
Planning Application no. SL/2021/1077

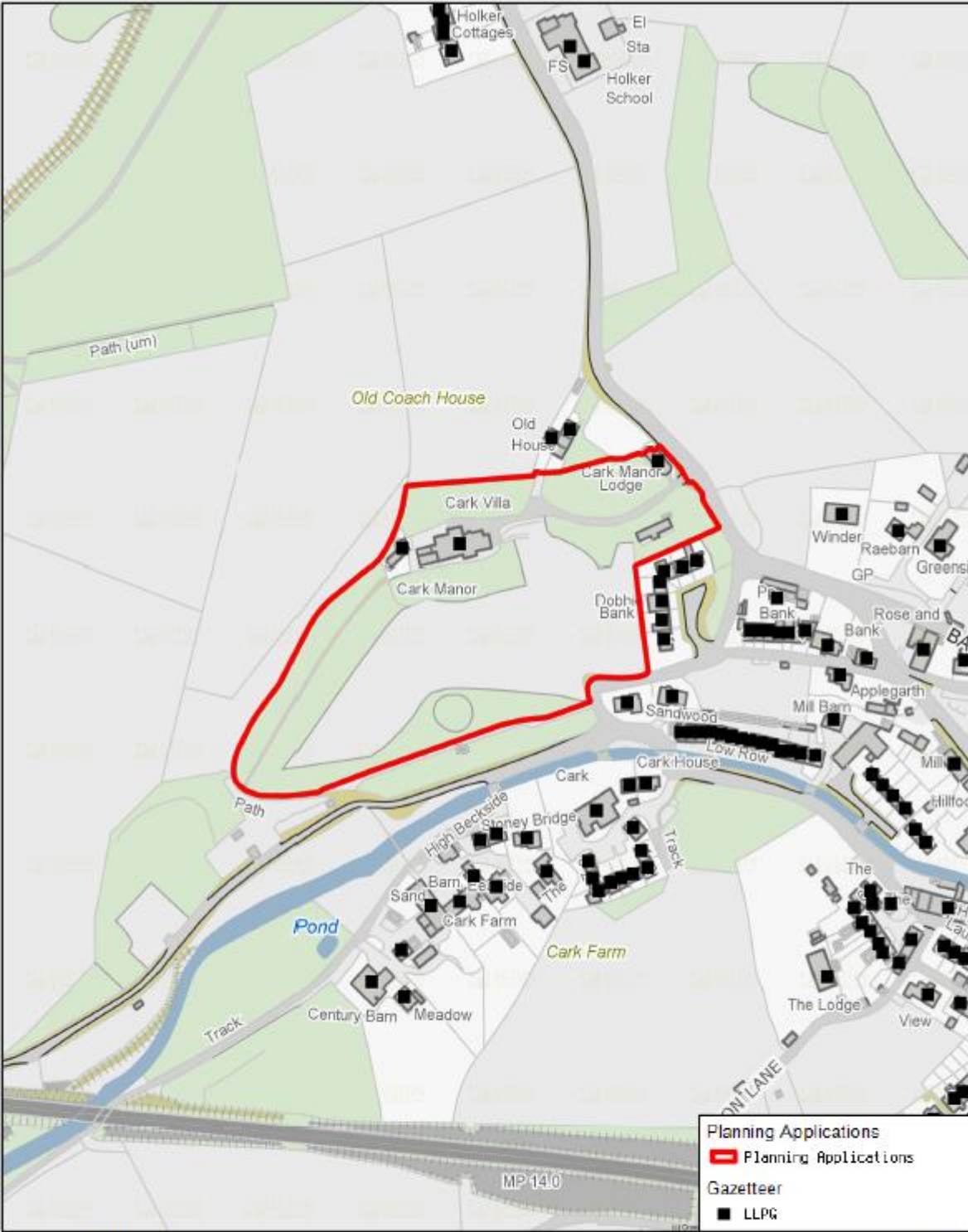
Cark Manor, Cark In Cartmel,
GRANGE-OVER-SANDS, LA11 7PG

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Cark Manor, Cark In Cartmel, GRANGE-OVER-SANDS, LA11 7PG



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Summary

SL/2021/1077

PARISH: Lower Holker

Cark Manor, Cark In Cartmel, GRANGE-OVER-SANDS, LA11 7PG

PROPOSAL: Erection of a gazebo building (retrospective).

APPLICANT: Cark Manor Ltd.

Grid Ref: E: 336044 N: 476685

Committee date: 24th March 2022

Case Officer: Liz Arnold

The proposal seeks retrospective consent for the erection of a gazebo building.

