

## SCHEDULE A: Applications with Recommendation

21/0507

Item No: 02

Date of Committee: 13/05/2022

**Appn Ref No:**  
21/0507

**Applicant:**  
Castletown Estate

**Parish:**  
Rockcliffe

**Agent:**

**Ward:**  
Longtown & the Border

**Location:** Land to the west of Castletown Farm, Redhills, Rockcliffe, Carlisle, CA6 4BL

**Proposal:** Change Of Use Of Land For The Siting Of 5no. Pods And 6no. Cabins

**Date of Receipt:**  
09/06/2021

**Statutory Expiry Date**  
04/08/2021

**26 Week Determination**  
16/05/2022

### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the landscape character of the area
- 2.3 Scale and design of the proposal
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Proposed drainage methods
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on biodiversity and ecology
- 2.8 Impact of the proposal on existing trees
- 2.9 Other matters

#### 3. Application Details

##### The Site

- 3.1 The application site, equating to approximately 10280 square metres, is a parcel of woodland located immediately to the west of Castletown Farm at

Redhills. The northern and western boundaries of the site are delineated by agricultural land with Castletown House located to the north west. The River Eden is adjacent to the southern boundary of the elevated site. The western periphery of Rockcliffe is located approximately 550 metres south west of the application site.

- 3.2 Vehicular access to the application site would be along the U1068 which adjoins the C1016 county highway. National Cycle Route 7 (Sunderland to Inverness) which forms part of the Coast to Coast cycle route, also runs along the U1068 county highway.

## **The Proposal**

- 3.3 The application seeks full planning permission for the change of use of land for the siting of 5no. pods and 6no. cabins. The submitted drawings illustrate the pods and cabins arranged along a central access track within the woodland with parking provision to serve the proposed development provided within the existing farm yard of Castletown Farm. The submitted Design and Access Statement detailing that there would be a raised path, nearest to the parking area, to afford ease of access to the pods/cabins providing accommodation for disabled persons. The remaining paths, which will be formed to run with the root systems, would be surfaced with bark/woodchip.
- 3.4 The submitted drawings illustrate that the 5no. pods set back within the application site, located along the northern and western boundaries, would be 7 metres long by 3.66 metres wide with the 'barreled' roof having a maximum height of 3 metres and be finished in grey and timber effect lightweight steel. The accommodation would consist of an open-plan living/kitchen and bedroom with 1no. double bed and sofa bed and a separate shower room/w.c. The 6no. cabins would provide the same accommodation, albeit with a larger floor space, with the cabins having a maximum length of 7.9 metres by 3.66 metre wide with a ridge height of 3.75 metres. Arranged along the southern boundary of the site they would be finished in horizontal weatherboarding with a cedar shingle roof. Both the pods and cabins would be set on sleepers or concrete panels to avoid construction of foundations.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of two neighbouring properties and the posting of a site notice. In response, twenty-seven representations of objection and one of support have been received.
- 4.2 The representations of objection have been reproduced in full for Members, however, in summary the issues raised are:
1. increase in vehicle movements through Rockcliffe;
  2. lack of parking already in the village;

3. increase in traffic along access road;
4. potential damage to highway from construction traffic;
5. impact on public footpath
6. increase in noise and disturbance;
7. potential increase in litter;
8. adequacy / method for disposal of foul drainage;
9. site should be left to develop naturally;
10. accommodation should be sited elsewhere;
11. impact on biodiversity;
12. visual impact on Solway Coast AONB and from other public viewpoints;
13. impact on SSSI;
14. displacement of horses from stables;
15. other applications within the vicinity have been refused;
16. demolition of heritage asset;
17. ground conditions are unsuitable for development;
18. raises concern in respect of Rockcliffe Parish Council consultation response;
19. 3no. representations did not outline reasons for objection.

4.3 The representation of support have been reproduced in full for Members, however, in summary the issue raised is:

1. could afford the local community so many opportunities.

## 5. Summary of Consultation Responses

**Rockcliffe Parish Council:** - the council has looked at this application in great detail including a site visit to better understand the proposal. There were several issues raised by the councillors reflecting concerns around increased traffic through the village, visual impact from the adjacent Public Footpath, removal of trees and potential for the development having an adverse effect on the local area due to several factors. Much of this was based on there being 11 units installed. These concerns have been listened to by the applicant and several measures put in place to mitigate the concerns raised perhaps the most significant one being a commitment to scale the size of the development down in the first instance to a maximum of 5 units with a continual ongoing assessment of the impact caused as these 5 units are phased in and in any event not proceeding beyond 5 units without express agreement with the Parish Council at a point in the future. There are also agreements in place to introduce several areas of native tree planted screening to lessen the visual impact caused along with strategic placement of the units, traffic routing and litter control etc. With all of these mitigating measures in place the initial concerns raised are answered for the majority of the Parish Council;

**Natural England - relating to protected species, biodiversity & landscape:** - no further objections subject to the imposition of conditions ensuring the submission of a construction environmental management plan and an invasive species management plan. An informative is also suggested ensuring that the applicant is aware of their obligations under Environment Agency legislation;

**Historic England - North West Office:** - do not wish to offer any comments;

**Environment Agency (N Area (+ Waste Disp & Planning Liaison Team)):** - no response received;

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

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to the imposition of a condition requiring: the implementation of visibility splays as illustrated on the submitted drawing; and no use shall commence until the access and parking requirements have been constructed. An informative is also requested drawing the applicants attention to obtain the appropriate permits from the Environment Agency and LLFA for any works or connections to the River Eden or ordinary watercourse;

**Solway Coast AONB:** - do not have any objections to this development on the basis of the impact on the Solway Coast AONB.

