrounding land is undulating resulting in the property with its associated gardens nestling into the landscape. There is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century, the retention of the marquee with the aspect of the landscaped garden and the views towards Dalston latterly appearing to have a greater significance. The importance of its setting, however; throughout the history of the building should be given equal significance. When considering the degree to which the proposed changes enhance or detract from that significance, and the ability to appreciate that asset, the current proposal does neither alter the existing landscaping nor affect the views of the landscaped garden and towards Dalston. In the case of the views from the towers, the proposal would have a less than substantial harm given the relationship of the proposed holiday units with the caravan site as a whole together with existing and proposed landscaping. It is appreciated that views of the caravan site from Dalston Hall Hotel may be more apparent during the winter months; however, it would not be so significant to have a negative impact on the adjacent listed building or its setting. In overall terms, the proposal would have a less than substantial impact on the adjacent heritage asset or its setting.
- 6.38 Historic England (HE) has been consulted and advises that HE provides advice when HEs engagement can add most value. In this case HE are not offering advice. This should not be interpreted as comment on the merits of the application and suggest that the council seek the views of its specialist conservation and archaeological advisers.
- 6.39 The City Council's Conservation Officer has advised that the proposal any application should be assessed against Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)'. As the document indicates setting includes views from the asset outwards, so the caravan park will potentially engender

a degree of harm if it is visible from the Hall.

- 6.40 In accordance with the objectives of NPPF, PPG, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.
- 6.41 In the context of the foregoing, the benefits of the proposal would: a) contribute to the local economy through visitor spending; and b) safeguard existing employment.
- 6.42 Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the listed building and its setting.

3. Impact Of The Proposal On The Scheduled Monument

- 6.43 The NPPF and local plan recognises the heritage assets are an irreplaceable resource. The overriding objective of Policy HE2 is to ensure that heritage assets are preserved in perpetuity. Bishop' Dyke a Scheduled Monument is located along part of the northern boundary of the existing caravan park approximately 170 metres from the application site with intervening caravan stances. Given the distance of the application site together with the intervening holiday units within Dalston Hall Caravan Park, the proposal would not have a detrimental impact on the scheduled monument.

4. Impact Of The Proposal On The Landscape Character Of The Area

- 6.44 The Cumbria Landscape Character Guidance and Toolkit (March 2011) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5a 'Ridge and Valley' and is neighboured by Sub-Type 5b 'Low Farmland'. The toolkit advises that key characteristics of Sub-Type 5a landscape are: a series of ridges and valleys that rises gently towards the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges; and large scale structures generally scarce.
- 6.45 In consideration of the proposal, the holiday units subject of this application would be located on land immediately adjacent to other static holiday units and would also be viewed against the backdrop of existing belts of mature landscaping. Further landscaping within the application site itself would also help to mitigate any perceived visual impact. Accordingly, the proposal would not have a detrimental impact on the landscape character of the area.

5. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.46 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One

of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments.

- 6.47 Holly Lodge is sited at the entrance of the access road which serves the existing caravan site and Dalston Hall Hotel. In respect of traffic movements, the proposal would increase the number of units within the site; however, it is unlikely that all of the units would be occupied at the same time. In overall terms, given the existing use of the access road which also serves Dalston Hall Hotel, the proposal would not have a significant detrimental impact through intensification of use, noise or disturbance on the occupiers of neighbouring properties.

5. Proposed Drainage Methods

- 6.48 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development and that development proposal do not have an adverse impact on the environment. The submitted documents illustrating that foul drainage from the proposed development would be to a package treatment plant with surface water disposed of via existing soakaways.
- 6.49 In respect of the disposal of surface water drainage, the Lead Local Flood Authority (LLFA), raise no objections to the proposal subject to the imposition of a pre-commencement condition requiring the submission of a surface water drainage scheme.
- 6.50 The submitted details illustrate that foul drainage from the proposed development would enter a package treatment plant; however, no details have been provided, therefore, a condition is recommended ensuring the submission of details in respect of foul drainage. Nevertheless, as Members are aware, alongside other local planning authorities, Carlisle City Council received a letter dated 16th March 2022 from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts to nutrient pollution.
- 6.51 Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Until these matters are resolved, the council will not be able to grant planning permission for developments comprising overnight accommodation within the affected catchments until such time that it can be demonstrated that the development can mitigate/achieve nutrient neutrality.

