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

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**Application number:** 7/2025/5165

**Application type:** Outline planning application

**Applicant:** Mr Phil Johnston

**Location:** Land at Lands Field, Yewdale Road, Coniston

**Grid reference:** 330090, 497826

**Proposal:** Construction of privately funded NHS doctors surgery with two local occupancy apartments above (outline application with all matters reserved)

**Report prepared by:** Emma Kearsey, Planner

**Report agreed by:** Andrew Smith, Head of Development Management

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### Recommendation: REFUSE

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#### 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 because my recommendation is contrary to the views of Coniston Parish Council.
- 2.2 This application seeks outline planning permission, with all matters reserved for the construction of a privately funded NHS doctor's surgery with two, two-bedroomed local occupancy apartments above at Lands Field in Coniston. Appearance, landscaping, layout and scale are reserved matters.

## **3 Representations**

- 3.1 Coniston Parish Council supports the development subject to two conditions: that development does not commence until a contractual arrangement of at least 125 years has been made with a Registered Social Landlord for the housing; and that development does not commence until a contract is in place for the use of the surgery by an NHS GP.
- 3.2 Sport England object to the application because, in their view, it has the potential to prejudice the use of the adjacent cricket ground. It is therefore contrary to Sport England's playing field policy and the NPPF. They state

their objection would be resolved by carrying out the mitigation measures recommended in a ball-strike assessment.

- 3.3 The Local Highway Authority raises significant concerns regarding the safety of the proposed access arrangements through the adjacent car park, specifically in respect of the safety of pedestrians and vulnerable users. The Local Highway Authority consider that a separate direct access is necessary, alongside on-site parking provision for both the dwellings and the GP surgery.
- 3.4 The Lead Local Flood Authority consider the development acceptable in principle, however they request a detailed site-specific flood risk assessment and drainage strategy at reserved matters stage to ensure surface water is managed appropriately on-site and does not increase flood risk elsewhere.
- 3.5 The Environment Agency has no objection in principle, however they state any future reserved matters application should be accompanied by an updated flood risk assessment. The Environment Agency draws attention to government national planning practice guidance (NPPG) which sets out a hierarchy of drainage options that must be considered.
- 3.6 United Utilities require developers and Local Planning Authorities to do all that they can to avoid surface water entering the public sewer, unless necessary. They request investigation of all options for the sustainable management of surface water and the existence of any pipelines that might cross or impact their proposed site.
- 3.7 Two letters of representation have been received with concerns about the proposed development. One from a member of the public stating environmental concerns relating to the construction of a new purpose-built building where there could be the opportunity to redevelop empty former retail sites within Coniston and one from Coniston Cricket Club with health and safety concerns regarding the proximity to the adjacent Coniston Cricket Club and risk of ball strikes. They insist that a ball strike assessment is carried out and that any risk reduction recommendations are implemented.

## **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

- Design Code Supplementary Planning Document

### 4.3 The policies in the National Planning Policy Framework (NPPF) are material considerations which must be taken into account in decision-making.

Development plan policies materially inconsistent with NPPF policies should be given very little weight. The following NPPF decision-making policies are relevant to the determination of this application:

- DM3: Determining development proposals
- S3: Presumption in favour of sustainable development
- S4: Principle of development within settlements
- CC3: Adaption to climate change
- H07: Meeting the need for homes
- L2: Making effective use of land
- L3: Achieving appropriate densities
- DP3: Key principles for well-designed places
- TR4: Street design, access and parking

- HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- HC7: Development affecting existing recreational land and facilities
- F4: Assessing flood risk for decision-making
- F5: The sequential test
- F6: Development in areas at risk of flooding from rivers or the sea
- F7: Ensuring development is safe from flooding
- F8: Sustainable drainage systems and watercourses
- N2: Improving the natural environment
- N4: Protected landscapes
- HE4: Securing the conservation of heritage assets
- HE6: Proposals affecting heritage assets
- HE8: World Heritage Sites
- P4: Impact of development on existing activities

#### 4.4 Coniston Neighbourhood Plan 2015

- CNP1: Our Community - Development will be supported where it is of an appropriate scale that meets the needs of the community particularly where it enhances the role of Coniston as a rural service centre and helps to retain its unique character and maintain and enhance that of the spectacular surrounding landscape.
- CNP3: Housing - Housing development will be permitted that provides housing that meets local need and local affordable need.
- CNP5: Community facilities and Services - Development proposals that will provide new and improved community facilities and services will be supported.

