



**Lake District
National Park**

7

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

Application number:	7/2024/5496
Application type:	Full Planning application
Applicant:	Mr Lloyd
Location:	Lloyd Motors South Lakes, Kendal Road, Lindale, Grange-Over-Sands, LA11 6QR
Grid reference:	342207 480801
Proposal:	Creation of new car storage compound
Report prepared by:	Ben Long, Area Planner
Report agreed by:	Neil Henderson, Planning Manager
Recommendation:	DELEGATE to Head of DM to APPROVE

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 I am reporting this application to Committee because my recommendation to approve is contrary to the objections of Lindale Parish Council and local residents.
- 2.2 Lloyds Motors (Lindale) is an established BMW/Mini dealership which occupies premises off the B5277 just to the east of Lindale. The dealership moved to this location, a former haulage depot, following permission granted in 2001 with the Mini premises following in 2005.
- 2.3 This application is for the formation of a car storage compound for 254 further cars to the north east of the existing dealership. Supporting information submitted with the application states that: *'Currently, there is insufficient vehicle compound space to serve the nearby car repair workshop and showroom facilities. The proposal addresses this issue by providing 254 car storage spaces for use by local dealerships'*.
- 2.4 This is a revised application following refusal of a similar proposal, 7/2024/5234, in August 2024 on grounds of visual intrusion, access, and lack of information about surface water drainage. The application now features access by the existing site entrance rather than by providing a new access, and additional planting, together with revised information regarding lighting and drainage.
- 2.5 Parts of existing areas of tree planting would be removed to facilitate the development and its internal access road. The area would maintain a slope down from northwest to southeast (between 1:14 and 1:18), with slight adjustment to the levels and according to the latest surface water drainage information would be surfaced with a porous gravel finish. A 2.1m green coloured palisade fence is proposed around the compound. An 8m banded strip of planting consisting of a hedgerow and trees of various species is proposed to the southeast side of the compound and palisade fence, while a new hedgerow is now proposed to the east side.
- 2.6 A lighting scheme for the compound and access route has been submitted and amended during the course of consideration of the application. The lighting proposed would take the form of 11 six metre columns around the compound and 5 five metre columns along the new access route. A lighting management statement has been provided which advises that the units will be on passive infrared sensors so that the lights will be off unless triggered. detail lighting proposals. From late March to late October all vehicular movements within the site will be during daylight hours, and it is anticipated that there will be 8 transporter deliveries each week. Delivery and unloading

time will be approximately 30 minutes per visit. Vehicle collection will be on an ad hoc basis between 10-15 visits per day.

- 2.7 An application to relocate a Toyota dealership to this site was refused in 2008 and a subsequent application for similar development was granted in 2012. On the basis of the information available to date, that approval does not appear to have been implemented and will now have lapsed.

3 Representations

- 3.1 Lindale Parish Council voted not to support the application:

- This is a further intrusion into the countryside and against National Park policy.
- The development is not an extension to the existing business but primarily to serve the applicants business elsewhere and outside the National Park.
- The loss of open countryside, agricultural land and habitat and any compensation for this by the purchase of offsite units is not acceptable.
- There has been no mention of the deer visiting the site or the wildlife refuge provided from the dual carriageway.
- There is no additional employment provided. This is despite the applicants' correspondence relating to the previous application.
- Surface water discharge remains unresolved with no detail of the sustainable drainage.
- Palisade fencing is not environmentally acceptable.
- The lighting and security measures now included merely confirm our previous observations. Complaints regarding the excessive lighting from the adjacent site are still being received and the damage to wildlife has not been assessed.
- The access arrangements for vehicle delivery remains unresolved on a road with a 50mph speed limit. After numerous accidents the Highways authority have refused to reduce the speed limit following requests from the PC

Lindale Parish Council have reiterated their objection to the application in relation to the revised information The Council remain unsatisfied with regard to access, drainage and lighting.

- 3.2 Westmorland and Furness Council as Local Highway Authority and lead Local Flood Authority recommend that further information should be provided to allow the application to be properly considered. Detail of delivery vehicle access arrangements and sustainable drainage should be provided.

At the time of writing we had not received comments in respect of the additional information submitted.

- 3.3 National Highways offer no objections.

- 3.4 United Utilities have provided comments about asset management and recommend a condition regarding surface water drainage.
- 3.5 Friends of the Lake District note the many other concerns about this proposal identified by other respondents and do not propose to repeat all of these here. We do however wish to highlight concerns about the lighting proposals.

FoLD question the need for the proposed new lighting, particularly at this quantity, height, brightness etc. The Cumbria Lighting Technical Advice Note (TAN) is clear that lighting should be used only in the location and quantity that is necessary and seeks a statement clearly justifying the purpose and tasks or functions of the proposed lighting.

FoLD have subsequently written welcoming the change to the lighting scheme and requesting that the number of kelvins should be retained at 2,700 (rather than 3000).