6. Impact Of The Proposal On Highway Safety

- 6.52 Policies EC10 and EC11 of the local plan seek to ensure that development proposals should normally be accessible by public transport, walking and

cycling. However; for some developments in the rural area this may not be possible. In these cases, new development should be able to demonstrate that adequate access/parking is available and that proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.

- 6.53 Access to the caravan park is currently via an un-adopted access lane off the B5299 county highway. These access arrangements will remain unchanged with parking to serve each of the holiday units provided adjacent to each of the proposed units. Cumbria County Council, as Highway Authority, has been consulted and raise no objections. In light of the views of the Highway Authority, the proposal will not have a detrimental impact on highway safety.

7. Impact Of The Proposal On Biodiversity

- 6.54 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat. Furthermore, the proposal includes additional landscaping, thereby, providing an opportunity for net biodiversity gain. To protect biodiversity and breeding birds during any construction works, informatives are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

8. Other Matters

- 6.55 A planning consultant acting on behalf of a third party alleged that: *"Dalston Hall Hotel has historically been subject to protracted and unsubstantiated complaints of alleged noise disturbance from the owner of Dalston Hall Caravan Park and some of its patrons".* The planning consultant draws attention to paragraph 187 of the NPPF which outlines: *"existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."* The planning consultant goes on to highlight that *"Dalston Hall Hotel has existed as an events venue prior to the establishment of Dalston Hall Caravan Park. The implications of the 'Agent of Change' principle are such that the onus is on the applicant to ensure that the proposed caravans incorporate appropriate measures to mitigate the alleged noise disturbance from activities taking place at Dalston Hall Hotel. It is also respectfully requested that the applicant informs prospective purchasers or occupiers of the caravans of the fact that Dalston Hall Hotel is an events venue as this appears to be a factor that has contributed to complaints having been received against activities at Dalston Hall Hotel".*
- 6.56 The proposal seeks permission for the siting of 38no. static holiday units at Dalston Hall Caravan Park which would be located close to the boundary of

Dalston Hall Hotel and its marquee. Given that the application would introduce caravans within an area which has not previously been used as a caravan site in line with paragraph 187 of the NPPF the onus is on the applicant to provide suitable mitigation measures and make the prospective purchasers aware of the presence of the adjacent events venue.

Conclusion

- 6.57 In overall terms, the principle of development is considered to be acceptable. The proposal would not have a detrimental impact on the Bishop's Dyke Ancient Monument or the landscape character of the area. It would not lead to any demonstrable harm to the living conditions of the occupiers of any neighbouring properties nor have a detrimental impact on highway safety or biodiversity. The proposed method for the disposal of surface water drainage is also acceptable subject to compliance with a pre-commencement condition. The foul drainage system would also be subject of a pre-commencement condition and have to satisfy the requirements of the The Conservation of Species and Habitats Regulations 2017 to ensure that the development can mitigate/achieve nutrient neutrality.
- 6.58 The adjacent Grade II* Listed Building, Dalston Hall Hotel, is located within an undulating woodland setting resulting in the property with its associated gardens nestling into the landscape. There is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century, the retention of the marquee with the aspect of the landscaped garden and the views towards Dalston latterly appearing to have a greater significance. The importance of its setting, however; throughout the history of the building should be given equal significance. When considering the degree to which the proposed changes enhance or detract from that significance, and the ability to appreciate that asset, the current proposal neither alters the existing landscaping nor affect the views of the landscaped garden and towards Dalston. In the case of the views from the towers, the proposal would have a less than substantial harm given the relationship of the proposed holiday units with the caravan site as a whole together with existing and proposed landscaping. It is appreciated that views of the caravan site from Dalston Hall Hotel may be more apparent during the winter months; however, it would not be so significant to have a negative impact on the adjacent listed building or its setting. In overall terms, the proposal would have a less than substantial impact on the adjacent heritage asset or its setting. Furthermore, the benefits of the proposal would: a) contribute to the local economy through visitor spending; and b) safeguard existing employment.
- 6.59 It is recognised and understood that under Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 considerable importance and weight still needs to be given to the desirability of preserving Dalston Hall Hotel and its setting even if the harm is found to be less than substantial. On balance and having attributed special weight to the desirability of preserving the setting of Dalston Hall, the proposal accords with the objectives of the National Planning Policy Framework, Planning Policy Guidance, Section 66 of

the Planning (Listed Buildings and Conservation Areas) Act 1990, The Carlisle District Local Plan and supplementary material planning considerations.

