



Lake District
National Park

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

Application number:	7/2025/2128
Application type:	S73 (Amend/Delete Condition)
Applicant:	Mr Nathan Millward, Underscar Owners' Club
Location:	Underscar Manor, Oxleys Health Spa, Applethwaite, Keswick, CA12 4PH
Grid reference:	
Proposal:	Use of building as Spa facilities not in accordance with condition 1 of planning permission 7/2018/2184 (permitted leisure club membership to increase to 150)
Report prepared by:	Phil Nicholls, Area Planner
Report agreed by:	Kevin Richards, Planning Manager
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 proposals

- 2.1 Underscar Manor is a grade II listed manor house situated east of Applethwaite. Built in 1853 the extensive and prominent villa is built in the Italianate style and is sited within large grounds, set with specimen trees, and with a walled garden to the east.
- 2.2 In 1984 a timeshare complex, which includes a large number of holiday units was approved within the former walled gardens and a spa which adjoins Underscar Manor. The original use of the manor was as a private dwelling and then as a hotel from 1990. In 2010 planning permission was granted for the change of use of the hotel back to a dwelling (ref: 7/2016/2103 & 7/2016/2104).
- 2.3 This application relates to Oxleys Health and Leisure Spa which forms part of the Underscar timeshare complex. The original planning approval was subject to conditions, one of which restricted the number of people who could use the Health and Leisure Spa (ref: 7/2000/2059).
- 2.4 The condition outlined that the leisure facilities should remain ancillary and shall not be used other than by residents of the development, hotel and bona fide members of the leisure club. The leisure club membership was restricted to 100 members. The reasons given were that an unrestricted use would be detrimental to highway safety and the amenities of nearby residents.
- 2.5 In 2018 planning permission was approved to increase the number of members from 100 to 125 (ref: 7/2018/2184).
- 2.6 Planning permission is now sought to vary the condition to allow for an increase in membership numbers from 125 to 150. The application is before committee because the recommendation of approval is contrary to the views of the Parish Council.

3 Representations

- 3.1 Underskiddaw Parish Council: Object – An increase in the number of members would have an impact on highway safety and the amenities of adjoining residents.
- 3.2 Local Highway Authority: Taking into consideration the existing use, member numbers and the access road from the A591 it is unlikely that the increase from 125 members to 150 will have an unacceptable impact on the

local highway or its users. The LHA and LLFA have no objections to the variation of the condition.

4 Development plan policies and other relevant 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 02: Spatial strategy
 - Policy 06: Design and development
- 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 There is no community plan in this area.

5 Main issues and assessment

- 5.1 The health and leisure club exists and serves the users of the timeshare complex and a list of 125 members. A condition is in place to manage the use of the facility, the reason for which is that an unrestricted use would be detrimental to highway safety and the amenities of adjoining residents
- 5.2 The sole assessment therefore is whether the additional 25 members sought would have an acceptable impact on local highway conditions and the amenity of the neighbouring dwellings.

Are the proposals acceptable in respect of any impacts on the highway?

- 5.3 The first main reason given was that an unrestricted use would have a detrimental impact on highway safety. The site is accessed by a steep road leading from Applethwaite that serves the small number of dwellings situated along its length. The Local Highway Authority have been consulted and have raised no objections, concluding that the additional 25 members would not have an adverse impact on local highway conditions.
- 5.4 Though membership numbers have been increased previously the additional 25 members remain small scale in the context of the activity taking place across the site and would not in my view result in a significant adverse impact on the highway having regard to the response of the Local Highway Authority and as such is considered acceptable.

Are the proposals acceptable in respect of impact on the amenity of neighbours?

- 5.5 The closest neighbour is Underscar Manor itself, now a single dwellinghouse. Further houses are situated along the highway to the northwest. The scale of the increased membership numbers is at such a low level in the context of the existing use and of such a nature that I do not

consider the increase would have an adverse impact on the amenity of neighbouring dwellings, compliant with Policy 06 and the requirements of the NPPF.