- 3.6 At the time of writing we had received objections from 10 private individuals on the following grounds:
- Lindale is a village in the National Park. The proposed development would not be offering a local service, and bring no benefit to the community, contrary to Local Plan Policy 02.
 - The disposal of surface water is unclear, unacceptable and would increase flood risk contrary to Policy 03.
 - The developing on a natural site and the erection of a perimeter fence will harm wildlife and inhibit animal movement. The development is contrary to Local plan Policy 04.
 - The development would lead to a loss of pasture and woodland which acts as a carbon sink.
 - The development is too large and inappropriate and will cause harm to natural beauty and tranquillity, contrary to National Park purposes, and Local Plan Policy 05. Car storage is not a suitable land use in National Parks or a World Heritage Site and the cumulative effect of car showrooms on a Lake District village need to be considered.
 - The development would not deliver employment or homes that are needed, contrary to Policy 16.
 - It would appear that this site has been outlined to store vehicles from other Lloyds branches in the North West of England. The storage of 254 cars for their other branches will mean that the frequency of large vehicle transporters will increase to bring vehicles in and out and increasing traffic hazards.
 - The proposed external lighting is completely unacceptable, at odds with dark skies and wildlife.
 - The development does not provide for visitor or local parking and will not result in an increase in sustainable transport contrary to Policy 22.
 - The development should be considered Major and therefore contrary to Policy 26 as being inappropriate in a National Park.

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 01: National and international significance of the Lake District
- Policy 02: Spatial strategy
- Policy 03: Development and flooding
- Policy 04: Biodiversity and geodiversity
- Policy 05: Protecting the spectacular landscape
- Policy 06: Design and development
- Policy 07: Historic environment
- Policy 16: Job creation and employment space
- Policy 28: Mineral safeguarding areas

- Biodiversity Net Gain Supplementary Planning Document

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 main issues are:

- The principle of the development
- Impact on the character and appearance of the area
- Impact on the amenity of neighbours
- Highways and access
- Nature conservation including biodiversity net gain

The principle of the development

5.2 The site of the proposed development lies on land to the east of the village of Lindale. Having regard to the form and character of the village and the layout of buildings, utility and community infrastructure, I consider that the site lies outside of the village and in open countryside for the purposes of applying development plan policy.

5.3 Policy 02 of the Local Plan will only support development in the countryside in certain circumstances, those which could be considered to apply to this development being: where the application demonstrates an essential requirement for a rural location, or it helps to sustain an existing business.

5.4 In this case the use for car storage does not have an essential requirement for a rural location and is only being proposed in this location due to the presence

of the existing business. In response to Lindale Parish Council's comments that the use is required to serve businesses elsewhere, the applicant's agent has advised that *'the development is required as additional compound space for the existing BMW/Mini dealership. This will allow space on the existing site to be maximised for customer parking and used for car display. The compound is required for new car deliveries awaiting customer handover, vehicles awaiting and after servicing, used vehicles awaiting preparation and potential overflow staff parking'*. Other than a Kia dealership at Gilpin Bridge (within the National Park), Lloyd's has no other premises closer than Blackpool, Cockermouth and Carlisle. Correspondence from the applicant's agent on the earlier application indicates that the development would safeguard 30 jobs.

- 5.5 The criterion of Policy 02 relating to helping to sustain existing businesses can cover a wide variety of benefits to a business, to 'help' to sustain it. The test is not that it is essential for the survival of the business. It is my opinion that the proposed development would be helpful to the existing business and as such the test of principle in Policy 02 is met.
- 5.6 Policy 22: Vehicle parking to improve sustainable transport - is not applicable to this application for the parking of vehicles associated with the established business. The explanatory text of Policy 22 [3.22.06] makes clear that *'this policy applies only to new public parking'*.
- 5.7 Policy 26 relates to major developments and gives expression to Government Policy that such development should be refused in designated areas other than in exceptional circumstance, in the public interest. Such schemes will include, but not be limited to, major road schemes, substantial utility infrastructure and large scale tourism and leisure facilities. Having regard to the nature, scale, setting and potential impacts of the development, I consider that this proposal does not fall within the definition of major development for the purposes of Policy 26. This does not however mean that it does not result in potential adverse effects on environmental or other considerations.
- 5.8 We still have to consider the impacts and benefits of the proposed development against other policies.

Impact on the character and appearance of the area

- 5.9 The site lies at the junction of different landscape character types, the estuary and marsh of Foulshaw and Meathop to the south and east, pastoral landscape and coastal limestone of the Field Broughton area to the west and the low fell character of Whitbarrow and the Winster Valley to the north.
- 5.10 The site consists of a large parcel of open land which has a slightly scrubby appearance, sloping up gently from the B5277 road in the south to the A590 Lindale by-pass in the north. There is a block of planting at the western edge adjacent to the car dealership, a strip of planting alongside the dual carriageway and a hedgerow along the B road.

Landscape effects

- 5.11 The principal landscape effect of the development would be the loss of the open grassland. This land does not appear to have been farmed in recent years and has developed a scrubby character behind the hedge and other boundary planting. The proposed parking area would be contained within new tree and hedge planting, furthering the change from grassland.
- 5.12 Activity and lighting would have the potential to erode the level of tranquillity in the area. The planting proposed could contain the majority of the activity. The role of the compound is storage, and the activity (anticipated to be 8 transported visits per week and 10-15 vehicle collections per day) is not likely to be particularly noticeable considering the existing use of the site and the shared access.
- 5.13 Lighting would be apparent and harmful, when in use. The existing lighting of car park areas at the dealership illuminates the tree screen at the rear of the site. The information provided by the applicant advises that the height of the columns is necessary to keep the number of light units to a minimum, information has been provided to demonstrate that the lighting would not result in significant light spill beyond the boundaries of the site.
- 5.14 The effect of the lighting in drawing attention to the presence of the development in an otherwise open countryside location, and stretching the existing effects of site illumination out into the adjacent land would be clear. The impact of this would be substantially affected by the duration of the effect. Management information submitted with the application indicates that the site would normally be expected to be dark, the lighting only being triggered when vehicle delivery and collection was underway.