- 6.60 Accordingly, the application is recommended for approval subject to a satisfactory solution to the issue of nutrient neutrality. Should Members be minded to grant permission it is requested that authority to issue the decision is given to the Corporate Director for Economic Development.

7. Planning History

- 7.1 The site and adjacent fields have a long and varied history through its use as a caravan site and a former golf course.

8. Recommendation: Granted Subject to Nutrient Resolution

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 3rd May 2022;
2. the Heritage Statement received 3rd May 2022;
3. the site location plan received 9th May 2022;
4. the layout plan received 3rd May 2022 (Drawing No. DHP/21/1.2);
5. the holiday unit elevations received 9th May 2022;
6. the holiday unit floor plans received 9th May 2022;
7. the holiday unit images received 9th May 2022;
8. the Notice of Decision;
9. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. Prior to commencement of development full details of the package treatment plant including details to mitigate nutrient emission from the plant shall be submitted to and approved in writing by the local planning authority. No holiday unit shall be occupied until the foul drainage system serving that holiday unit is connected to the foul drainage system.

Reason: To ensure that adequate foul drainage facilities are available in accordance with Policy IP6 of the Carlisle District Local Plan 2015-30.

4. Prior to commencement of development full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the local planning authority. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason: To promote sustainable development, secure proper drainage and manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk no not increased within the site or elsewhere in accordance with Policies CC4, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

5. Notwithstanding any description of landscaping details in the application trees and shrubs shall be planted in accordance with a scheme to be agreed with the Local Planning Authority before work commences. The scheme shall include the use of native species and shall include particulars of the proposed heights and planting densities and shall be retained and maintained thereafter.

Reason: To ensure that a satisfactory landscaping scheme in prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the site or the completion of the development, whichever is the sooner, and maintained thereafter; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that if fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

8. Prior to installation details of any proposed means of external lighting to serve the extension to the existing caravan park hereby permitted shall be submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: To safeguard the character of the area.

9. The total number of static holiday units to be stationed within the application site at any one time shall not exceed 38no.

Reason: For the avoidance of doubt.

10. The static holiday units shall be used solely for holiday use and shall not be occupied as permanent accommodation.

Reason: To ensure that the approved static holiday units are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

