

## SCHEDULE A: Applications with Recommendation

21/0498

Item No: 02

Date of Committee: 03/12/2021

**Appn Ref No:**  
21/0498

**Applicant:**  
Drumlister Farming

**Parish:**  
Wetheral

**Agent:**  
Summit Town Planning

**Ward:**  
Wetheral & Corby

**Location:** Land North East of Inglewood Meadows, Wetheral

**Proposal:** Change Of Use Of Agricultural Land For Siting Of 6no. Pods; Formation Of Parking Area And Footpaths; Erection Of Service Building And Bin Store

**Date of Receipt:**  
02/06/2021

**Statutory Expiry Date**  
28/07/2021

**26 Week Determination**  
06/12/2021

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### REPORT

**Case Officer:** Richard Maunsell

### ADDENDUM REPORT

The application was presented to Members of the Development Control Committee on the 22nd October 2021 with a recommendation that the application was approved subject to the imposition of planning conditions.

Following consideration of the application, Members resolved to defer consideration of the proposal in order to allow Officers to negotiate the relocation of parking provision within the site with the applicant and to await a further report on the application at a future meeting of the Committee.

A revised plan has been submitted which is reproduced following this report. The site layout plan shows the parking area moved to a lower section of the site closer to the proposed pods. It also includes the provision of a turning area given the reduction in width of the access and parking area compared to the previously proposed parking area. A section of the proposed site layout is also included in the drawing.

The following commentary has also been submitted in support of the revised drawing and states:

*“As you will be aware, in order to license the Site, the Fire Service will be consulted. The fire tender can reverse a maximum of 20m and the pods must be within 45m of the nearest point of the first tender. Therefore the turning circle will allow a fire*

*tender to get within 45m of the furthest pod and provide a turning area in line with their requirements. The turning circle is the smallest one possible for the requirements of the fire service.*

*Questions were also raised in regards to the water from the hot tubs. This will be stored in an underground tank and piped back to the farm after 2 days (i.e. when the chemicals have dissipated) in order to provide additional water for washing down the cow sheds which is considered to be environmentally friendly and will have some impact on reducing the water requirement for the farm."*

In addition to the concerns and policy references highlighted in the discussion by Members at the meeting, the agent has submitted the following:

*"G11 - Landscapes notes that proposals will be assessed against the Cumbria Landscape Character Guidance and toolkit in regards to key characteristics, distinctiveness and capacity for change.*

*The site is located in Sub type 5c which is rolling lowland. The Toolkit notes that hedges and hedgerow trees for strong field patterns and are sensitive to change - these are unaffected in the current proposal. Changes in farming practices to more intensive cropping and hedgerow removal. This is not the case in this area.*

*It is noted that there are opportunities to soften development with a stronger landscape framework which this application promotes, in line with the Toolkit public rights of way are unaffected and work has been done on the farm to ensure that they remain safe whilst stock is in the fields.*

*It is not considered that there is any conflict with this proposal given the position of the pods in the landscape and the proposed planting which will strengthen the location and add biodiversity.*

*EC9 - Arts, Culture, Tourism and Leisure development notes that development should contribute to the tourism offer of the District and support its economy.*

*The application is for 6 pods with bed spaces for a total of 12 people and parking for 6 cars. This is considered to be completely compatible within a farm of over 215 acres and adjacent to a village of over 4500 people. There is excellent opportunities to access public transport, cycling and long distance walking and the application will support the local economy in terms of visitors to local pubs etc.*

*EC10 - Caravan, Camping and Chalet Sites supports the development of such where clear justification has been provided as to why the development in is the location, siting and scale does not have an unacceptable adverse impact on local landscape, it is contained within existing landscape features. Has adequate access and parking and flood risk is taken into consideration.*

*The scheme has been placed on an area of the farm which has great connectivity to Wetheral village, the public transport therein is available within walking distance as are the facilities. It is on an area of the farm which is already heavily influenced by an existing footpath network and the land form means that the pods can sit below the view point of anyone looking over them.*

*This is the type of location which is encouraged by the Planning System where development is sustainable and contained.*

*SP6 - Securing Good Design aims to retain trees and hedgerows on site, topographical features, ensure the site is accessible to all, include landscaping etc.*

*The site has been designed to provide an accessible development which sits within the topography of the field, employs landscape opportunities and retains all trees and hedgerows which further mitigate any potential view of the pods.*

*SP8 - Blue and Green Infrastructure. The scheme is not within a valued landscape as defined by any planning or Natural England. It is noted that there is a presumption against the loss of green infrastructure which fulfils a valuable function. In this case the land is farmland contained within a footpath network and of no protected landscape value. In accordance with the policy, provision is made to increase the green infrastructure value of the site by increased planting which will enable biodiversity to improve and also increase ecological connectivity by offer wildlife and alternative corridor.*

*It is maintained that, in line with the Officer's previous committee report, the proposal is fully compliant with policy contained within the Carlisle Local Plan 2015-30."*

In addition to the appended report, the Council for Protection of Rural England/ Friends of the Lake District (CPRE) has raised concerns that whilst their objection has been reproduced in the Summary of Consultation Responses, the issues raised in an objection from a neighbouring landowner is only summarised in the Summary of Representations. The neighbouring landowner is a charity organisation for heritage conservation and as such, isn't a statutory consultee. Similarly, the CPRE isn't a statutory consultee and also should perhaps appear in the Summary of Representations; however, notwithstanding these issues raised, Members have previously been provided with copies of third party representations and that all information has been made available either through this or the report.

## **Conclusion**

The amended drawing shows the provision of adequate parking and turning facilities within the site whilst according with the necessary standards which apply to such holiday accommodation, including access by emergency vehicles. Additionally, through the revisions, the development would be on a lower section of the site and would have a further reduced impact on the character and appearance of the landscape.

If Members are content with the proposal subject to the revised wording for these conditions, it is recommended that the application is approved with condition 2 listing the approved documents being varied to include the revised drawing.

## **COMMITTEE REPORT FOR 22nd October 2021 MEETING**

### **1. Recommendation**

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

## **2. Main Issues**

- 2.1 Principle Of Development
- 2.2 Whether The Scale, Design and Impact On The Character And Appearance Of The Area is Acceptable
- 2.3 The Impact Of The Development On The Grade I And Grade II Listed Buildings
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Impact On Highway Safety
- 2.6 Impact On The Public Rights Of Way
- 2.7 Impact On Veteran Trees
- 2.8 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.9 Development And Flood Risk
- 2.10 Biodiversity

## **3. Application Details**

### **The Site**

- 3.1 The application site comprises of a 0.7 hectare parcel of land that is currently in agricultural use and is located to the south of Wetheral. The land is accessed from an existing field access that leads from the road linking from Wetheral to the B6263 Wetheral to Cumwhinton Road via the unclassified road 1185 which passes the Wetheral Abbey Gatehouse which itself is to the north of the site.
- 3.2 The land itself slopes down from west to east towards the River Eden that is located further to the east. It is flanked by a hedgerow along the frontage and public footpaths to the east and west.
- 3.3 The River Eden is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The woodland further to the east is itself designated as an Ancient Woodland.