6 Conclusion

- 6.1 Having regard to the provisions of the Development Plan (in particular Lake District National Park Local Plan policies 02 and 06), 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 Notwithstanding conditions 11 and 13 of planning permission 7/88/2005 dated 15 April 1988, the leisure facilities hereby approved shall remain ancillary to the proposed Underscar Manor development approved by permission number 7/88/2004, shall form part of a single planning unit with that development and shall not be used other than by residents of the development and bona fide members of the leisure club. The leisure club membership shall not exceed 150 at any one time.

REASON: An unrestricted use would be detrimental to highway safety and the amenities of adjoining residents.

NPPF decision notice requirements

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

The Local Planning Authority did not identify problems arising in relation to dealing with the application.

Background papers

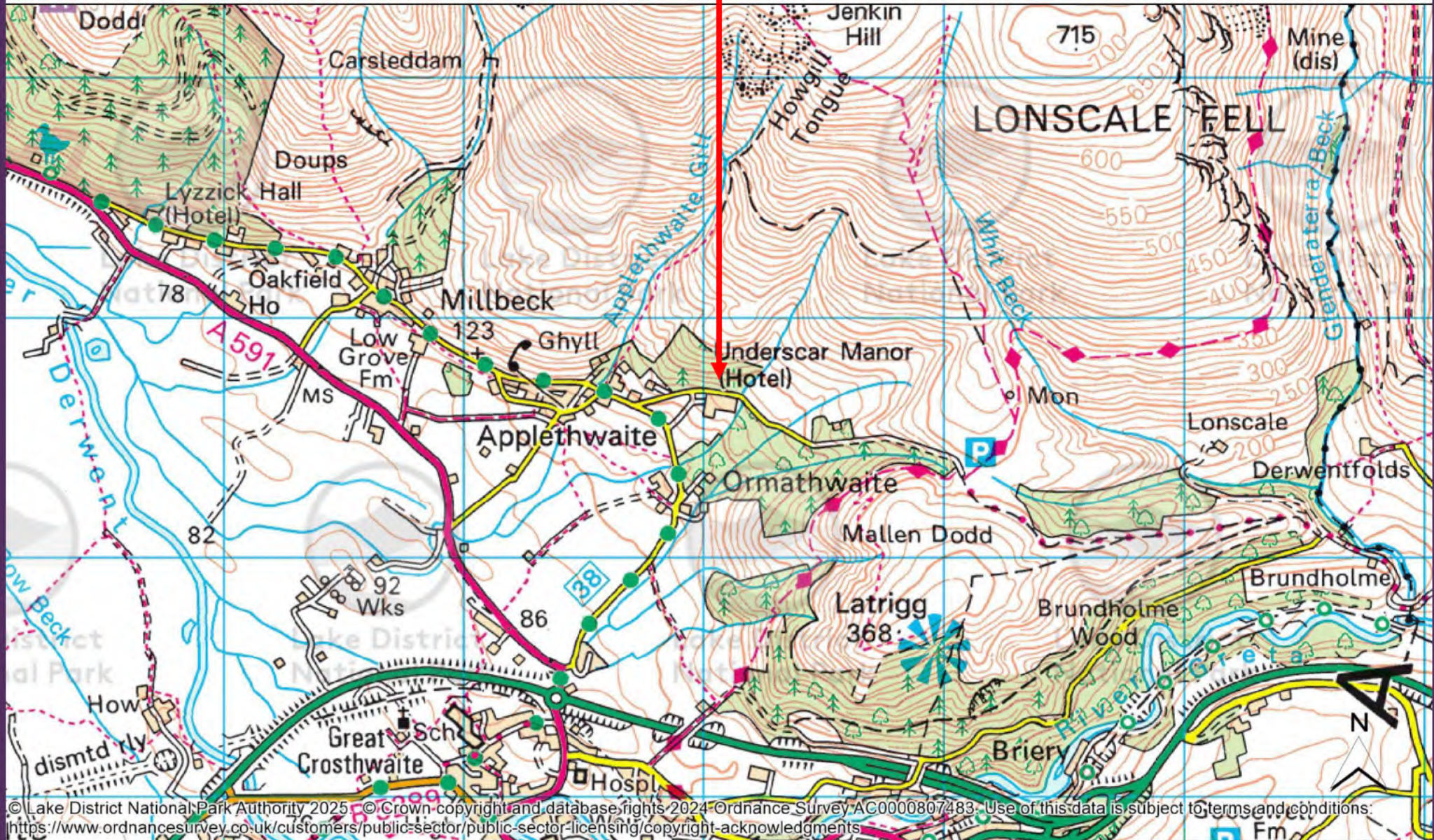
Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2025/2128

