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## Report from the Head of Development Management to the Development Control Committee

Application number:	<b>7/2021/5506</b>
Application type:	Full Planning application
Applicant:	Mr J Denby, South Lakes Hotels Ltd
Location:	Damson Dene Hotel, Crosthwaite, Kendal, LA8 8JE
Grid reference:	342569.4037 491329.8903
Proposal:	Construction of a model village in the grounds of Damson Dene Hotel
Report prepared by:	Paula Allen, Planner
Report agreed by:	Andrew Smith, Assistant Head of Development Management
Recommendation:	APPROVE with conditions

### 1. About this report

- 1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.
- 1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).
- 1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations,

following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

- 1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation

## **2. Background and proposal**

- 2.1 I am reporting this application to Development Control Committee because my recommendation to approve is contrary to that of the Crosthwaite and Lyth Parish Council and representations received.
- 2.2 The Damson Dene Hotel is an established 57 bedroom hotel located in the Lyth Valley, approximately 0.80 miles to the west of Crosthwaite Village. It is accessed directly off the A5074 Gilpin Bridge to Bowness road. The hotel offers leisure facilities including heated swimming pool, jacuzzi, sauna, steam room and small gym. Swimming lessons take place on a Monday and Thursday afternoon and Sunday day-time. The leisure facilities are available to hotel guests and members of the public through a club membership or daily fees. It also advertises itself as a wedding venue.
- 2.3 Entrance to Lambhowe Caravan Park (Luxury Lodges and static caravans) is approximately 100 metres west along the A5074. Footpath 514037 runs parallel to the east of the site from Low Yews to Hubbersty Head, with its closest point to the site being approximately 40 metres.
- 2.4 The hotel has been the subject of several planning approvals over the years related primarily to hotel use, extensions and infrastructure.
- 2.5 This application is for the construction of a model village in the established grounds of the hotel. The village would be relocated from its current site at Flookburgh. The 80 model buildings which give the appearance of a Lakeland village or settlement would be located in an area to the north of the hotel grounds, which would be landscaped. A 1800mm timber fence screened externally with a mixed species hedge would surround the site. Details indicate that the hedge would be maintained to a height of circa 2400mm.

## **3. Representations**

- 3.1 Crosthwaite and Lyth Parish Council – objects to the application because the road and access is not suitable for a large number of visitors in cars and coaches; the stretch of road past the Damson Dene has several bends, and a reduced width offering poor visibility to drivers. The Council felt there is insufficient parking at the hotel which may result in parking on the roadside or in the lay-by at Barkbooth Lane End.
- 3.2 Local Highway Authority – no objection. The Local Highway Authority consider that the proposal will not cause an unacceptable impact on road

safety nor will it have a severe impact on highway conditions and therefore have no objection to the proposal. They suggest the inclusion of a condition in any consent relating to opening hours for non-residents.

- 3.3 Lead Local Flood Authority – no objection to the proposed development as it is considered that it will not increase the flood risk on the site or elsewhere.
- 3.4 Several representations objecting to the proposal have been received, these are summarised as follows:
- A tourist attraction in this open countryside location is not appropriate
  - Impacts on the tranquillity of the area
  - Potential increase in visitor numbers and the impact on the local road network
  - Lack of vehicle parking currently and none proposed
  - Biodiversity
  - Light pollution

## **4 Policy and guidance**

- 4.1 The relevant Development Plan comprises:
- The Lake District National Park Local Plan 2020-2035
- 4.2 The following Lake District National Park Local Plan policies are relevant to this application:
- Policy 01: National and international significance of the Lake District
  - Policy 02: Spatial strategy
  - Policy 05: Protecting the spectacular landscape
  - Policy 06: Design and development
  - Policy 08: Infrastructure and developer contributions
  - Policy 18: Sustainable tourism and holiday accommodation
- 4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.
- 4.4 The Crosthwaite and Lyth Parish Plan was agreed by the Parish Council in 2007.