### **The Proposal**

- 3.5 This application seeks planning permission to change the use of the land to facilitate the development for holiday accommodation. The proposal would utilise the existing vehicular access to the land. Within the site, it is further proposed to form a hardstanding area that would serve as a parking area adjacent to which would be a timber framed bin storage area and timber service building. Access would then link from the car park to a track to the east that would be formed parallel with the camping pods. The site would be incorporate planted bunds and screen planting.
- 3.6 The pods would be sited in a linear form from north to south and orientated

to face south-east. The pods would be of timber construction with a curved roof and would comprise of a living and kitchen area, double bedroom and W.C. Each pod would be served by an outdoor hot tub.

- 3.7 The foul drainage would be served by a treatment plant with the surface water discharging into a soakaway.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of one property. In response, 36 representations have been received objecting to the application and the main issues raised are summarised as follows:

1. the proposed development would necessitate significant changes to the topography of the meadow. These earthworks, together with the urbanisation of the field with access road, parking areas, amenity building and glamping pods would significantly harm the unspoilt appearance of the area;
2. the current locality is unspoilt and it is difficult to see how the development would be compatible;
3. the site is visible from the Abbey Prior Gatehouse which is a Grade I listed building and English Heritage has been informed;
4. the views from neighbouring properties are across undeveloped fields;
5. uninterrupted views across open countryside from neighbouring properties will be spoilt by the access to the car park and the movement of vehicles;
6. the value of the application site along with Abbey Priory Gatehouse, Abbey Farm and neighbouring properties will be compromised as well as the surrounding countryside;
7. the applicant suggest that this will support farm income but there is no farm currently located on the land. It appears that this is the applicant's intention but in this case, there is no necessity for income diversification.
8. the proposal in no way contributes to the development and/ or protection of the arts, cultural, tourism and leisure officer in this location;
9. the proposed development is not ancillary to an established leisure attraction and is unrelated. The application site does not support the expansion of tourist and visitor facilities nor is there an identified need for such in this specific location;
10. Policy SP2(8) requires that development will be assessed against the need to the in the location specified, this is omitted from the application;
11. there is no justification with accommodation needs being met via existing establishments;
12. the application site is not a suitable location being outside the settlement boundary of the village;
13. the application site is visible from Abbey Priory Gatehouse which is a Grade I listed building of significant national historic interest. The location of the gatehouse is integral to the character of the local landscape;
14. the applicant's claim that no heritage assets would be affected by the proposal is incorrect. Various Court judgements, in particular, the Barnwell Manor Wind Energy Ltd v East Northamptonshire District

- Council and others (EWCA Civ 137), confirm that considerable importance and weight must be given to preserving the setting of a listed building;
15. the siting of the pods would be detrimental to the unrestricted views south from the gatehouse and would destroy this;
  16. the development will result in an increase of vehicles and noise from car engines, doors, together with shouting and singing on the site;
  17. the development is designed to provide an outdoor experience which then increase noise from people socialising;
  18. the area is largely free from light pollution which would not be the case if the development proceeds;
  19. the Speed Survey was taken during Covid-19 lockdown. The roads do not support additional vehicle activity compounded by vehicles which park on the verges in the immediate area;
  20. additional vehicles will lead to concerns about safety of residents and children walking in the locality;
  21. the development will be visible from properties in The Glebe which are high value and having been purchased for the peace, tranquillity and historic views;
  22. whilst the pods are for two persons, they can be booked by groups and used in conjunction with one another;
  23. the preservation of wildlife habitats is a concern;
  24. surface water run-off from the site is already high and this will increase into the River Eden, a SSSI;
  25. there are no other buildings on the site and or landscape feature which would make the development acceptable;
  26. no objection in principle but there are numerous negative impacts to the wider community demonstrably outweigh the specific financial benefits to the applicants;
  27. the proposed site is agricultural land lying within the boundaries of Wetheral village, but is not in the Wetheral Local Plan (WLP) for any form of development. No camping site was included. If it were, residents would oppose inclusion of a holiday campsite, most specifically at this specific location;
  28. the data used to calculate visibility splays does not correspond to observed data;
  29. the road at the proposed access point is narrow, being single lane in places, with high hedges, and is situated close to a 90 degree bend. Visibility for the multiple vehicles entering and exiting the site on a daily basis is severely limited, to a much greater degree than suggested in the application;
  30. with 6 pods and a capacity of 24 guests, the development will get noisy, particularly as the prevailing wind is from the south or west, thereby affecting neighbouring properties;
  31. due to the topography, any guests will be able to look in the houses and gardens of neighbouring properties.

- 4.2 A petition against the application containing six signatories has been received raising some of the above issues and citing that the application is contrary to Policies SP1, SP6, EC9, EC10 and EC11 of the local plan.

- 4.3 In addition, 50 representations have been received supporting the application and the main issues raised are summarised as follows:
1. the development is an excellent use of poor farming land and would provide great for the growth of the village;
  2. this is an excellent diversification scheme and local business should be supported;
  3. this will bring tourists which will support the economy and local businesses, restaurants and shops;
  4. the development will be a great rural asset showing the rural beauty of the area;
  5. six pods will be a minuscule adverse effect on local services;
  6. the site has a safe access with good views of oncoming vehicles;
  7. employment could be provided to the local community.
- 4.4 Two representations have been received commenting on the application and the issues raised are summarised as follows:
1. based on the Wildlife Assessment Checker, the application should include a preliminary ecological appraisal due to the location immediately adjacent to the River Eden SSSI/ SAC. As the site lies within the SSSI Impact zone and within 500 metres of the SAC Natural England should be consulted on the likely impacts of the development?;
  2. if the application is approved at some time then all paths, roads and parking areas should be constructed from natural materials such as gravel to enhance the agricultural setting of the development. No tarmac or concrete.
  3. there is mention in the application that no artificial outside lighting will be used. Natural lighting is starlight, moonlight and sunlight but does not include solar powered filament lighting which is classified as artificial.
  4. most planning inspectors apply little weight to screening using natural materials such as hedges, trees, etc because they're not permanent and are subject to disease, dieback, etc.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority - Footpaths):** - public footpath 138060 follows an alignment to the west side and Public footpath 138063 follows an alignment to the east side of the proposed development area and must not be altered or obstructed before or after the development has been completed;

**Cumbria County Council – (Highway Authority):** - the following response has been received:

### Local Highway Authority

A Speed Survey has been carried out with results provided enabling to use the 85th percentile. Parking provisions have been provided and the Transport Form has been completed and submitted.

The access would require the appropriate permit in place for a commercial junction access to form the access from the highway into the site. The road leading to the site is a single track route with no passing places.

