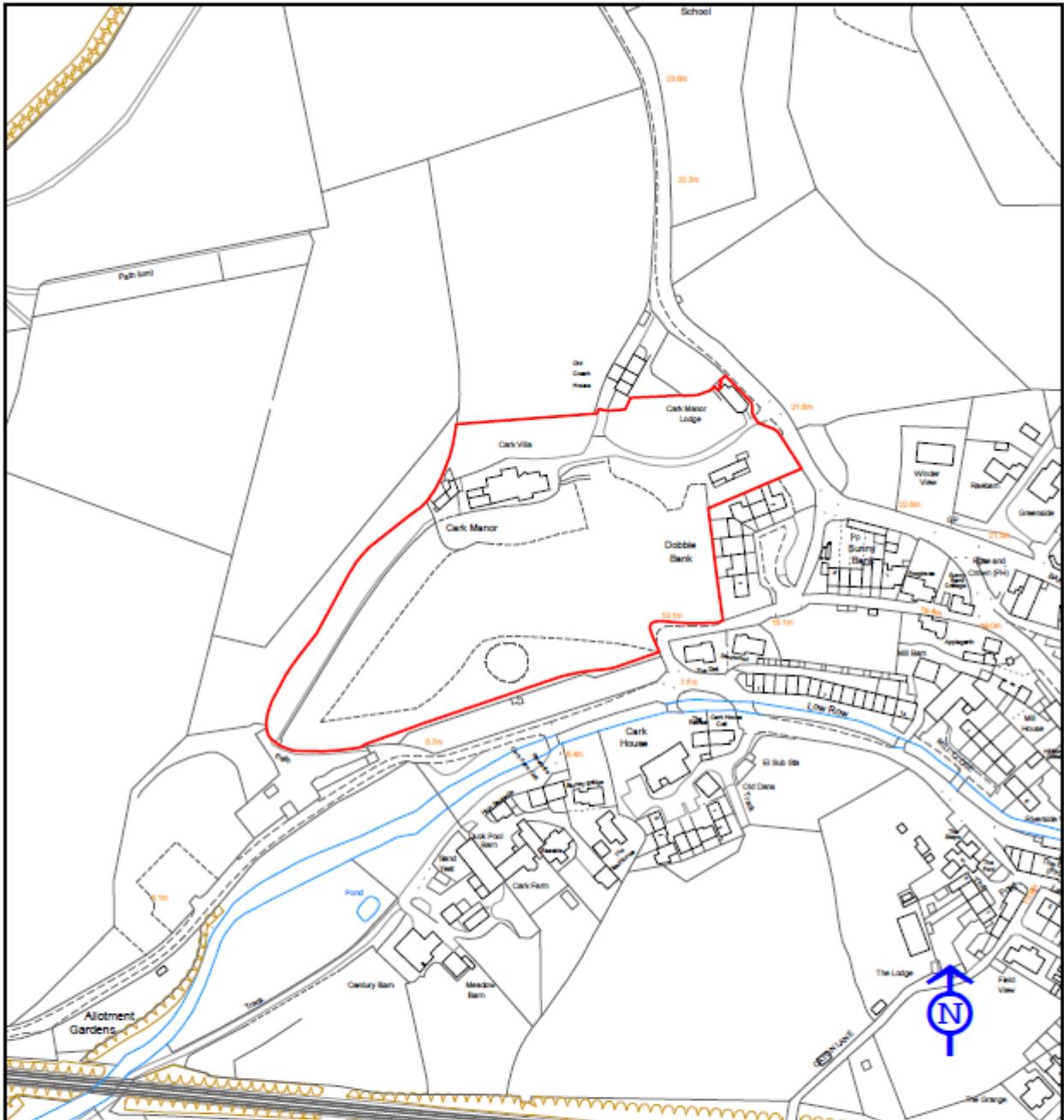

Planning Application no. SL/2020/0364
Cark Manor, Cark-in-Cartmel, Grange-
over-Sands

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SL/2020/0364

**Cark Manor
Cark-In-Cartmel**

Scale: 1:2500

Summary

SL/2020/0364

PARISH: Lower Holker

Cark Manor, Cark-in-Cartmel, Grange-Over-Sands LA11 7PG

PROPOSAL: Change of use from residential dwelling (Use Class C3) to a mixed use of residential dwelling (Use Class C3) and holiday let (Sui Generis) and the formation of hard standing for car parking (part retrospective)

APPLICANT: Tangerine Holdings

Grid Ref: E: 336044 N: 476685

Committee date: 28th January 2021

Case Officer: Nic Unwin

The proposal seeks full planning permission for the change of use of Cark Manor from a residential dwelling to a mixed use residential dwelling and holiday let. The application would also involve the construction of a parking area (retrospective) and access track to an existing access to the south.

