LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 5 AUGUST 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

SOUTH LAKELAND DISTRICT (PINK SHEETS)
Application no: 7/2009/5119
Applicant: Mr H Wild
Date of Application: 12 March 2009
Type of Application: Full

Location: Skelwith Fold Caravan Park Ltd, Skelwith Fold, Ambleside, LA22 0HX
Grid Reference: 335588 502690 See Plan

Proposal: Create 20 landscaped pitches for holiday static caravans on land within the existing caravan park boundary

District Council: Not consulted
Parish Council: See report
Highway Authority: No objection

**RECOMMENDATION:** APPROVE with conditions

**REPORT:**

1 **BACKGROUND AND PROPOSAL**

1.1 I am reporting this application to Committee as my recommendation is contrary to the views of Skelwith Parish Council.

1.2 Skelwith Fold Caravan Park is one of the largest caravan parks in the National Park with permission for 300 static caravans (identified pitches) and 150 touring caravans (identified areas) within an approved 18 hectares caravan site boundary. The land ownership extends beyond this site boundary for approximately another 34 hectares.

1.3 The caravan park is located south east of Skelwith Bridge in open countryside and is a well wooded site on undulating land with some steep internal access roads. The static caravans and touring caravans are dispersed throughout the site with touring caravans in groups with easy access.

1.4 The static caravans are of various designs and sizes with varying degrees of landscaped personalised areas around the caravans but still of a natural character.

1.5 The proposal has been amended (plans received 7 July) and reference to extending the holiday season as originally proposed has been deleted. The application is therefore for siting 20 static caravans within the existing caravan site boundary. Permission is required as the additional units would take the number of statics above the originally approved 300.
1.6 The site for the new static caravans is mainly to the south eastern end of the site (15 units) and 5 other units towards the more central area of the caravan park. The proposed pitches are mainly on areas previously indicated for touring caravans and generally require little ground works. The exception being the area known as “Glade” for the siting of 10 units which will require some excavation works and removal of vegetation but no trees.

2 REPRESENTATIONS

2.1 We have received two letters of objection to the proposal and those concerns are summarised as follows:

- Concerned that additional pedestrian movement from the caravan park would add to existing large number of people past their property and the development is not commensurate with the character of the district.
- Consider the 20 caravans would be a substantial increase on what is already too large a development. Opposed to further expansion of installed capacity.
- No objection to extension of the season. (This has now been withdrawn from application).
- Objection to extension of the season, owners may not want it as may put up fees, and is not necessary. (This has now been withdrawn from application).
- Concerned that they were not individually consulted.
- Concerned that they could not find any formal planning notification on site. (Planning notice was posted at the entrance to the site)
- Safeguarding jobs is not a planning matter.
- Comment on financial statement made regarding subsidising touring pitches.
- Consider extension of season and increase in number of statics should be treated as independent issues.
- Some form of design sketch and landscaping required.

2.2 Skelwith Parish Council originally raised no objections however they have since revised their comments and now indicate refusal of the application on the grounds of overdevelopment of the site and increased volume of traffic.

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy (RSS) to 2021 Policies are:

- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)
- EM1 (A) (Landscape)
- W6 (Tourism and the Visitor economy)

The relevant saved Lake District National Park Local Plan Policies are:

- T9 (Static caravan sites)
• NE1 (Development in open countryside)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:

• EM16 (Tourism)
• E37 (Landscape Character)

3.2 Other documents that are relevant to the determination of this proposal are:

PPS7 Sustainable Development in Rural Areas
Good practice Guide on Planning for Tourism

3.3 There are three main issues to consider in the determination of this application:

• Would the development satisfy development plan policy on static caravan sites and tourism?
• Would the development result in harm to the character of the area?
• Would the development result in harm to highway safety?

**Would the development satisfy development plan policy on static caravan sites and tourism?**

3.4 Policy T9 of the Local Plan indicates the siting of static caravans will only be permitted within the approved boundaries of established and well screened static caravan sites or in connection with farm diversification. The proposed 20 static caravans would be located within the approved caravan site boundary and therefore the proposal complies with Policy T9.

3.5 The caravan site is within open countryside. Policy NE1 includes many criteria for assessing development in open countryside which includes being closely integrated with existing uses. The location of the proposed 20 static caravans is within the approved caravan site boundary and adjacent to existing static caravans. The proposed caravans are therefore closely integrated with existing use of the site as a caravan park and therefore I consider the proposal accords with that part of Policy NE1.

3.6 Policy EM16 of the Structure Plan indicates tourism development will only be permitted where it would not result in loss of touring caravan pitches to other tourist uses. The proposed siting of the static caravans would partially be on some areas previously used for touring caravans. The consent for 150 touring caravans identified areas for touring caravans to use rather than individual pitches. The approved touring caravan areas are large enough that if two areas currently used by 22 touring vans are changed to use for static caravans there is still sufficient capacity on the other areas that the overall number of touring caravans would not be reduced at the site. There would be no loss of touring caravan capacity at the site and therefore the proposal would not conflict with Policy EM16 and conforms to development plan policy on tourism.
Would the development result in harm to the character of the area?

3.7 Some of the areas for the proposed static caravans are hard surfaced and previously used by touring caravans and therefore the use as static caravan pitches would not cause loss of recreational value. There would be some excavation and loss of vegetation in one area to create level pitches but this would not impact on other caravans and there is still a high degree of planting in that area and therefore the development would not cause harm to internal amenity of the site users. The design would be similar to existing statics at the site.

