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Planning Application no. SL/2020/0579

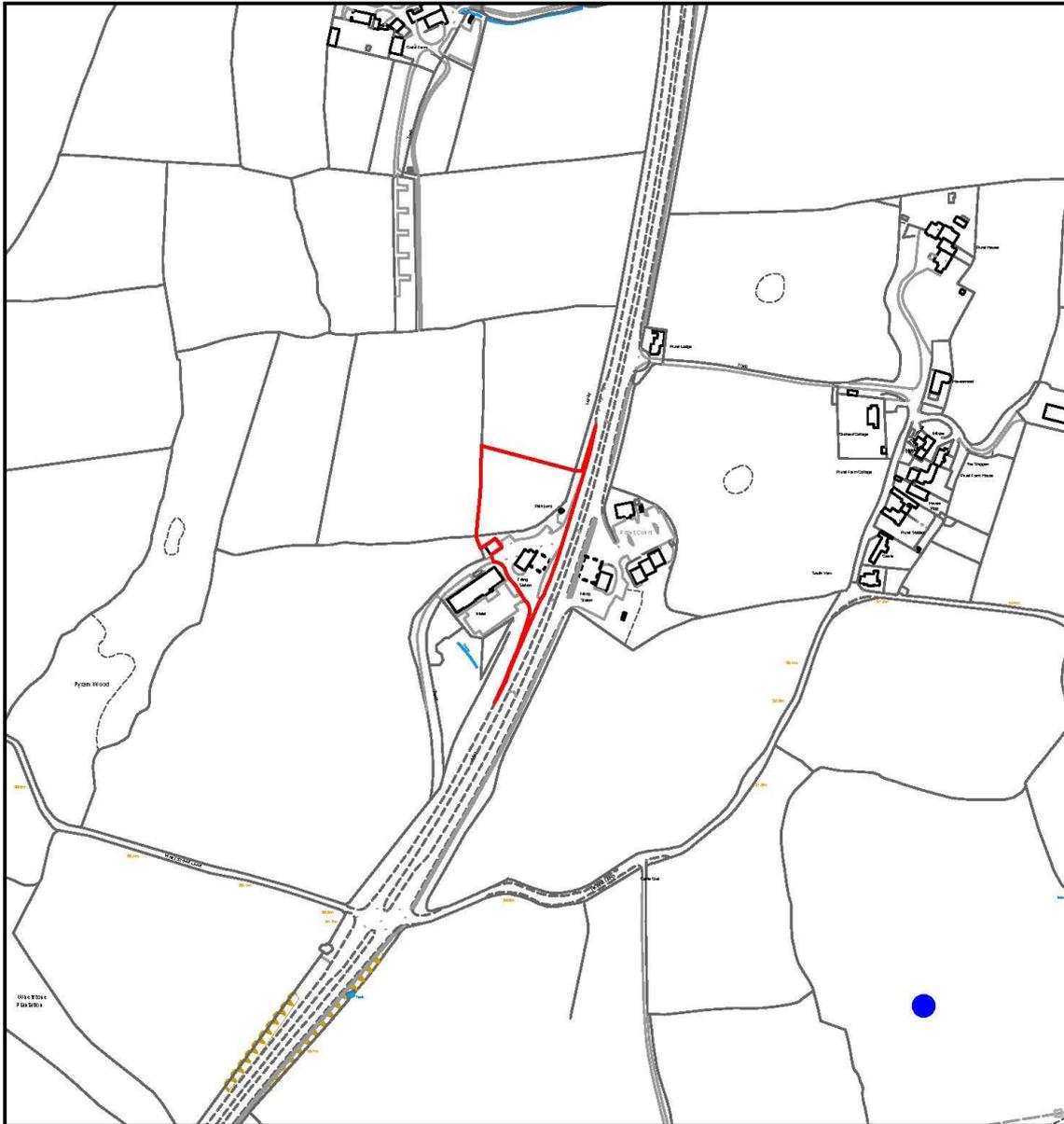
Helsington Prizet Filling Station  
Helsington Kendal