Underscar Manor, Oxleys Health Spa, Applethwaite,
Keswick, CA12 4PH

Use of building as Spa facilities not in accordance with
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Site



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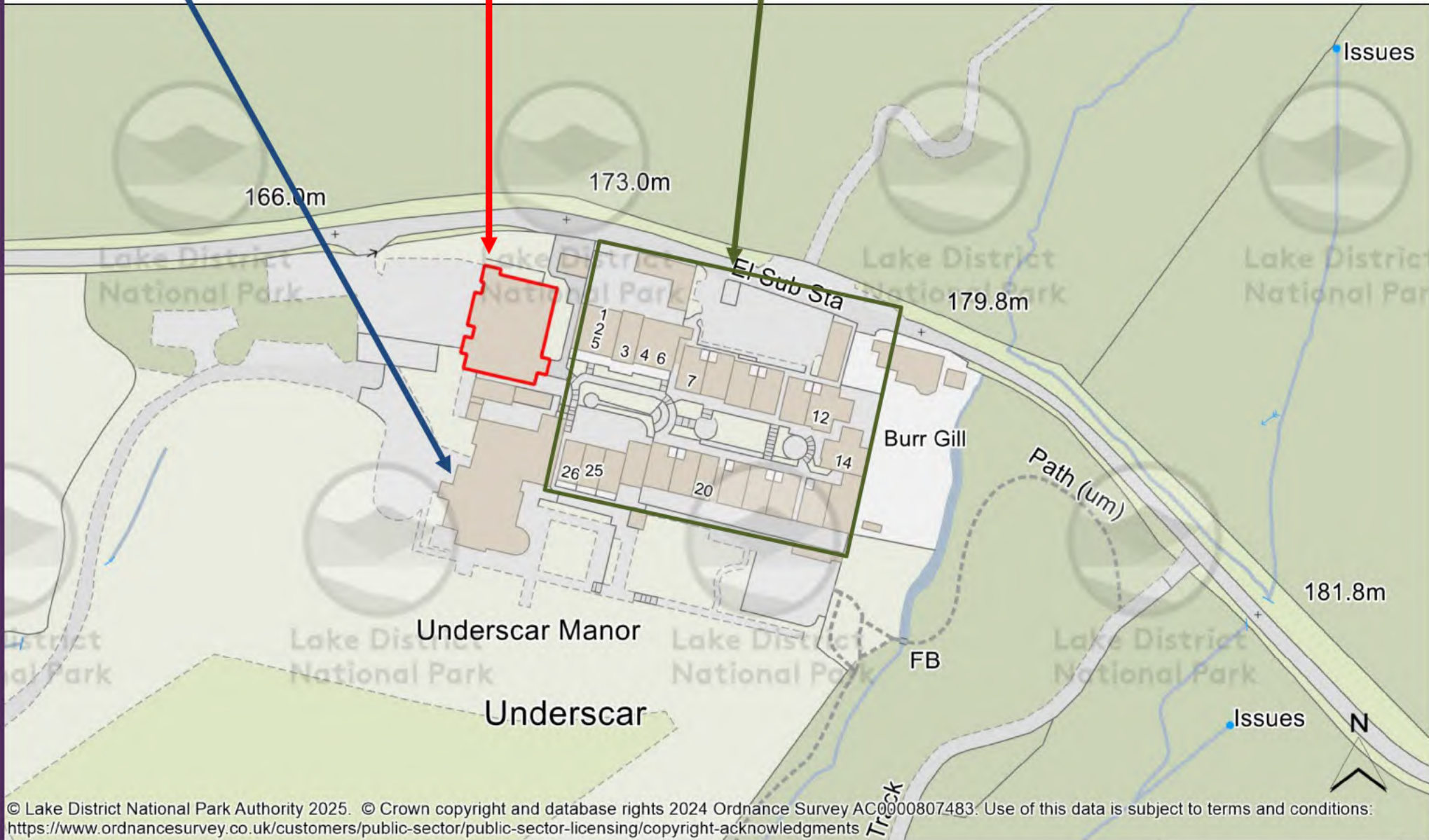
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Lake District
National Park Authority