Visual effects

- 5.15 With regard to visual effects the visual envelope of the site is likely to be limited. The views of the site will primarily be from the B5277 Road and the dwelling, The Hawthorns. It may be possible to get a quick glimpse of the site when travelling westward on the A590. There may be glimpses of the site from public footpaths on higher ground on Raven's Barrow to the north. Visual receptors' sensitivity will be between moderate, for commuters, and high, for residents and those enjoying the National Park for recreational purposes.
- 5.16 Without adequate landscaping, the proposed car storage use would be visible and intrusive in this location. The landscaping now proposed would appear to me to be sufficient to properly enclose and adequately screen the appearance of parked cars, security fence and the hard surfaces proposed. A condition is necessary to ensure the landscaping is carried out in a timely manner and is retained thereafter.
- 5.17 The lighting columns will be visible and could be prominent until and unless tree planting reaches 5-6m. Lighting when in use would be visible. The application is proposed to use 3000 kelvin warm white LEDs.

Landscape conclusion

- 5.18 I consider that having regard to the existing character of the land and its surroundings, the increased landscaping now proposed and the revised and additional lighting information, including management proposals, that the development proposed is now acceptable in terms of its impact on the character and appearance of the area and that it satisfies the requirements of Local Plan Policies 01, 02, 05, 06, 07 and the NPPF.
- 5.19 With regard to the effect on the English Lake District World Heritage Site, other than the extra ordinary beauty and harmony attribute I have not identified any other aspects of OUV that the development would affect. As I have found no material harm to the landscape character and visual amenity of the National Park, I consider that the development would not result in harm to the attributes of Outstanding Universal Value (OUV) of the English Lake District World Heritage Site.

Impact on the amenity of neighbours

- 5.20 There is one house near the application site: The Hawthorns, which lies adjacent to the north east. A car storage use will involve the delivery and collection of vehicles from time to time. Such use is likely to be less than for a visitor or staff car park. The proposals will however bring development, activity and lighting to an undeveloped location adjacent to an existing dwelling. Planting now proposed to the north east would mitigate the effect of the use on the neighbour to a degree.
- 5.21 I consider that the development proposed with the additional landscaping would not result in a materially adverse effect on the amenity of the adjacent property and that the development is acceptable in terms of its impact on residential amenity.

Protected species and biodiversity

- 5.22 Under Article 12 of the EC Habitats Directive and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 we have had regard to the requirements of the Habitats Directive. The applicant commissioned a Preliminary Ecological Assessment which has included a survey of the site for its ecological value including protected species. The survey found no evidence of protected species on site, no badger setts or runs were identified.
- 5.23 While I note the comments of the Parish Council and local residents in relation to wildlife, no adverse effects to protected species have been identified and there is insufficient evidence to justify a reason for refusal based on adverse impact on protected species or other wildlife.
- 5.24 Should permission be granted it will be subject to a mandatory condition requiring a biodiversity gain plan to be submitted and approved by the local planning authority demonstrating a minimum 10% uplift in biodiversity net gain as a result of the development. The current proposals result in a loss of habitat and enhancements will therefore be required to deliver the

necessary 10% gain. The report submitted with the application states that this cannot be achieved on site and that off-site credits will need to either be generated on adjacent land or purchased.

- 5.25 The information submitted with the application promises a method of delivering 10% bio-diversity net gain but relies on unspecified off site credits. National Planning Practice Guidance states that *"it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met"*. As a solution is possible, and development could not proceed without the submission of a biodiversity gain plan to the local planning authority and the subsequent approval of such a plan, the proposed development is not contrary to Policy 04 and the NPPF

Highways and access

- 5.26 The previous application proposed a new access from the B5277 road. Concerns regarding the appearance and safety of this means of access was a reason for refusal of that application.
- 5.27 This proposal instead proposes to share the existing site access point, with a spur being taken from it and running around the south side of the existing dealership facilities and its existing car parking areas.
- 5.28 The Highway Authority have confirmed that the existing access to and from the B5277, has sufficient visibility. The Highway Authority requested further information regarding transporter movements and traffic generation. The information has been received and forwarded to the Highway Authority for comment. At the time of writing we had received no response.

Surface water drainage

- 5.29 The site lies within Flood Risk Zone 1 but land within higher flood risk lies adjacent on the opposite side of the B road. Additional information regarding drainage has been received during the consideration of the application. The scheme proposes to use a porous gravel surface to the car parking area with oversized drainage pipes below to provide surface water storage, prior to its release to a small unnamed watercourse at greenfield run off rates.
- 5.30 The information has been passed to the Lead Local Flood Authority for comment. At the time of writing we had received no response.

Mineral safeguarding

- 5.31 Policy 28 aims to safeguard minerals of economic importance from being sterilised by non-mineral development. The site is located within an area safeguarded by Policy 28 for sand and gravel. Policy 28 states planning permission will be granted for non-mineral development within Minerals Safeguarding Areas where specific conditions exist. I am satisfied that, because of the site specific circumstances, the proposal would not affect

the overall value of the mineral resource present, and therefore meets the requirements of Local Plan Policy 28 and the NPPF.