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## Contents

|  |    |
|--|----|
| Planning Application no. SL/2020/0579.....               | 1  |
| Helsington Prizet Filling Station Helsington Kendal..... | 1  |
| Summary.....   | 3  |
| Recommendation.....                                      | 4  |
| 1.0 Description and proposal.....                        | 4  |
| Site Description.....                                    | 4  |
| Proposal.....  | 5  |
| 2.0 Consultatons.....                                    | 5  |
| Helsington Parish Council.....                           | 5  |
| Cumbria County Council Highways and LLFA.....            | 5  |
| Council Tree Officer.....                                | 6  |
| Natural England.....                                     | 6  |
| Friends of The Lake District.....                        | 6  |
| Neighbours/Others.....                                   | 7  |
| 3.0 Relevant planning history.....                       | 7  |
| 4.0 Relevant planning policies.....                      | 8  |
| National Planning Policy Framework.....                  | 8  |
| Local Development Policies.....                          | 8  |
| 5.0 Assesment.....                                       | 9  |
| Principle of Development and Local Plan Policy.....      | 9  |
| Employment Opportunities.....                            | 11 |
| Expansion of the Roadside Services.....                  | 11 |
| Electric Charging Points.....                            | 12 |
| Accessibility.....                                       | 13 |
| Impact on The Rural Landcape.....                        | 14 |
| Appeal Decision.....                                     | 15 |
| Bio Diversity.....                                       | 15 |
| Drainage: Surface water and Foul.....                    | 16 |
| Planning Balance and Conclusions.....                    | 16 |
| 6.0 Recommendation.....                                  | 17 |



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**SL/2020/0579**

**Prizet Filling Station Northbound  
Helsington  
KENDAL**

Scale: 1:2500

## Summary

SL/2020/0579

PARISH: Helsington

Prizet Filling Station Helsington KENDAL LA8 8AA.

PROPOSAL: Extension of Prizet Service Station to include drive-thru Costa restaurant, 8 no. high-speed electrical vehicle charging points, car parking, landscaping and associated infrastructure (Resubmission of SL/2020/0195)

APPLICANT: Simon Hockings

Grid Ref: E: 350656 N: 489157

Committee date: 28th January 2021

Case Officer: Nick Howard

The proposal seeks full planning permission for the erection of a drive-thru coffee shop with the provision of a car park comprising 31 spaces and eight electric charging points.

The site is located on the northbound side of the A591 at Prizet Roadside Services located to the south of Kendal. The site is located in open countryside.

The application is a resubmission of a previous application (reference SL/2020/0195) which was for a drive-thru and office block with the provision of 44 car parking spaces. This application was considered by members in July 2020 and was refused planning permission.

The current application has been referred to committee as the application has been 'called in' by Councillor Cornah.

## Recommendation

The recommendation is to refuse the application for the reasons set out at the foot of the report.

## 1.0 Description and proposal

### Site Description

- 1.1. The application site relates to the northbound section of Prizet Roadside Services, which sits approximately 3.5km south of Kendal on the A591 and 6.5 miles north-west of Junction 36 of the M6 motorway. The roadside services currently include a garage with a canopy, an existing workshop to the rear and a Travelodge located to the south. The site is surrounded by open countryside to the north, west and south with the A591 forming the eastern boundary.

- 1.2. On the opposite side of the road, the southbound services consist of a garage with a canopy, three office units and a retail unit. The settlement of Prizet, which comprises a group of dwellings lies to the east and is remote from the service stations straddling the A591.
- 1.3. The planning application site comprises both parts of the existing roadside services and the adjacent agricultural grazing/silage field located to the north of the existing service station.

## Proposal

- 1.4. The proposal seeks full planning permission for the expansion of the roadside services offer through the addition of a drive-thru coffee shop, additional car parking and the provision of electric charging points. The proposal includes a car park for 31 vehicles. The car park will feature two disabled parking bays and eight electric vehicle charging point spaces, as well as cycle parking.
- 1.5. The proposed coffee shop is a single storey building with mono-pitch roof and will utilise local limestone for their walls, to reflect the local vernacular tradition. The applicant is proposing the planting of a new native hedgerow, trees, meadow grass and wildflowers in the northern area of the site.