The proposed site is located outside of, but adjoining the development boundary of Cark-in-Cartmel. The proposed site forms part of the grounds of the Grade II listed Cark Manor.

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

Recommendation

The recommendation is to approve the application subject to conditions set out at the foot of the report.

1.0 Description and proposal

Site Description

- 1.1. The proposed site is formed of the Grade II listed Cark Manor and associated grounds.
- 1.2. The proposed site currently has two access points. The primary access point is to the east, adjacent to the south of the Grade II listed Cark Manor Cottage (former gate house) onto Station Road (B5278 103). The second access is to the south onto Sunny Bank Road (U5161 102), this access comprises an entrance onto the road but has no formal access track into the site.

- 1.3. Although the proposed parking area is retrospective, the area previously formed a lawned area elevated from the grounds to the west. The grounds primarily slope downwards from north to south.
- 1.4. The existing lawful use of Cark manor is as a dwelling (Use Class C3).

Proposal

- 1.5. The proposal seeks full planning permission for the change of use from dwelling (Use Class C3) to mixed use dwelling and holiday let (Sui Generis). The application additionally involves the construction of a car park and access track to the existing access onto Sunny Bank Road.
- 1.6. The proposal will not require any internal or external alterations or division of the existing Cark Manor, with the entire property used as a holiday let when not in use as a dwelling by the applicant. The initial application description was for a hotel (C1) however this was changed to holiday let (Sui Generis) upon discussions with the agent who concurred that this was a more accurate description of the proposed use.
- 1.7. The proposed car park is located within the eastern section of the existing grounds adjoining the eastern site boundary with Dobbie Bank, a small development of 7 terraced dwellings. The boundary between the proposed site and Dobbie Bank comprises a tall natural stone wall.
- 1.8. The proposed parking extends between the existing access track to the north (from Station Road to Cark Manor) and the southern boundary of the site with Sunny Bank Road bordered by mature trees. The proposed parking area is at a higher elevation than the grounds to the west with a slope down to them. The parking area has already been constructed and comprises a rubber grass matting to allow the grass to grow through it with a capacity of approximately 16 parking spaces. A beech hedge has been planted adjacent to the western boundary of the car park with a leylandii hedge planted at the bottom of the slope to the west.
- 1.9. The proposal will additionally involve the construction of an access track connecting the proposed parking area to the existing access onto Sunny Bank Road to the south. The proposed access will be constructed of rubber grass matting (to match the car park) and will have two rows of beach hedging planted along its western boundary.

2.0 Consultations

Lower Holker Parish Council

- 2.1. Lower Holker Parish Council object to the proposal for the following reasons:

- The proposed new exit is onto a narrow lane (Dobbie Bank) on a 90 degree bend.
- There are inadequate visibility splays in both directions for vehicles leaving the property and vehicles passing the exit.
- It is not possible for 2 vehicles to pass on this narrow lane.
- Vehicles turning left from the exit would need to exit onto the B5278 on a steep incline with inadequate visibility splays in both directions.
- Vehicles going straight ahead from the exit would need to take the narrow route alongside the Engine Inn and emerge by and opposite bus stops onto the B5278.
- There is no footpath on Dobbie Bank and due to the narrowness of the lane more vehicles would increase the risk to pedestrians using the road.
- There is a pedestrian route from Cark Railway station to Holker Hall which passes south of Sunny Bank and along one of the potential exit roads to the B5278.
- A residential property is usually only used by a limited number of regular users, who are aware of the neighbours and therefore sensitive to the impact their activities would have on their neighbours. A hotel is by its nature used by a large variety of users who would not be aware of the potential noise impact on the local area. The property grounds have been recently re-landscaped indicating a planned increased usage of the outside area. The property grounds are surrounded on 2 sides by dwellings. The grounds adjoin 7 dwellings at Dobbie Bank and there are numerous dwellings within 50 metres of the grounds including Sunny Bank (terrace), Winder View, The Dell, Low Row (terrace), Cark House apartments (Listed building), Cark House cottage, and dwellings at Cark Farm. The increased traffic (up to 16 additional vehicles as indicated on the plans) plus the activities of the guests whilst using the grounds would considerably increase the noise levels for surrounding residents.
- The grounds overlook a number of dwellings including Cark House, The Dell, Cark House Cottages and Cark Farm. Increased use of these grounds would reduce the opportunity for the quiet enjoyment by the occupants of these dwellings.
- The location of the proposed (but already constructed) car park would result in vehicles being driven down towards the dwellings of Cark House. The Dell, Cark House Cottages and Cark Farm and whilst turning their lights would also be directed towards the residents of Dobbie Bank. They could be at any time of the day or night, so would be a regular disturbance.