3.8 The development would not introduce inappropriate levels of activity in the area given the size of the landholding and size of approved boundary within that land holding. It is capable of accommodating the additional number of static caravans proposed without affecting the surrounding areas and not affecting the character or quality of the environment. The siting of 20 static caravans in the areas indicated would not have any visual impact outside the confines of the site and would not conflict with the special qualities of the National Park nor cause harm to the visual amenities of the area. The proposal therefore satisfies relevant policies.

3.9 Concerns have been raised by local residents about additional pedestrian movements from the site into adjacent areas and potential disturbance to local residents. The addition of 20 static caravans within a caravan park of 300 statics and 150 touring caravans is not a significant increase on the overall number of caravans within the site. These additional units would not introduce inappropriate activities or levels of use, or otherwise be of a scale detrimental to the character of the caravan park and quality of the environment of the surrounding area. The increased pedestrian footfall on the surrounding area at any one time from the additional 20 caravans is unlikely to be noticeable given the popularity of the area as a whole for walkers and an existing public right of way which passes the south western edge of the site towards the cluster of properties at Skelwith Fold. The proposal therefore satisfies relevant policies.

Would the development result in harm to highway safety?

3.10 There would be an increase in vehicles visiting the site but the additional number of vehicle movements on the local highway network from 20 additional caravans would not be noticeable given the existing activity on this road. The Local Highway Authority have no objection to the proposal on highway safety grounds regarding increased use of the access nor on increased traffic on the local highway network.

4 CONCLUSION

4.1 This is a very large caravan site situated in a predominantly wooded area and I am satisfied that the additional caravans proposed can be accommodated without adverse impact upon the caravan site or the surrounding area.
Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the amended plan received by the Local Planning Authority on 7 July 2009 which indicates the siting of the caravans.

   REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

3. This permission shall not authorise the occupation of any caravan on the site except during the period from 1 March to 15 November in each year.

   REASON: To ensure that the caravans are used for holiday purposes only in accordance with Policy T9 of the Lake District National Park Local Plan.

4. Before the caravan[s] hereby permitted are placed on the land it [they] shall be painted or factory finished in one or more colours in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the caravan[s] shall be retained in the approved colours unless the Local Planning Authority agrees, in writing, to any variation.

   REASON: To harmonise with the existing caravans at the site and minimise the visual impact of the caravan[s] in the locality.

5. The caravans hereby permitted shall be sited strictly in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

   REASON: To ensure a satisfactory layout of the site.

6. No trees shall be removed from the site in order to provide access or pitches for the 20 static caravans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

   REASON: To ensure the site retains adequate tree screening in the interests of the internal amenity of the site and long term screening in the interests of the visual amenities of the area as a whole.

Summary of Reasons for Approval
Development Plan Policies relevant to the Decision
Having regard to the relevant development plan policies, in particular those extended Cumbria & Lake District Joint Structure Plan 2001-2016 and/or saved Lake District National Park Local Plan Policies and the North West of England Plan Regional Spatial Strategy to 2021 as appropriate and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed as the development would not result in harm to the amenities of the area nor result in significant increase in traffic. The relevant North West of England Plan Regional Spatial Strategy (RSS) to 2021 Policies are:

- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)
- EM1 (A) (Landscape)
- W6 (Tourism and the Visitor economy)

The relevant saved Lake District National Park Local Plan Policies are:

- T9 (Static caravan sites)
- NE1 (Development in open countryside)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:

- EM16 (Tourism)
- E37 (Landscape Character)

**BACKGROUND PAPERS:**

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5207
Applicant: Mr M Cave, Neaum Crag Ltd
Date of Application: 1 May 2009
Type of Application: Full

Location: Neaum Crag, Loughrigg, Ambleside, LA22 9HG
Grid Reference: 334380 503692  See Plan
Proposal: Provision of timber lodge to accommodate site manager and dependents

District Council: 
Parish Council: See report
Highway Authority: No objection

RECOMMENDATION: REFUSE for the following reasons

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee because my recommendation of refusal conflicts with the views of Lakes Parish Council.

1.2 Neaum Crag Caravan site is located within Neaum Wood which occupies the southern slopes of Little Loughrigg Fell above the valley floor. The wood is subject of a tree preservation order. It is necessary to retell the planning history in some detail.

Planning History

1.3 Planning permission was granted in 1961 (ref L1383/NW1822) for the use of Neaum Crag for the siting of caravans, chalets and tents. The site was acquired by the Lake District Planning Board between 1961 and 1962. It was sold to Dorridge (London) Ltd 1982. There have been a number of subsequent permissions granted in respect of the site and the buildings, including the dwellings, which lie within it. All the original static caravans were removed in the 1980s and the tented accommodation ceased. The site is now occupied by units which have a timber chalet appearance but which nevertheless fall within the legal definition of a caravan. Dorridge Ltd sold each of the caravans to individuals in the 1980's.

1.4 It is understood from past records that the original site warden's accommodation was in a building on the site and that this building was disposed of by the previous site owners following the grant of permission for conversion into 4 unfettered flats in 1983. Similarly, the former stables building on the site (which also contained a flat) was disposed of.
Warden's accommodation – 1980s

1.5 In 1986 an application was submitted for a warden's house at the junction of the access road and the public highway. The application was refused on grounds that it was contrary to policies to restrict housing in the open countryside unless there was an essential local need and because no satisfactory means of disposing of foul sewage had been demonstrated.

1.6 That decision was upheld on appeal, however during the appeal hearing the agent produced information that a valid planning permission already existed for a lodge on the Neaum Crag site as part of an outline approval granted in 1962. This contention was accepted by the Local Planning Authority and the Inspector supported the view of the appellant that only the design and location of the dwelling remained to be determined and he stated that his decision was therefore only concerned with the location of a dwelling on the appeal site.