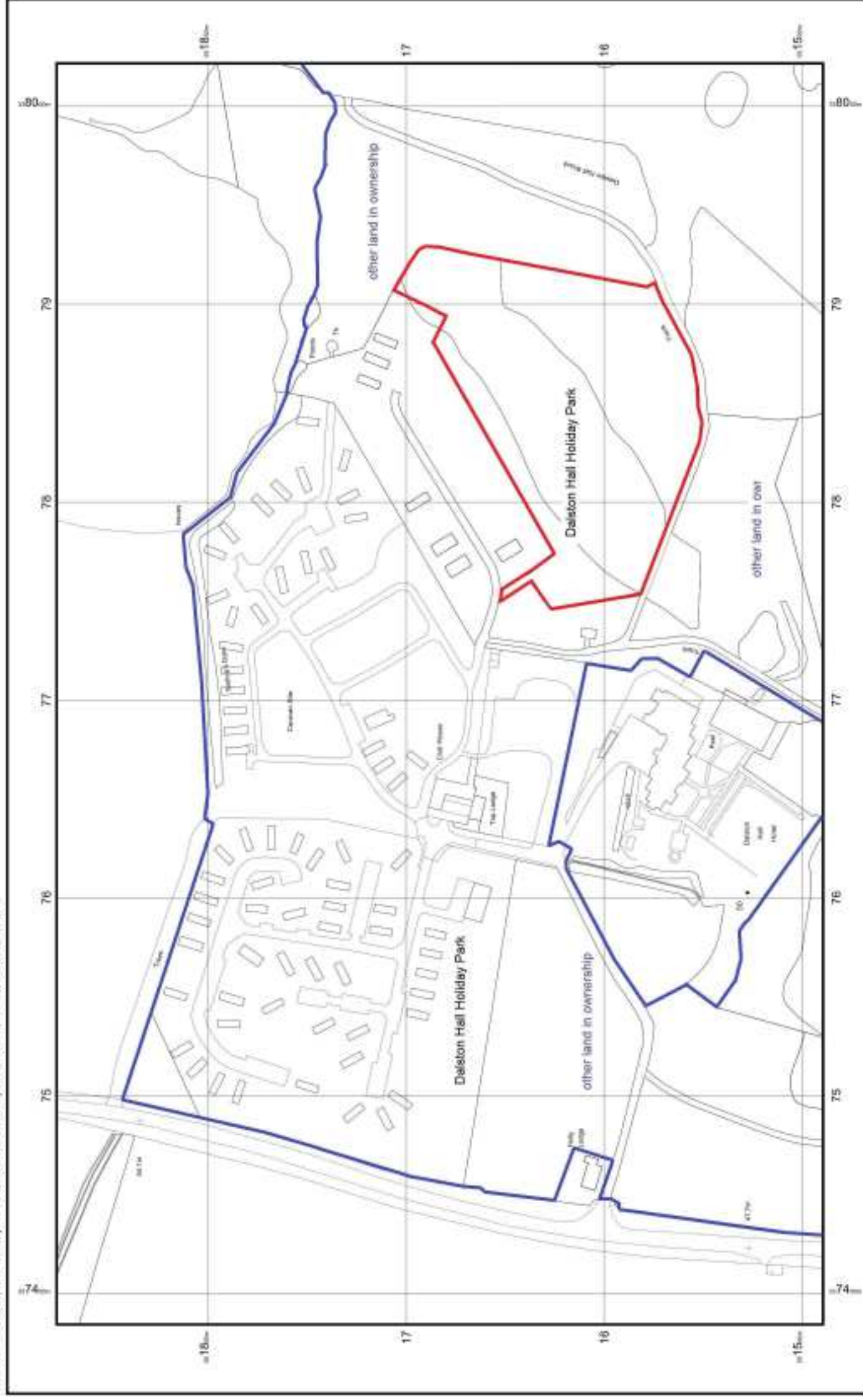
11. The site manager/owner shall keep a register to monitor the occupation of the holiday units subject of this approval. Any such register shall be available for inspection by the local planning authority at any time when so requested and shall contain details of those persons occupying the units, their name, normal permanent address and the period of occupation.

Reason: To ensure that the approved holiday units are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

Proposed 38 additional Luxury 5* Holiday Lodges at Dalston Hall Holiday Park

Client: Mr Paul Holder, Emsay Enterprises Ltd, Dalston Hall Holiday Park, Dalston, Carlisle, Cumbria, CA5 7JX