## **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) and Policies SP2, SP6, EC9, EC10, EC11, IP2, IP3, IP6, CC4, CC5, CM4, CM5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The City Council's Supplementary Planning Document 'Trees and Development' is also material planning consideration. The Solway Coast AONB 2020-2025 Management Plan, Solway Coast AONB Landscape and Seascape Character Assessment and The Cumbria Landscape Character Guidance and Toolkit (March 2011) are further material 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 aims 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 application seeks full planning permission for the change of use of land for the siting of 5no. pods and 6no. cabins on land to the west of Castletown Farm, Redhills which forms part of the Castletown Estate. The submitted Design and Access Statement outlining that: *"the Castletown Cabins site, is looking to support ... more tourism outside of the Lake District in Cumbria ... in an area that is well travelled but with less bed nights. This site is perfectly sited to capitalise on people using the Sustrans cycle route, the Hadrian's Wall route is nearby and the planned Coastal Path, running the entire way round the countries coastline is directly adjacent. This at the same time as being on a major footpath, which is widely used by the local community ... This site will have people who are passing through the area, but ideally will want to stay in the area and will be using the local area's amenities (village pub etc). The site will be run by the Castletown Estate team, with the cleaning provided in house, managing the bookings and visitors and any issues that happens ... This is a self-sufficient development, in an area well suited for tourism and very well connected to the tourist routes in the area"*.
- 6.9 Access to the application site would be off the unclassified U1068 with parking provision located to the east of the application site adjacent to existing farm buildings. The Design and Access Statement outlining that: *"15% of the pods/ cabins will be disabled access available"*.

- 6.10 The proposal would form part of a rural diversification scheme helping an existing rural business to sustain its long-term viability. Conditions are also recommended which would ensure that the pods and cabins are for holiday use only and that a register be maintained by the applicant detailing the home addresses of the occupiers of the holiday units. Accordingly, the principle of development accords with the objectives of the NPPF and relevant local plan policies.
- 6.11 The impact of the proposal on the remaining issues is discussed in the following paragraphs.

## **2. Impact Of The Proposal On The Landscape Character Of The Area**

- 6.12 The Cumbria Landscape Character Guidance and Toolkit (March 2011) (CLCGT) describes the character of different landscape types across the county and provides guidance to help maintain their distinctiveness. The CLCGT identifies that the application site falls within the Cumbria Landscape Character Sub-Type 2c "Coastal Plain". The toolkit advises that key characteristics of this landscape are: flat and slightly undulating coastal plain; long and narrow fields in undulating areas with larger fields in flat areas; intersected by shallow rivers and watercourses; hedges form main field boundaries; scarce tree cover; predominantly pasture with some arable in drier areas; frontiers of the Roman Empire - Hadrian's Wall World Heritage Site is a significant archaeological feature in the Solway; and historic field pattern strongly linked to settlements.
- 6.13 The supporting guidance in respect of access and recreational development outlines that: *"support the roll out of coastal access and encourage sensitively sited coastal access and recreational infrastructure. Coastal access footpaths, areas and facilities should be improved and developed to be compatible with the undeveloped and natural character of this sub type"*.
- 6.14 The application site is also located within the Solway Coast Area of Outstanding Natural Beauty (AONB) which seeks to conserve and enhance an area's natural beauty. In respect of the Solway Coast AONB, development proposals that are in line with or actively working towards delivering the objectives and outcomes of the Solway Coast AONB Management Plan will be considered favourably. The Solway Coast AONB Landscape and Seascape Character Assessment should also be used to further assess the potential landscape impact of a development proposal.
- 6.15 The submitted documents illustrate the siting of 5no. pods and 6no. cabins within a woodland area of semi-natural broad-leaved and mixed plantation trees. The proposed holiday units would be sensitively sited within the woodland. Car parking would be provided within the yard of the adjacent Castletown Farm with access to the pods and cabins via footways within the woodland. The topography of the land, existing and proposed landscaping together with the scale and design of the pods / cabins would mitigate for any perceived visual impact of the development from public viewpoints.