## 2.0 Consultations

### Helsington Parish Council

- 2.1. Helsington Parish Council support the planning application following the removal of offices from the scheme

### Cumbria County Council Highways and LLFA

- 2.2. We recommend that this proposal can be approved with conditions. The application is a revision to SL/2020/0195 with the office element removed. The highway details and drainage strategy are as had been agreed in that application (with minor technical revisions where necessary).
- 2.3. The site is located off the northbound carriageway of the A591 just to the south of Kendal. It is accepted that there will be little increase in traffic on the A591 but there will be increased use of the access and exit of the filling station. Improved access and exit tapers (to 100m length) are proposed because of this increased use an existing signage is to be amended to improve visibility.
- 2.4. Runoff from the development will be discharged into the highway drainage system at the greenfield rate for the site. Flows from the existing greenfield site already reach the highway drainage system and the drainage design includes partial infiltration, delivering benefits in excess of greenfield rates for a

100-year design life. A bund protects the drainage system from off-site flows without increasing flood risk elsewhere. The drainage design decreases flood risk at Whetstone culvert and other locations downstream of the site.

- 2.5. The proposal is in the same field as a public footpath but it is at the opposite end of the field and the permanent works do not affect the footpath. It needs to be ensured that construction activities also do not interfere with the nearby public footpath.

## Council Tree Officer

- 2.6. If approved the applicant should submit a full planting specification for the proposed trees, hedge and grassed areas for approval in writing. These should include timing of planting, planned aftercare and maintenance of the newly planted trees, hedges and grassed areas, and the specification for the trees to be planted (sizes, species and locations should be confirmed).

## Natural England

- 2.7. No objections

## Friends of The Lake District

- 2.8. Object on the grounds the proposal conflicts with the declaration of Climate Emergency made by SLDC. It will encourage people to drive to the site (e.g. for employment) and will help to perpetuate the culture of car-based travel and lifestyles, rather than helping to address these issues. The impact of developing greenfield land and creating new reasons for people to drive to the site would minimise if not remove any environmental benefits associated with the proposed wildflower meadow and electric charging points. The proposal is therefore in conflict with CS01 bullets 6 and 11 and the Council's policy on climate change.
- 2.9. It is also in conflict with CS1.2, which states that development in the open countryside is to be exceptional. The application does not demonstrate that the proposal qualifies as an exception. Drive-thru coffee shops do not have an essential requirement for a rural location. Whilst the proposal may sustain an existing business as suggested in the Design & Access statement, the criteria requires the proposal to be needed i.e. essential in order to sustain an existing business.
- 2.10. The provision of electric charging points could be made on the existing site without the development of a new drive-thru coffee shop and so this should not be used as justification. Nor should the provision of a hot breakfast for Travelodge customers because as the Design & Access statement confirms (para 1.10.1) the petrol station on both carriageways already 'accommodate the usual array of convenience products and hot food'.
- 2.11. Similarly, the fact that 'up and down the country there are now hundreds of drive-thru coffee restaurants' should not be used to justify another.

Climate change has reached the levels it has in part due to our car based and convenience led throwaway culture. Additionally the site is less than 370 metres from the boundary of the Lake District National Park and firmly within its setting. This key gateway to the area should be conserved and enhanced to ensure it remains locally distinctive and not developed to resemble 'hundreds' of other locations. CS8.2 requires that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance the special qualities of the environment associated with the nationally designated areas of the National Parks and Arnside and Silverdale AONB including their settings.

- 2.12. The conflicts with local policy and the declaration of climate emergency are not outweighed by the limited amount of employment that the development will provide.

## Neighbours/Others

- 2.13. No representations received from neighbours

## 3.0 Relevant planning history

- 3.1. There are a number of planning applications relating to both the northbound and southbound service stations, which straddle the A591. The notable ones are as follows:
- SL/2020/0195- Extension of Prizet Service Station to include drive-thru Costa restaurant, offices, car parking with electric charging points and associated site works-Refused July 2020.
  - SL/2005/0188 43 bed Travelodge with associated car parking and landscaping- Approved (Northbound services)
  - SL/2005/1416 Change of use from a café (Little Chef) to offices (Class B1) [2019 - Pure Stone: bespoke tiling/flooring shop] (Southbound services)
  - SL/2012/0466 Construction of three two-storey office buildings together with associated car parking, landscaping and external works-Approved (southbound services)
  - SL/2014/0793 Former Little Chef building: change of use from offices (Class B1) to retail (Class A1) [2019 - Pure Stone: bespoke tiling/flooring shop]-Approved (southbound services)
  - SL/2016/0824 Construction of 3 two-storey office buildings together with associated car parking, landscaping and external works (Resubmission SL/2012/0466) Approved (south bound services)
- 3.2. Reference to some of the applications will be made later in the report