Outline drainage plan has been submitted with the Drainage Strategy, showing to soakaway as shown in Appendix A Drawing No. 7010 200.

Refuse bin storage has been provided (general waste and green waste collections), a refuse vehicle will only enter a site if it is possible to turn around within the site, and normally only if the road is adopted.

A PROW (public footpath/ bridleway/ byway) number 138060 & 138063 lies adjacent to/ runs through the site, the applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. For any closures or diversions the applicant should contact the Countryside Access Team for the appropriate permit.

#### Lead Local Flood Authority (LLFA)

The LLFA has records of minor surface water flooding to the site and the Environment Agency (EA) surface water maps indicate that the site is adjacent to an area of risk flood zone 2, the council should consult with the Environment Agency regarding flood risk assessment.

A drainage plan has been submitted with the Drainage Strategy, to soakaway Appendix A Drawing No. 7010 200. The trial test and calculations are satisfactory.

#### Conclusion

The Highways Authority has no objection to the proposed, but recommend the imposition of highway conditions;

**Wetheral Parish Council:** - the parish council objects to the application.

The committee feels that Abbey Lonning is not suitable for an access point. The road is single track, winding and gets excessively busy at weekends and through the summer months, with users from the nearby playing fields and also walkers using the footpaths. Passing places are frequently occupied by parked cars.

There is no farmhouse building near the site, and as such, the committee has concerns regarding monitoring of the site for nuisance behaviour and noise, especially after hours.

The committee does not believe that policies EC9, EC10 and EC11 have been complied with and consider that this decision should be made by the Development Control committee rather than a Planning Officer. A site visit is requested to allow members to fully appreciate the nature of the site and the proposed access road;

**Planning - Access Officer:** - no response received;

**Local Environment - Environmental Protection:** - if planning permission was granted a Site licence under the Caravan Control and Development Act 1960 must be applied for before commercial use of the site;



**Natural England:** - the following has been received:

Habitats Regulations Assessment

A Habitats Regulations Assessment is required due to the proximity to the River Eden SAC. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. Due to the close proximity of the above European site a HRA is required to determine potential impacts which is a requirement under the Conservation of Habitats and Species Regulations 2017.

Construction Environmental Management Plan

Construction Environmental Management Plan. Appropriate pollution prevention guideline measures should be incorporated to include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement.

Package Treatment Plant

The application states that foul sewerage will be discharged to a Package Treatment Plant. Consideration should be given to the location of the PTP and associated drainage field if discharging to ground. Consultation with the Environment Agency to obtain the necessary permit is required for discharges to ground within 50 metres, or surface water within 500 metres of a designated site.

Ancient woodland, ancient and veteran trees

The council should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Biodiversity Net Gain

Government policy is progressing to reverse the trend of biodiversity decline, which has continued to occur despite planning policy aimed towards no residual loss in biodiversity. This includes the revised NPPF 2019 which sees a strengthening of provision for net gain through development. Defra have also consulted on updating planning requirements to make it mandatory within the forthcoming Environment Bill. This is following the publishing of Defra's 25 Year Environmental Plan, in which net gain through development is the first key objective.

Natural England therefore recommend the proposals seek to achieve biodiversity net gain, over and above residual losses which should be accounted for and addressed. With careful planning this should be

achievable for this development given its scale and opportunity for extensive blue/green infrastructure. Natural England recommend the current Biodiversity Metric 2 be used to calculate the net gain in biodiversity for individual planning proposals. Due to the proximity to Ancient Woodland areas of scrub/ woodland could be created to increase habitat connectivity, this application could also create some wild flower rich grassland meadow in the surrounding fields.

A further response was received once a Habitats Regulations Assessment was sent to them which reads:

*“Natural England agree with the conclusions made in the HRA, that there is unlikely to be an adverse impact on the River Eden SAC as long as the planning condition of the production of the CEMP is secured to ensure that there is no water pollution.”;*

### **Council for Protection of Rural England/ Friends of the Lake District: -**

#### Principle

The site is clearly physically and visually separate from the edge of Wetheral and is therefore in the open countryside for the purposes of planning and specifically in this case, local plan policy SP2. SP2 is clearly directly relevant to the proposal (especially point 8) but is not mentioned in the planning statement submitted. SP2 focuses new development within Carlisle, followed by the main towns and villages, then the rural settlements. Point 8 states that *“within the open countryside, development will be assessed against the need to be in the location specified”*. Paragraph 3.30 elaborates, stating *“[t]his approach is necessary to ensure that sustainable patterns of development prevail and that importantly unnecessary and unjustified encroachment into and urbanisation of the District’s countryside and fine landscapes is avoided, in keeping with the objectives of national policy”*.

Policy EC10 relates specifically to caravan, camping and chalet sites. It complements policy SP2, specifically requiring that such proposals will be supported where there is *“clear and reasoned justification as to why the development needs to be in the location specified”*.

The proposed development site is in the open countryside and the application has not provided clear and reasoned justification as to why it needs to be at the particular location proposed as opposed to a location more aligned with the spatial strategy set out in SP2. It therefore represents unnecessary and unjustified encroachment into the countryside and the proposed development in this location is in conflict with the local plan in principle.

#### Landscape and Heritage

In addition to the requirement mentioned above, policy EC10 also requires that *the siting, scale or appearance of the proposal does not have an unacceptable adverse impact on the character of the local landscape, or upon heritage assets or their settings and that the site is contained within existing landscape features*.

Policy G11 values all landscapes for their intrinsic character and protects them from harmful or inappropriate development “*particularly those areas less able to accommodate significant change*” and requires proposals to be assessed against the Cumbria Landscape Character Guidance and Toolkit (the Toolkit). The site in question lies within landscape type 5c: Rolling Lowland as identified in the Toolkit and immediately adjacent the River Eden and type 8a: Gorges. The site is very reflective of the distinctive characteristics described for 5c, which include a strong vernacular character; a largely agricultural landscape, open, rolling topography; parkland; pasture and woodland. The importance of the River Eden is highlighted and the parklands at Corby Castle are referred to specifically. The Toolkit expressly states that in type 5c “*parkland and woodland in the farmland and alongside rivers are sensitive to changes in farming practices. Tranquility is greatest along rivers and is sensitive to development or farming intensification. The strong red sandstone vernacular of small nucleated villages is sensitive to changes from unsympathetic village expansion.*” This site is farmland/pastureland adjacent the River Eden and adjacent ancient woodland and forms part of the landscape setting of the historic nucleated settlement of Wetheral. It lies on the opposite river bank from Corby Castle and it’s designated parkland and is in a tranquil area characterised by the red sandstone vernacular. It is not contained by existing landscape features. The introduction of modern glamping pods and associated activity, noise, lighting (including light spillage), surfacing works, structures and car parking at this prominent, open location would directly conflict with the guidance in the Toolkit and would erode the character of this landscape and so conflicts directly with policy G11.