6.16 In respect of the impact on the AONB, The Solway Coast AONB Partnership has been consulted and outlines that: *"although the application site is located in a "flat and open landscape... relatively unsettled", raise no objections to the development in terms of impact on the AONB"*. The consultation response goes on to provide the following assessment for its decision:

- the scale of the development is appropriate to the landscape - this is a small site with a small number of pods and cabins (and consequently a reasonable number of visitors at any one time, therefore, the impact on tranquillity from the development is minimal;
- although in a raised position overlooking the River Eden, the site is in a wooded location with a retaining wall and well screened by existing vegetation and shrubbery. The pods and cabins are of a reasonably small size and the retention of the existing woodland setting will ensure that impact on views from afar is minimal;
- this particular landscape character type differs from other, more open parts of the AONB in that it is "is more wooded than many of the other areas within this type and includes coniferous plantation woodland as well as deciduous wet woodland". In this case, welcome the retention of the woodland setting and the inclusion of a tree survey as well as a plan which includes the retention of the majority of the trees in the wood with some additional planting will serve to ensure this element of the character of this part of the AONB is retained;
- as well as the conservation and enhancement of the natural beauty of the Solway Coast, the AONB 5 year Management Plan also serves to encourage people to better explore, enjoy and understand the landscape and in doing so support a nature and culture based economy. (Action EE1, page 57, Solway Coast AONB Management Plan 2020-25). The provision of carefully considered small holiday accommodation facilities can help to encourage visitors to explore quieter parts of the AONB at an appropriate scale.

6.17 The application site is also located within the Buffer Zone for Hadrian's Wall World Heritage Site. Paragraph 189 of the NPPF outlines 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.

6.18 This aim is reiterated in Policies SP7 and HE1 of the local plan which seek to ensure that planning decisions protect and enhance the character, appearance, archaeological and historic value of the District's heritage assets and their setting. Specifically, in respect of Hadrian's Wall World Heritage Site and its buffer zone, Policy HE1 outlines that proposed development in the buffer zone should be assessed for its impact on the site's Outstanding Universal Value and particularly on key views both into and out of it. Development that would result in substantial harm should be refused.

6.19 The proposed pods and cabins would be located within a woodland area of

semi-natural broad-leaved and mixed plantation trees. The scale and design of the holiday units would be commensurate with the size of the application site with the proposed design and materials together with existing and proposed landscaping helping to settle the pods within the landscape. Accordingly, the proposal would not have a significant detrimental impact on the buffer zone for the World Heritage Site. Furthermore, Historic England has been consulted on the application and do not wish to offer any comments.

- 6.20 In overall terms, given the scale of the development, the topography of the land together with existing and proposed landscaping, the development would not have a detrimental impact on the landscape character of the area. To further safeguard the landscape character of the area, a condition is recommended that would ensure that further details of any external lighting, if proposed, within the application site be submitted prior to installation.

### **3. Scale and Design Of The Proposal**

- 6.21 Achieving well-designed places is a key aim of the NPPF. Paragraph 126 outlining that: *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.
- 6.22 High quality design is also a key thrust of the local plans policies. In respect of tourism proposals, Policies EC9, EC10 and EC11 of the local plan supports proposals for tourism proposals subject to satisfying relevant criteria including: the siting, scale and appearance of tourism sites do not have an unacceptable adverse impact on the character of the local landscape; and that the site is contained within existing landscape features and if necessary, and appropriate is supplemented with additional landscaping; and adequate access and appropriate parking arrangements are provided.
- 6.23 The application seeks permission for the siting of 5no. pods and 6no. cabins within a woodland area of semi-natural broad-leaved and mixed plantation trees. The scale and design of the holiday units would be commensurate with the size of the application site with the proposed design and materials together with existing and proposed landscaping helping to settle the pods within the landscape. Furthermore, the proposal would utilise an existing farmyard to provide parking provision for the proposed development.

### **4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.24 Concerns have been raised by third parties, which have been reproduced in full for Members. In summary, the issues raised centre on the potential increase in noise and disturbance arising from the proposed use of the site together with littering. The nearest residential properties, numbers 1 and 2 Old Hall Cottages, are approximately over 57 metres and 80 metres north east of the proposed car park and nearest holiday unit respectively,



separated by intervening large farm buildings currently used as livery stables. The application form detailing that each of the holiday units would have their own bins and recycling facilities which would be aggregated into a central bin store during servicing of the units.

- 6.25 The concerns of the objectors are noted, and it is recognised that the development might have the potential to increase noise and disturbance given the relative isolation of the application site. In mitigation, the development is relatively small scale, the current use of the site as a livery stable together with the orientation of the pods and cabins, the proposal would not have such a significant impact on the living conditions of the occupiers of neighbouring properties through loss of privacy or intensification of noise and disturbance. The implementation of a waste disposal system during servicing of the units would also prevent litter arising from the units. Furthermore, the development would also be owned and managed by the applicant who resides within the immediate vicinity. Should any increase in noise, disturbance and littering occur from the development this would be subject of Environmental Health Legislation.