## 4.0 Relevant planning policies

### National Planning Policy Framework

Chapter 2, Achieving sustainable development

Chapter 7, Ensuring the Vitality of Town Centres

Chapter 9, Promoting Sustainable Transport

Chapter 12 Achieving well designed places

Chapter 14, Meeting the challenge of climate change, flooding and coastal change

### Local Development Policies

#### South Lakeland Core Strategy Policies (CS)

CS1.1 Sustainable development principles

CS1.2 The development strategy

CS2 Kendal Strategy

CS7.1 Meeting the employment requirement

CS7.2 Type of employment land required and sectoral split

CS7.4 Rural Economy

CS8.8 Development and flood risk

CS8.10 Design

CS10.2: Transport impact of new development

#### Land Allocations Development Plan Document

LA1.0 Presumption in favour of sustainable development

LA1.1 Development boundaries

#### South Lakeland Development Management Development Plan Document Policies (DM)

DM1 – General Requirements for all development

DM2 – Achieving Sustainable High Quality Design

DM4 – Green and Blue Infrastructure, Open Space, Trees and Landscaping

DM5 – Rights of Way and other routes providing pedestrian, cycle and equestrian access

DM6 – Flood Risk Management and Sustainable Drainage Systems

## 5.0 Assessment

### Principle of Development and Local Plan Policy

- 5.1. The application seeks full planning permission for a drive-thru Costa coffee shop together with a car park consisting of 31 spaces, which will serve the building. The building will be single storey comprising a mono pitch roof. Previously in July 2020 planning permission was refused for a drive-thru coffee shop and office unit. This resubmission is solely for a drive-thru coffee shop.
- 5.2. Within the car park, the proposal consists of eight electric vehicle charging points. The applicant has stated the proposals will provide a safer environment for electric vehicle drivers, general motorists and other car occupants, as they will provide the option to use the parking/facilities centred around the coffee shop, thereby removing pedestrians from the petrol filling station forecourt. As there will be less interaction with re-fuelling vehicles within the forecourt area, this will also help ease pedestrian/vehicle conflict.
- 5.3. With regard to the existing service station, whilst there are no proposed alterations to the access to the services from the A591, the application includes the repositioning of the totem signage associated with the petrol filling station.
- 5.4. The National Planning Policy Framework defines a drive-thru restaurant as a main town centre use. Paragraph 86 of the Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 5.5. The applicant states that whilst they have been encouraged to provide a sequential test on alternative sites in Kendal they cannot see the justification in encouraging drivers to divert from their planned route to add further congestion to the Kendal town centre. They have therefore not provided a sequential test. However, the Framework clearly sets out the government's policy that a sequential test is required to justify an out of town location. Officers held a post committee meeting with the applicant following the previous refusal and recommended that a sequential test in line with the Framework's requirements was carried out and a report submitted to support the proposal. Clearly, the applicant has rejected this advice and overall the supporting statement has been little altered (apart from the removal of the office proposal) since the previous application and therefore represents a poor submission. Furthermore, it should be noted

that the development boundary for Kendal extends to the west close to the A591 and therefore other edge of centre locations could and should have been considered instead of an out of town location.