- Cark Manor and the Gatehouse are both listed buildings and Cark House which faces Cark Manor is also a listed building.

Cumbria County Council Highways and LLFA

- 2.2. Having assessed the site specifics of the revised access and local road I am satisfied that the sharp bends and overall character of the road will naturally curb the speed to well below the 30mph speed limit. However the foliage and overhanging vegetation will need to be trimmed back as necessary to maintain this splay.
- 2.3. The overall impact of additional traffic associated with the car park using the existing gated access is judged not to present a material impact on highway conditions. It may cause some local and minor inconvenience since this is a fairly narrow and lightly trafficked road and passing can be awkward but this would not be classified as a serious impact on traffic levels nor road safety and not untypical in this area. I note the tight 90 degree bend opposite the proposed access and this may cause problems for larger vehicles, but since this gate will be used as an exit only, none of the Manor traffic will be driving around this corner. Swept path diagrams satisfactorily demonstrate that the vehicles can exit onto the highway.
- 2.4. I have assessed the additional access in the context of the additional traffic (mainly cars) utilizing the proposed car park. This does not relate to the existing arrangements for servicing the manor.
- 2.5. The Highway Authority has no objection to the proposal but recommends appropriate conditions are attached to any consent.

Council Tree Officer

- 2.6. The planting looks good, and I see from the submitted Arboricultural report that the decayed sycamores have been highlighted to the land owner. The future removal of these trees will not impact the planning permission or any associated replanting conditions as their removal is not connected to the development work.
- 2.7. The access route into the site from the south has been in place for a number of years and will not have a significant impact upon G3 and T3 as they are proposed for removal. The content of the AIA is acceptable to ensure protection of retained trees on the site.

Natural England

- 2.8. No objections.

Conservation Officer

- 2.9. The Conservation Officer raised no objections to the proposed change of use, parking area or access track, however they did raise concerns regarding the formality of the proposed planting and this impact on the setting of the listed building.

Public Responses

- 2.10. The following material planning matters were raised by public representation:
- Loss of privacy due to the intensification of use of the premises.
 - Noise generated from proposed parking bays and from the intensification of use of the premises.
 - Loss of light from proposed planting.
 - Light pollution (cause of which unspecified).
 - Highways safety impacts from the intensification of vehicle movements.

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/2005/0670 – Demolition of existing buildings and erection of utility room and porch and external staircase to basement. Full Approval.
 - SL/2005/0671 – Demolition of existing buildings and erection of utility room and porch, external staircase to basement and internal alterations. Listed Building Refusal.
 - SL/2006/0656 – Internal and external alterations and rear extension. Listed Building Approval.
 - SL/2007/0007- Replacement garage, replacement retaining wall, new steps to patio and new steps to croquet lawn. Full Approval.
 - SL/2007/0064 – Extension of wall adjacent to driveway. Full Approval.
 - SL/2007/0338 – Siting of six Victorian style street lamps. Full Approval.
 - SL/2007/0710 – Repairs to retaining wall, new dwarf wall, steps and access gates. Full Approval.