## **5. Proposed Drainage Methods**

- 6.26 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that enough capacity exists prior to commencement of any development and that development proposal do not have an adverse impact on the environment. The submitted Drainage Strategy illustrating that foul drainage from the proposed development would be to a package treatment plant prior to its discharge entering an existing surface water system that has an outfall to the River Eden. Surface water from the roof areas of the proposed pods and cabins discharging direct to ground infiltration in line with the objectives of the hierarchy of surface water drainage outlined in the PPG (paragraph 080 Reference ID: 7-080-20150323).
- 6.27 Concerns have been raised by third parties as to the adequacy of the proposed drainage methods together with the suitability of the ground conditions for the siting of the pods and cabins. Natural England also originally expressed concerns in respect of the potential for phosphates entering the River Eden from the proposed direct discharge of the outfall from the package treatment plant.
- 6.28 The council has engaged the services of an independent drainage consultant who has assessed the proposed Drainage Strategy and following the receipt of amended details are now content that the development would be served by an appropriate drainage strategy. The amended Drainage Strategy illustrates foul water from the development would enter a package treatment plant which would be fitted with a tertiary treatment system which utilises the filtration properties of peat and uses no chemical additives. To further improve the water quality from the outfall, a third tertiary system would also be installed. Natural England has been consulted on the revised Drainage Strategy and raise no objections subject to compliance with the Drainage Strategy and that the necessary permits be obtained from the Environment

Agency.

- 6.29 Accordingly, should Members approve the application, a condition is recommended that would ensure that foul and surface water drainage systems for the development be undertaken in strict accordance with the submitted Drainage Strategy. An informative is also recommended drawing the applicants attention to the requirement to gain the necessary permits from the Environment Agency under its legislation.

## **6. Impact Of The Proposal On Highway Safety**

- 6.30 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.
- 6.31 As outlined earlier in the report, vehicular access to the application site would be along the U1068 which adjoins the C1016 county highway. National Cycle Route 7 (Sunderland to Inverness) which forms part of the Coast-to-Coast cycle route, also runs along the U1068 county highway. Parking provision to serve the proposed development, utilising an existing vehicular access, would be provided within the farmyard of Castletown Farm immediately to the east of the application site. Third parties have raised objections to the proposal which have been reproduced in full for Members; however, in summary the highway issues centre on: increase in vehicular movements through Rockcliffe; lack of parking within Rockcliffe; potential damage to the highway arising from construction traffic; and impact on public footpaths.
- 6.32 Cumbria County Council, as Highway Authority, has been consulted and requested additional information in respect of the visibility splays at the existing vehicular access onto the U1068 arising from the slight intensification of use of this access by vehicles using the proposed development. The Highway Authority also recommended that a speed survey be undertaken to inform the required visibility distances from the existing vehicular access.
- 6.33 The applicant has subsequently submitted an Access Appraisal which included details of a speed survey. The speed survey recorded average 24-hour 85th percentile speeds along the U1068 as 16 mph northbound and southbound which as detailed within the Manual for Streets recommend visibility splays from a 2.4 metre set-back distance of 16.4 metres northbound and southbound. The visibility splays achievable are; however, 52 metres northbound and 27 metres southbound, in excess of the Manual for Streets recommendations. The Access Appraisal expands by detailing that there was an average of 51 northbound vehicles and 47 southbound vehicles a day which gives an daily average two-way total of 98 vehicles. TRICS, a database of trip rates for developments using for transport planning purposes, calculates that the development would be expected to generate 1 trip in each network peak hour and given the scale of each holiday unit it is

expected that there would be no more than 11-15 cars per day (assuming all pods and cabins were changing over on the same day).

- 6.34 Cumbria County Council has been consulted on the additional information contained within the Access Appraisal and raise no objections to the proposed development subject to the imposition of two conditions. These conditions require: the visibility splays to be in accordance with the submitted drawing and that there be no obstruction of the visibility splays; and that the use of the development shall not commence until the access and parking requirements have been constructed in accordance with the approved details.
- 6.35 It is inevitable that there would be some increase in traffic to and from the development along the existing highway network; however, given the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds. In respect of the potential impact of the proposal on public footpaths, there are several within the vicinity; however, given the relationship of the application site with the public footpaths, the development would not have a detrimental impact on the public footpaths. Furthermore, Cumbria County Council, as Highway Authority, has not raised this as an issue in its consultation response.

## **7. Impact Of The Proposal On Biodiversity and Ecology**

- 6.36 One of the overarching objectives of the NPPF is the conservation and enhancement of the natural, built and historic environment. In respect of conserving and enhancing the natural environment, paragraph 174 outlining a series of measures in which planning policies and decisions should contribute to and enhance the natural and local environment. These being: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.37 The aims of the NPPF are reiterated in Policy GI3 of the local plan which aims to promote the preservation, restoration and recreation of priority habitats, ecological networks and the recovery of priority species populations. This policy sets out a clear hierarchy for the protection of important wildlife

and nature conservation designations, which have also been identified on the Policies Map.