6 Conclusion

- 6.1 The proposal is adjacent to and related to an existing business use in the countryside of the Lake District National Park. The development would help to sustain the existing business.
- 6.2 The proposals involve the development of currently undeveloped land, but is accompanied by appropriate mitigation measures in the form of landscaping and management (including of lighting).
- 6.3 Subject to the Highway Authority and Lead Local Flood Authority being satisfied with the proposal with regard to access and drainage arrangements and appropriate conditions, I am satisfied that the development is compliant with relevant Local Plan policies and acceptable in all other respects.

RECOMMENDATION: DELEGATE to Head of DM to APPROVE

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:
 - Drawing nos. 3242 Loc A Location plan; 3242 02C (Site plan); 3242 03A Proposed site sections;
 - Drawing no. WW/LO1D Landscape plan received by the Local Planning Authority on 22 October 2024
 - Planting schedule Rev C
 - Design and Access Statement
 - External lighting drawing Rev 0 received by the Local Planning Authority on 19 December 2024
 - Holophane lighting brochure received by the Local Planning Authority on 19 December 2024
 - UJP Lighting design statement received by the Local Planning Authority on 19 December 2024
 - Drainage report 2024-038 Rev B
REASON: For the avoidance of doubt.
- 3 External lighting installations to be provided in connection with the development hereby permitted shall not be installed and managed other than in accordance with the approved details: External lighting drawing Rev

0 received by the Local Planning Authority on 19 December 2024, Holophane lighting brochure and UJP Lighting Design Statement. Thereafter, no further external lighting shall be provided to the application site without application to, and the agreement of, the Local Planning Authority.

REASON: In the interests of local amenity and to minimise light pollution in accordance with Policies 05 and 06 of the Lake District National Park Local Plan (2020-2035).

- 4 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 the approved scheme drawing WW/LO1 and the associated planting schedule.

The landscap[e screening shall be retained thereafter for the lifetime of the development. Any trees or plants which 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 in accordance with Policies 05 and 06 of the Lake District National Park Local Plan 2020-2035, the development would be unacceptable without adequate long term screening.

NPPF decision notice requirements

INFORMATIVE - Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Certain permissions are exempted by The Biodiversity Gain Requirements (Exemptions) Regulations 2024, but based on the information available this permission is considered not to be exempt so the biodiversity gain condition DOES apply. The approval of a biodiversity gain plan WILL therefore be required before development is begun, unless it can be demonstrated that the development benefits from a statutory exemption.

In summary: A biodiversity gain plan is required to be submitted to, and approved by, the planning authority before development may be begun.

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 by seeking solutions to problems arising in relation to dealing with the application by seeking additional information and and amendments.

