

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2048/OF1	
2.	Proposed Development:	ERECTION OF TWO ANCILLARY BUILDING & 12.NO CAT PODS	
3.	Location:	ANIMAL CONCERN RESCUE, MARY IRWIN CENTRE, MARLBOROUGH LONNING, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to Animal Concern Rescue located at the Mary Irving Centre situated off Marlborough Lonning to the south west of Egremont. Animal Concern is a long established, small Cumbrian charity which helps find new homes for animal and has been operational since the 1970’s. Originally known as Marlborough and providing commercial stabling, cattery, and kennelling, the 2.65 acre site has been providing services for animals for several decades. The site has previously benefitted from purpose built animal facilities, however some of these have been demolished as the site is in need of upgrading and re-organising to meet modern standards in animal care.		

Proposal

This application seeks planning permission for two ancillary buildings:

- **Building A:** Building A will be located to the north of the site. The proposed building will measure 8.4m x 12.8m, with an eaves height of 2.9m and an overall height of 5.7m. This building will incorporate a cat isolation area, general storage, cat storage, dog storage, three prep areas, a toilet, and a laundry and drying room.
- **Building B:** Building B will be L-shaped and will be located to the south of the site. The main body of the proposed building will measure 9.2m x 5.2m, with an eaves height of 2.6m and an overall height of 5.6m. The building will also benefit from a projection to the north measuring 4.8m x 5.5m, benefitting from an eaves height to match the main building and an overall height of 4.4m. This building will incorporate a vet/groom area, two stores, a toilet, a meet and greet reception and two indoor exercise areas.

The proposed buildings will be finished with dry dash render to match the existing admin block, grey tiled roof, and UPVC windows and doors. The existing kennel block to the east of the site will remain.

This application also seeks planning permission for the siting of 12 no. cat pods. The proposed cat pods will be located within the garden area to the north of the administration bungalow. There will be two areas for the proposed cat pods, one adjacent to the road and one along the side boundary of the garden. Each area will benefit from six pods attached together, each measuring 4.3m x 1.38m benefitting from a mono pitched roof with an eaves height of 2.2m and an overall height of 2.6m. Each pen includes a walk-in sleeping quarter and an exercise area, and will be finished with safety glass and insulated panels.

Additional landscaping is also proposed at this site, including long term native woodland planting and hedgerow planting

Consultation Responses

Egremont Town Council

No objections.

Cumbria County Council – Highway Authority & Lead Local Flood Authority

The Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material effect on existing highway conditions nor does it increase the flood risk on the site or elsewhere.

Copeland Borough Council – Flood and Coastal Defence Engineer

No comments received.

Copeland Borough Council – Environmental Health

No comments received.

Public Representation

This application has been advertised by way of a site notice. No comments have been received in relation to the statutory notification procedure.

Consultation Responses to Amendments

The description of the proposed application was amended to include 12 no cat pods as well as the proposed ancillary buildings. All consultees were reconsulted on this application.

Egremont Town Council

No objections.

Cumbria County Council – Highway Authority & Lead Local Flood Authority

The Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood risk on the site or elsewhere.

Copeland Borough Council – Flood and Coastal Defence Engineer

Subject to successful percolation testing, as noted in drawing 2 of 5, and positioning of soakaways, the Officer has no objection to the proposed development. Should the percolation testing demonstrate that infiltration is not suitable, there does appear to be a suitable watercourse that the surface water can be disposed of into, possibly subject to consent from the LLFA. The Officer would suggest conditioning the percolation testing, with wording to allow discharge to the watercourse, should infiltration not be feasible.

Copeland Borough Council – Environmental Health

No comments received.

Consultant Arboriculturalist – Capita

The Council's Consultant has stated that the proposed mix of tree and shrub species is appropriate to the location, as is the planting density. He has stated that he is a little confused however as to the extent of the area to be planted, as this is different on the *Overview ACC.pdf* provided, from that shown in the *Animal Concern Cumbria Woodland Creation Plan (ADDITIONAL)* word document

provided. There needs to be clarity as to what is proposed.

The view points from where the cat pens are most likely to be seen is from the road north of the centre when heading in a southerly direction and from the road adjacent the location of the pens. Therefore, the Consultant would increase the size of the areas to be planted in the northern corner of the site to ensure that there is sufficient density/depth of planting, in association with the proposed boundary hedge just north of the proposed pens, to screen the pens even in the winter months. Furthermore, it is stated that the proposed hedge adjacent the road would have to be managed at a height no lower than approximately 2.5m, once mature, to ensure it continued to provide adequate screening. Finally it is stated that the application should also increase the proportion of holly, (possibly at the expense of some blackthorn), in the roadside hedge to improve screening in the winter.