## **5 Assessment**

- 5.1 The main issues are:
- The principle of development
  - Impact on the road network
  - Impact on the character and appearance of the area

**Is the principle of development appropriate in this location?**

- 5.2 Damson Dene Hotel is in an open countryside location, where in accordance with our spatial strategy, we will only support proposals for development where the application demonstrates:
- An essential need for a rural location; or
  - The location is necessary for the provision of public utilities and infrastructure; or
  - That it helps to sustain an existing business; or
  - It is necessary for and designed to support agricultural or forestry use; or
  - An appropriate extension, or reuse of an existing building.
- 5.3 The supporting information states that the proposed development would sustain an existing business by providing additional income, ensure staff are gainfully employed in an otherwise quiet period of the day and act as an enhancement to what the hotel currently offers.
- 5.4 The model village would be a tourist attraction in its own right, with a token operated access system in place. Local Plan policy 18 states sustainable tourism proposals will be supported where they are located within or adjacent to an existing visitor attraction or accommodation site. As the application site is an established hotel I consider the principle of the development is acceptable and satisfies the requirements of the Local Plan (policies 02 and 18), and the requirements of the NPPF.

**Impact on the local road network**

- 5.5 The hotel is accessed directly off the A5074 Gilpin Bridge to Bowness road. Representations describe the A5074 as notorious, on which there have been a number of serious accidents in recent times. If travelling from the south access to the hotel is off a bend, with reduced visibility. The national speed limit applies to the stretch of road adjacent to the hotel. There is no pedestrian or cycleway provision. From my site visit I experienced that the road is winding and there was a steady flow of traffic.
- 5.6 The hotel currently has 60 vehicle parking spaces. The model village would be open to the general public between 11am – 4pm. The applicant considers that car park use by hotel guests would be at its lowest during this period. When I visited the site there were seven cars in the top car park, with only two free spaces available. The bottom car park had fewer vehicles present with more free space available. I note from the website that the hotel offers a variety of services throughout the day including lunch, afternoon tea and spa facilities, including swimming lessons, all of which are open to the general public. In accordance with policy, development will only be permitted where adequate infrastructure exists relevant to the development proposed without prejudicing existing users, or additional or enhanced infrastructure necessary to mitigate the impact of the development.

- 5.7 At its current location in Flookburgh, representations state that the model village has in the region of 6,000 visits per annum. Supporting information states that moving the models from their current location would result in the attraction becoming a more tourist orientated and frequented location. This leads me to believe the expectation that the visitor figures will at least be maintained which as an estimate could be 20 visitors per day over the course of a year, which could amount to between 4 and 7 cars per day. There are no designated coach parking areas for the hotel and no additional parking is proposed to serve the needs of the proposed development.
- 5.8 I consider the two main road safety issues are the potential impacts of turning vehicles entering and leaving the site, and the availability (and potential displacement) of parking.
- 5.9 The proposed development could bring more cars to the hotel. The A5074 at the site is winding, and there is some reduced visibility at the site entrance. The Local Highway Authority requested that the applicant provide additional information about likely vehicle movements to inform their assessment during the course of the application. After considering this information, the Local Highway Authority advises that in their view the proposal will not cause an unacceptable impact on road safety nor have a severe impact on highway conditions. I have no information to lead me to a different conclusion.
- 5.10 In respect of parking provision, the existing site has 60 spaces. The applicant proposes to operate the site during the daytime when a proportion of hotel guests might be expected to be elsewhere releasing available parking. My own observations when I visited reflect this. The Local Highway Authority has not raised any objections to parking provision. Having regard to the existing arrangements, the advice of local highway authority, parking standards, and subject to a condition restricting opening hours for non-residents to avoid overlap conflict of visitor parking with guests at peak times, parking arrangements are considered to be adequate.
- 5.11 I am satisfied the proposed development meets the requirements of Local Plan policy 08 and the requirements of the NPPF, and recommend that the planning condition suggested is part of any permission.