- 6.38 The application site is adjacent to: the Upper Solway Marshes Special Protection Area (SPA) / Ramsar site; Solway Firth Special Area of Conservation (SAC) and SPA; and the River Eden SAC. The application was accompanied by a Habitats Regulations Assessment (HRA); Preliminary Ecological Appraisal; Great Crested Newt and Other Amphibian Survey Report; Aerial Tree Inspection & Bat Activity Surveys; and Ground Level Tree Assessment to inform the local planning authority and statutory consultees if the proposal is likely to have a significant effect on internationally designated sites, habitats, or species.
- 6.39 The HRA concludes that using a precautionary approach and subject to the imposition of two conditions, the Likely Significant Effects on qualifying interest features associated with the internationally designated sites are not anticipated, either alone or in combination with other plans and projects during the construction or operational phase. The recommended pre-commencement conditions would require: the submission of a Construction Environmental Management Plan (CEMP) to avoid and minimise the risk of pollution event that could potentially affect the River Eden channel which is directly adjacent to the site; and the implementation of an Invasive Species Management Plan (ISMP) for the site to control and eradicate Rhododendron which the River Eden SAC lists as an invasive species as one of the main pressures / threats for the site. A further condition is also recommended ensuring compliance with the mitigation and enhancement measures as outlined in Sections 5.2 and 5.3 of the Great Crested Newt and Other Amphibian Survey Report. Informatives are also recommended drawing the applicant's attention to their obligations under the Wildlife and Countryside Act other wildlife legislation together with the requirement to obtain the relevant protected species licences from Natural England.
- 6.40 Natural England has also been consulted on the application and raise no objections to the proposal subject to the imposition of the recommended conditions in respect of the submission of a CEMP and ISMP.

## **8. Impact Of The Proposal On Existing Trees**

- 6.41 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to consider important landscape features and ensure the enhancement and retention of existing landscaping.
- 6.42 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas

alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.

- 6.43 As outlined earlier in the report, the application seeks full planning permission for the siting of 5no. pods and 6no. cabins within a woodland area of semi-natural broad-leaved and mixed plantation trees. The proposed holiday units would be sensitively sited within the woodland. Car parking would be provided within the yard of the adjacent Castletown Farm with access to the pods and cabins via footways within the woodland. The application was accompanied by a Tree Survey Planning Report which identified the tree removal required to facilitate the development and separately re-assessed the trees initially identified for removal and retention as part of the development proposal.
- 6.44 The report details that the development of the site would result in the loss of 36 trees; however, most of these trees are identified as Category U trees which have structural defects and pose a risk. Arboricultural works to the retained trees include crown reduction and crown thinning in keeping with good arboricultural practice. This will ensure the retained trees remain in relatively good health and in a safer condition. These trees will continue to grow in an optimal fashion in keeping with each species expected growth patterns. To mitigate for the loss of the lower value trees the report details a number of self-sown Oak and Beech trees would be transplanted within the development area and will form part of an emerging woodland management strategy.
- 6.45 In overall terms, the removal of the Category U trees would allow space for the retained trees to grow and remain in good health with their loss further mitigated through the transplantation of Oak and Beech trees in more appropriate locations within the development site. Should Members approve the application, conditions are recommended which would afford protection of the retained trees. These conditions would require: the submission of a Detailed Method Statement prior to commencement of works for all works within the root protection areas of the retained trees; and the erection of protected fences around the retained trees prior to commencement of development and retained in-situ during development works.

## **9. Other Matters**

- 6.46 Third parties have also raised objections citing the displacement of horses from the adjacent livery stables, the development should be site elsewhere and other applications within the vicinity have been refused. As Members are aware each application is dealt with on its own planning merits against current planning policies. Members have to consider the application site before them and not alternative sites. In respect of the displacement of horses from the adjacent livery stables, this is not a material planning

consideration.

- 6.47 Rockcliffe Parish Council in its consultation response makes reference to what appears to be an agreement made between the parish council and the applicant in order to mitigate the parish council's concerns. In its consultation response the parish council details: "*... concerns have been listened to by the applicant and several measures put in place to mitigate the concerns raised perhaps the most significant one being a commitment to scale the size of the development down in the first instance to a maximum of 5 units with a continual ongoing assessment of the impact caused as these 5 units are phased in and in any event not proceeding beyond 5 units without express agreement with the Parish Council at a point in the future. There are also agreements in place to introduce several areas of native tree planted screening to lessen the visual impact caused along with strategic placement of the units, traffic routing and litter control etc*". The application before Members is for the siting of 5no pods and 6no. cabins and should be determined as such, irrespective of any agreement made between the applicant and parish council.
- 6.48 A further objection centred on the comments of Rockcliffe Parish Council; however, these third party concerns about the parish council's response should be raised directly with the parish council.

## **Conclusion**

- 6.49 In overall terms, the principle of development is acceptable. The location, scale and design of the development is appropriate and would afford adequate access and parking provision. As such, the proposal would not have a significant detrimental impact on the landscape character of the area.
- 6.50 The proposal would not have a detrimental impact on the living conditions of the occupiers of neighbouring residents. Compliance with recommended conditions would ensure that the development is served by an adequate foul and surface water drainage system, visibility splays and parking provision. Further conditions would ensure that biodiversity, ecology and retained trees remain protected during the construction phase and operational phases of the development with enhanced mitigation measures for protected species.
- 6.51 Accordingly, the proposals accord with the objectives of the NPPF, PPG and relevant local plan policies and the application is recommended for approval.

## **7. Planning History**

- 7.1 There is no relevant planning history.