- 5.6. Policy CS1.1 of the Council's Core Strategy refers to Sustainable Development Principles. Given the site is located in open countryside one of principles set out in the policy is "it is vital to protect the countryside for its intrinsic beauty, diversity and natural resources and also for its ecological, geological, cultural and historical, economic, agricultural, recreational and social value." Furthermore, "most new developments should be directed to existing service centres where there is adequate service and infrastructure capacity to accommodate the required levels of development. Where necessary, ensure the provision of further physical, social and green infrastructure to support growth."
- 5.7. The policy also sets out a sequential approach to development which is: first, using existing buildings (including conversion) within settlements, and previously developed land within settlements; second, using other suitable infill opportunities within settlements; and third, the development of other land where this is well located in relation to housing, jobs, other services and infrastructure. The proposal does not use any existing buildings, the site is not previously developed land and the site is remote from any settlements. Furthermore, Policy LA1.0 of the Council's Land Allocations DPD sets out the presumption in favour of sustainable development. For the reasons set out above the site is not considered to be in a sustainable location and therefore the proposal is contrary to Policies CS1.1 and LA1.0.
- 5.8. Policy CS1.2 sets out the Council's development strategy. The policy states development will be concentrated in settlements; in this case, the nearest settlement is Kendal. However, the policy also states that exceptionally, new development will be permitted in the open countryside where it has an essential requirement for a rural location, is needed to sustain existing businesses, provides for exceptional needs for affordable housing, is an appropriate extension of an existing building or involves the appropriate change of use of an existing building. The proposal for a drive-through coffee shop does not essentially have to be located in a rural location. Furthermore, no financial evidence has been submitted to demonstrate that the proposal is required to sustain the existing roadside service business. The proposal is therefore contrary to Policy CS1.2.
- 5.9. The applicant has referred to Policy CS2 in support. They indicate that the Core Strategy states it would like to see explored, "canal-based developments complementing and linking with the [Kendal] town centre" (para 3.32). However, paragraph 3.32 of the Core Strategy refers to the regeneration of the former Kendal Canal Head area which will be delivered through the preparation of an Area Action Plan (AAP). The extent of the AAP is identified and the site is located well to the south of Kendal and outside the AAP. The reference to the linkage with the Lancaster Canal is dealt with below.

- 5.10. The applicant further considers that as the Core Strategy is silent in terms of a policy on roadside services, paragraph 11, d), ii) of the Framework is consequently triggered, and the Local Planning Authority must apply the presumption in favour of sustainable development. The Council has a number of policies relating to proposed development in the countryside. These do not always mention specific forms of development. Instead, a general approach that mirrors that of the Framework is used to ensure the plan can be flexibly applied to accommodate development that is truly sustainable in terms of Impact and location. Precise forms of development do not need to be listed. For example, Core Strategy Policies CS1.1 and CS1.2 manage appropriate new development in suitably sustainable locations without prescribing those developments. This is a common approach taken in development plans throughout the country. Notwithstanding this, the proposal is limited in its connection to roadside services. The drive-thru coffee shop has a limited role in facilitating the expansion of the existing roadside services. Therefore Paragraph 11,d, ii) is not triggered in this case.
- 5.11. With regard to Policy CS7.4, which refers to the rural economy, the applicant considers the proposal complies with the 'spirit' of the policy. The policy states that support will be given to the economic needs of rural communities by encouraging amongst other things the retention or expansion of appropriate businesses outside the service centres. However, the proposal is not considered to be an expansion of the existing business. The self-contained drive-thru coffee shop represents a stand-alone development, which has limited linkage with the existing service station facility. The proposal therefore does not comply with Policy CS7.4.
- 5.12. Overall, the proposal is contrary to Policies CS1.1, CS1.2, CS2 and CS7.4 and the principle of development is not acceptable.

## Employment Opportunities

- 5.13. The applicant states that material weight must also be attributed to the provision of employment opportunities in the rural area. Whilst the coffee shop may not be recognised as a traditional employment use when considered against the Use Classes Order, the applicant states it will provide around 15 new jobs. These are likely to be filled by people from the local area.
- 5.14. Officers accept that the proposal will create a number of local jobs and this weighs in favour of the development. However, the weight attached to this material consideration is modest due to the relatively low numbers involved.

## Expansion of the Roadside Services

- 5.15. The applicant has stated that in the interests of improving road safety, the Department for Transport Circular 02/2013 identifies a need to ensure that enough roadside services are provided along the strategic road network. In support the applicant states that whilst forming part of a rural area, the site

is located on a busy A-road (A591) and approximately 6.5 miles from Junction 36 on the M6 motorway, on a section of road, which offers a gateway to the Lake District National Park. The proposal predominately seeks to offer services to motorists on the strategic road network, for which there are no other specific alternative facilities that do not require a detour. In particular, the provision of indoor seating facilities.