1.7 The Inspector accepted that for site security reasons the best location for a house would be between the public road and the first fork on the access track into the caravan site, but not necessarily at the entrance itself. The Inspector concluded that a house at the junction would dominate the road and would be completely out of character with the nature of it's surroundings and dismissed the appeal on those grounds.

1.8 Subsequently an application was received for the siting and design of a warden's lodge (7/87/5519). This application was for reserved matters because the principle of a warden's dwelling had been established by the outline permission granted in 1962. Permission was granted for this warden's accommodation. The original outline planning permission in 1962 had not restricted the occupancy of the dwelling by condition. Such a condition cannot be introduced on a reserved matters application and in consequence the occupancy of the dwelling ultimately constructed as warden's accommodation was unfettered.

1.9 When the decision notice was forwarded to the applicant in 1987 it was accompanied by a letter which advised that:

“In approving the siting and design of the building, members of the Board wish to emphasise that the details are considered to be acceptable in this specific instance as the dwelling is to be occupied by the warden (and any dependents) of Neaum Crag Caravan Site. Should, for any reason, replacement warden's accommodation be required elsewhere following the completion of this development, I have to advise that planning permission would almost certainly not be forthcoming for the erection of a further dwelling to accommodate a warden.”

1.10 Notwithstanding this advice it is understood that the then owner, Dorridge Ltd, sold the dwelling in 1988 to the site warden of the time, Mr Draper.

Further applications 2004
1.11 Anticipating retirement the manager, on behalf of Neaum Crag Ltd, submitted a planning application in June 2004 for outline planning permission (7/2004/5365) to construct a new warden's house on the entrance drive. The applicant was informed that permission was unlikely to be granted and the application was withdrawn.

1.12 The manager retired, and since the manager’s house had been severed from the owning company, Neaum Crag Ltd, his house was no longer available as warden’s accommodation. This prompted the submission of an outline application by Neaum Crag Ltd to erect a building to house two units for staff accommodation.

1.13 In a letter accompanying that application Mr Draper, acting as agent for Neaum Crag Ltd, stated that the proposed staff building would remain in the company’s ownership. He also set out the company’s reason for the application pointing out that, “The company thus has no permanent staff accommodation and the demands in health and safety and management issues are now such that the sole has grown to be larger than a one person issue and is likely to grow further in the long term re-health and safety and general maintenance and security issues plus trends towards shorter working weeks”. He also stated that, "In brief the company provides and maintains services and facilities for residents on the estate as well as being responsible for the upkeep and maintenance of the communally owned woodland areas."

1.14 The proposed site of the building was within part of an enclosed an area of grassland at the north end of the caravan park which contains a redundant toilet block. The enclosure once formed part of a former campsite and itself has further planning history. The main part of the former camping site, but not the enclosure, was the subject of a Discontinuance Order in 1980 when the (then) Board sold its interest in the site. This enclosure had been the site of two previous planning applications, one in 1994 for two caravan units and one for a single unit to replace the toilet block. Both were refused on grounds of landscape harm. An appeal against the decision to refuse the single unit was dismissed. In his decision letter the Inspector concluded that the scheme would extend the established boundaries of the well screened area used for static caravans and would encroach on the open countryside in an obtrusive fashion, harming its quality and natural beauty and that this would be contrary to local and national policy.

1.15 Consistent with the planning history, planning permission for the staff building was refused on the grounds that there was no essential need and that it would be contrary to housing and landscape protection policies.

**Existing manager's accommodation 2005**

1.16 The site manager currently occupies a two bedroom unit known as Little Water in a central area within the site some 60m from the pool building. That was granted permission in 2005 (7/2005/5658). A condition was placed on the unit that it "shall not be occupied other than by the warden/estate manager for the Neaum Crag caravan site and his or her dependants." The stated reason for the condition being that planning permission for all year
round occupation was granted to meet the security needs of the caravan park. There is therefore manager’s accommodation at the site.

Application for additional manager’s caravan 2006

1.17 Planning permission was sought in 2006 (7/2006/5650) for a manager’s caravan and security barrier. That application was refused on the basis that: "The Authority is not satisfied that there is an essential need for 2 residential properties to serve the security and management needs of the Neaum Crag caravan park or that the need could not be met in any other way. Therefore the proposed development would be contrary to Policies H5, T12 and NE1 of the Lake District National Park Local Plan which seek to exercise strict control over new residential development in the open countryside and to protect the natural beauty of the National Park."

1.18 That decision was appealed (APP/Q9495/A/07/2049090) and the appeal dismissed in relation to the manager’s caravan. The Inspector accepted that a manager was required on site. He did however consider that "the current unit in use is not very large, but it does provide two bedrooms. It seems to me that problems with internal fitting out and heating system could be addressed without difficulty. The wish for a larger and better caravan appears to be a matter of preference rather than need." He went on to say that "However if a bigger unit has to be provided other solutions could be possible within the confines of the site........Even the site of the existing chalet would appear capable of housing a larger caravan, if perhaps not quite as long as the proposed unit. This would fill the plot much more than the existing, but without causing undue detriment to living conditions at neighbouring units, which would not be occupied on a permanent basis."

The current application 2009

1.19 In a discussion with the applicant to explore possible alternatives to the current proposal, and in particular to consider a larger unit on the existing site in line with the appeal Inspector’s views the applicant indicated that the current caravan that serves as manager’s accommodation (the 2005 permission) known as Little Water has been sold.