## 5 Main issues and assessment

- 5.1 The main issue is whether the development of this site for a doctor's surgery and housing is acceptable having regard to the land's relationship with existing neighbouring uses.
- 5.2 The application site is located to the north-west of Coniston, which as a settlement under the NPPF and a Rural Service Centre in Local Plan Policy 02 is a focus for housing, employment, and retail development.
- 5.3 The site is to the west of a public car park (operating but also still under construction), separated by a vegetation boundary. The location of the site on the north-western edge of Coniston relates well to the form of the settlement. The use and location satisfy the requirements of Policy 02.
- 5.4 Local Plan Policy 15 (Housing), supported by the Housing Supplementary Planning Document, aims to increase the supply of homes to meet local community need by supporting new permanent homes that: contribute towards helping communities remain vibrant and resilient; and achieve a better balance in the housing market; and are secured in perpetuity for permanent occupation with eligibility restricted to a geography that is tailored to local circumstances. The policy supports windfall sites that provide one to five permanent homes subject to local occupancy.
- 5.5 The proposal would provide two new two-bedroom dwellings. The Strategic Housing and Economic Needs Assessment (SHENA) 2023 identifies need for two-bedroom dwellings, with 52% of the market housing need made up of this size of house. The type of housing would meet local housing needs, subject to the imposition of local occupancy conditions, satisfying the requirements of Policy 15.
- 5.6 Coniston Parish Council has resolved to support the scheme only if a 125 year-plus contract is put in place giving a registered social provider a long-term interest in the housing. There is no requirement for this in policy (either the local plan, neighbourhood plan or NPPF), and the Parish Council have not articulated any reasons (planning or otherwise) why they consider such a

requirement is necessary to make the development acceptable. A local occupancy condition would suffice to make the dwellings policy compliant.

- 5.7 NPPF policy HC4 (Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits) states that substantial weight should be given to the benefits where new or improved public service infrastructure or community facilities would be provided; and development proposals would make a demonstrable contribution towards promoting good health and preventing ill-health, amongst other things. The provision of a doctors' surgery is a benefit to be given substantial weight in our assessment. I agree with Coniston Parish Council that for substantial weight to be attached to this benefit it must be secured before development commences (for example by Grampian condition or obligation). Failure to do so risks affording substantial favourable weight in the planning balance, that substantial weight tipping the balance favourably (in a way a difference use would not), then being left with the impacts (i.e. a building) in the absence of the benefits which justified its permission.
- 5.8 Local Plan Policy 23 seeks to sustain community and cultural facilities and local services, and ensure communities have improved availability and access to high quality greenspaces and recreation facilities. Policy 23 supports new or improved community facilities where they are appropriately located to serve the needs of the community - a doctors' surgery would meet this requirement.
- 5.9 However, whilst Local Plan and NPPF policy encourage new community facilities (such as a GPs surgery) in principle, they also safeguard existing community and recreational facilities, such as neighbouring Coniston Cricket Club. NPPF policy HC7 (development affecting existing recreational land and facilities) provides specific protection stating development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, unless specific criteria are met. NPPF policy P4 meanwhile deals

specifically with the impact of development on existing activities, explaining existing businesses, community facilities and public services should not have unreasonable restrictions placed on their current or permitted operation as a result of development being approved after they were established. This means that development proposals should be capable of being integrated effectively with existing business, community and public service activities and infrastructure in their vicinity. This includes sports clubs.

- 5.10 Sport England and Coniston Cricket Club both object to the current application on the basis that the proposed development has the potential to prejudice the use of the adjacent cricket ground. They express concern of a well-hit cricket ball travelling beyond the boundaries of the ground onto the application site, risking serious injury to people accessing the surgery and flats above, damage to the application building, and damage to other property (e.g. vehicles). In their view the normal use of the cricket ground would have to be changed to prevent these risks.
- 5.11 In response the applicant commission a ball-strike risk assessment. These assessments predict the likely trajectory of balls being struck from the wicket (taking into account factors such as the likely standard of play at a village ground), and where it is determined that balls are likely to travel beyond the cricket ground property boundary, proposes mitigation. The submitted ball-strike assessment concludes that to adequately mitigate risks to the proposed GPs surgery and car park, ball stop netting, rigid panel fencing or permanent or temporary fencing structures ranging from eight metres up to a maximum height of 14 metres are required.
- 5.12 Notwithstanding the recommended options set out in the submitted ball risk assessment, the applicant states their intention is that the rear elevation of the proposed building would provide the protection required from ball strike for the site. They indicate that they would provide further detail within any reserved matters application.