#### **Impact on the character and appearance of the area**

- 5.9 We will support development that ensures the highest level of protection is given to the landscape, and where the type, design, scale and level of activity maintains local distinctiveness, sense of place, and where appropriate, tranquillity.
- 5.10 According to the Landscape Character Assessment (LCA), the relevant landscape sensitivity identified for the Lyth Valley is the 'relatively strong sense of tranquillity throughout' which should be maintained.
- 5.11 I consider the proposal itself to be of a type, design and scale which would not have a detrimental effect on the authenticity, integrity and landscape character of the immediate area, and would maintain the local

distinctiveness, sense of place and tranquillity by virtue of the fact the location of the development is within the grounds of an existing hotel, and the impacts therefore very localised. Concerns have been raised through representations regarding the level of activity associated with the proposal and how that may impact on the strong sense of tranquillity of the wider Lyth Valley area. The A5074 is a main road linking the A590 in the South to Bowness and its hinterland, and the landscape character assessment acknowledges the main areas of tranquillity are away from the A5074 and A590. Given the proposed development, and its consequent activity will be focussed on the existing road network and on the site, on balance, I consider the tranquillity of the wider area away from the main road network will not be unacceptably affected, with direct impacts remaining site specific.

### **Other considerations**

- 5.12 Lighting – supporting information states that any lighting will be designed with dark skies policies in mind, be low level and designed to complement the models of the buildings. It is anticipated that the model village will not be open after 7pm in the winter, when lighting will be extinguished. Representations state there is light pollution currently from the hotel on neighbouring properties at Hubbersty Head, and that this could further exacerbate the issue. To ensure the development proposed is acceptable and does not contribute to light pollution in accordance with our Principles of Development and Local Plan policy 06, I consider a planning condition controlling lighting is necessary to make the development acceptable in the context of the character and appearance of the area.
- 5.13 The site is clearly visible from Footpath 514037, but I do not consider it would have a detrimental effect on the use and experience of the public right of way.

## **6 Conclusion**

- 6.1 Having had regard to the provisions of the Development Plan (in particular Lake District National Park Local Plan policies 01, 02, 05, 06, 08 and 18), and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, [subject to the conditions recommended.]

**RECOMMENDATION: APPROVE with conditions**

### **Conditions/Reasons**

- 1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.
- REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details received by the Local Planning Authority .:

- ADAL176/00-01
- ADAL176/10-02
- ADAL176/10-01
- ADAL 176 - List of model buildigs in situ at original site

REASON: For the avoidance of doubt.

- 3 The model village use hereby permitted shall not be open to non-residents of the Damson Dene Hotel outside the hours of 11am - 4pm.

Reason: To avoid overlap and conflicting demands for use of visitor parking with guests at peak times which could cause overflow and access / egress issues detrimental to road safety on the A5074.

- 4 Details of any external lighting shall be submitted to, and agreed in writing by, the Local Planning Authority prior to installation. Such lighting shall be installed and maintained in accordance with the approved details thereafter.

REASON: For the avoidance of doubt and to safeguard the amenities of the area in accordance with the provisions of Lake District National Park Local Plan Policy 06: Design and development.

- 5 Not later than 12 months from the substantial completion of the development, landscaping of the site shall be undertaken in accordance with the details of a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The said scheme shall include details of hard and soft landscaping proposals and boundary treatments.

Any trees or plants which, within a period of five years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard the visual amenities of the area.

### **NPPF decision notice requirements**

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement

The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application by asking for a Transport Form to be submitted.