1.20 The current application is for a timber lodge building (not a caravan) to provide improved and larger managers accommodation within woodland opposite the main pool building. The building would be constructed on site. Piles would be used as foundations to minimise disturbance to tree roots. The piles would, due to the sloping nature of the site, vary in height above ground level from 2.97m at the south western corner to 0.25m at the north eastern corner. A stepped walkway would extend from the road up to the front door with services running under the walkway. The accommodation would consist of two bedrooms, one bathroom, one en-suite shower room, kitchen, lounge and reception area as well as a balcony.

1.21 Our Trees and Woodlands Advisor has no objections to the timber lodge as it will be constructed on site with no damage to the tree canopy and the method of construction with piles would minimise impact on tree roots. Ideally, rather
than develop a new lodge in a previously untouched part of the wood it would be preferable to see one of the existing lodges extended.

2 REPRESENTATIONS

2.1 Lakes Parish Council recommend approval on the grounds that this accommodation is necessary and proportionate for a site of this size. Three other comparable sites have manager’s accommodation. The Inspector at the last appeal recognised the need for a manager and any accommodation should be at the heart of the site. This application seeks to address this and will fit in well with other chalet accommodation. If approval is granted then a condition that this accommodation can only be used for the site manager and his family and may not be sold off separately should be applied. This condition should additionally be in perpetuity.

2.2 The Local Highway Authority has no objections.

2.3 We have received 2 letters of representation from caravan owners. The points raised are summarised as follows:

- The proposal effectively is on stilts which would be out of character with neighbouring properties. This has been done to protect tree roots but this sloping piece of land is unsuitable for such a proposal.
- Concern about precedent for other such proposals.
- Plan makes no provision for additional car parking.
- It would give a feeling of being overlooked to our chalet and surrounding chalets and loss of amenity.
- It would over dominate surrounding chalets perched on 3m high pillars and would be out of scale with surrounding buildings perched on knoll of rock. 7m high from ground level and 15m long.
- No account taken of character of the site of natural rockland and trees. And assumes trees retain their leaves all year which they do not.
- Concern over the impact of the trees and should consider shading effect on the liveability of the dwelling, impact on tree roots and location of services and pillars.
- The height of the building would require tree crowns to be lifted and may require trees removed in the future due to perceived safety reasons or shading of the site.
- Does not provide full disabled access for visitors or staff.

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy to 2021 Policies are:

- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)
- EM1 (A) (Landscape)
- EM1 (B) (Natural Environment)

The relevant saved Lake District National Park Local Plan Policies are:
• BE1 (Roof and wall materials)
• T12 (Warden's accommodation on static caravan sites)
• S5 (Public rights of way)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:

• H20 (Housing in the Lake District National Park)
• E37 (Landscape Character)

3.2 The proposal is for a permanent self contained dwelling, albeit for a manager within the approved boundaries of a caravan site, which makes it housing development. Policy H20 requires all housing to meet the identified housing needs of the locality. This particular dwelling has not been designed to meet the general housing needs of the locality instead the applicant is advocating that there is an exceptional need for a dwelling which he considers is necessary to house a warden on the caravan site. In my view the policy in the first instance against which the development needs to be assessed is Policy T12 of the Local Plan which specifically relates to warden's accommodation on static caravan sites.

Would the development conform to development plan policy relating to warden's accommodation on static caravans sites?

3.3 Policy T12 of the Local Plan deals specifically with warden/manager's accommodation on static caravan sites and sets out the exceptional circumstances where a dwelling in the open countryside could be acceptable. It states that permission to erect a dwelling to provide warden's accommodation within static caravan sites will only be granted in exceptional circumstances where all the four following criteria stated below are satisfied.

An essential need for such accommodation is demonstrated in terms of effective management or security

3.4 The Authority has accepted by approving year round occupancy of a caravan for the existing manager's accommodation at Little Water that some on site supervision is required which can be fulfilled by a manager and this was also commented on by the Inspector at a previous appeal. The need for on-site residential presence is currently met by the 2005 permission.

Such a need cannot be met in any other way, particularly by the conversion or adaption of an existing building or the use of a nearby dwelling

3.5 There has been a history of various manager's accommodation at this site with some sold off previously which culminated in an approval for all year use of a caravan in 2005 which is the current manager's accommodation. The Appeal Inspector in 2007 dismissed an appeal for further manager's accommodation. He did however offer views on how the existing arrangements might be improved.
that "the current unit in use is not very large, but it does provide two bedrooms. It seems to me that problems with internal fitting out and heating system could be addressed without difficulty. The wish for a larger and better caravan appears to be a matter of preference rather than need." He went on to say that "However if a bigger unit has to be provided other solutions could be possible within the confines of the site.......Even the site of the existing chalet would appear capable of housing a larger caravan, if perhaps not quite as long as the proposed unit. This would fill the plot much more than the existing, but without causing undue detriment to living conditions at neighbouring units, which would not be occupied on a permanent basis."

3.6 There is existing two bedroom accommodation and the wish for a bigger and better caravan is preference not need. It is the functional needs of the caravan site rather than the needs of any individual warden that are to be taken into consideration in the assessment of need. Notwithstanding that it is the needs of the site not the individual which are relevant it would be open to the applicant to exchange the existing caravans for a caravan of a higher standard. The supporting text to Policy T12 indicates where need for manager's accommodation is demonstrated we will resist the erection of new buildings for such purposes and will encourage the conversion of existing buildings where suitable or the provision of warden's caravan. In this case they have applied for a lodge which is a building not a caravan. They have also not fully explored the potential of the existing site for improved accommodation. We have indicated to the applicant that we should explore the existing warden's caravan site and potentially could consider a larger unit on that site. However the applicant has now indicated that it is not an option as the manager's caravan has now been sold. If this is the case and is genuinely no longer available as manager's accommodation this was a rash decision by the site operator. That caravan is restricted by condition and can not be occupied other than by a warden/estate manager and their dependents.