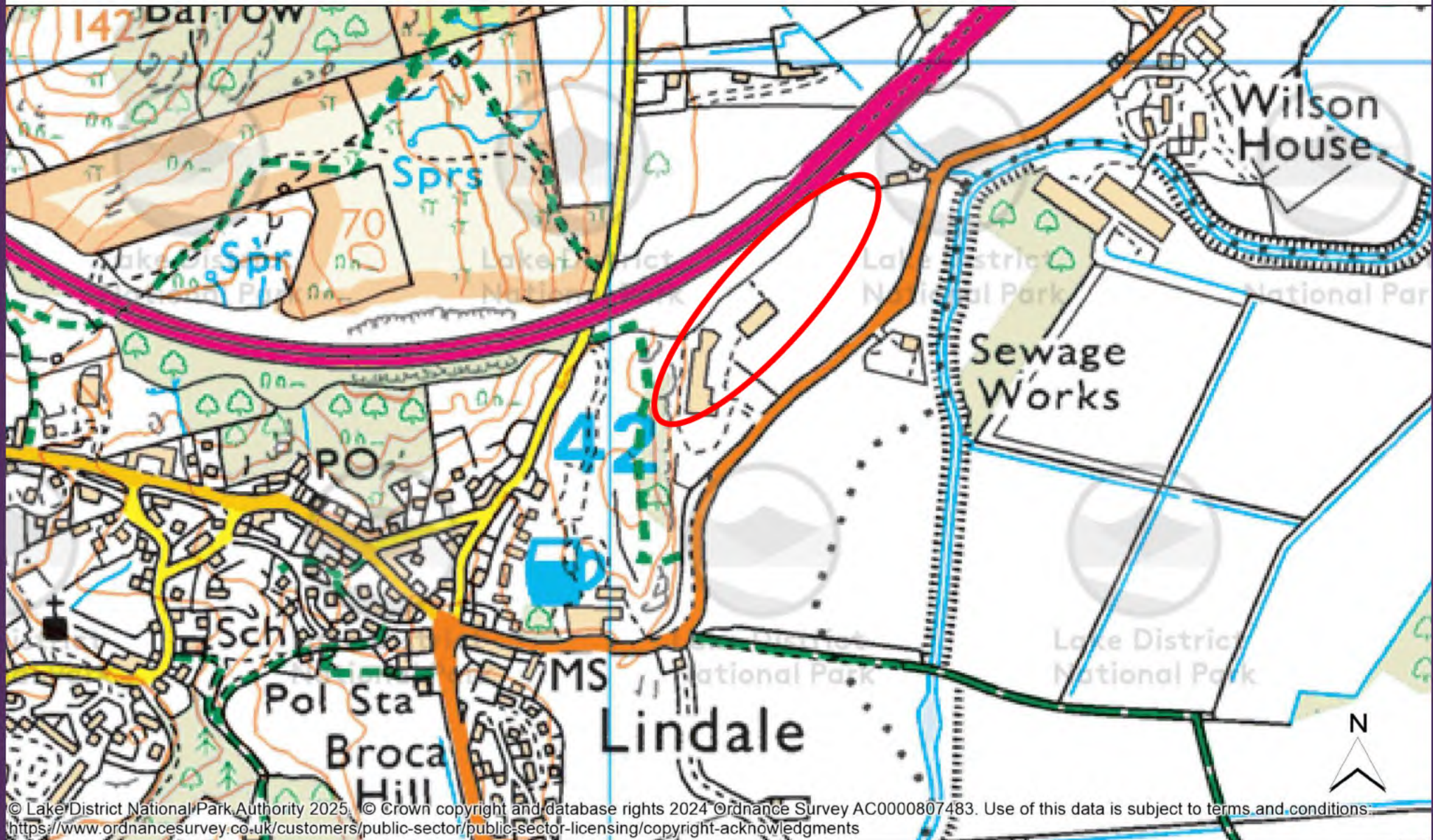
Background papers

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.