## **8. Recommendation: Grant Permission**

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 21st May 2021;
2. the Access Appraisal received 29th July 2021;
3. the Preliminary Ecological Appraisal received 9th June 2021;
4. the Great Crested Newt And Other Amphibian Survey Report received 12th November 2021;
5. the Habitats Regulations Assessment received 10th November 2021;
6. the BS5837:2012 Tree Survey Planning Report 21st May 2021;
7. the Aerial Tree Inspection & Bat Activity Surveys received 12th November 2021;
8. the Ground Level Tree Assessment received 12th November 2021;
9. the Drainage Strategy dated 13th April 2022 received 25th April 2022;
10. the general layout (cabin) received 9th June 2021 (Drawing No. 2021-101);
11. the general layout (pod) received 9th June 2021 (Drawing No. 2021-101);
12. the overall layout received 21st May 2021 (Drawing No. 2021-101-03);
13. the block plan received 21st May 2021 (Drawing No. 2021-101-05);
14. the location plan received 21st May 2021 (Drawing No. 2021-101-06);
15. the Notice of Decision;
16. 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 a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall include (but not be limited to):

- appropriate control of substances hazardous to health and fuel storage facilities (bunded)
- appropriate storage and processing of construction materials
- robust spillage storage procedures and sufficient clean up equipment available on site to promptly address any spillages
- the use of biodegradable oils in plant working near water
- measures to prevent silt run-off into the river channel (e.g. use of silt traps or silt lagoons wherever appropriate)

Measures for Environmental Good Practice outlined in the Net Regs Guidance for Pollution Prevention (GPPs), including GGP5 *Works and maintenance in or near water* will be adopted to minimise any risk of

spillages and leakages from the construction site reaching any watercourse.

**Reason:** To avoid and / or minimise the risk of pollution even that could potentially affect the River Eden channel which is directly adjacent to the site to accord with the objectives of the NPPF and Policies CM5 and GI3 of the Carlisle District Local Plan 2015-2030.

4. Prior to commencement of development an Invasive Species Management Plan (ISMP) shall be submitted to and approved in writing by the local planning authority.

The measures within the ISMP shall include (but not be limited to):

- prioritising clearance areas on site
- choosing appropriate control treatments
- identifying constraining factors and choosing appropriate time of year for the management operations
- revision of the treatment and deciding on follow-up control treatments
- implementing appropriate biosecurity measures in order to prevent spread of invasive species into the adjacent Natura 2000 site

**Reason:** to control and eradicate invasive species present on the site in accord with the NPPF and Policies CM5 and GI3 of the Carlisle District Local Plan 2015-2030.

5. No development shall be commenced on site, including site work of any description, until a Detailed Method Statement has been submitted to, and approved in writing, by the local planning authority. The approved Statement shall be adhered to throughout the construction process. The Statement shall provide for:

- i. the method of construction for all works in the root protection area of the retained trees.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies GI3 of the Carlisle District Local Plan 2015-2030.

6. Prior to the installation of any external lighting within the application site full details of the proposed external lighting shall be submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard the character of the area in accordance with Policies SP6, CM5, GI1 and GI3 of the Carlisle District Local Plan 2015-2030.

7. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation and enhancement measures contained within Sections 5.2 and 5.3 of the Great Crested Newt and Other Amphibian Survey Report prepared by SAP Ecology & Environmental Ltd



(reference CAT101/004/002).

**Reason:** In order to ensure no adverse impact on a European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. The visibility splays providing clear visibility as illustrated on Drawing No TTE-00-XX-DR-0-C001 shall be maintained in perpetuity unless otherwise agreed in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

**Reason:** In the interests of highway safety to accord with the objectives of Policy IP2 of the Carlisle District Local Plan 2015-2030.

9. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

**Reason:** To ensure a minimum standard of access and parking provision when the development is brought into use in accordance with Policy IP3 of the Carlisle District Local Plan 2015-2030.

10. The holiday accommodation hereby approved shall not be occupied until the foul and surface water drainage systems have been completed in strict accordance with the details contained within the Drainage Strategy dated 13th April 2022.

**Reason:** To ensure that adequate drainage facilities are available to serve the development to accord with Policies IP6, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

11. 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.

12. The total number of holiday units to be sited within the application site at any one time shall not exceed 5no. pods and 6no. cabins.