No harm would be caused to the visual amenities of the area or to the internal amenity or recreational value of the site

3.7 The proposed lodge is larger than surrounding caravans with additional reception area in addition to the more generous internal space. The proposed site is untouched woodland occupying a prominent rocky outcrop opposite the pool building and therefore in an area of high footfall and passing vehicles. The nature of the caravan site is that it consists of caravans and some chalets in a natural woodland setting. This site is sloping in nature and elevated above the access road. The building would be supported on piles due to the need to protect tree roots and the sloping nature of the site to provide a level floor. This elevates the south western end of the building by 2.97m above ground level and when combined with its siting above the road the building would therefore be visually prominent unlike most of the caravans on the site which tend to sit on the ground slope or are dug into the slope. The resultant building on stilts makes the structure very dominant and out of character with the rest of the site. The site is not adjacent to the public right of way through the site. However, it would be glimpsed from that right of way which passes to the west of the site. The raised siting of the lodge would be incongruous and out of character with the rest of the site where the siting of
caravans has been undertaken to minimise their impact. I consider that the proposed development would cause harm to the internal amenity of the area.

3.8 The proposed lodge would be visible from adjacent caravans and because of its height would result in some overlooking of the neighbouring caravans. However, I do consider that it would not result in undue detriment to the living conditions of those neighbouring units which are not occupied on a permanent basis.

3.9 The site is within the main caravan park boundary and located well away from the site boundaries. Assuming that no trees would be affected by the development I consider that the proposal would not have any detrimental impact on the visual amenities of the area outside the caravan park.

The building would be of a size and design appropriate for its intended use

3.10 Manager’s accommodation in the form of the timber lodge proposed is not excessive and the design appropriate for its use.

Are there any significant nature conservation interests?

3.11 A timber lodge could be constructed at the site without harm to the tree roots if in the building form is as suggested on piles. However, the additional height of the building could result in the need to remove tree branches to fit the lodge into the location. The permanent nature of the occupation of the building within such a wooded location could result in overshadowing and future requests for more pruning of the adjacent trees for greater light into the building. The site is a Cumbria Wildlife site and any reduction in tree cover would have some impact on wildlife habitat, but not so significant to warrant a refusal.

4 Conclusion

4.1 The Neaum Crag site has manager’s accommodation. The proposal fails to satisfy relevant development plan policy as there is not an essential need for the accommodation proposed. The proposed building would also harm the internal amenity of the site by reason of its elevated design.

Committee is recommended to:

REFUSE for the following reasons

1. In the absence of an essential need for the proposed dwelling, given that the site has existing approved manager’s accommodation, the development would be contrary to Policy T12 of the saved Lake District National Park Local Plan.

2. The proposed development in terms of its raised stilted design and elevated location would result in harm to the internal amenities of the caravan park
including users of the nearby public right of way and would therefore be contrary to Policy T12 and S5 of the saved Lake District National Park Local Plan.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5236
Applicant: Mr & Mrs Shanks
Date of Application: 14 May 2009
Type of Application: Full
Location: Wythen, Storrs Park, Bowness-on-Windermere, LA23 3LT
Grid Reference: 339430 493742 See Plan
Proposal: Alteration and extension to existing dwelling
District Council: Not consulted
Parish Council: See report
Highway Authority:

**RECOMMENDATION:** APPROVE with conditions

**REPORT:**

1 **BACKGROUND AND PROPOSAL.**

1.1 I am reporting this application to committee because we have received five objections to the proposals from nearby residents, Windermere Town Council have concerns and my recommendation is one of approval.

1.2 Built with rendered walls and a local slate roof, Wythen is a good-sized property situated in its own curtilage on Storrs Park, Bowness. Originally a two-bedroom bungalow stood on the site, built along with its neighbours as part of an exceedingly low density development in the early 1960's. All the properties have since been extended, with planning permission granted in 2000 for the extension of Wythen to its existing size.

1.3 This application seeks planning permission for the further extension of the property to provide additional living accommodation, including two new bedrooms, a study, games room and double garage. An existing courtyard to the rear of the building would be enclosed. The works would require the removal of an existing store to the rear of the house.

2 **REPRESENTATIONS.**

2.1 Windermere Town Council expressed concern about possible overdevelopment and overlooking of neighbours.

2.2 A number of objections have been received from five neighbouring owners. These letters raise four main objections. The first objection raised to the scheme is that surface water drainage and utilities for other properties run below the application site. I have raised this matter with the applicant, and whilst they have no record of services below the site of the proposed extension.
in the property deeds, they were undertaking further research and were services to be found they have offered an assurance they will be dealt with in an appropriate manner.

2.3 The second point of objection raised was that the plans originally submitted seemed to show the removal of the existing boundary hedge and the planting of leylandii. The applicant has confirmed this was an error upon the plans and revised plans have been submitted showing all existing hedges to be retained.

2.4 The third objection raised is that the proposed scheme would impact upon the amenity of neighbouring properties, in particular Herons Croft to the south and Spout Crag to the north. The objections cite the difference in levels between Herons Croft and Wythen as being a likely contributor to harm (although Herons Croft is set on a site elevated above Wythen). Concern was also raised that given the slope of the site the proposals would potentially overlook Spout Crag to the detriment of that property’s amenity.

2.5 The fourth main point of objection raised was that the proposals amounted to the overdevelopment of the Wythen site, with the proposed building being too large for the plot, such as to be unacceptable.