- SL/2007/0711 – Repairs to retaining wall, new dwarf wall, steps and access gates. Listed Building Approval.
- SL/2008/0014 – Installation of low level lighting to existing retaining wall steps. Full Approval.
- SL/2008/0185 – Alterations to basement including windows and doors. Listed Building Approval.
- SL/2008/0194 – Alterations to the basement. Listed Building Approval.
- SL/2008/0833 – Installation of flood lighting to exterior of building. Full Approval.
- SL/2008/0834 – Installation of flood lighting to exterior of building. Listed Building Approval.
- SL/2008/0837 – Internal alterations to form en-suite bathroom. Listed Building Approval.
- SL/2009/0540 – Internal alterations to create en-suite bathroom. Listed Building Approval.
- SL/2008/0604 – Erection of children’s play equipment. Full Approval.
- SL/2018/0881 – Lawful Development Certificate for the formation of hard standing for car parking. Live.
- SL/2017/0947 – High Hedge Complaint. High hedge removal notice issued.

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 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

Chapter 16 Conserving and enhancing the historic environment

Local Development Policies

South Lakeland Core Strategy Policies (CS)

CS1.1 Sustainable development principles

CS1.2 The development strategy

CS7.4 Rural Economy
CS8.6 Historic Environment
CS8.10 Design
CS10.2 Transport impact of new 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
DM3 – Historic Environment
DM4 – Green and Blue Infrastructure, Open Space, Trees and Landscaping
DM5 – Rights of Way and other routes providing pedestrian, cycle and equestrian access
DM9 – Parking Provision, New and Loss of Car Parks
DM16 – Conversion of Buildings in Rural Areas

5.0 Assessment

Principle of Development and Local Plan Policy

- 5.1. The proposal involves the change of use of Cark Manor from dwelling (Use Class C3) to a dwelling (Use Class C3) and holiday let (Sui Generis). There will be no subdivision of Cark Manor, the entire property will be let to groups of up to 20 individuals as a holiday let when it is not being used as a dwelling by the applicant.
- 5.2. Due to the nature of holiday lets, they can be classified within Use Class C3 (dwellinghouse). However, in some cases the nature of the use can be materially different to that of a dwelling. Whether this material difference has occurred is a matter of fact and degree. The below case law provides further background and clarification.
- 5.3. In a Divisional Court decision, Blackpool Borough Council v SSE [1980], a dwellinghouse was being used as a second home by the owner, as holiday accommodation by members of their office staff and as a private holiday rental. The decision concluded that the use as a holiday let would not constitute a material change of use from a dwellinghouse as it was used by the owner and his family, by members of his office staff, and by family groups.

- 5.4. A High Court decision, *Gravesham Borough Council v SSE* [1984], involved a building permitted for a weekend and holiday chalet. The applicant extended the building using permitted development rights for a dwellinghouse to which the council took enforcement action. The court decision concluded that the approved holiday chalet was classified as a dwellinghouse and would therefore benefit from the permitted development rights afforded to this use class. Within the judgement it concludes that the distinctive characteristic on which to define a dwelling is “*its ability to afford to those who use it the facilities required for day-to-day private domestic existence*”.
- 5.5. In a Court of Appeal decision *Moore v SSE* [1998] a group of outbuildings were converted to 10 self-contained holiday units without planning permission with 9 of them in use by 1991. The LPA issued an enforcement notice in 1995 over four years later. The inspector concluded that the units “*certainly have the physical attributes of self-contained dwellings now. However, they are not used in the normal sense as independent residential units. Their use for holiday accommodation is, in my opinion, materially different to a use of premises by a household*”. This was upheld by the High Court, however it was overturned by the Court of Appeal who accepted the approach taken in *Gravesham Borough Council v SSE* [1984] and the tests set out to define a dwellinghouse.
- 5.6. The above judgements confirm that in some cases, holiday accommodation does not have a separate use class to a dwellinghouse (C3).
- 5.7. Within Court of Appeal decision *Moore v SSCLG* [2012] in which a single dwelling was being used as a holiday let for up to 20 people, the court concurred with the Inspector’s assessment that this represented a material change of use. When justifying their decision, the Inspector highlighted the pattern of arrivals and departures, with associated traffic movements; the unlikelihood of occupation by family or household groups; the numbers of people constituting the visiting groups on many occasions; the likely frequency of party type activities, and the potential lack of consideration for neighbours. The use was considered materially different to that of a dwelling, giving it a use class of its own (Sui Generis).
- 5.8. The proposed holiday let element will involve up to 20 guests at any one time and therefore parallels can be drawn with the above judgement *Moore v SSCLG* [2012]. The proposal is considered to result in a material change of use from a dwellinghouse and considered to have a use class of its own (Sui Generis).
- 5.9. The proposed development is located adjacent to, but outside of the Development Boundary of Cark-in-Cartmel and therefore considered to be within the open countryside in accordance with Policy CS1.2 of the Core Strategy.
- 5.10. Policy DM16 of the Development management Policies DPD relates to the conversion and re-use of buildings in the open countryside for housing, employment, tourism, recreation and community uses, supporting applications where:

- the building is of traditional materials and construction, of a traditional design and constructed in a permanent and substantial manner; and
- the building is capable of conversion without the need for extension, significant alteration or reconstruction; and
- for residential use the building is redundant or disused, adjacent to or in close proximity to an existing habitable dwelling, and the number of dwellings proposed is appropriate to the surroundings; and
- safe road access is in place or can be created without damaging the rural character of the surrounding area; and
- the proposal does not create additional demands for new agricultural buildings; and
- the building can be serviced by utilities which are, or can be made, readily available; and
- the design:
 - a. does not result in significantly different external eaves and ridge heights; and
 - b. for residential use, restricts domestic curtilage provision to a level consistent with adjoining buildings and landscape or settlement character; and
 - c. uses original or matching stone or other material in any rebuilding of external walls.

5.11. The proposal uses a traditional building which does not require extension or physical alteration to accommodate the proposed use. The access arrangements have been reviewed by the County Council as Highways Authority and deemed acceptable (highways impacts will be fully addressed later in the report). The proposal is additionally connected to utilities. The proposal is considered compliant with Policy DM16 of the Development Management Policies DPD and therefore the principle of the proposed change of use is considered acceptable.

5.12. The proposed development would additionally involve the construction of a parking area of approximately 16 spaces.

5.13. Policy DM9 of the Development Management DPD relates specifically to parking stating that all developments should have acceptable levels of car, motorcycle and bicycle parking having regard to relevant appropriate guidance. Levels of parking provision for any development will be considered on a case by case basis in consultation with the Highways Authority using the relevant guidance which will be applied flexibly taking into account the following factors:

1. type, mix and use of development;

2. location;
 3. accessibility of development;
 4. availability of and opportunities for public transport;
 5. local car ownership levels;
 6. dominant effect of the car on the appearance and function of a development including visual impact;
 7. availability and number of parking permits within the locality;
 8. availability of public car parking space in the vicinity;
 9. encouraging the use of alternative means of travel;
 10. impact on the road network;
 11. extent of on-street parking in the vicinity; and
 12. encouragement of the use of low emission vehicles.
- 5.14. The proposed parking area of approximately 16 spaces will serve the proposed holiday let use of up to 20 guests. The proposed parking provision was discussed with the County Council as Highways Authority and considered appropriate. Although low emission vehicles are encouraged through the use of electric vehicle charging points, due to the site's location within the setting of a listed building and its potential impact on the setting or fabric of the listed building, such infrastructure was not considered appropriate in this instance. The proposed development is considered to comply with Policy DM9 of the Development management Policies DPD.
- 5.15. Based on the above the principle of the proposed development is considered acceptable.

Impact on the Local Economy

- 5.16. Policy CS1.1 of the Core Strategy emphasizes the need to grow the local economy in a sustainable way, supporting the vitality and viability of service centres. This is supported by Para 80 of the NPPF which states that significant weight should be placed on the need to support economic growth and productivity.
- 5.17. The proposed development would result in new tourism accommodation adjoining the edge of Cark Development Boundary, classified as a Local Service Centre. It is considered likely that the occupiers of such a development would utilise the local services within Cark or neighbouring Flookburgh which are within walking distance of the proposed site. Although difficult to accurately quantify, the proposal is considered to contribute to the local economy and should therefore benefit from the weight afforded to it through Para 80 of the NPPF.