### **Background papers**

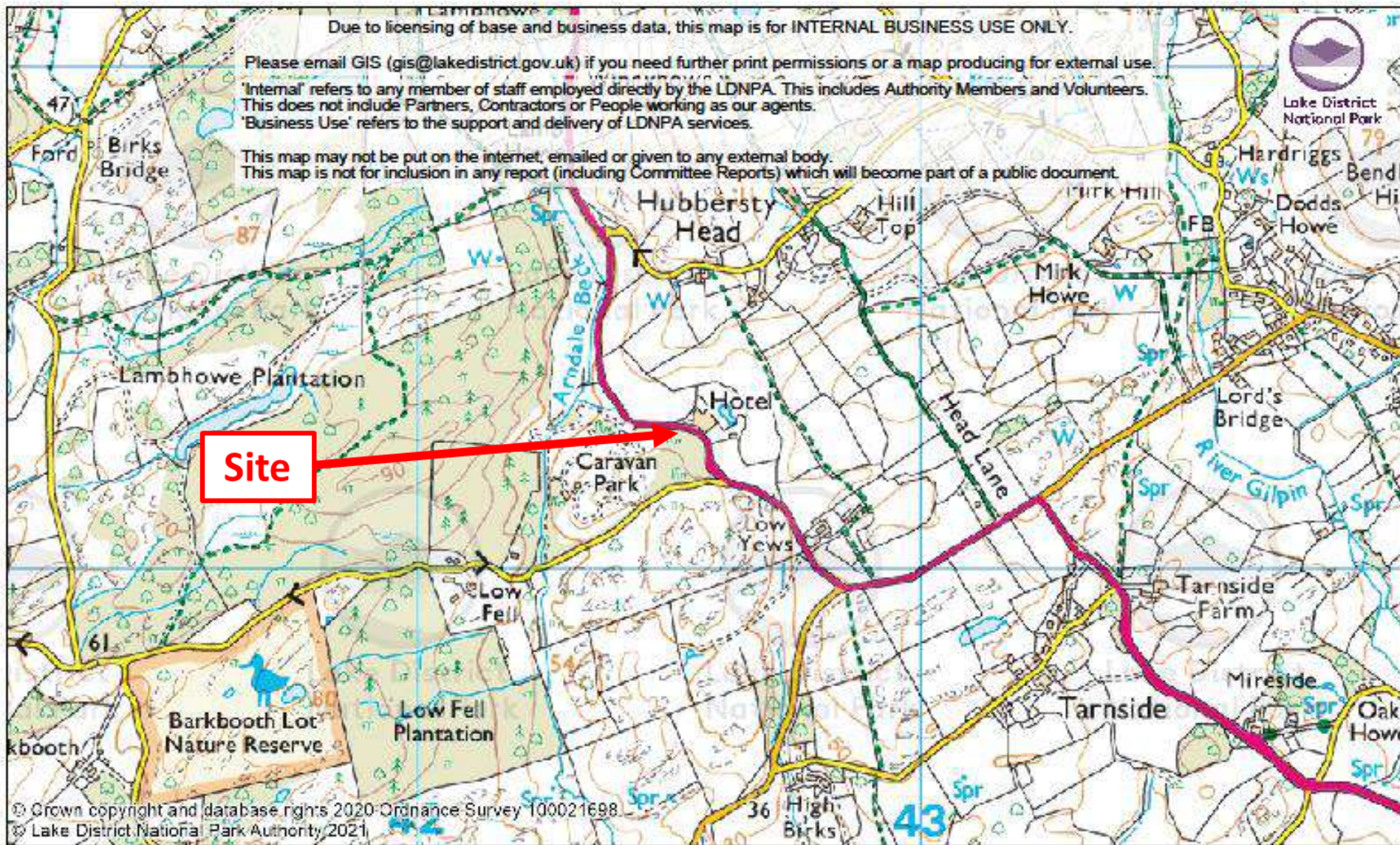
Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.