- 5.16. The annex to Transport Circular 02/2013 states that motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. However the annex also states the network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. The annex also states that in determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Therefore, it is important to consider that as the proposal is described as improving roadside services, the location of the nearby sites are in accordance with the spacing criteria. To the south is Burton services located on the M6 and to the north is Ings service station (within the National Park) which also has a sit down facility. The distance between the two is 19.1 miles, which represents a 26-minute drive time (obtained from AA route planner). This is below the 30-minute spacing requirement. Therefore, in accordance with the Circular the Local Planning Authority to do not need to consider the merits of the spacing between roadside services when assessing the expansion of the roadside facilities of the application site.
- 5.17. Paragraph 104 of the Framework provides for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. However, the proposal is not considered to represent a large-scale transport facility. This is reinforced by footnote 42, which specifically excludes roadside services, as 'most such proposals are unlikely to be nationally significant infrastructure projects'.
- 5.18. Overall the proposal to expand the roadside services has not been clearly demonstrated to justify its acceptance and therefore the Circular and Paragraph 104 of the Framework are not relevant to the determination of this application.

## Electric Charging Points

- 5.19. The proposal includes the provision of electric vehicle charging points. This provision is supported in the Framework. The applicant has highlighted deficiency of rapid electric car charging points on this part of the strategic road network, along 'the gateway to the lakes'. The applicant states that when travelling north, after the Burton-in-Kendal motorway services there are no rapid-

charging points until Ambleside. Moreover, whilst charging facilities are available in Kendal, these would necessitate an unreasonable detour off the A591. It is deemed that to encourage the take-up of electric vehicles and promote sustainable travel, appropriate enough facilities should be available directly on the strategic road network. In response, there are facilities within Kendal where drivers can make a slight detour to charge their vehicle. Furthermore, there is no reason why the charging facilities could not be placed within the site without the need for a drive thru. The charging points could be provided as a refurbishment of the existing service station. This issue has not been addressed in the applicants supporting statement. The provision of eight vehicle-charging points weighs in favour of the development but again this weight must be limited due to the nearby alternative in Kendal.

## Accessibility

- 5.20. The applicant considers the application site offers a genuinely accessible location, given it is serviced by public transport (bus route/bus stop). The nearest bus stop is located to the north of the site and is linked by a narrow grass path located close to the road. Although the distance is relatively short between the site and the bus stop, it is not a particularly attractive walk given the proximity to a busy road. With regard to cycling, although the proposal includes cycle parking, the A591 is not a desirable road to cycle. The narrow path adjacent to the southbound carriageway is used by cyclists but is not a designated cycleway and notwithstanding this, cyclists would have to cross the dual carriageway to enter the site. It is therefore considered, given the location of the site, the primary mode of transport for the workers at the drive thru would be by car. The applicants supporting statement does not identify where the the non-car borne passengers will come from. The nearest settlement is Kendal and it is not considered that pedestrians or bus passengers would want to use the facility when travelling from Kendal when the settlement offers far more services.
- 5.21. Within the applicant's supporting statement is the reference to the 'Northern Reaches' of the Lancaster to Kendal canal stretch from Tewitfield, South of Burton in Kendal, to Canal Head in Kendal. The applicant considers the provision of a coffee shop will also help service users of the 'Northern Reaches' of the Lancaster Canal: both future users following the canal's proposed restoration and current users on the former towpath, which endures as a public footpath. The supporting statement identifies that the site is located 740 metres from the canal. However, this distance is a straight line taken between the two. The actual distance using lanes and footpaths is about 1.2km. Furthermore, the footpath leading from the canal emerges about 160 metres onto the A591 to the north of the site. Therefore, walkers would have to walk alongside a busy dual carriageway to visit the coffee shop and then return back to the footpath or continue south for another 370 metres to the junction with Hawes Lane/Whestone Lane. Although there are footpaths to the north and south of the site they require the walker to either

walk on a narrow grass verge along the northbound section or to walk on a narrow path on the southbound section and then cross a busy dual carriageway to visit the site. It is therefore highly unlikely that walkers on the canal are going to travel to the site for a coffee, given the distance, the awkward journey to get there and the dangers of crossing a dual carriageway. Overall, it is not considered the proposal is particularly accessible to non-vehicle modes of transport and therefore it is concluded the site is not in a sustainable location.