5.13 Based on the information provided, I consider that without mitigation the proposed development could unacceptably affect the way in which the adjacent cricket pitch can be used, contrary to Local Plan policy 23 and NPPF policies HC7 and P4. Submitted assessments indicate the mitigation necessary to alleviate the ball-strike issue would be so tall that I cannot be confident it could be acceptably accommodated within the settlement and landscape context. I am also not satisfied the applicant's proposal to mitigate through site layout, building design and landscaping could satisfactorily mitigate risks. Overall, it has not been demonstrated that the proposed land use would be compatible, or could be made compatible, with the existing neighbouring land-use.

5.14 In view of the above, whilst the proposed doctor's surgery and housing are supported in this location (and I give the benefits of the GPs surgery substantial weight in accordance with NPPF policy HC4), there is insufficient information to demonstrate there would be no adverse impact on an existing adjacent recreation facility (Coniston Cricket Club). On this basis, the proposed development is contrary to Local Plan Policy 23 and policies HC7 and P4 of the NPPF and is unacceptable.

#### Other planning requirements

5.15 As an outline application with all matters reserved, precise details of access, appearance, landscaping, layout and scale are not before us for consideration at this stage. The acceptability of landscape and visual impacts in general terms, access and parking, the generation of renewable energy, the impact on residential amenity, flood risk and drainage, and biodiversity net gain can however be considered.

5.16 With regards to landscape and visual impact, the immediate area is characterised by an enclosed site with tall boundary trees and shrubbery, formally a grassed field but currently appearing to be used for storage of materials associated with the construction of the adjacent car park. Parts of

the site are to be landscaped to satisfy the landscaping conditions imposed on the planning permission for the car park (7/2024/5172).

5.17 Being on the edge of Coniston, the application site is publicly visible in wider landscape views from the fells to the north-west. Notwithstanding the current storage use of the site, the enclosed field provides a buffer between the built-up settlement and surrounding open countryside and once planted in accordance with conditions would provide some screening to the car park.

5.18 The enclosed site and existing tall surrounding vegetation along with proposed landscaping would soften the proposed building and any associated hard surfacing, maintaining a buffer between settlement and countryside, and mitigating visual harm. The landscape impact of developing this inbye is however unavoidable. Had the development been acceptable in all other respects, giving substantial weight to the benefits of providing a community facility (a GPs surgery specifically), landscape and visual effects would not be a reason for refusal.

5.19 With regards to access and parking, the indicative layout plan indicates access to the public highway would use the coach and car park. This means pedestrians arriving on foot would need to walk through the coach and car park. Patients arriving by car would park within the adjacent car park, whilst some staff and accessible parking would be located adjacent to the surgery. The applicant has stated that they would submit full details of access and parking within a future reserved matters application.

5.20 The Local Highway Authority objects to the development in its current form, raising concerns about the safety of vulnerable people and pedestrians accessing the new surgery across the existing car park. These objections are fair. A pedestrian arriving on foot would need to walk through the existing car park. The layout of the car park has not been designed to facilitate pedestrian access across it to the application site - the approved layout lacks pavements and crossing points for example. A person arriving at the proposed surgery on foot (for example walking from elsewhere in Coniston, or from current

public service bus stops) would have no choice other than to walk across a car park not designed for the purpose, with no footway or other segregation from vehicle movements. Given the proposed use is a GPs surgery, there is a high likelihood of the vulnerable and infirm needing to access the premises. I agree with the Local Highway Authority that the existing arrangements are not acceptable.

5.21 The applicant indicates their intention to address these issues at the reserved matters stage within the full details of access and layout. Whilst a reserved matters application can deal with matters of access and layout within the application site, it cannot deal with arrangements outside the application site - i.e. within the adjacent car park. However, that car park is within the applicant's ownership and control. This means that, had this outline proposal been acceptable in all other respects, a Grampian condition requiring improvement works to provide dedicated, safe, segregated, bound surface pedestrian ways across the neighbouring car park would have been necessary.