7/2021/5506

Damson Dene Hotel, Crosthwaite

Construction of a model village in the  
grounds of Damson Dene Hotel



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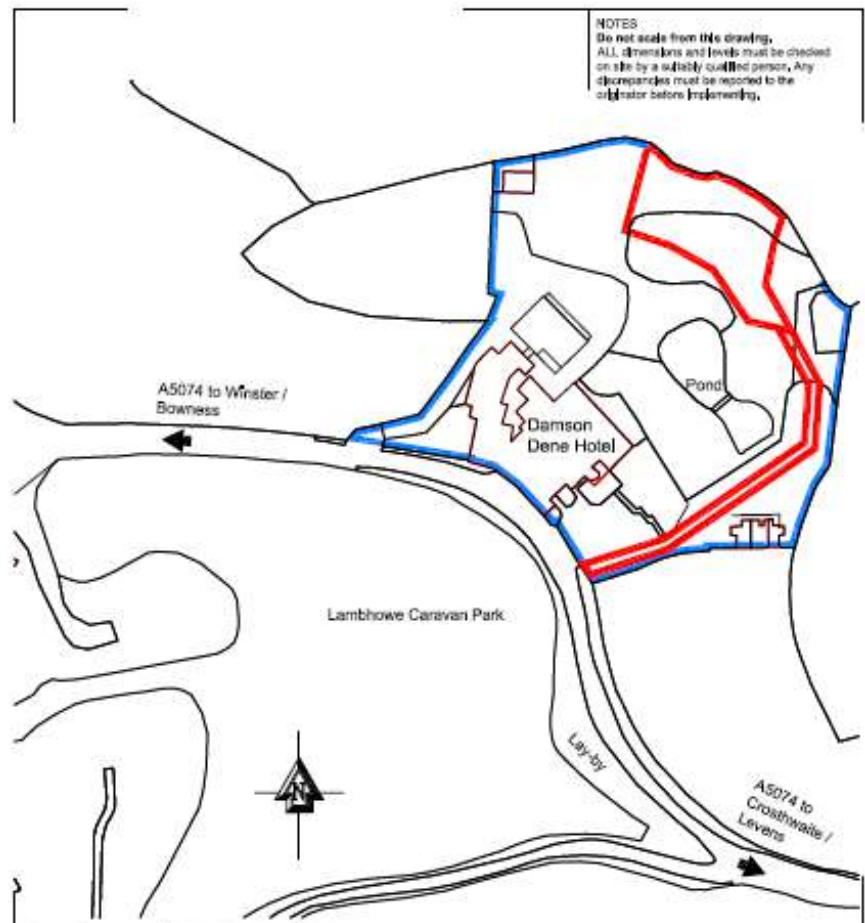
Created by: Paula Allen

Date: 20 September 2021

Scale: 1:10000



NOTES  
 Do not scale from this drawing.  
 ALL dimensions and levels must be checked  
 on site by a suitably qualified person. Any  
 discrepancies must be reported to the  
 originator before implementing.



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Project  
 Proposed model village  
 in the grounds of Damson Dene  
 Hotel,  
 Crosthwaite Nr Kendal. LA8 8JE

Drawing  
 Location Plan

Rev	Date	Description

Client  
 South Lakes Hotels Ltd

Scale  
 1:1250 @ A4

Date  
 June 2021

Drawing Number  
 ADAL176/00-01

Sheet  
 01/01

Revisions  
 -



**General site information**  
 The site will be landscaped to give the appearance of a landscaped village / garden.  
 The areas not occupied with buildings will be planted with small bushes and a tree species to be kept open to allow light for the model buildings.  
 To provide the environment with a landscaped appearance, the landscape will be modified with low mounds / hills up to maximum above existing ground level in the existing flat areas of the garden.

Paths to be step free & approximately 1200mm wide with water permeable / surface tiles.  
 Indicate building 600 x 600mm shown. Actual building sizes may vary from up to 600 x 1800mm up to 2100 x 900mm.  
 Approximately 60 model buildings to be included in the site.

**Fence security**  
 The site will be surrounded by a 1800mm timber fence screened externally with a white plastic hedge incorporating privacy screening panels in the garden. The hedge will be supported to a height of 2400mm.  
 Gated access & egress

**Access**  
 The entrance will have a robot operated access system. Tones will be available from the road, acoustic or bells.  
 The exit will be via a one way gate system. The entrance and egress gates will be an integral part of the fence & hedge structure by the site.

**Notes**  
 All drawings and levels must be checked or site to a scale of 1:1000 person. Any dimensions must be related to the site plan unless otherwise stated.

Rev	Date	Description
01		Issue for
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<p><b>Client</b>          South Lakes Hotels Ltd</p>		
<p><b>Project</b>          Proposed model village          In the grounds          Claxson Dene Hotel,          Crosthwaite, LA8 8JE</p>		

**Proposed Site Plan**

Scale: 1:500  
 Date: June 2021  
 Drawing Number: 100000







DAMSON  
DENE  
HOTEL  
& RESTAURANT