7/2024/5496

Lloyds Motors South Lakes, Kendal Road,
Lindale, LA11 6QR

Creation of new car storage compound



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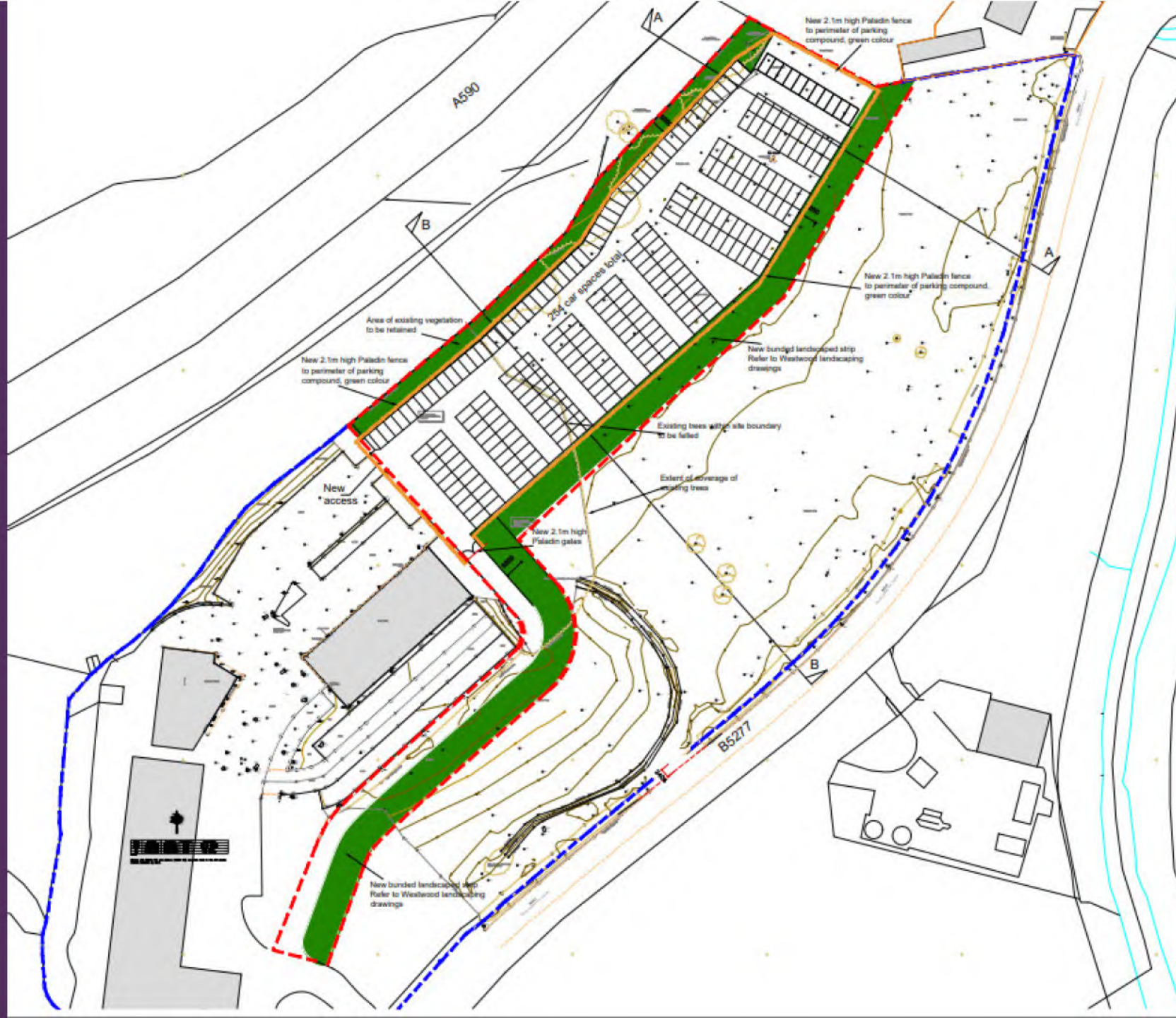
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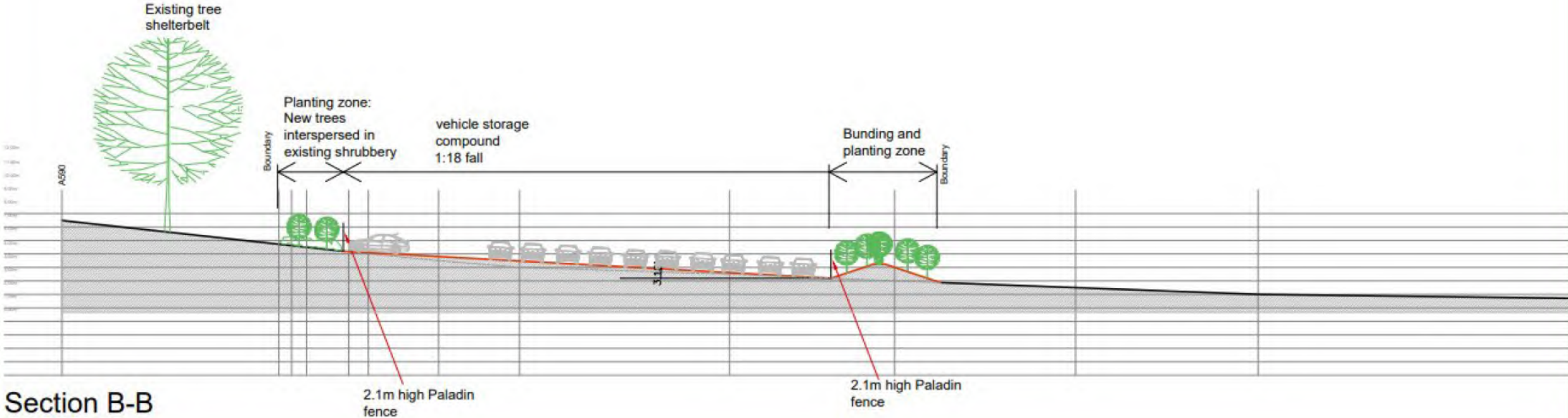
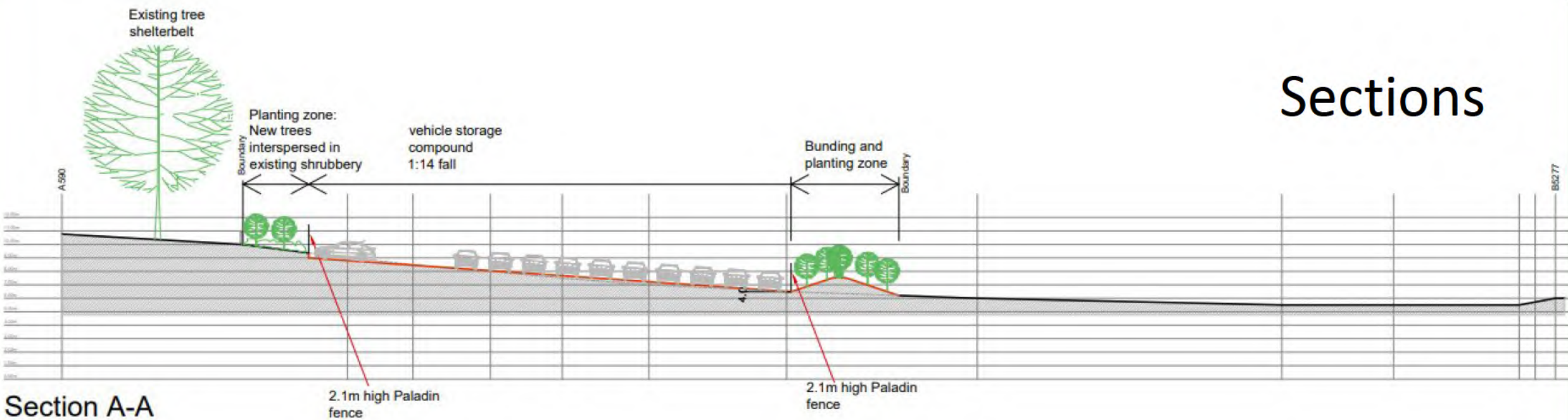