5.22 The Local Highway Authority also objects because the proposed development may not meet parking guidance. They do not however state what harms or impacts would result. Given the proposed GPs surgery use it is reasonable to expect dedicated disabled parking be provided within the premises. However, there is no evidence that failure to accommodate all parking within the site would result in adverse impacts on highway safety - for example by displacement of parking to the detriment of highway safety. Coniston is a rural service centre with a range of off and on-street parking provision. Within this context I have no evidence that failure to fully meet parking guideline provision on site would result in unacceptable impacts.

5.23 With regards to renewable energy, it is stated in the application that at least 30 per cent of the building's energy requirements will be delivered through renewable and low-carbon energy sources, likely solar panels, in accordance with Local Plan Policy 20. I consider that a scheme could be incorporated into the proposal without landscape harm.

- 5.24 With regards to residential amenity, the nearest residential properties are 1 and 2 Holywath Cottages and Gate House to the north-west. Given the intervening boundary vegetation surrounding the application site and lane to the north-west, I consider that the scheme could be developed without harm to neighbouring residential amenity. The site can be arranged and the building can be designed to ensure a good level of amenity to occupiers of the proposed flats.
- 5.25 With regards to flood risk, the southern part of the site is within Flood Risk Zones 2 and 3. However, taking into account the advice of the Environment Agency and Lead Local Flood Authority, I am satisfied that this risk could be addressed through the imposition of conditions requiring the submission of detailed site-specific Flood Risk Assessment and drainage strategy alongside the reserved matters.
- 5.26 With regards to Biodiversity Net Gain, the site is large enough to have the potential to meet the legal requirements on site. I consider that a scheme could be incorporated into the proposal without landscape harm.

## **6 Conditions**

- 6.1 If the application were not recommended for refusal, required conditions would be:
- A standard time limit requiring the reserved matters to be submitted within three years in accordance with section 91 of the Act.
  - A condition requiring the development to be carried out in accordance with the plans and details which form part of the planning permission, for the avoidance of doubt.
  - A Grampian condition requiring improvement works to provide dedicated, safe, segregated, bound surface pedestrian ways across the neighbouring car park.

- A Grampian condition requiring no development whatsoever until full details in respect of flood risk and drainage arrangements had been submitted and approved.
- A Grampian condition or obligation requiring no development until arrangements ensuring the premises use as a GPs surgery were in place.
- A local occupancy condition to secure occupation of the dwellings in accordance with Policy 15.
- A condition requiring renewable energy sources to be installed in the interests of increasing the proportion of energy generated through renewable and low carbon sources.

## **7 Conclusion**

7.1 Whilst this is a suitable location in principle for a doctor's surgery and local needs homes, it has not been demonstrated that the proposed land use would be compatible, or could be made compatible, with the existing neighbouring land-use. Specifically, there is insufficient information to demonstrate that there would be no adverse impact on the existing adjacent recreation facility at Coniston Cricket Club as a result of the proposed use necessitating curtailment of ordinary ongoing sports and recreation on that land. The application fails to demonstrate that the proposed development would not place unreasonable restrictions on the current operation of Coniston Cricket Club as a result of development being approved after they were established. The development is contrary to Local Plan Policy 23 and policies HC7 and P4 of the NPPF.

**Recommendation: REFUSE**

### **Conditions/Reasons**

1 National Planning Policy Framework HC7 (Development affecting existing recreational land and facilities) and Lake District National Park Local Plan policy 23

afford protection to existing recreational land and facilities. National Planning Policy Framework policy P4 requires existing businesses, community facilities and public services (including sports clubs) should not have unreasonable restrictions placed on their current or permitted operation as a result of development being approved after they were established. This means that development proposals should be capable of being integrated effectively with existing business, community and public service activities and infrastructure in their vicinity.

There is insufficient information to demonstrate that there would be no unacceptable adverse impact on the existing facility at Coniston Cricket Club as a result of the proposed use necessitating curtailment of ordinary ongoing sports and recreation on that land. The application fails to demonstrate that the proposed development would not place unreasonable restrictions on the current operation of Coniston Cricket Club as a result of development being approved after they were established.

The development is contrary to Local Plan Policy 23 and policies HC7 and P4 of the National Planning Policy Framework.