As well as being in very close proximity to the River Eden and Tributaries SSSI, within its impact risk zone (as covered in others’ responses to this application) and within the identified Network Enhancement Zone associated with the SSSI and woodland as part of the Local Nature Recover Strategy, the site is immediately adjacent semi-natural Ancient Woodland and contains a Veteran Tree (with two others and one notable tree also very nearby). Much of this information, including the presence of the Ancient Woodland and Veteran Trees on-site or nearby is not recognised in the application and therefore cannot be said to have been properly assessed or considered in the proposals.

Habitats, including woodlands and individual trees, are an important part of the make-up of the landscape and landscape character and play a fundamental role in the ecology and biodiversity of the area. The impact of development on habitats includes direct physical impacts such as the felling of trees to make way for development and impacts on root protection areas, but also includes indirect impacts such as disturbance through increased human activity, noise and lighting as in the case of this proposal. These indirect impacts, which can occur even where proposals lie outside the habitat, can result in deterioration of the habitat as a result and must be taken into account alongside any direct impacts. In relation to Ancient Woodland and Veteran Trees, the NPPF (and local plan policy G13 supported by para. 10.27) only allows for loss or deterioration of these irreplaceable habitats in wholly exceptional circumstances and only then, where appropriate compensation is provided. The Woodland Trust’s Planners’ Manual for

Ancient Woodland and Veteran Trees is also a useful guide, including on how indirect impacts should be accounted for and considered.

The site lies in close proximity to and within the settings of multiple built heritage assets, including a Conservation Area, various Grade I, II and II\* listed buildings, Scheduled Monuments and a Registered Park and Garden. The public footpaths around the site link and/or offer views of a number of these assets thus provide an opportunity to experience them as a collection or related group and as part of the experience of exploring and understanding the important historic and cultural landscape around Wetheral. The Visit Cumbria website makes much of this in their article on visiting Wetheral.

To place a modern glamping development and associated parking and service structures in this prominent position would compromise the settings and experience of these heritage assets, individually and as a linked group of key elements in an historic landscape. The policies in section 9 of the local plan clearly seek to protect and enhance the heritage assets and important historic landscapes of the area in line with the NPPF.

Many of the heritage assets, and the fact that the proposal lies in their settings, are not mentioned in the application, so again it is not possible to conclude that impacts on these assets or their settings have been properly assessed or considered in the proposals. Great weight must be given to the conservation of designated heritage assets, and even less than substantial harm to their significance must be weighed against public benefits following an explicit (demonstrably applied) application of the presumption against allowing that harm (*Hughes v. SLDC*). It is not clear how 6 glamping pods, available for stays only to those paying a private individual for the privilege, would amount to public benefits capable of outweighing such harm.

The application cites the NPPF's presumption in favour of sustainable development but fails to note that as per para. 3.5 of the local plan, "*the presumption [in favour of sustainable development] does not apply to development affecting sites protected under the Birds and Habitats Directives and/or land designated, amongst others, as a Site of Special Scientific Interest (SSSI) .designated heritage assets.*

### Conclusion

The proposal conflicts with the local plan in principle being in open countryside and without clear justification of a need to be in that location. In addition, it is clear that the site is characteristic of landscape type 5c and is an area within this type that is identified as being particularly sensitive to development. The proposal would introduce a non-vernacular form of development, along with associated noise, lighting, activity and urbanising service elements (hard-standing, car parking, access routes, bin stores etc) into a prominent position in open countryside in a peaceful and historic rural landscape. It would impact upon: views from public roads and footpaths; a SSSI; ancient woodland; veteran trees and the setting, views and experience of several designated heritage assets. Furthermore, the presence of these factors and thus the resulting impacts of the development on them and on the landscape overall have not been fully acknowledged or assessed in the

application. On this basis, we urge that the application is refused. We strongly support the comments of the National Trust in relation to this application, although we note their comments have been recorded as a 'public comment' rather than as a comment from a significant, relevant, long-standing National stakeholder organisation;

### **Woodland Trust: -**

#### Ancient Woodland \_

Natural England and the Forestry Commission defines ancient woodland “as an irreplaceable habitat [which] is important for its: wildlife (which include rare and threatened species); soils; recreational value; cultural, historical and landscape value [which] has been wooded continuously since at least 1600AD.”

It includes: “Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration

*Plantations on ancient woodland sites – [PAWS] replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi”*

#### Veteran Trees \_

Natural England’s standing advice on veteran trees states that they “can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics... A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value.”

#### Damage to Ancient Woodland \_

The Woodland Trust objects to planning application 21/0498 on the basis of potential disturbance and detrimental impact to Wetheral Woods (grid ref: NY46795380), an Ancient Semi Natural Woodland designated on Natural England’s Ancient Woodland Inventory (AWI). There are also concerns regarding potential impact to a veteran tree recorded on the Ancient Tree Inventory (ATI no: 187909).

#### Planning Policy \_

The National Planning Policy Framework, paragraph 175 states: “When determining planning applications, local planning authorities should apply the following principles:

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;*

Footnote 58, defines exceptional reasons as follows: “For example, infrastructure projects (including nationally significant infrastructure projects,

*orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.” There is no wholly exceptional reason for the development in this location and as such this development should be refused on the grounds it does not comply with national planning policy.*

The council should also have regard for Policies GI3 (Biodiversity and Geodiversity) and GI6 (Trees and Hedgerows) of the Carlisle District Local Plan with respect to the protection of ancient woods and trees.

#### Impacts to Ancient Woodland

This application is for the construction of six pods within close proximity to an area of ancient woodland. Natural England has identified the impacts of development on ancient woodland or veteran trees within their standing advice. This guidance should be considered as Natural England’s position with regards to development impacting ancient woodland:

*“Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support. These can include:*

- *breaking up or destroying connections between woodlands and veteran trees*
- *reducing the amount of semi-natural habitats next to ancient woodland and other habitats*
- *increasing the amount of pollution, including dust*
- *increasing disturbance to wildlife from additional traffic and visitors*
- *increasing light pollution*
- *increasing damaging activities like fly-tipping and the impact of domestic pets*
- *changing the landscape character of the area”*

When land use is intensified such as in this situation, plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land’s change of use. These can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

The Woodland Trust are specifically concerned about the following impacts to the ancient woodland:

- *intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage;*
- *noise and dust pollution occurring from adjacent development, during both construction and operational phases;*
- *where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees;*
- *adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland.*

Neither an arboricultural impact assessment nor an ecological impact assessment has been completed to accompany this application. As such, we request that until such time as these reports are submitted, the application is delayed or refused due to lack of information.

The proposal will likely result in the discharge of treated sewage within the ancient woodland. The Environment Agency (2021) has produced updated guidance on discharge points and states the following: *“You cannot meet the general binding rules if the new discharge will be in an ancient woodland or in or within 50 metres of any:*

- special areas of conservation;
- special protection areas;
- Ramsar wetland sites;
- biological sites of special scientific interest (SSSI).