**Reason:** For the avoidance of doubt.

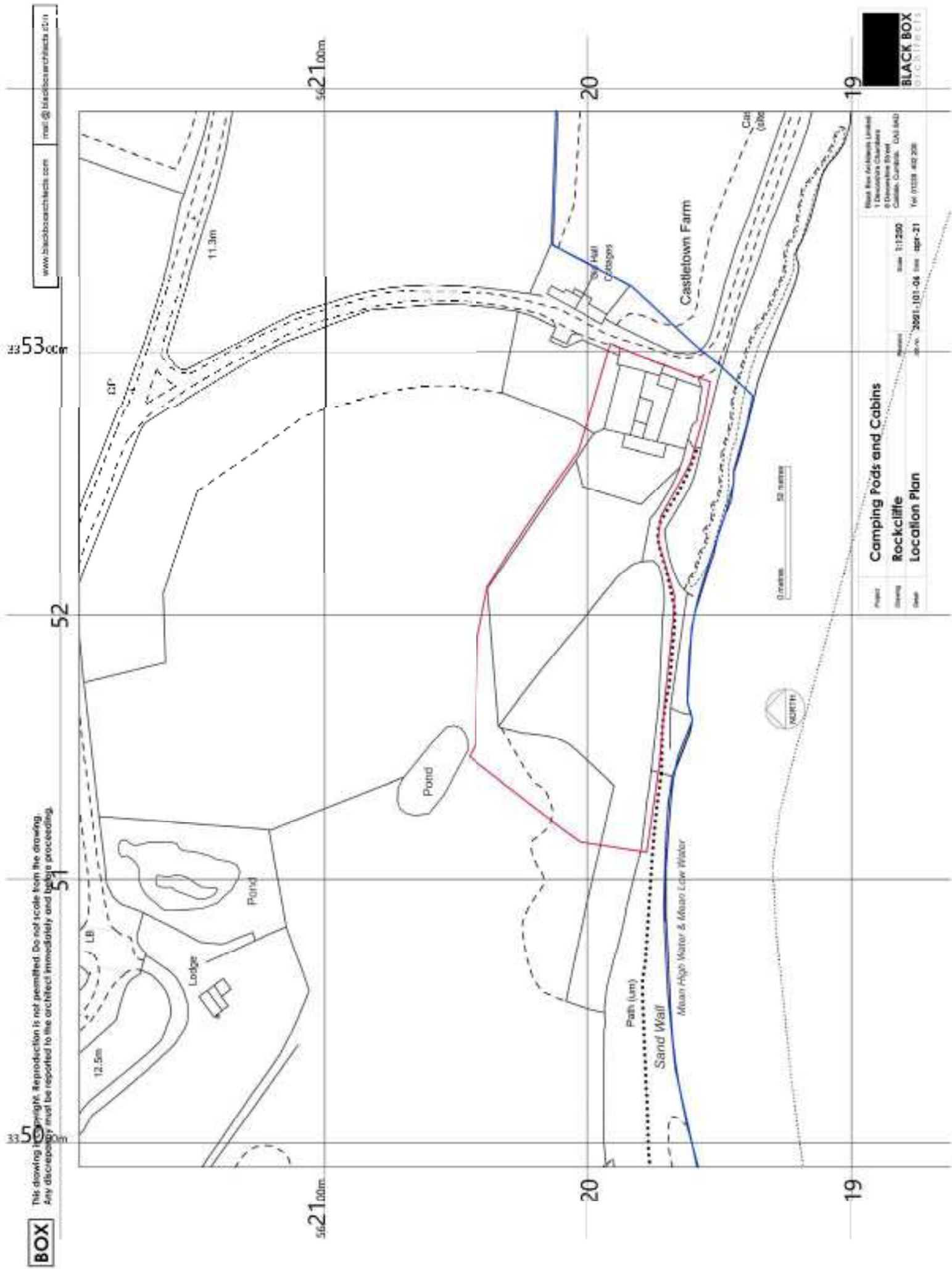
13. The pods and cabins shall be used solely for holiday use and shall not be occupied as permanent accommodation.

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

14. The site manager/owner shall keep a register to monitor the occupation of the pods and cabins 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 pods and cabins are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

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Project: Rockcliffe  
 Drawing: 1:1250  
 Date: 2021-10-04  
 Issue: apr-21