### **NPPF decision notice requirements**

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

The Local Planning Authority were unable to identify solutions to the problems arising in relation to dealing with the application and recommend pre-application advice if a revised application is intended.

### **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.

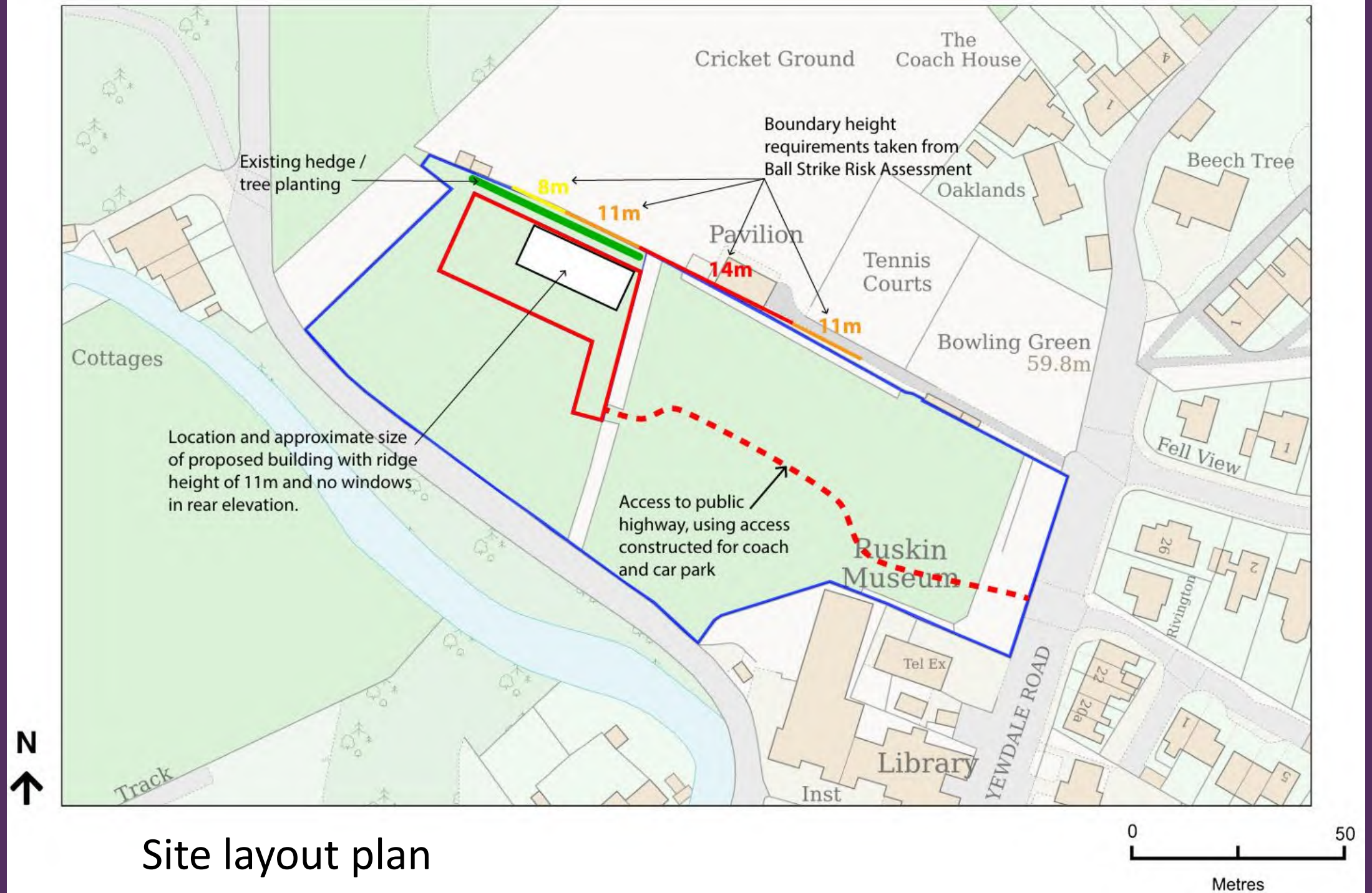
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Land at Lands Field

Construction of privately funded NHS doctors' surgery with two local occupancy apartments above (outline application with all matters reserved)



Site location plan



Site layout plan