*If you have or are planning to start a new discharge to ground in or near a protected site, you must connect to the public foul sewer when it's reasonable to do so. You must apply for a permit if it's not.”*

#### Mitigation \_

Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts.

Natural England's standing advice for ancient woodland, states: *“Mitigation measures will depend on the development but could include:*

- improving the condition of the woodland
- *putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution*
- noise or light reduction measures
- protecting ancient and veteran trees by designing open space around them
- *identifying and protecting trees that could become ancient and veteran trees in the future*
- rerouting footpaths
- removing invasive species
- buffer zones”

#### Buffering \_

This development should allow for a buffer zone of at least 15 metres to avoid root damage and to allow for the effect of pollution from the development. The council should ensure that the width of the proposed buffer is adequate to protect the adjacent ancient woodland. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer zone does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

This is backed up by Natural England's standing advice which states that

*“you should have a buffer zone of at least 15 metres to avoid root damage.”*

### Veteran Trees

The proposed development will also be sited adjacent to a tree recorded as a veteran on the Ancient Tree Inventory (ATI no: 187909). It is not clear from the information provided as to whether the veteran tree will be afforded a full root protection area (RPA) or if there is likely to be impact from the proposals.

Trees are susceptible to change caused by construction/development activity. As outlined in *Trees in relation to design, demolition and construction, BS 5837:2012*, the British Standard for ensuring development works in harmony with trees, construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.

However Natural England's standing advice states that *“a buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.”*

### Conclusion

The Woodland Trust objects to this planning application unless the applicant is able to ensure that the ancient woods and trees on site are afforded buffer zones in line with Natural England's Standing Advice;

**Historic England - North West Office:** - the following response has been received:

### Historic England Advice

The site of the proposed development of 6 camping pods, a parking area and footpaths, a service building and bin store lies less than 200m to the south of Wetheral Priory Gatehouse, effectively separated from it by only a single field boundary.

Wetheral Priory Gatehouse is the major visible surviving remnant of the buildings of a small Benedictine Priory, founded in the 12th century and dissolved in 1538. The gatehouse itself dates from the later medieval period, and was probably rebuilt following damage sustained in Scottish raids. Its significance, as the main surviving feature of the medieval priory, is recognised by its scheduling as an ancient monument (National Heritage List for England entry number 1007904) as well as its listing in Grade I (NHLE entry number 1087695).

The gatehouse is of three storeys, with domestic accommodation on the upper two. It enjoys wide views from the windows on those upper storeys, with those to the south, in particular, being unencumbered by any form of modern development. No information is provided as to the extent to which the



proposed development might be visible from the upper storey of the Gatehouse. With its regularly spaced 'pods', car-parking area and hard-surfaced paths, the proposals appear rather 'suburban' in design, and rather alien to a location in open countryside. Their potential appearance in views would certainly impact negatively upon the setting of the gatehouse, and would constitute a degree of harm to it.

Government advice, as set out in section 16 of the National Planning Policy Framework (NPPF) is that any harm to designated heritage assets from development within their settings requires clear and convincing justification (paragraph 194), and that where a development will lead to less than substantial harm, that harm should nevertheless be weighed against the public benefits of the proposal (paragraph 196).

In this instance, it is not possible to say, on the basis of the information submitted with the application, that the proposed development would not cause harm to the setting of the gatehouse. We consider that further information is required concerning the potential visibility of the development from the gatehouse, in the form of photographs or, preferably, a visualisation showing the view towards the application site. It is recommended that the application should not be determined until this additional information has been supplied, and the council and consultees have had the opportunity to consider it.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. Historic England consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194 and 196 of the NPPF.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (NPPG) are also material planning considerations in the determination of this application and the Carlisle District Local Plan 2001-2016 from which Policies SP1, SP2, SP6, SP7, EC9, EC10, HO6, IP2, IP3, IP6, CC4, CC5, CM5, HE3, GI1 and GI3 are of particular relevance. Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 and the Cumbria Landscape Character Guidance and Toolkit (2011) are also material planning considerations. The proposals raise the following planning issues.

### **1. Principle Of Development**

- 6.3 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.
- 6.4 Paragraph 10 of the NPPF states:
- “So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).”*
- 6.5 Paragraph 11 requires that for decision-taking this means:
- “c) approving development proposals that accord with an up-to-date development plan without delay”*
- 6.6 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”.*
- 6.7 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”.*
- 6.8 The aforementioned paragraphs of the NPPF are reiterated in Policy EC10 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, namely that 1) clear and reasoned justification has been provided as to why the development needs to be in the location specified; 2) the siting, scale or appearance of the proposal does not have an unacceptable adverse effect on the character of the local landscape, or upon heritage assets or their settings; 3) the site is contained within existing landscape features and if necessary, and appropriate, is supplemented with additional landscaping; 4) adequate access and appropriate parking arrangements are provided; and 5) the potential implications of flood risk have been taken into account when necessary.

- 6.9 The applicant began establishing a farm steading at the end of 2020 and to this end, has obtained consent for and erected a livestock building with ancillary infrastructure including feed silos, tracks and effluent storage facilities. In addition, temporary planning permission has been granted for residential accommodation on the site. The applicant states that this will provide an additional financial revenue stream into the business. Additionally, the site is well related to Wetheral as far as such developments go and is accessible to a range of shops and facilities as well as by alternative means of transport. As such, the principle of development is considered to be acceptable. The remaining planning issues raised by the proposal are outlined in the following paragraphs.

## **2. Whether The Scale, Design and Impact On The Character And Appearance Of The Area is Acceptable**

- 6.10 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

*“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and*

*future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.11 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”*

- 6.12 The site is designated within the Cumbria Landscape Character Guidance and Toolkit as being within Sub Type 8a ‘Gorges’. The key characteristics of these landscapes are described as:
- a deep linear sandstone gorge;
  - fast flowing river with waterfalls;
  - outcrops of steep rocky cliffs;
  - hanging woodlands cling to the gorge sides;
  - large concentrations of ancient semi-natural birch woodland and occasional coniferous;
  - impressive views into the gorge from adjacent high ground.
- 6.13 In terms of development, the document requires that:
- ensure new development on the edges of settlements is sited and designed to reflect the traditional village form and character and maintains a rural setting. Maintain key views from villages to the River Eden;
  - ensure new development elsewhere, such as caravan parks, respects the scale and traditional form of other development. Ensure that new buildings are integrated into the landscape through careful siting, design and the use of appropriate materials;
  - ensure any small scale hydro electric schemes are sensitively sited and do not erode the generally undeveloped character of the landscape, or harm any nature conservation interests.
- 6.14 Policy SP6 of the local plan requires that development proposals demonstrate a good standard of sustainable design that responds to local context taking account of established street patterns, making use of appropriate materials and detailing and reinforcing local architectural features to promote and respect local character and distinctiveness.
- 6.15 The development comprises of six timber holiday pods that would each have a steel frame and timber finish. By the nature of the amount of accommodation provided, the buildings are small in scale and the curved roofs further reduce any visual impact. The buildings would be part way

along the slope of the site. The hardstanding areas and ancillary buildings would be well-related to the holiday accommodation. The development would be viewed from the public highway as well as the footpaths in the locality; however, it would also be supplemented by a landscaping scheme. In the context of the development, the scale, design and use of materials would be appropriate to the character and appearance of the property, would not appear obtrusive within the wider character of the area and the proposal is compliant with policies in this regard.