Heritage Impact

- 5.18. Policy CS8.6 of the Core Strategy requires safeguarding and, where possible, enhancing of historic environment assets. This is supported by Policy DM3 of the Development Management DPD which states that proposals will be expected to conserve, enhance and where appropriate better reveal the significance of listed buildings and their settings.
- 5.19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.20. Para 193 of the NPPF states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”*. Para 194 goes on to say that *“any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification”*.
- 5.21. Para 196 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*.
- 5.22. The proposed development is within the curtilage of Cark Manor. The proposed car park and access track is approximately 60 metres east of the Grade II listed Cark Manor and 40 metres to the south-east of the Grade II listed Cark Manor Cottage. The proposed development is well screened from either of these listed building by existing mature trees.
- 5.23. The proposed car park is constructed of rubber grass matting, allowing grass to permeate through it, significantly reducing its visual impact. The proposed access track will be constructed of the same rubber grass matting material.
- 5.24. The proposal will introduce a beech hedge along the western boundary of the proposed car park and proposed access track. A leylandii hedge adjacent to the foot of the slope from the parking area is also proposed. Once this proposed planting is established, it will screen the proposed parking area and access from views within the grounds of Cark Manor to the west.
- 5.25. Due to the rubber grass matting limiting the propoasa’ls visual prominence, existing mature trees screening the proposed parking area from Cark Manor and Cark Manor Cottage and the proposed hedges planted screening it from the grounds of Cark Manor, the proposals impact on the setting of Cark manor is considered limited.

- 5.26. The Conservation Officer is currently unable to support the application due to the perceived impact of the formality of the proposed hedges within the grounds, stating that “*I would not object to the hedge itself, providing it was supplemented by more informal areas of substantial shrubbery*”. However, the proposed hedge extensions are intended to provide additional screening of the car parking area and are considered to be important. A prior to first use condition has been attached with regards to a full planting scheme, part of the reason for this condition is to obtain additional planting to soften the proposal and further reduce its impact on the setting of the heritage asset.
- 5.27. The limited impact of the proposed development on the setting of the heritage asset must be weighed against the benefits of the proposal, specifically the benefits to the local economy as detailed above and the significant weight afforded to this by Para 80 of the NPPF. Although it is difficult to quantify the benefits of the proposal to the local economy, due to the harm to the setting of the heritage asset considered limited and will be further reduced the additional landscaping details, the economic benefits of the proposal are considered to outweigh this harm.

Highways Impacts

- 5.28. Policy CS10.2 requires new development to be capable of being served by safe access to the highway network and that the nature and volume of traffic generated by the proposal could be accommodated by the existing road network. This is supported by policy DM1 of the Development Management Policies DPD which states that new development should ensure adequate and safe movement of pedestrians, cyclists and motor vehicles.
- 5.29. Para 109 of the NPPF states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 5.30. The proposed development is located outside of, but adjoining the Ark Development Boundary, a Local Service Centre. The proposal is within walking distance of the local services of Ark and neighbouring Flookburgh in addition to Ark Railway Station. The location of the proposal is considered sustainable.
- 5.31. The proposed development is considered to result in an intensification of vehicle movements to the site. Due to the nature of the proposal these additional vehicles will likely be smaller domestic vehicles.
- 5.32. The proposal will result in a parking area adjoining the southern boundary of the existing access track onto Station Road to the west. An access track will then connect the car park to an existing access on to Sunny Bank to the south. A one way system will then be created (prior to first use condition attached to ensure this) with the entrance to Ark Manor being the existing access onto Station Road and the exit being the existing access onto Sunny Bank.

- 5.33. The existing visibility onto Station road is poor and the reason for the one way system proposed. The access onto Sunny Bank is on the outside of a sharp bend providing good visibility in both directions (as confirmed by the Highways Officer). Due to the sharp bend in the road the average speeds of vehicles is likely to be lower (as confirmed by the Highways officer) in addition to vehicle movements along Sunny Bank being lower in volume.
- 5.34. Although the proposal would result in a slight intensification of vehicle movements to the proposed site, the proposed one way system would prevent vehicles exiting the site form the existing access onto Station Road with poor visibility. Instead vehicles would now exit the site onto Sunny Bank which is considered to have better visibility, lower average vehicle speeds and lower volumes of traffic. The County Council as the Highways Authority have reviewed the application and are satisfied with the arrangement. The proposal is considered to be acceptable from a highways perspective, subject to the conditions recommended in the schedule at the end of this report..