## Impact on The Rural Landscape

- 5.22. Policy CS8.10 requires the siting, design, scale and materials of all development to be of a character, which maintains or enhances the quality of the landscape or townscape and, where appropriate, should be in keeping with local vernacular tradition. Policy DM1 sets out the general requirements for development. Policy DM2 sets out design principles to ensure the district's characteristics and qualities are maintained and enhanced.
- 5.23. Paragraph 7 of Policy DM2 requires new development to be well proportioned, positioned and in scale with its surroundings taking into account topographical features by ensuring the topography of the site informs the orientation, height, siting of buildings and features, as well as the space between these.
- 5.24. The applicant has stated that the proposal will protect the visual character of the landscape through the use of a single storey building with a mono-pitch roof, which is not intrusive or prominent within the immediate rolling landscape. For the materials, the building will use local limestone for the walls to reflect the local vernacular tradition. The applicant further considers that the attendant planting of new native hedgerow, new trees, meadow grass will help to enhance the landscape.
- 5.25. The proposal includes a portion of the adjacent field to the north of the service station. The field slopes gently up away from the road and therefore the proposed floor level of the drive thru will be about one metre above the level of the road. The proposal includes the retention of a small group of trees and shrubs close to the entrance to the site, however, the road frontage of the host field is open with a post and rail fence marking the boundary.
- 5.26. The site will be particularly visible when approaching the site from the north either on the southbound carriageway or on foot from the bus stop or the footpath located along the northern boundary of the host field. In addition, the applicant is encouraging people to walk from the footpath leading to the canal and therefore walkers will be able to view the proposal as they walk alongside the road. From the north the proposal will be completely open to view and will be slightly elevated above the road, in respect of the drive-thru. The proposal includes new planting along the northern boundary, however, this will take time to mature and even in the long term the building, although single storey in height will be

prominent in the rural landscape due to its close proximity to the road and its elevated siting.

- 5.27. The prominence of the proposed building is exacerbated in that it is located separate from the existing service station. This is despite a request at the post committee meeting with officers to locate the building closer to the existing buildings, thereby reducing the encroachment into the countryside and limiting its impact. Furthermore, there has been no justification provided as to the overly large size of the car park which creates the significant separation between the proposed building and the existing buildings.
- 5.28. The proposal will therefore be harmful to the rural landscape and be contrary to Policies CS8.10, DM1 and DM2.

## Appeal Decision

- 5.29. The applicant has included an appeal decision which was for a drive-thru coffee shop in Baynards Green Oxfordshire in support of the proposal. Each proposal has to be determined on its merits, however the proposal was purely for a drive-thru and car park. The A43 to which the site was situated is a major trunk road linking the M40 to the M1 and the Midlands. In contrast, although the A491 is an important road linking the M6 with Kendal and the Lake District it is not considered to be a strategic link between two motorways across a region of England. Furthermore, the context of the appeal site is significantly different to this application. The appeal site is located close to a road junction served by a roundabout. To the north of the site is an industrial trading estate and a small number of reasonably large dwellings on sizeable plots. As a result, the inspector concluded that the impact on the landscape would be acceptable. In contrast, the application site is located with open countryside around it apart from the Travelodge, which is a compact building. There is no trading estate or residential properties located close to the application site. Overall, given the fundamental contextual differences, it is considered the appeal cannot be considered to be a material consideration to this proposal.

## Bio Diversity

- 5.30. Policy DM4 is focused on ensuring that all new development proposals will, unless it can be demonstrated that it is not possible, result in environmental net gains for biodiversity, green and blue infrastructure and demonstrate how the use of multifunctional green and blue infrastructure will deliver wider requirements and objectives. The design of proposals should mitigate the negative impacts of the development by incorporating beneficial biodiversity and geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.
- 5.31. The supporting text to Policy DM4 states it is recognised the nature and scale of net gains that can be achieved from proposals will vary depending

on the size, location and type of development under consideration. In this respect, policy requirements relating to net gain will be applied to all new developments as relevant to the proposal under consideration.