### **3. The Impact Of The Development On The Grade I And Grade II Listed Buildings**

- 6.16 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

#### **Impact Of The Proposal On The Character And Setting of the Grade I and II Listed Buildings**

- 6.17 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. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings 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).
- 6.18 Paragraph 201 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.19 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.20 Wetheral Abbey Gatehouse is located approximately 160 metres to the north of the application site and is a Grade I listed building. It is a 15th century stone fortification. The prior was founded at the start of the 12th Century and the gatehouse controlled the entrance to its outer courtyard. The building is important due to its historical significance and well-maintained condition.
- 6.21 To the north of the gatehouse, or rear when viewed from the application site,

is Wetheral Abbey Farm which comprises a series of Grade II listed buildings. These are similarly important although less prominent within the landscape as it sits at a much lower level but is described by Historic England as:

“Model farm, 1857 by James Stewart of Carlisle, incorporating elements of a medieval priory and a post-medieval farmstead; the eastern part was demolished mid-C20.”

ii) the effect of the proposed development on the settings of the Grade II listed buildings

6.22 Also in the locality of the site is Corby Castle, which is a Grade I listed building approximately 360 metres to the north-east of the application site. The siting description reads as follows:

*“Castle. C13 tower house encased in later buildings: additions c1630 and c1690, with present facade built between April 1812 and September 1817, by Peter Nicholson for Henry Howard. red sandstone ashlar, slate roofs. 3 storeys, 5 bays to south front, which has tetrastyle ashlar, slate roofs. 3 storeys, 5 bays to south front, which has tetrastyle Greek Doric porch, flanked by arcaded loggia above which is a central tripartite window and a Diocletian window on 2nd floor. West face of 3 storeys, 7 bays, has open Greek Doric loggia connected to central recessed bays: both facades have cornice surmounted by the corby lion (heraldic device of the Howard family). Interior includes; Grecian entrance hall with moulded plasterwork to ceilings and niches; 1720's main staircase of 3 flights, with twisted balusters and ramped handrail; medieval spiral staircase in original tower; mural paintings of Alpine scenes by Matthew Nutter of Carlisle, in bedrooms. Set in grounds laid out between 1708 and 1729 by Thomas Howard, incorporating many buildings and features listed separately. See Country Life, 7 January 1954, p.32-35, 14 January, p.92-95.”*

ii) the effect of the proposed development on the settings of the Grade II listed buildings

6.23 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA). The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a 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.

6.24 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 200). However, in paragraph 202, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 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. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings 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 An application has been submitted for outline planning permission for residential development of a site that is allocated for development in the local plan, approximately 130 metres to the west of the Gatehouse. The land rises steeply on a small embankment and then plateaus and there is landscaping on the eastern boundary of the application site.
- 6.27 Similarly, in respect of the application for holiday accommodation, the road rises as it travels away from the gatehouse towards the site and sweeps round to the right. The fields are flanked by established hedgerows which provide screening from the site to a greater or lesser degree depending upon the time of year.
- 6.28 Given the topography of the land, the distance and intervening trees and hedges, the application site and the Gatehouse are not read in the same context and would be very little alteration, if any, from any of the upper floor window openings of the Gatehouse. In the context of Corby Castle, this is further away from the application site than the Gatehouse or Wetheral Abbey Farm and is separated by intervening trees. Additionally, Corby Castle is located immediately adjacent to the east of a wooded area next to the river thereby further shielding any views from the west. As such, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

#### **4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties**

- 6.29 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. There are no properties immediately adjacent to the site, the nearest being Wetheral Abbey Farm, approximately 195 metres to the north, properties in The Glebe that are 210 metres to the north, Maple Tree House (adjacent to the community centre) 280 metres to the north-west and Byrehill, which is approximately 370 metres to the east on the opposite side of the River Eden.
- 6.30 The ambient noise levels in this locality are relatively low during the day and would be even more so during the evening. There is the potential that any noise or disturbance from the site could travel down the river valley thereby affecting the amenity of the occupiers of residential properties. The proposed accommodation comprises of small glamping pods capable of accommodating two persons. There are no additional facilities proposed on

the site and therefore by its very nature, in this tranquil location, the site is unlikely to attract groups of young people. Although noise and disturbance are not exclusive to young persons, it is considered appropriate that a condition is imposed to require the submission and agreement of a suitable management plan that could include issues such as prohibiting booking large groups and how noise complaints would be managed etc.

## **5. Impact On Highway Safety**

- 6.31 The site is served by an existing vehicular access and dedicated parking would be provided to serve the holiday units. Cumbria County Council, as the Local Highways Authority initially raised queries in respect of vehicles movements and requested the submission of a Transport Form. A subsequent response has raised no objection to the application subject to the imposition of several conditions, including one for the provision of visibility splays.
- 6.32 Although the area is prone to parking of vehicles by persons using the sports facilities and the local footpaths, the development comprises of six holiday units. As previously stated, the site is close to whether there are alternative transport links. Consequently, it is unlikely that the development would give rise to significant vehicle movements that would exacerbate an already existing problem to such a degree as to result in any highway safety issues.

## **6. Impact On The Public Rights Of Way**

- 6.33 Cumbria County Council has advised that a public footpath follows an alignment to the west of the site and a different public footpath follows a alignment to the east of the site. Essentially, the development site comprises a parcel of land between the two footpaths. The development would not alter or obstruct the public's right of way over these footpaths but notwithstanding this, a note is included advising the applicant of this obligation unless an appropriate temporary closure or other relative consent is sought from the county council.

## **7. Impact On Veteran Trees**

- 6.34 A Pedunculate Oak is a veteran tree (ID number 187909) and is located in the north-east corner of the site, approximately 28 metres east of the centre of the access. The development is to the west and south of the access and as such, the tree would be unaffected by this development.
- 6.35 There is also an ancient woodland to the east of the application site next to the River Eden. This is physically separated from the application site itself; however, the public have a right of access through it by means of the public right of way which passes through it. The addition of six units of holiday with the potential of an additional 12 persons using the footpath and passing through the woodland would be a very minor increase in the numbers of persons using the footpaths would not result in any harm to this protected area. The siting of the pods themselves and the formation of any



hardstanding would not physically affect this woodland. The imposition of appropriate conditions, as detailed later in this schedule, includes appropriate construction measures that would safeguard the adjacent woodland as well as biodiversity matters.