Underscar Manor

Health Spa

Timeshare



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Views along the road

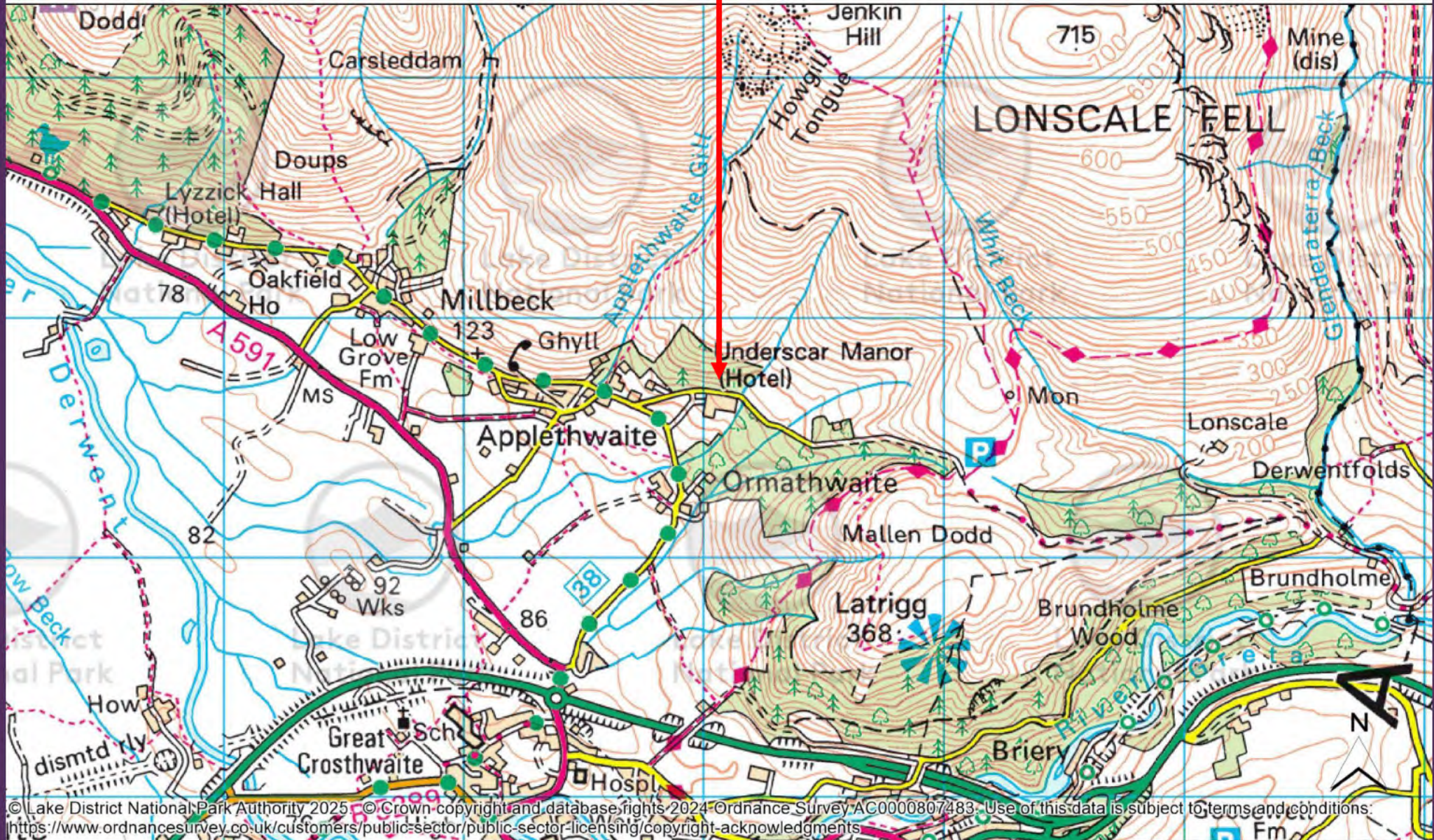


Gale Rd
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