- 5.32. A Tree Constraints Plan / Arboricultural Method Statement accompanies the planning application. The applicant states that while the proposed development will require the removal of two trees, the site does not contain any significant or notable tree stock. Furthermore, the field boundary hedge will be removed to facilitate access to the extended part of Prizet Services. However, a native hedgerow and stock fence are proposed along this new northern boundary line, while other boundaries will remain the same. Whilst the proposed development would involve the removal of approximately 50m of existing field hedgerow [for site access], it would result in the planting of approximately 75 metres of new native hedgerow [along the new northern boundary line].
- 5.33. Given the reduced size of the development compared with the previous proposals (the office block has been omitted), the net gain of 25 metres of hedgerow and new tree planting in the north east corner of the site is considered to be proportionate to the scale of the development and therefore the proposed net gain in biodiversity is considered to be sufficient. Overall, the proposal accords with Policy DM4.

## Drainage: Surface water and Foul

- 5.34. Core Strategy Policy CS8.8, DM6 and Chapter 14 of the NPPF requires new development to ensure that there are no adverse impacts outside the site as a result of the development.
- 5.35. A Drainage Strategy accompanies the planning application. This confirms that the site is within Flood Zone 1 and is not considered to be at risk of flooding from fluvial sources. The site is also not considered to be at risk of surface water flooding. Foul flows from the site shall be connected by gravity to an existing manhole at the rear of the Travelodge Hotel, with a connecting pipe to an existing foul water pumping chamber, which serves the petrol station and hotel. Foul flows will then be pumped across the site entrance and under the A591 to the pumping station on the southbound carriageway. Overall, the site layout and drainage systems will be designed to ensure that there is no increased risk of flooding on or off site as a result of extreme rainfall, lack of maintenance, blockages or other causes.
- 5.36. The lead local flood authority raises no objection to the proposal and therefore it complies with Policies CS8.8 and DM6

## Planning Balance and Conclusions

- 5.37. The proposal constitutes a main town centre use, as defined in the National Planning Policy Framework. The applicant was advised to prepare and submit a report in response to the Framework's requirement for applying a sequential test to

such proposals that are not within an existing centre nor in accordance with an up to date local plan. These should be located in town centres, such as nearby Kendal, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The Council has an up to date local plan and the applicant has failed to fulfil the sequential test requirements. The proposal is, therefore, contrary to both national and local planning policies.

- 5.38. Within the determination of this application, the applicant has set out the benefits, which they consider will be the creation of approximately 15 jobs, the provision of electric charging points and the proposed access to the site will be improved due to the amendment to the existing signage. They consider the proposal will also be of benefit to walkers using the Lancaster Canal.
- 5.39. The increase in jobs will be of modest benefit to the local economy, the provision of electric charging points will be of limited benefit due to the existing provision within Kendal and the improvement to the access will be of modest benefit. The potential linkage to the Lancaster Canal is of very limited benefit.
- 5.40. In weighing up the planning balance, the merits of the proposal would not lead to a significant improvement to the roadside services as set out in the Government's transport circular and the proposal would result in a coffee shop in an unsustainable location, which will be served primarily by cars. Furthermore, the impact on the rural landscape will be significant, creating harm to the open countryside. Therefore, the harm would significantly outweigh the limited benefits of the scheme and on that basis, the recommendation is to refuse.

## 6.0 Recommendation

Planning permission be refused for the following reasons:

- 6.1. The proposed development is located in the open countryside, remote from the nearest settlement of Kendal and therefore would result in unsustainable development in this rural location. The proposed development constitutes a 'main town centre use' but the application has not been subject to a sequential test where more sustainable sites within Kendal have been considered and discounted before out of town sites may be considered. The proposal would therefore be contrary to the aims of Policies CS1.1, CS1.2, CS2, CS7.1, CS7.2 and CS7.4 of the South Lakeland Core Strategy and Policies LA1.0 and LA1.1 of the South Lakeland Land Allocations Development Plan Document, and the sustainability aims of the National Planning Policy Framework.
- 6.2. The proposed development, due to its close proximity to the road, its elevated nature and the lack of intervening vegetation will result in a development that is highly visible in the rural landscape and would be harmful to the character of the area. The proposed development is therefore contrary to Policy CS8.10 of the

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South Lakeland Core Strategy and Policies DM1 and DM2 of the Councils  
Development Management Policies.