**Camping Pods and Cabins**  
**Rockcliffe**  
**Location Plan**

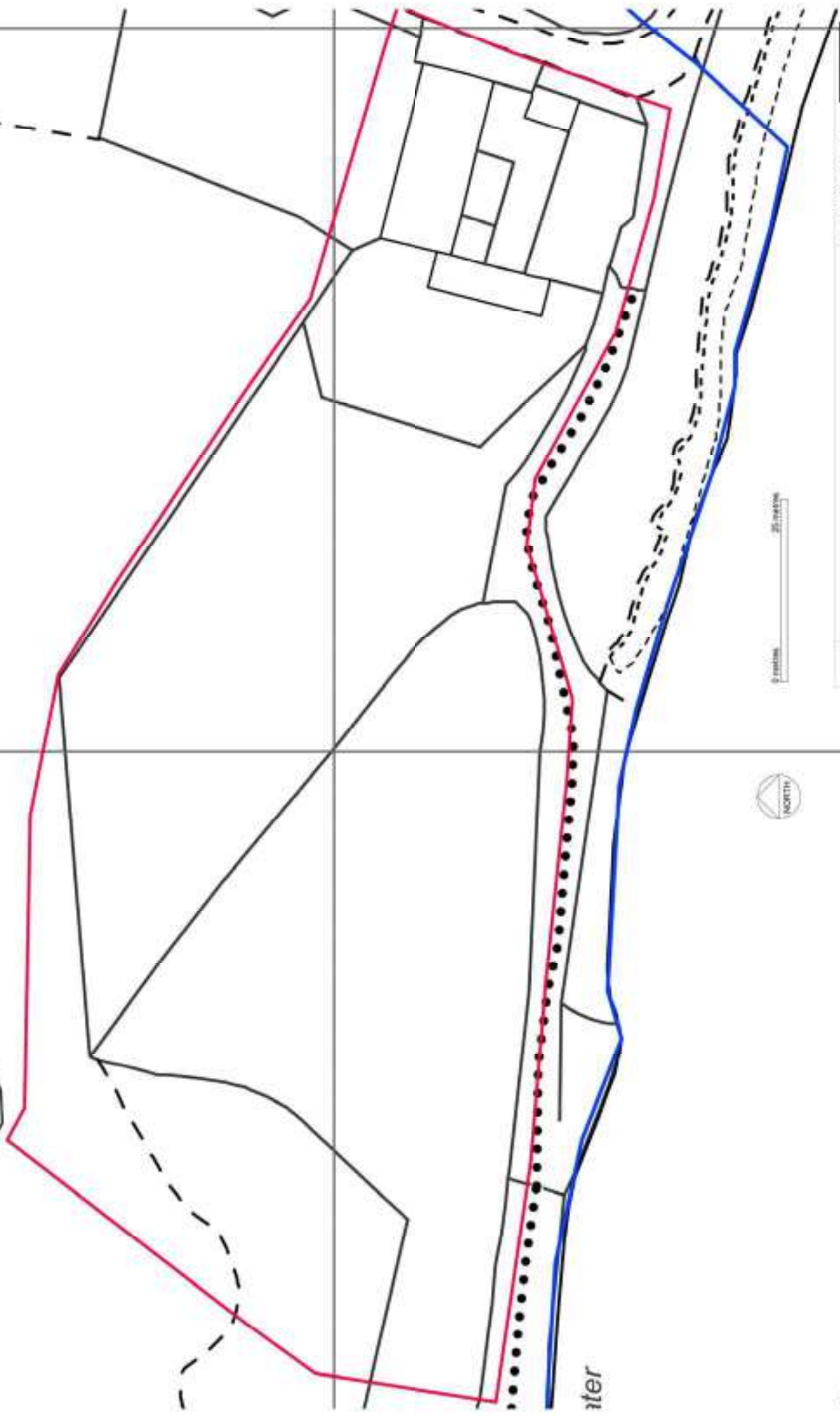
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Camping Pods and Cabins

Rockcliffe

Block Plan

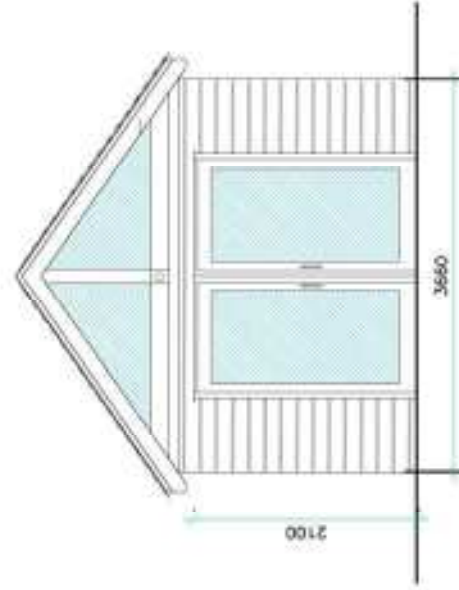
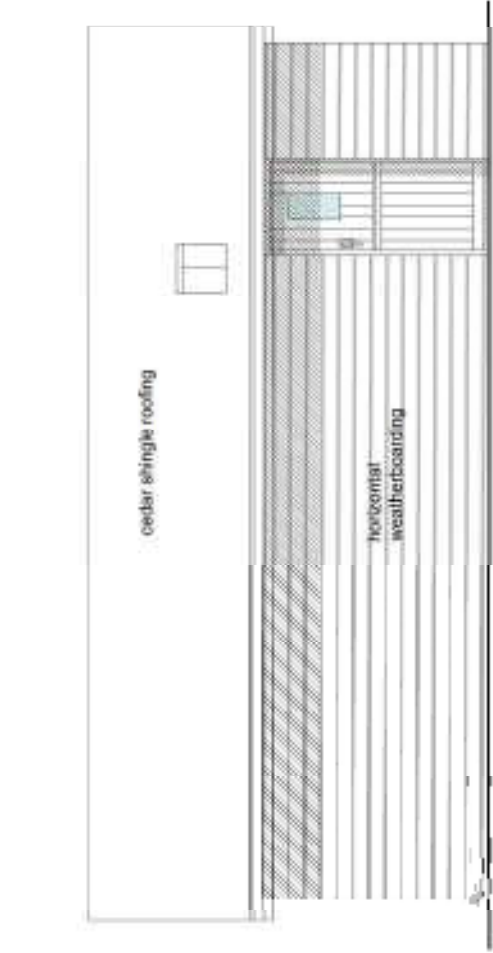
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Project	Client	Architect	Scale	Date
Camping Pods and Cabins	Rockcliffe	Black Box Architects	1:500	2021-10-03
Block Plan				apr-21

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3.6 wide option. low bay

1	2	3
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Project	<b>Pod Unit Rockcliffe</b>		
Drawing	<b>General Layout</b>		
Detail	<b>3.8 wide barrel vault</b>		
Revised	2021-103	Rev. No.	2021-103
Date	Jan 2021	Issue	1-150
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