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Recommendation

The recommendation is to approve the application.

1.0 Description and proposal

Site Description

- 1.1. Cark Manor is a large detached Grade II listed property, set within a small park located on the north western edge of the settlement of Cark. It dates from the late 18th Century with some 19th Century extensions and alterations. The property is two storey of roughcast stone with hipped slate roofs.
- 1.2. It is set in an elevated position with steps leading down to the main lawned area to the south of the dwelling. The driveway leads eastward from the dwelling to access the B5278, with Cark Manor Lodge adjacent to the gateway.
- 1.3. A garage approved in 2007 sits adjacent to the driveway, approximately 20m to the east of the main dwelling. A separate parking area for 16 spaces (as approved under application SL/2020/0364) is located to the south of the driveway along the eastern boundary of the site backing onto Dobbie Bank.
- 1.4. The gazebo has been erected set down within the lawned area between the steps and the parking area.

Proposal

- 1.5. The proposal seeks retrospective consent for the erection of the gazebo building.

Consultations

Conservation Officer

- 1.6 I object to the proposal in principle, as it causes harm to the setting of the listed building, arising in an adverse impact on the significance and appearance of this designated heritage asset, and is out of character with the context of the surrounding landscape.
- 1.7 Having applied the tests of Section 66(1) of the 1990 Planning (LBCA) Act and with reference to policy DM3 in the South Lakeland Local Plan and to Historic England guidance and Chapter 16 of the NPPF, together with recent case law on the subject of setting and curtilage, my advice is that the proposed works would not preserve or enhance the significance of the heritage asset and therefore should not be approved.

Arboriculturist

- 1.7 I have visited the site and assessed the gazebo structure which has been constructed on site. The position of the structure is close, and slightly encroaching into the root protection area of the adjacent Maple tree. The tree is a significant feature of the grounds of Cark Manor. The recent construction works in the grounds has resulted in various vehicle movements over the rooting area of the tree which risks damaging the trees roots through compaction. If a planning application had been submitted for this structure prior to its construction, I would have recommended that ground protection measures were used to minimise the risk of compaction of soil around the tree.
- 1.8 I also noted on site that what appears to be a concrete footing has been installed between the trees trunk and the gazebo, and runs roughly north-south across the site. The excavations for this footing will have caused more damage to the rooting area of the tree and as such, remedial work in relation to the compaction caused during the gazebo construction would be necessary
- 1.9 If the development is approved, I would request that a planning condition is attached to require that aeration of the soil is carried out within the root protection area of the tree. The method for carry out this work can be agreed in writing with the LPA prior to works taking place. This remedial work will improve the rooting environment for the tree and reduce the impact on the tree of the recent construction work.

Lower Holker Parish Council

- 1.10 Lower Holker Parish Council considered this Planning Application at their meeting on 1st December 2021 and they object to the application as follows:
- 1.11 The Structure has been erected prior to the submission of any planning application.
- 1.12 The structure has been erected without a prior arboriculture report taking place, which is contrary to SLDC Planning Policy. The foundations will have damaged an existing Norway maple specimen tree close to the structure. Photograph submitted within the Heritage Statement illustrates the position of the structure in relation to this tree.
- 1.13 The structure does not fit the description of a gazebo (defined by the Cambridge Dictionary as 'a small decorated building with a roof and open sides, usually in a garden') as it is 5.25 metres high and 6.3 metres wide and more the size of a bandstand. The photograph of the structure submitted within the Heritage Statement shows it is very similar in size and layout to the Bandstand at Grange-over-Sands
- 1.14 A premises Licence application (since withdrawn) submitted to SLDC on 24 May 2021 stated "We would like to offer live amplified music in the marquee and bandstand" which suggests that this structure is intended to be a bandstand and not a gazebo.
- 1,15 The structure overlooks neighbouring properties, resulting in a loss of privacy for residents.