2.6 An ongoing boundary dispute and the impact the development would have upon property values were also raised in the letters received. Neither of these issues is a material planning consideration.

3 POLICY AND ASSESSMENT

3.1 The following policies are relevant to this application:

North-West of England Plan: Regional Spatial Strategy to 2021 policy:
- DP7 (Promote environmental quality)

Lake District National Park Local Plan 1998 saved policies:
- NE1 (Development in the open countryside)
- BE1 (Roof and wall materials)

3.2 As this application is for the extension of an existing dwelling, there are no contentious policy issues to consider. In my view the material considerations discussed below are the determining factors.

Is the design of the proposed scheme acceptable?

3.3 The proposed extension takes its design cues from the existing Wythen house, with low hipped slate roof forms ended by round timber finials, on rendered walls. A dormer window with Juliet balcony is proposed to the western elevation, along with two rooflights. A small dormer window is also proposed to the southern elevation. The design seeks to minimise the apparent height of the proposed extension by lowering the existing ground level.

3.4 In terms of the context of the existing property, I believe the design is wholly acceptable. It reflects the styling cues and built form of the existing house well, and seeks to use the contours of the site to minimise its bulk — indeed the roof
ridge of the proposed two-storey extension would be only 1.1m higher than the existing single storey car port roof. Whilst objectors note that Wythen used to be a small two bedroom bungalow, this character is now lost, the existing house feeling far grander. I am satisfied that the design in its own right is acceptable and that as a means of gaining the additional living space which is sought by the applicant, the scheme represents a reasonable way of achieving that. It must however also be considered whether the scheme as proposed would have a detrimental impact upon the character of the wider area and on the amenity of neighbouring properties.

**Would the proposed scheme unacceptably affect the character of the surrounding area?**

3.5 A concern raised by both neighbouring residents and Windermere Town Council is that the proposed scheme would represent an over development of the site. The proposed scheme would result in over half the site being developed with buildings and areas of hard standing. That a property develops a significant proportion of its plot, or grows considerably in size is not necessarily unacceptable however. There is no policy that restricts the extent to which a residential property can be extended in principle, nor is there a policy requirement to assess the need for the extension of a dwelling. Rather we must seek to identify what wider material harm would be caused by the development of a significant proportion of this plot.

3.6 Policy DP7 of the RSS states that schemes should seek to “understand and respect the character and distinctiveness of places and landscapes.” The character of the wider area around Wythen is undoubtedly one of openness, however this feeling comes not from the curtilage of Wythen (which is already fully enclosed by a large boundary wall to the south and substantial hedges to the east and north), but rather from the openness of the expansive garden of Willows that the shared drive passes through and the distant views to the fells beyond. The proposed scheme would not encroach into the open areas around Willows and thus this sense of openness within the site would remain. Views to the distant fells would also remain. Whilst there would undeniably be an increase in enclosure of this open space to some degree, given the existing boundary planting and arrangement of buildings in this area, I do not believe that the proposed scheme would create an unacceptable sense of enclosure.

3.7 When viewed on plan there is undoubtedly a significant proportion of the Wythen site being developed, I do not believe however that there would be sufficient resultant harm to the wider area for the application to be considered unacceptable.

**Would the proposed development adversely affect the amenity of neighbouring properties?**

3.8 APPENDIX A shows the relationship between Wythen and its neighbours.

3.9 The additional living areas proposed in this application are, in the main at ground floor level. The new hallways, courtyard, garden room and games room would not cause any detriment to the amenity of neighbouring properties because of the single storey nature of this element of the scheme.
3.10 The first floor of the proposed extension would feature two dormer windows and two velux windows. The front dormer would look across the existing hardstanding area in front of the property, and although the Wythen site is set above neighbouring Spout Crag, the separation between the new window and Spout Crag would be around 30m. I am satisfied that given this separation there would not be an unacceptable effect upon the amenity of Spout Crag.

3.11 With regard to the relationship between Wythen and neighbouring Herons Croft, Herons Croft is set on an elevated site above Wythen, and whilst the proposed extension would be visible from around Herons Croft, in my view the difference in levels will mean the proposed scheme will not be overbearing upon that property such as to affect its amenity.

Are there any other issues to consider?

3.12 As the proposed development would involve the demolition of an existing slate roofed store, along with works to the eaves and roof of the existing building, a bat survey was undertaken. The survey found no evidence of bats roosting at the property. I see no reason therefore to recommend specific conditions regarding the timing of the development.

3.13 Objectors have raised concern that a range of utilities run beneath the application site. I have raised this issue with the applicant who has no record of such services running beneath the plot. The possibility of services running beneath the application site does not however cause the scheme to be unacceptable, it is the method in which the works are carried out that would affect the services rather than the finished development. The applicant has stated that if services are identified within the site they will be dealt with appropriately. Assuming this is the case then I see no reason to withhold permission, nor (as the presence of utilities is suspected but not known) can I foresee any robust condition which could be applied to the development regarding safeguarding of utilities. In my view the onus lies upon the applicant to make contractors aware that utilities may be present upon the site, for works to be carried out in a conscientious manner, and for appropriate measures to be put in place during the course of works. I would suggest an informative reiterating these points may be appropriate in these circumstances.

3.14 Regarding the large silver birch tree adjacent to the application site, whilst the tree is a pleasing addition to the area, this tree is not specially protected nor is the tree itself on land within the applicant's control. Given that the tree is not protected the applicant could, at any time, cut back those roots which lie within his property boundary. This is a material consideration, and again, given the circumstances I do not believe it would be reasonable to attach a condition regarding this tree. I would urge the applicant however to take the appropriate precautions regarding the tree and I would recommend an informative to this end.