## **8. Whether The Method of Disposal of Foul And Surface Water Are Appropriate**

- 6.36 In accordance with the NPPF and the NPPG, surface water should be drained in the most sustainable way. The NPPG clearly outlines the hierarchy when considering a surface water drainage strategy with the following drainage options in order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
- 6.37 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application, outlines that surface water would be to a sustainable drainage system and the foul drainage would be to a package treatment plant.
- 6.38 The applicant has included a Drainage Strategy which includes details of the package treatment plant and surface water drainage arrangements, including percolation test results. Cumbria County Council as the Lead Local Flood Authority has confirmed these details are acceptable and raised no objection. If consent is required from the Environment Agency to discharge into the River Eden, this is a separate consenting process to the determination of this planning application.

## **9. Development And Flood Risk**

- 6.39 This site lies within adjacent to an area designated as Flood Zone 2; however, as the site is not within the Flood Zone there is no requirement for the submission of any additional information or further consultation.

## **10. Biodiversity**

- 6.40 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

- 6.41 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. Following the initial consultation response from Natural England, the council undertook a Habitats Regulations Assessment (HRA) which provides information to enable 'screening' of the project with respect to its potential to have a likely significant effect on Natura 2000 Sites.
- 6.42 The HRA is a screening process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. Its purpose is to consider the impacts of a land-use plan against conservation objectives of the site and to ascertain whether it would adversely affect the integrity of the site. If found to be significant, the next stage of an Appropriate Assessment is triggered. Having outlined the screening assessment, the HRA concludes that:

*"For the reasons identified above, it is considered that the proposed development will not have any harmful impacts on the special nature conservation interests of the European sites concerned either in isolation or in combination with any other project or plan. Providing the implementation of pollution prevention measures, no likely significant effects upon any Natura 2000 Site as a result of the proposed development are predicted alone or in-combination with any other project or plan."*

- 6.43 This is, however, subject to the recommendation that a Construction Environmental Management Plan is included within any planning permission that may be issued. Following further consultation with Natural England, the HRA was accepted and no objection has been received. In addition to the condition, an Informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **Conclusion**

- 6.44 In overall terms, the principle of holiday accommodation on the site is acceptable in this location. The scheme would be supplemented by additional landscaping and the scale, layout and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area.
- 6.45 The development does not raise any issues in terms of the heritage assets in the locality and subject to the imposition of conditions no biodiversity issues are raised. As a consequence of the landscaping, the site would benefit from biodiversity net gain.
- 6.46 No highway or drainage issues are raised by this proposal. Subject to the imposition of a management plan, in the context of the site, the amenity of the occupiers of the neighbouring properties would not be adversely affected. In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

## 7. Planning History

- 7.1 There is no planning history relating to this application site.

## 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 Planning Application Form received 19th May 2021;
  2. the Location Plan received 1st June 2021 (Drawing no. 20-161-08);
  3. the Proposed Camping Pods received 9th November 2021 (Drawing no. 20-161-07B);
  4. the Drainage Strategy received 25 August 2021;
  5. the Notice of Decision;
  5. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the local planning authority. This shall include (where appropriate):
- noise management measures;
1. details of the installation of appropriate protective barriers;
  2. details of the storage of materials/ vehicles;
  3. details of checks of vehicles and other plant for leaks;
  4. static plant to be placed on drip trays;
  5. preparation of cement and other construction materials;
  6. waste minimisation and management measures;
  7. bio-security measures to prevent the introduction of disease and invasive species;
  8. measures to prevent pollution including the management of site drainage such as the use of silt traps during construction;
  9. the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread of invasive species;
  10. the construction hours of working;
  11. wheel washing, vibration management;
  12. dust management;
  13. vermin control;
  14. vehicle control within the site and localised traffic management;

15. protocols for contact and consultation with local people and other matters to be agreed with the local planning authority.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without the prior written agreement of the local planning authority.

**Reason:** To ensure that the construction of the development is undertaken in an appropriate manner and does not adversely effect ecologically sensitive areas in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

4. A landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority prior to the development being brought into use. The scheme shall include details of the following where relevant (this list is not exhaustive):

16. new areas of trees and shrubs to be planted including planting densities;

1. new groups and individual specimen trees and shrubs to be planted;

2. specification/age/heights of trees and shrubs to be planted;

3. existing trees and shrubs to be retained or removed;

4. any tree surgery/management works proposed in relation to retained trees and shrubs;

5. any remodelling of ground to facilitate the planting;

6. timing of the landscaping in terms of the phasing of the development;

7. protection, maintenance and aftercare measures.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the occupation of any holiday accommodation hereby approved, a Holiday Accommodation Management Plan shall be submitted to and approved in writing by the local planning authority. The shall includes details (but not exclusively) of:

8. the booking arrangements;

- the booking agency;

- details regarding group bookings and ages;

- measures to deal with troublesome guests;

- details of pet allowance;

- maintenance of the accommodation

- fire precautions for the site;

- noise policy;

- details of use of the hot tubs;

- details of arrival and departure arrangements.

**Reason:** In the interests of the general amenity of the area in accordance with Policies EC9, EC10 and CM5 of the Carlisle District Local Plan 2015-2030.

6. The premises shall be used for let holiday accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

7. The premises shall not be used as a second home by any person, nor shall it be used at any time as a sole and principal residence by any occupants.

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

8. The manager/owner shall keep a register to monitor the occupation of the holiday unit 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 holiday unit, their name, normal permanent address and the period of occupation

**Reason:** To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC11 of the Carlisle District Local Plan 2015-2030.

9. The development shall not commence until visibility splays providing clear visibility as shown on Drawing No. 20-161-07A. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

**Reason:** In the interests of highway safety to ensure compliance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

10. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

**Reason:** In the interests of road safety and in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

11. Measures to prevent surface water discharging onto the public highway shall be constructed in accordance with the specifications of the local highway authority and shall be maintained operational thereafter.

**Reason:** In the interests of highway safety and to minimise potential hazards in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