Amenity

- 5.35. Policy DM1 of the Development Management Policies DPD states that new development should ensure the delivery of acceptable levels of amenity for existing, neighbouring and future users. This is supported by Para 127 of the NPPF which states that new development should provide high standard of amenity for existing and future users.
- 5.36. Within Moore v SSCLG [2012], factors such as the likely frequency of party type activities and the potential lack of consideration for neighbours were considered to result from the proposed holiday-let use.
- 5.37. It is acknowledged that many of the public responses cited noise from guests and vehicles, and loss of privacy form guests utilizing the grounds as concerns. Cark Manor is approximately 77 metres from the closest dwelling (4 Dobbie Bank) which is considered a sufficient distance to mitigate noise generated by guests within Cark Manor itself. Although the proposed parking area is adjacent to the eastern curtilage of the dwellings comprising Dobbie Bank, a tall traditional stone wall provides screening. Due to the sustainability of the proposed location, within walking distance of the services within Cark, it is considered less likely that vehicle movements from the proposed car park will be necessary during unsociable hours.
- 5.38. The grounds associated with Cark Manor are considered extensive and the proposed planting along the car park and access track provide an additional barrier between the main grounds and Dobbie Bank to the east. Due to the maximum number of guests being 20, the extensive grounds and, planting and large stone wall separating these grounds from adjoining dwellings, the proposal is considered to have a limited impact on the privacy of neighbouring residents.

- 5.39. Public objections raised concerns regarding a loss of light from the proposed planting. A beech hedge is proposed along the western edge of the proposed car park approximately 10 metres west of the existing large stone wall separating the proposed site from Dobbie Bank. A leylandii hedge is proposed approximately 20 metres to the west of the existing wall at a significantly lower elevation. A small section of leylandii hedging is proposed for the south-east corner of the site connecting the large stone wall to the curtilage boundary to the south. Due to the distances of the proposed planting from the curtilage boundary of neighbouring dwellings, the proposed planting is not considered to have an unacceptable impact on natural light (particularly given the size of the existing stone wall). Should there be any future issues with the height of the proposed planting such as the small section of leylandii in the south-east of the site, this can be dealt with through the high hedge complaints process as exhibited through high hedge complaint SL/2017/0947 where a high hedge removal notice was issued.
- 5.40. The issue of light pollution was raised within the public responses. No additional external lighting for the scheme is proposed and therefore the proposal is not considered to contribute to additional light pollution.
- 5.41. Many of the public objections raised concerns regarding the potential use of Cark Manor as a wedding venue. The proposed application is for the mixed use dwelling and holiday let, not a wedding venue.
- 5.42. On balance, although there will be an intensification of the use of the premises (up to 20 guests), the distance of the proposal from other dwellings, extensive grounds within which the proposed site is set and absence of additional external lighting, the proposed development is considered to have a limited impact on the amenity of neighbouring residents and acceptable from an amenity perspective. A condition has been proposed to limit the occupation of Cark Manor to no more than 20 individuals at any one time.

Bio Diversity

- 5.43. 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.
- 5.44. 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.

- 5.45. When referring specifically to trees, Policy DM4 requires new development to positively incorporate new, and protect and enhance existing trees. Within the policy 'trees' should be read to include hedgerows.
- 5.46. The proposed development introduces large sections of beech hedgerows in addition to sections of leylandii hedgerows. A condition has been attached for the submission of an additional planting scheme and scheme of biodiversity net gain prior to first use of the proposed holiday. These conditions are considered sufficient to secure biodiversity net gains and adequate replacement trees for the proposal.
- 5.47. A tree survey and arboricultural impact assessment (detailing tree protection methods for the construction phase) were submitted with the application. The Council's Tree Officer was consulted on the application and was satisfied with the submitted information.

Planning Balance and Conclusions

- 5.48. The proposed development is located outside of, but adjoining the Cark Development Boundary and therefore in accordance with Policy CS1.2 of the Core Strategy the site is considered to be located within the open countryside. The proposed development is considered to comply with Policy DM16 of the Development Management DPD which relates to the re-use of buildings for housing, employment, tourism, recreation and community uses. Therefore the principle of the proposed development is considered acceptable.
- 5.49. The proposal would allow Cark manor to be used as a holiday let for up to 20 individuals. The proposed site is considered to be located within a highly sustainable location with the services of Cark and neighbouring Flookburgh (both local service centres) within walking distance including Cark Railway Station. The proposal is considered to contribute to the local economy with guests likely to use the local services within Cark and Flookburgh, and should therefore benefit from the weight afforded by Para 80 of the NPPF.
- 5.50. The proposal would involve the construction of a parking area and access track within the south-eastern section of the grounds of cark manor. The proposed parking area and access track utilise a rubber grass matting which is considered to greatly reduce their visual impact in addition to large sections of beach hedging and some leylandii hedging to screen these from the extensive remaining grounds. A condition requiring the submission of an additional landscaping scheme has been recommended to further mitigate any impact of the proposal on the setting of the Grade II listed Cark Manor (this condition was recommended by the Conservation officer).