4 CONCLUSION

4.1 Whilst concerns have been raised by neighbours and Windermere Town Council regarding overdevelopment, although the proposed scheme would
create a significantly larger property, for the reasons outlined above, in my view
the proposed development will not cause harm to the wider character of the
area or to neighbouring properties so as to be unacceptable. I therefore
recommend the application is approved.

**Committee is recommended to:**

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration
   of THREE years from the date hereof.

   **REASON:** Imposed in accordance with the provisions of Section 91 of the

2. The roof of the building hereby permitted shall be of local slate (that is slate
   mined or quarried within the County of Cumbria) to match that used on the
   existing house. Such slates shall be of random sizes, laid in diminishing
courses from eaves to ridge and retained thereafter.

   **REASON:** To ensure a satisfactory standard of development in
   accordance with saved Policy BE1 of the Lake District National Park Local

3. The external walls of the building hereby granted permission shall be
   completed with a finish of roughcast in which the final coat contains a
preparation of fairly coarse aggregate thrown on as a wet mix and left rough.

   **REASON:** To ensure a satisfactory standard of appearance of the
   development by the use of traditional materials in accordance with Policy BE1
   of the Lake District National Park Local Plan.

**INFORMATIVE:**

The applicant and contractors should be aware that utilities and services may run
below the application site. Appropriate measures and safeguards should be put in
place to prevent harm or damage to such utilities should they be present.

Due care should also be taken when working around the silver birch tree on the
neighbouring site. Works should be carried out in accordance with the guidance
contained within BS5387 with appropriate measures put in place to prevent harm to
the tree from excavation and construction, including concrete works.

**Summary of Reasons for Approval**

Having regard to the relevant development plan policies, in particular Policy DP7 of
the North-West of England Plan: Regional Spatial Strategy to 2021 and Saved
Policies NE1 and BE1 of the Lake District National Park Local Plan 1998, it is
considered that the proposed scheme will not cause unacceptable harm to the character of the area or to the amenity of nearby properties and is therefore acceptable subject to the conditions imposed.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5267
Applicant: Mr B Porter
Date of Application: 28 May 2009
Type of Application: Full
Location: Unit 1, Rothay Holme, Ambleside, Cumbria
Grid Reference: 337256 504013  See Plan
Proposal: Temporary change of use to soft play centre for 3 years
District Council: Not consulted
Parish Council: See report
Highway Authority: See report

RECOMMENDATION: REFUSE for the following reasons

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Development Control Committee as my recommendation conflicts with the views of Lakes Parish Council.

1.2 The building is a stand alone industrial unit at the entrance to Rothay Road Industrial Estate on the south western edge of Ambleside within the development boundary. The building is a typical industrial building of render walls with profile sheet cladding to the upper part and roof. The floor area is 350m². The building has a small parking area for 6 cars.

1.3 There is a large car park at Miller Field approximately 90m to the north of the site and another smaller car park immediately to the north of the site, this is also a coach park. The site is approximately 500m from the central area of Ambleside.

1.4 The proposal is for a temporary change of use for a 3 year period from industrial use to indoor soft play centre. The building would provide a seating area for parents whilst their children use the play equipment and includes a smaller play area for toddlers. The applicant has provided supporting information in relation to the Ambleside and Waterhead masterplan in terms of providing facilities for young children, in an accessible location close to car parks and 10 minutes walk from local housing, and providing local employment.

1.5 The building has previously been used as a distribution warehouse for Gaynor Sports. They moved out in October 2008 and it has been advertised to let since November 2008. Gaynors still have a lease until 2013 and wish to sublet the property and they submitted a statement in support of the
application with the application documents stating that access to the site is impractical for industrial use. The applicant has provided marketing details and spoken to the Regeneration Officer at South Lakeland District Council.

1.6 A previous application for change of use to soft play area earlier this year was withdrawn.

2 REPRESENTATIONS

2.1 No representations have been received as a result of the site notice.

2.2 Lakes Parish Council recommend approval as it would be an added amenity for people of the area, provided adequate fencing is provided to the rear.

2.3 The Local Highway Authority is opposed to this development which they consider is not compatible with the remainder of the use as industrial estate. They comment that though the site is quite close to a car park there is no direct footway from the car park to serve the development. Pedestrians will have to share the car park exit and cross the coach park, similarly pedestrians walking from the village will have to negotiate the estate road and car park junction. Parking and dropping off is quite restricted and is likely to overspill onto the estate road. A fun factory in Kendal permitted on an industrial estate and the additional vehicle activity has been a source of conflict between users of the fun factory and other users of the estate.

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy to 2021 Policies are:

- DP7 (Promote Environmental Quality)
- RT2 (Managing travel demand)
- RDF2 (Rural Areas)
- L1 (Health, sport, recreation, cultural and education service provision)
- DP5 (Manage travel demand, reduce the need to travel and increase accessibility)

The relevant saved Lake District National Park Local Plan Policies are:

- E2 (Loss of existing employment sites)
- S2 (New recreational facilities)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:

- EM14 (Development of employment land for other purposes)

3.2 There are three issues to consider in the determination of this application.

- Would the development accord with development plan policies relating to safeguarding employment sites and if not are there
any material considerations to allow the proposal contrary to those policies?

- Would the development accord with recreational policies?
- Would the development result in highway safety concerns?

**Would the development accord with development plan policies relating to safeguarding employment sites and are there any material considerations to allow the proposal contrary to those policies?**

3.3 Policy E2 of the Local Plan indicates that proposals which would result in loss of existing business/industrial sites and buildings will not be permitted unless the continued use of the site or building would perpetuate unacceptable problems relating to traffic generation, noise or disturbance to amenity. I am not aware that the past use of the site has resulted in any of the above concerns and therefore under Policy E2 the proposed change of use to a leisure use, soft play area would be contrary to Policy E2 of the Local Plan.