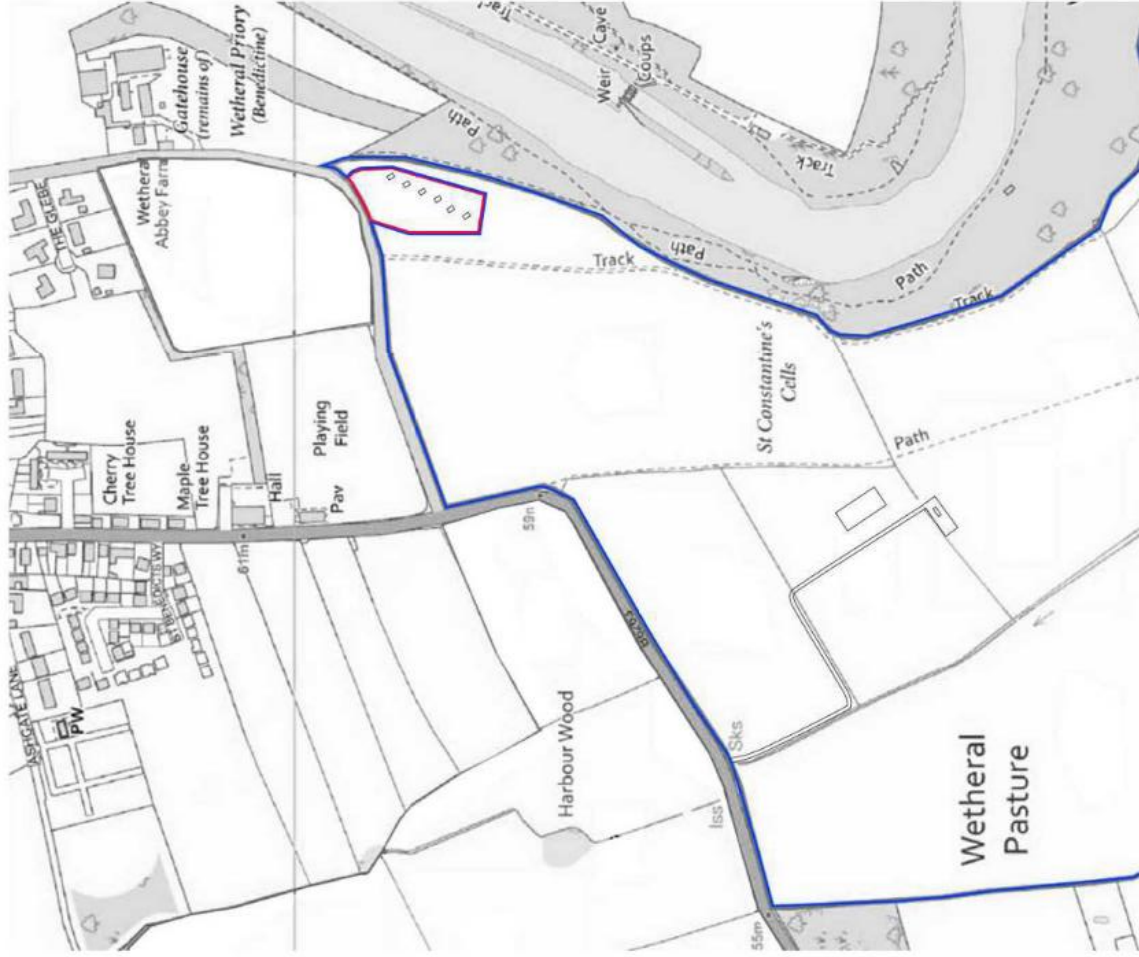
12. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Highways Authority.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

13. No artificial external lighting shall be installed without the prior written consent of the local planning authority. Any lighting proposal shall include details of lighting unit, light levels and hours of luminance.

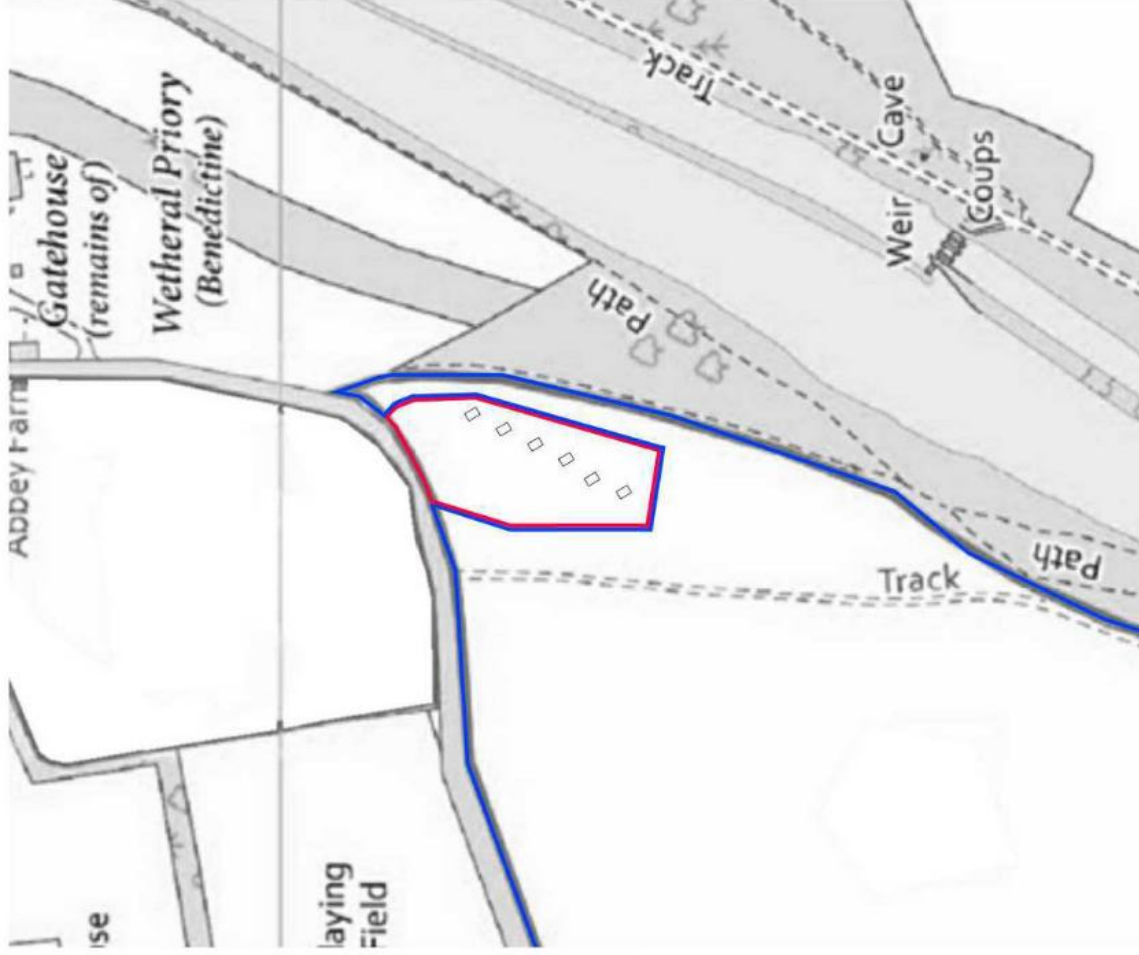
**Reason:** In the interests of the character and appearance of the area and in the interests of biodiversity in accordance with Policies SP6, GI1 and GI3 of the Carlisle District Local Plan 2015-2030.

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Site Location Plan 1:5000

0 metres 200 metres



Site Location Plan 1:2500

0 metres 100 metres

revisions

Slabus	Planning Submission
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Project	Inglewood Meadows, Wetheral		
Drawing	Location Plan		
Detail	Proposed Camping Pods		
	Revision	Scale	Date
	Job no.	Shown A3	May 21
	20-161-08		

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