Public Responses

- 1.6. 10 letters of representation were received raising the following issues:
- Another retrospective application. Since 2005 there have been 19 applications, 9 of those have been retrospective. It is an abuse of the planning system
 - This is not a gazebo
 - Is in the wrong location and should have been positioned where it cannot be overlooked by neighbours (nos. 1-4 Dobbie Bank and Cark House Cottage can all see the top of the building from ground floor windows)
 - There is no benefit in the position for the applicant
 - It is not suitable for a house of its era. Completely inappropriate in the setting of a listed building such as Cark Manor
 - Potential noise from people gathering in this structure to the detriment of the neighbouring occupiers

- The application advises it cannot be seen from the road, but you can see it from the road and it is visually intrusive to neighbouring properties
- The close position of the gazebo to the new vehicle access/exit from the highway to the car park presents a danger to pedestrians using the gazebo
- It is too close and open to private houses to be used for anything other than a gazebo 'summerhouse or decorative shelter' it must not be permitted to be used as a bandstand or party venue with bright lights, playing loud music at any time but particularly during the hours of darkness
- When the building is viewed from the public highway, it is seen as an isolated building, totally inappropriate in a rural landscape
- One more step on the road to a wedding venue, with all the noise, late nights and extra traffic
- There is already disruption with constant noise from Cark Manor and conversations and music from "guest" using the steps of Cark Manor

2.0 Relevant planning history

2.1 The notable planning applications relating to the application site are as follows:

SL/2021/1202 - Alteration of the doors on the front elevation of existing outbuilding / garage to glazed windows (retrospective)

SL/2021/1070 – Internal alterations to the basement, ground, first and second floor (retrospective)

SL/2020/0364 – Change of use from residential to a mixed use of residential dwelling and holiday let and the formation of hard standing for car parking

SL/2009/0540 - Internal alterations to create en-suite bathroom

SL/2008/0837 - Internal alterations to form en-suite bathroom

SL/2008/0834 - Installation of floodlighting to exterior of building (retrospective)

SL/2008/0833 - Installation of floodlighting to exterior of building (retrospective)

SL/2008/0604 - Erection of children's play equipment (retrospective)

SL/2008/0194 - Alterations to the basement (proposed opening to bedroom 12)

SL/2008/0185 - Alterations to basement including new windows and doors

SL/2008/0014 - Installation of low level lighting to existing retaining wall, steps etc

SL/2007/0711 - Repairs to retaining wall, new dwarf wall, steps & access gates

SL/2007/0710 - Repairs to retaining wall, new dwarf wall, steps and access gates

SL/2007/0338 - Siting of six Victorian style street lamps (retrospective)

SL/2007/0064 - Extension of wall adjacent to driveway (retrospective)

SL/2007/0007 - Replacement garage, replacement retaining wall, new steps to patio and new steps to croquet lawn

SL/2006/0656 - Internal and external alterations and rear extension (retrospective)

SL/2005/0670 - Demolition of existing buildings and erection of utility room and porch & external staircase to basement (retrospective)

SL/2005/0671 - Demolition of existing buildings & erection of utility room & porch, external staircase to basement & internal alterations (retrospective)

SL/2005/1242 - Extension and alterations

SL/2005/1241 - Extension and alterations

3.0 Relevant planning policies

National Planning Policy Framework

Chapter 2, Achieving sustainable development

Chapter 4, Decision Making

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

CS8.4, Biodiversity and Geodiversity

CS8.6, Historic Environment

CS8.10, Design

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

4.0 Assessment

Principle of Development

- 4.1. The proposal is for the erection of a detached building within the curtilage of an existing dwelling.
- 4.2. Although noting the concerns over the potential use of the gazebo in conjunction with the operation of the dwelling as a wedding venue, this would need to be considered in the context of an application for the change of use of the premises from a single residential unit to a wedding venue: such application is not currently before the committee for consideration.
- 4.3. In the context of this proposal, the erection of a gazebo within the garden of a dwelling would be acceptable in principle, subject to the following key considerations:
 - Design and impact on the setting of the listed building
 - Impact on the neighbouring occupiers
 - Biodiversity net gain
 - Highway safety

Design and Impact on the setting of the listed building

- 4.4 Core Strategy Policies CS1.1, CS8.10; DMDPD Policies DM1 and DM2, in addition to the revised NPPF all require development to be of a high quality that maintains or enhances the quality of the existing character and distinctiveness and makes an overall positive contribution to the locality.
- 4.5 Policy CS8.6 also advises that the core strategy support the safeguarding and enhancing of historic environment assets, including their characteristic settings. This is further reflected in Policy DM3 of the DMDPD.