3.4 Policy EM14 of the Structure Plan indicates that within the National Park permission will not be given for redevelopment or use for other purposes of land or buildings with an established B1, B2 or B8 use (industry, business, storage and distribution), unless it can be demonstrated to be unsuitable for business purposes or exceptionally viable alternative are readily available in the locality. Gaynors, the previous users of the site have indicated that access to the site via the local road network makes it impractical for industrial use however there are many other industrial units close by which are served in some cases by large vehicles, which do not appear to find the location problematical. The site is close to other premises which appear to be thriving and therefore I am not convinced that this site is unsuitable for business purposes. I am not aware that there are other viable alternatives. Therefore under Policy EM14 the proposed change of use to a leisure use, soft play area would be contrary to Policy EM14 of the Structure Plan.

3.5 The proposed development is contrary to employment policies which seek to safeguard premises of this type for industrial, business and storage uses and therefore would warrant refusal unless there are other material considerations which indicate it could be approved contrary to policy. The property has been empty since October 2008 and has been marketed since November 2008. The letting agent for the property has provided details of marketing and any interest in the site since November. There has been only one expression of interest from a Pottery company who wanted to manufacture and retail from the site. That initial interest has not progressed any further. The agent indicates that given the current economic situation the demand for such premises is extremely depressed. The applicant states that the Regeneration Officer for SLDC has indicated that if the premises have been empty for 6 months then there is little demand for a unit of this size. The question is whether given the current economic situation the marketing period since November 2008 is sufficient to indicate that there is no need for such premises sufficient to make a decision contrary to policy. I am not convinced of this.
3.6 The applicant has applied for a temporary permission for three years. If the premises is difficult to rent as industrial premises given the current economic situation, is there a case for a temporary leisure use rather than leave the building empty? A temporary leisure use would secure a use and employment at the site for a period of three years. However if the economic situation changed within that period then an employment site would be lost which could provide non tourism related employment and therefore broaden the economic base of Ambleside. Also once a temporary consent had been granted it might be difficult to revert back to an employment use as the leisure use of the building has become accepted in the community. The proposed leisure use would provide indoor facilities for young people for which Ambleside is not well provided for and such soft play areas require large buildings and some such uses have occurred within industrial sites outside the National Park. There is however sometimes a problem of compatibility with other surrounding industrial uses in terms of level of activity and could cause conflict with existing industrial users.

Would the development accord with Policy S2 of the Local Plan?

3.7 Policy S2 of the Local Plan indicates favourable consideration would be given for the improvement or provision of new recreational facilities to meet the needs of the local community provided the development satisfies all of five criteria including that the proposal would not conflict with Policy E2 which aims to protect existing business/industrial premises or land. This proposal would not satisfy that criteria and therefore the development would be contrary to Policy S2 irrespective of whether it satisfies any other of the listed criteria, Policy S2 also requires new recreational development to have satisfactory access and car parking arrangements. These will be considered in the following section.

Would the development result in highway safety concerns?

3.8 The proposed use as soft play area would permit a large number of children to occupy the site at any one time. The applicant has not specified maximum number of children but has indicated 12 sets of tables (48 seats) for parents to sit at whilst the children play. There is very limited parking at the site and therefore there would be a reliance on public car parks in the area. The road to the industrial estate has parking restrictions, although there is a section unrestricted close to the site. Large vehicles access the estate therefore any on-street parking even dropping off could cause conflict with the movement of these larger vehicles. The Local Highway Authority has expressed concerns over the proposal as another similar use on an industrial estate in Kendal has caused problems for other businesses on the estate as it is so popular.

3.9 Many journeys to the site could be on foot as the site is only 500m from the town centre. The site is easily accessible from residential areas. These factors suggest that this is a good location in accordance with Policy RT2 of the RSS which seeks to reduce the need for travel and there is no other such facility that I am aware of in Ambleside. There is however a problem of continuity of footway to the site. Increased pedestrian footfall, particularly small children, where there are large vehicles manoeuvring and no footpath
is not an ideal situation and the Local Highway Authority have indicated they are opposed to the development on the basis of lack of footway adjacent to the site and from the public car parks.

4 CONCLUSION

4.1 The proposal would provide a useful facility for young residents and visitors alike. Policy supports this type of use but not where it would result in the loss of this type of premises for industrial, business or storage and distribution uses. I am not persuaded that there are material considerations to set aside the safeguarding policies, particularly given the views of the Local Highway Authority in respect of highway safety and convenience including the less than ideal arrangements for pedestrians.

Committee is recommended to:

REFUSE for the following reasons

1. The proposed change of use to a leisure use would result in loss of an employment site. This is contrary to extended Policy EM14 of the Cumbria & Lake District Joint Structure Plan 2001-2016 and saved Policies E2 and S2 of the Lake District National Park Local Plan. These policies seek to retain employment sites, falling within Use Classes B1, B2 and B8 (Industrial, Business and Storage and Distribution), as there are limited numbers of such premises in the Ambleside area, and also seeks to maintain and broaden the economic base of the Lake District.

2. The proposed development would result in a large number of vehicles visiting the site which has limited car parking and would give rise to additional vehicles waiting in the carriageway. This would cause interference with the free flow of traffic to the industrial estate to the detriment of highway safety and the lack of adequate footways linking car parks to this site would give rise to conflict between pedestrians and vehicles causing danger to highway users.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.