Site Location Plan

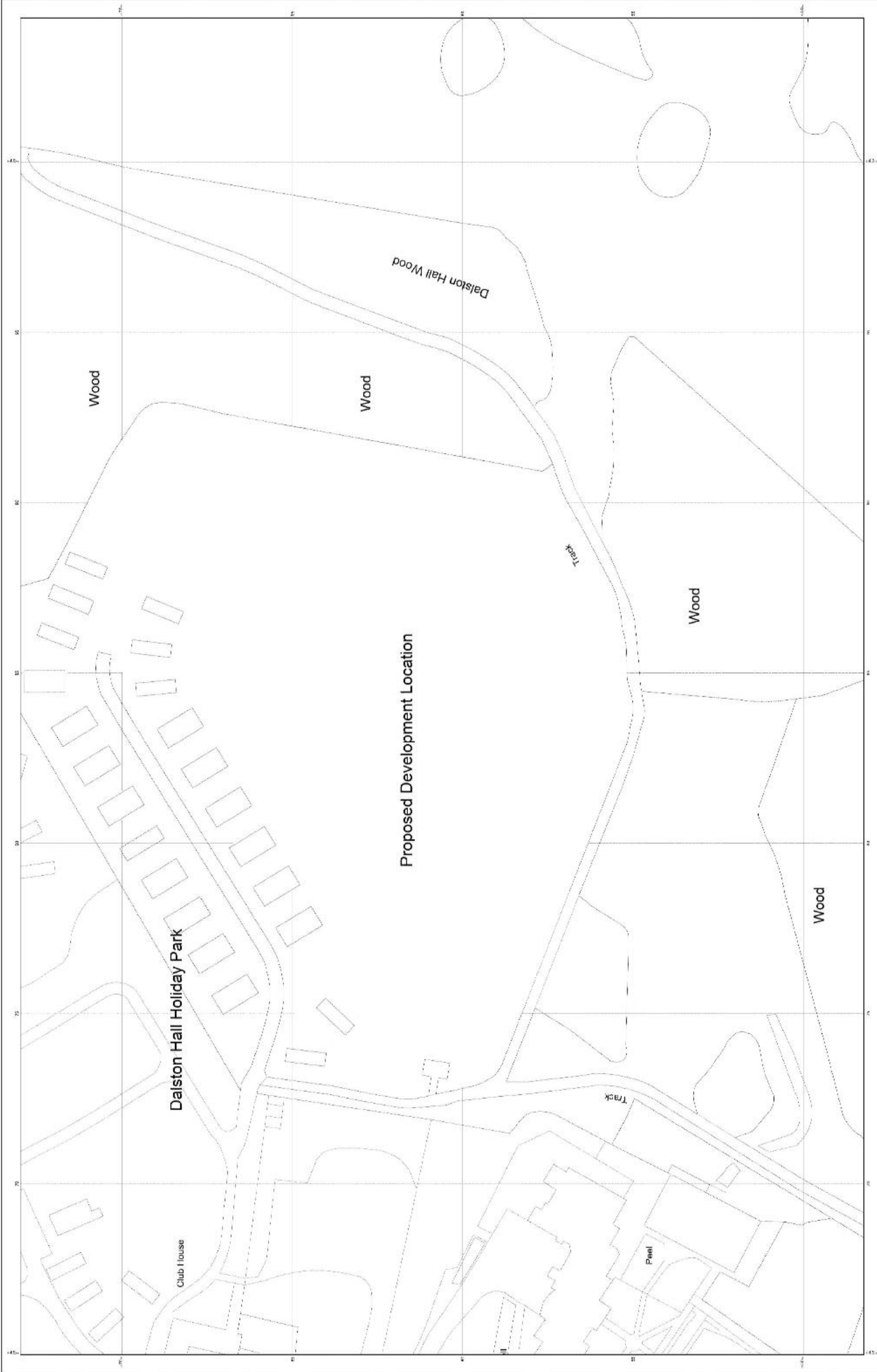


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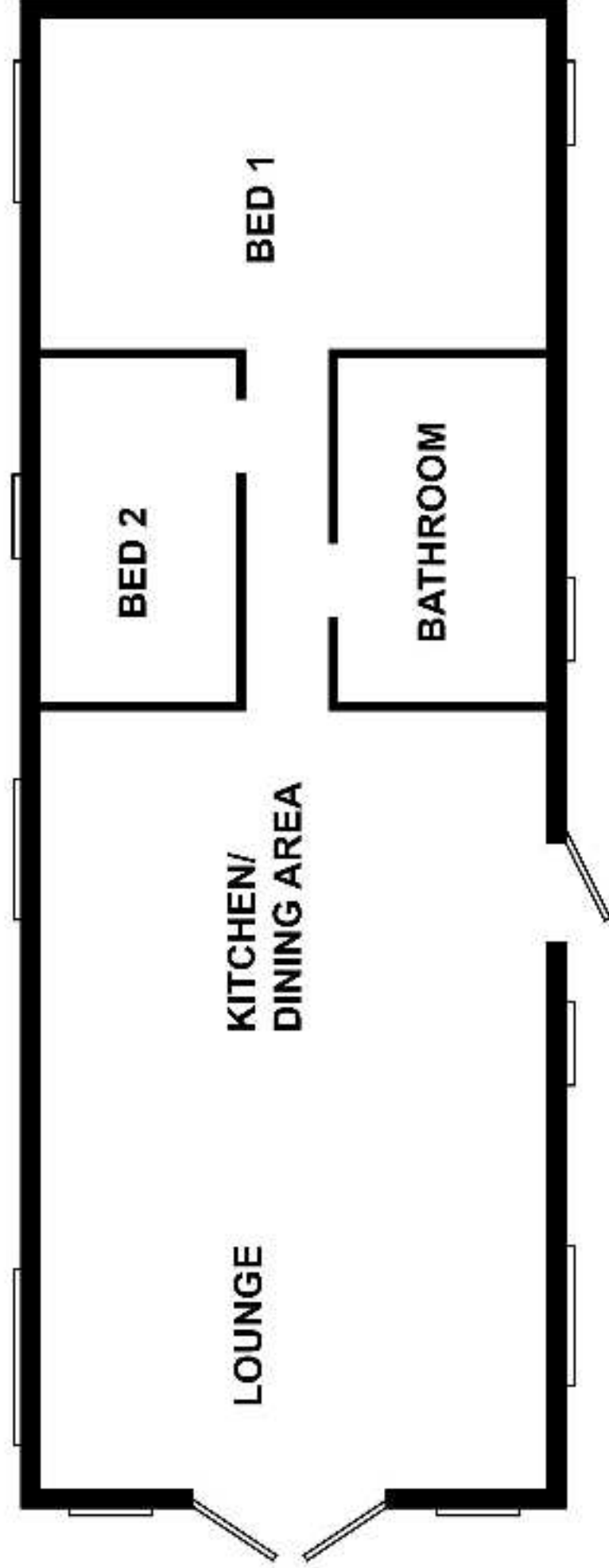
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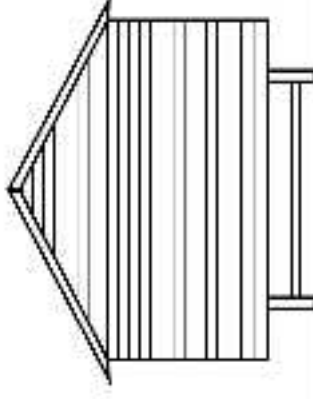
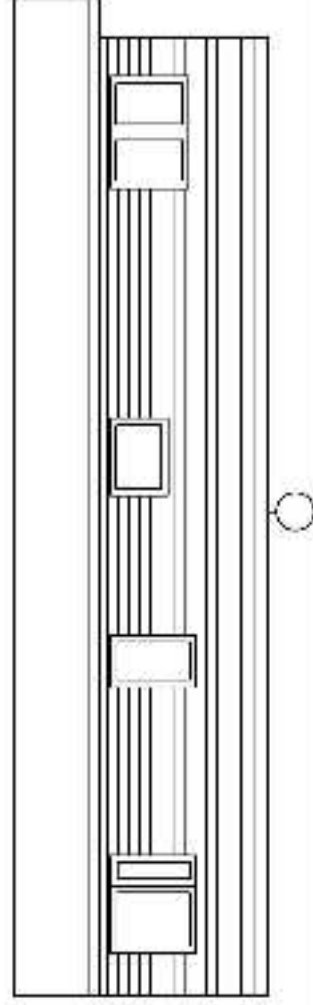