- 4.6 In accordance with the statutory duties set out in sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which they may possess. Section 72 of the 1990 Act gives similar protection to buildings and spaces that help establish the special character and appearance of conservation areas. This requirement is carried through to local policies CS8.6 of the Core Strategy and DM3 of the DM DPD.
- 4.7 Cark Manor is an 18th century manor house, which was extended and altered within the 19th century. It is set within a small parkland, with the lawns set at a lower level to the south of the property and accessed by a set of stone steps.
- 4.8 The proposal is described as a gazebo, however it is a hexagonal metal structure set on a concrete base, with ornate pillars supporting an aluminium roof and enclosed at the lower level on 5 sides with ornate panels. This is characteristic of a metal bandstand type structure.
- 4.9 This has been erected on the lower lawned area towards the western side of the site, in between the approved raised parking area and the large Maple tree. The setting of the listed building is formed by its gardens and grounds and the Maple tree forms a significant feature of the grounds.
- 4.10 It is noted that the Conservation Officer has raised an objection to the proposed bandstand, advising that this structure appears haphazard and out of place in the residential curtilage, causing less than substantial harm to the significance of the designated heritage asset.
- 4.11 Whilst the comments of the Conservation Officer are duly noted, the structure has been situated approximately 50m to the south west of the heritage asset and at a lower level, substantially screened by the existing planting along the driveway to the north. Although the formal style of the structure may appear slightly ostentatious and overly formal for the setting of the listed building, this does not appear out of keeping with the formal terrace and stone staircase leading from the house. Therefore, on balance, it is not considered that the proposal would significantly harm the character and appearance of the heritage asset and would comply with the principles of adopted policy and supported by Chapter 16 of the NPPF.

Impact on neighbouring occupiers

- 4.12 Concerns have been raised over the visual intrusion and loss of privacy to neighbouring occupiers and the potential of noise and light disturbance.
- 4.13 The structure has been erected approximately 22.65m from the shared boundary with the properties at Dobbie Bank and set down at a lower land level. To the south the gazebo is set back approximately 28.35m from the new access gate, with the nearest property, The Dell, situated approximately 12.5m to the south west of the

gate. Given the degree of separation it is not considered that the proposal would result in any significant loss of outlook, visual intrusion or privacy to the neighbouring occupiers.

- 4.14 With regard to the potential impact of noise and disturbance as a result of the use of the gazebo, it is noted that Cark Manor is also utilised as a holiday let. Whilst the use of the gazebo as an external sitting area may not result in any significant uplift in noise and disturbance to a normal residential unit during the day, people on holiday may be more likely to stay up late and come and go in the evenings. They will also not have the sense of attachment and responsibility of a permanent resident. It is therefore considered that a condition should be attached to any approval to restrict any external lighting and hours of use, in order to minimise any disruption to neighbouring occupiers. It is noted that the property has a caretaker living on site, so this would not be unreasonable or unenforceable.

Biodiversity net gain

- 4.15 DMDPD policy DM4 and para 174 (d) of the NPPF requires all development to result in environmental net gains for biodiversity.
- 4.16 No details have been provided for any potential net gain in biodiversity. It is also noted that concerns have been raised over the potential compaction of the root protection zone for the adjacent Maple tree. Details for the remedial works required for the aeration of the soil within the root protection area of the tree can be conditioned for submission along with potential gain in biodiversity.

Highway Safety

- 4.17 The proposed structure will be situated within the curtilage of the existing dwelling and away from the existing and proposed driveways. As such it is not considered that there would be any significant highway risk as a result of this proposal.

5.0 Recommendation

- 5.1 Planning permission SL/2021/1077 is recommended for approval subject to the following conditions:

Condition (1) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site location plan, EX.00 Rev 1 received 9 November 2021
- Gazebo, plans and elevations, PL.20 Rev A received 9 November 2021

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

Condition (2) Within 12 months of date of the planning approval hereby granted, details of a scheme of remedial works to aerate the soil within the

root protection area of the Maple tree, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of remedial works shall be undertaken in accordance with that approved scheme.

Reason: These details are required to be approved to prevent harm to a significant tree specimen in accordance with Policy DM4 of the Development Management Policies Development Plan Document.

Condition (3) Within 12 months of date of the planning approval hereby granted, details of a scheme for biodiversity net gain, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of biodiversity net gain shall be undertaken in accordance with that approved scheme.

Reason: These details are required to be approved to demonstrate increased biodiversity in accordance with Policy DM4 of the Development Management Policies Development Plan Document.

Condition (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no lighting shall be installed in or around the gazebo, hereby approved.

Reason: To safeguard the rural character and appearance of the area and the amenity of the neighbouring occupiers in accordance with Policies DM1 and DM2 of the Development Management Policies Development Plan Document.

Condition (5) Having regard to the use of Cark Manor as holiday let accommodation, the gazebo hereby approved shall not be used between the hours of 10pm – 8am.

Reason: To safeguard the amenity of neighbouring residents in accordance with Policy DM1 of the Development Management Policies Development Plan Document.