Sections









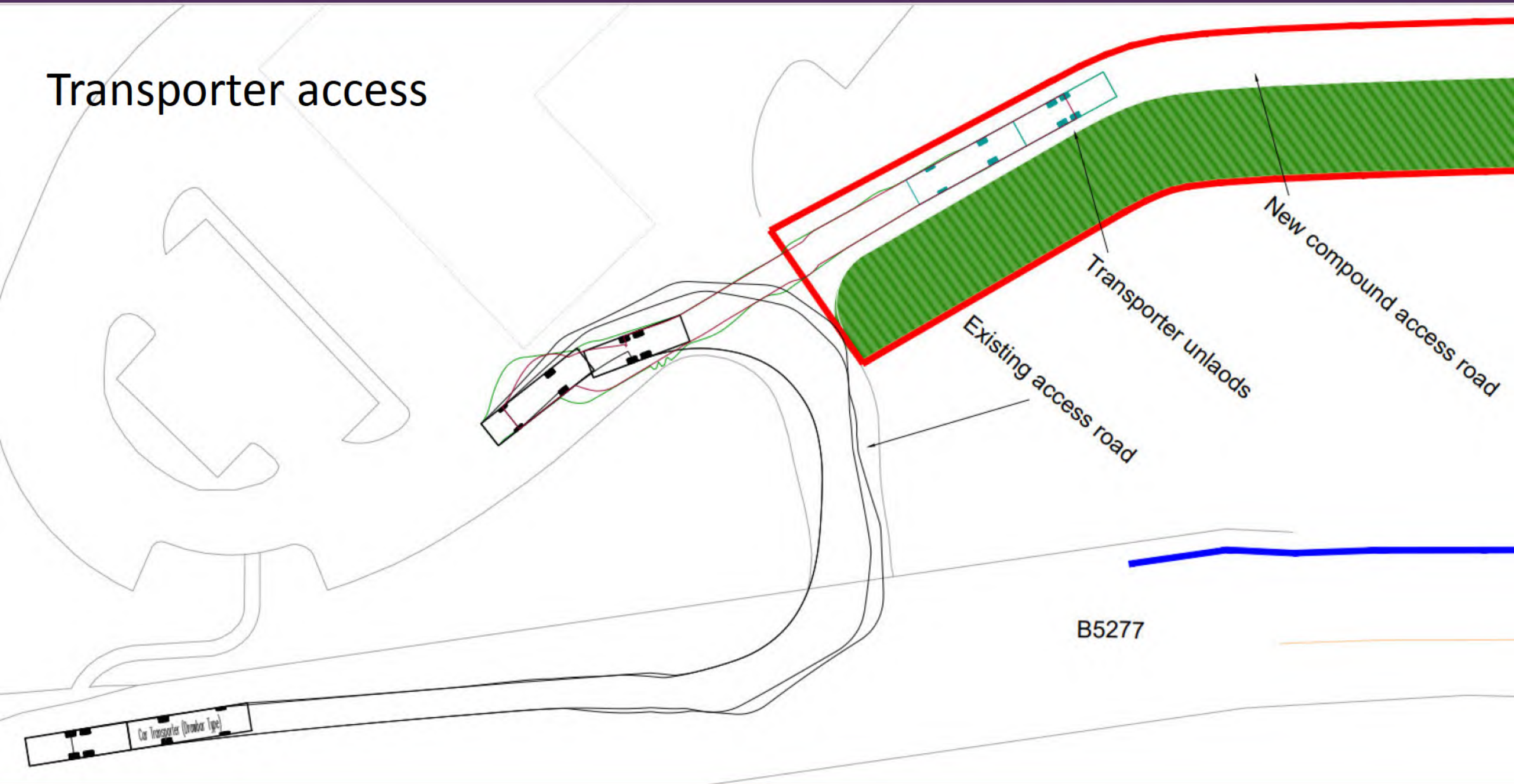
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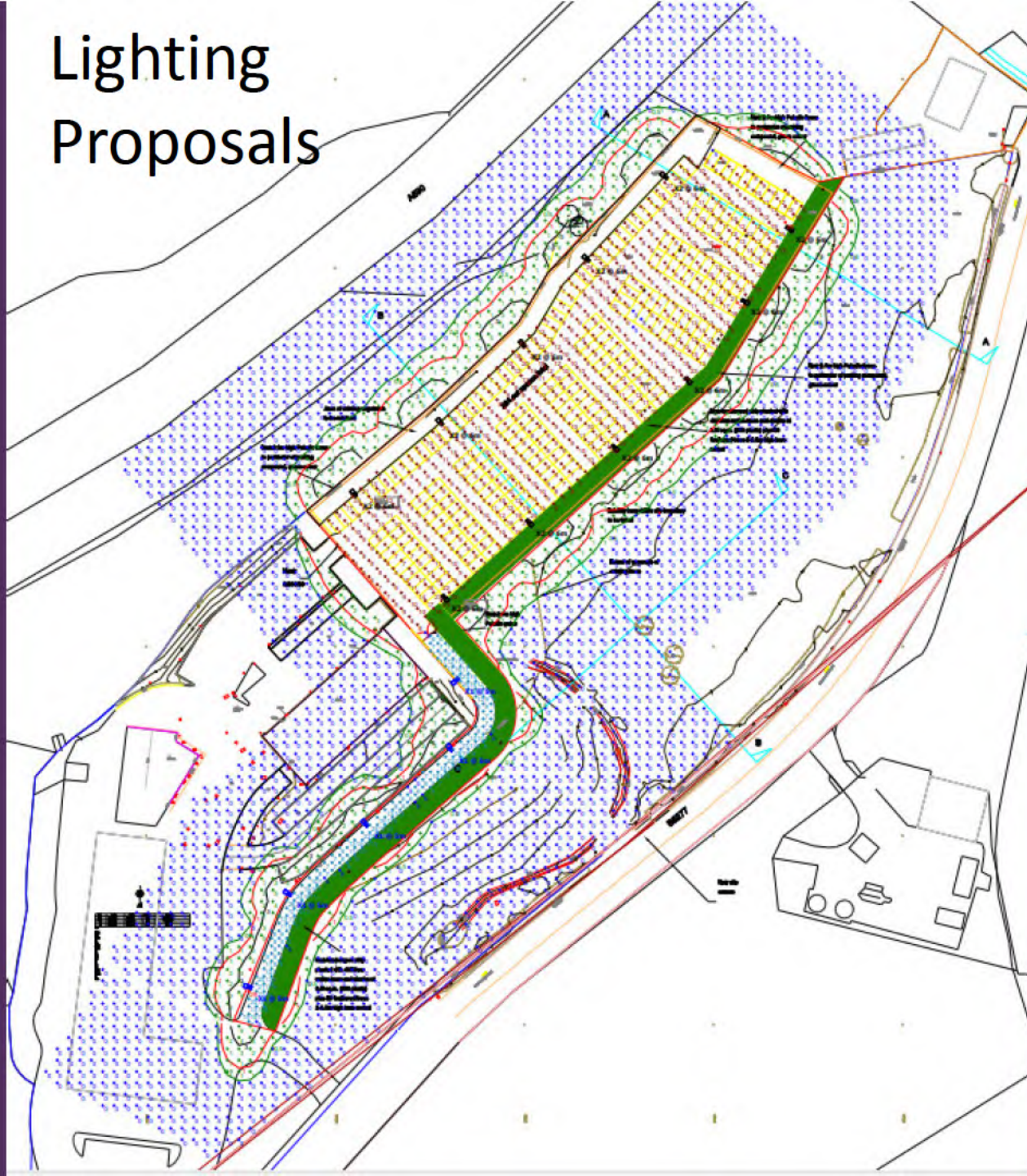
Looking
along
proposed
access
route
within site