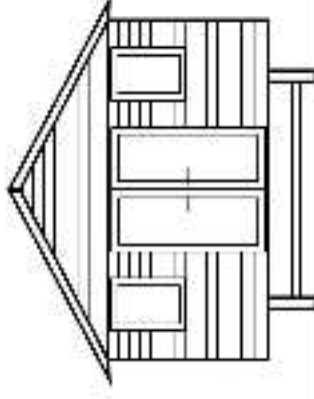
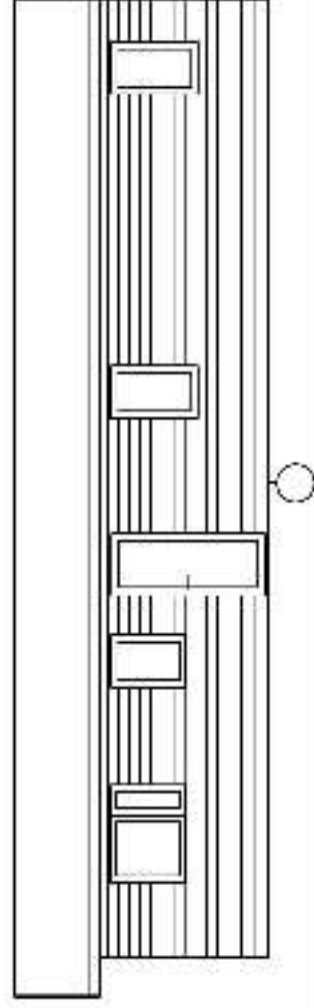
Existing Block Plan



DALSTON HALL HOLIDAY PARK, DALSTON, CARLISLE, CA5 7JX



DALSTON HALL HOLIDAY PARK, DALSTON, CARLISLE, CA5 7JX



ELEVATIONS

2 BED LODGE

SCALE 1:100