- 5.51. The visibility at the existing entrance to Cark Manor onto Station Road is poor. The proposal would result in the introduction of a one way system, entering the site from Station Road and leaving the site from the existing access onto Sunny Bank to the south with better visibility. Although the proposal would result in an intensification of vehicle movements to the proposed site, this is considered to be offset by the improvements made to the existing access arrangements. The Highway Authority does not object to the proposals.
- 5.52. It is acknowledged that such holiday let developments for larger groups have the potential to impact the amenity of neighbouring residents (see Moore v SSCLG [2012]). Additional concerns were raised over the proposed parking areas proximity to the residential development Dobbie Bank. Cark Manor is approximately 77 metres from the closest dwelling and screened by mature trees. This distance and screening is considered to mitigate any additional noise generated by guests within the manor. Although the parking area is adjacent to the boundary with Dobbie Bank, there is an existing large stone wall along the curtilage providing screening, no lighting is proposed within the car park and the sustainability of the proposed location with services within walking distance requiring fewer vehicle movements. All of these factors are considered to mitigate any potential amenity impact on neighbouring residents to an acceptable level.
- 5.53. The benefits of the sustainability of the proposal's location, contribution to the local economy and improved access arrangements must be weighed against its impact on the setting of the listed building and amenity of neighbouring residents. On balance, the proposal is considered to be acceptable.

6.0 Recommendation

Planning permission SL/2020/0497 be granted subject to the following conditions:

Condition (1) The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan, date received 25/06/2020
- Proposed Site Plan AMENDED (1829 PL01 rev F (003)), date received 03/12/2020

Reason: For the avoidance of doubt and in the interests of proper planning

Condition (3) Prior to first use of the holiday let use, visibility splays providing clear visibility of 25 metres to the east of the southern access measured 2.4 metres down the centre of the access road to the nearside channel line of the carriageway edge has been provided at the junction of the access road with the county highway. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety.

Condition (4) Prior to the first use of the holiday let use, full details of the proposed one way system to access and exit the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the holiday let use and be maintained operational thereafter.

Reason: In the interests of highway safety.

Condition (5) Details of measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway from the access road which slopes down towards the highway shall be submitted to the Local Planning Authority for approval prior to its construction. The surfacing of the access road on a bound material shall extend for at least 5 metres inside the site, as measured from the highway boundary. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety.

Condition (6) Prior to the first use of the holiday let use, full details of both hard and soft landscape works and boundary treatments (including tree planting, hedgerows and earth works) will be submitted to and approved in writing by the Local Planning Authority.

The agreed scheme shall be carried out as approved to the agreed timetable. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason: These details are required to safeguard and enhance the character of the area and secure high quality landscaping in accordance with Policies DM1, DM2 and DM4 of the of the Development Management Policies Development Plan Document. The details are additionally required to safeguard the setting of a heritage asset.

Condition (7) Prior to the first use of the holiday let use, a scheme of biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority.

The agreed scheme shall be carried out as approved to the agreed timetable and remain in perpetuity.

Reason: These details are required to secure a biodiversity net gain for the proposal in accordance with Policy DM4 of the Development Management Policies Development Plan Document.

Condition (8) The building known as 'Cark Manor' shall not be occupied by more than 20 individuals at any one time.

Reason: To safeguard the amenity of neighbouring residents and in the interests of highway safety in accordance with Policy DM1 of the Development Management Policies DPD, Policy CS10.2 of the Core Strategy and Paras 109 and 127 of the National Planning Policy Framework.

Condition (9) A bound register of all occupants of the holiday let use shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation and number of occupants.

Reason: To comply with the Council's development strategy set out within Policy CS1.2 of the Core Strategy.