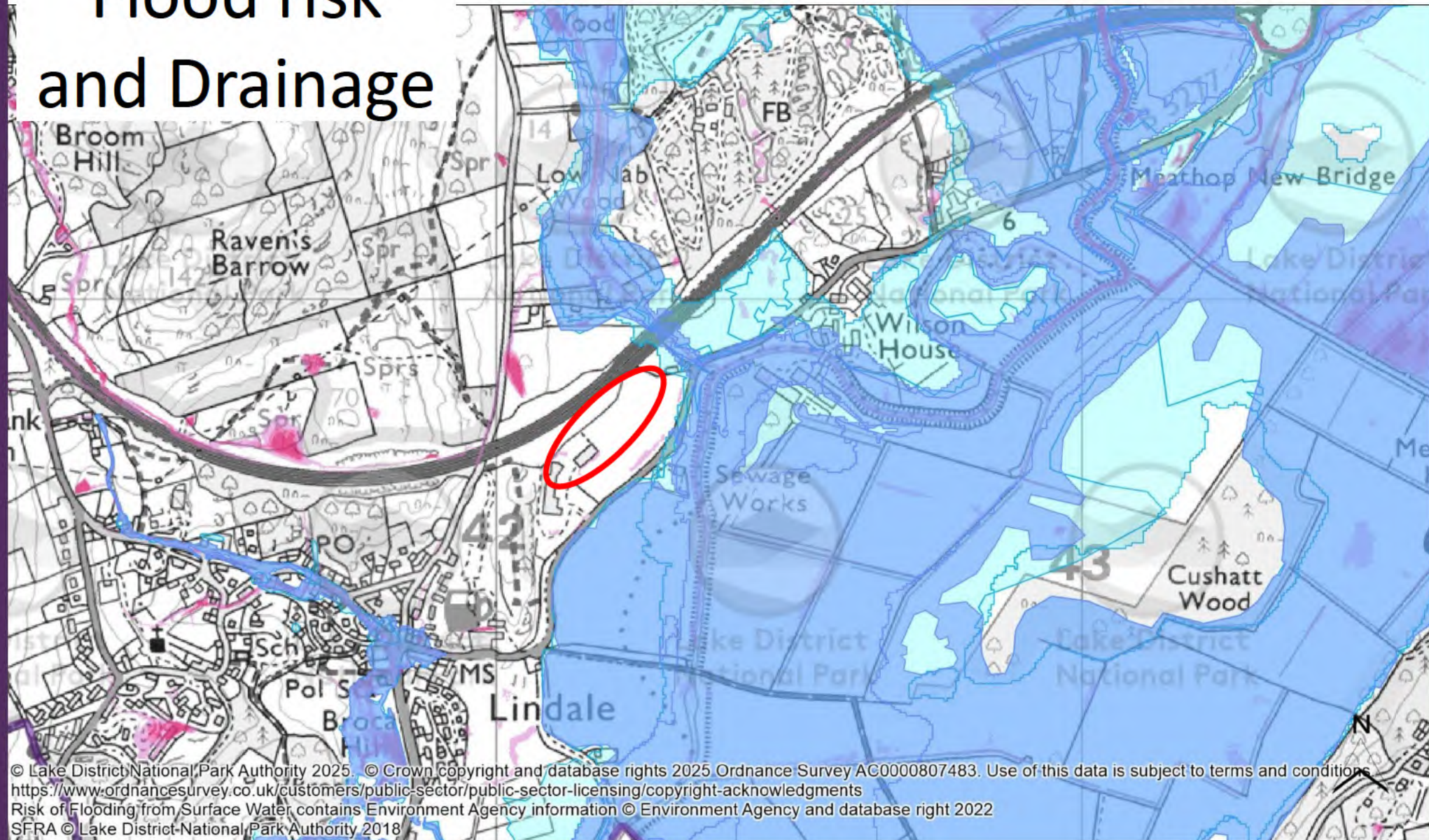
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Lighting Proposals



Flood risk and Drainage



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Drainage Scheme