Following the submission of amended landscaping details the consultant has stated that these amended plans are acceptable.

Public Representation

This application has been advertised by way of a site notice. No comments have been received in relation to the statutory notification procedure.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy SS4 – Community and Cultural Facilities

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

Principle of Development

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site is located outside of any settlement as identified within Policy ST2 of the Copeland Local Plan, and is therefore considered to be within the open countryside. Policy ST2 states that development will be restricted outside of the defined settlement boundaries that that which have a proven requirement, including land uses characteristically located outside settlements including farm diversification schemes and tourism activities.

Policies ST1, ST2, SS4 and SS5 of the Copeland Local Plan and Section 6 and 8 of the NPPF seek to encourage the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. Policy SS4 of the Copeland Local Plan also allows for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

Animal Concern is a well-established local facility, which offers animal services within the Copeland Borough. The application site has been utilised for providing animal services for several decades, and has previously provided commercial stabling, and cattery and kennelling facilities. Animal concern took over the site in 2014 and utilised the existing facilities. The Charity now seeks to upgrade their

existing facilities which are no longer fit for purpose, and to provide modern facilities to ensure it can continue its longstanding service to the community, meet regulatory standards and provide a hub that allow the Charity to support and care for animals, and to support the wider work of education of animal welfare through training and guidance.

On this basis, the proposed works are considered to comply with Policies ST1, ST2, SS4 and SS5 of the Copeland Local Plan and Section 6 and 8 of the NPPF and the principle of development is acceptable subject to site specific matters.

Landscape and Visual Impact of Development

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b 'Lowland – Low Farmland'. The key characteristics for this area are: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape. New development within this area should consider opportunities to enhance and strengthen green infrastructure.

As part of the proposed development existing dilapidated facilities have already been demolished at this site. The two proposed ancillary buildings will be located to the east of the site in the area where the existing facilities were previously sited. Whilst these two buildings will be larger than those that were previously on the site, the Charity needs additional buildings and facilities to meet modern standards. The proposed buildings will be located a significant distance away from the adjacent highways, behind the existing admin bungalow, and will be viewed against the existing remaining kennel facilities within the site.

The proposed cat pods will be located to the north of the existing admin bungalow, in what would have been the side/rear garden. The proposed cat pods are required to be in this location as they need to be well separated from the dog kennels and exercise areas due to obvious conflict and staffing reason. The pods will be grouped in two areas of six pods, with one area directly adjacent to the highway. Concerns have been raised with regard to the impact of this element of the development upon the surrounding area, however the site is already well-screened by existing

vegetation. Following these concerns the agent for this application has submitted a detailed landscaping plan which shows that there will be additional planting proposed as part of the development, including long term native woodland planting and hedgerow planting. The Council's Consultant has stated that the proposed mix of tree and shrub species is appropriate to the location, as is the planting density, however he requested clarification as to what is actually proposed as documents showed different detail. The Consultant stated that the view points from where the cat pens are most likely to be seen from are the road north of the centre and from the road adjacent the location of the pens, therefore the Consultant requested an increase in the size of the areas to be planted in the northern corner of the site. Following the submission of amended landscaping details the Consultant has stated that these amended plans are acceptable.

The introduction of additional planting within the site will create additional screening for the development further mitigating against any potential impact of the development upon the surrounding area. The scale and design of the proposal therefore is considered to be appropriate with regard to the existing site and is unlikely to cause any demonstrable harm. On this basis the buildings are therefore not considered to have a significant detrimental impact on the surrounding area and complies with Policies ST1, ENV5 and DM10 of the Local Plan and section 12 of the NPPF.

Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site lies within Flood Zone 1, however the Council's Flood and Coastal Defence Engineer has been consulted on this application. The Officer has confirmed that he has no objections to the proposal subject to the completion of a successful percolation test. This detail can be secured through an appropriately worded planning condition.

The proposal is therefore considered to comply with policies ST1, ENV3 and DM24 of the Copeland Local Plan and provision of the NPPF.

Planning Balance & Conclusions

Although the application site is located within the open countryside, the site has been historically utilised for animal welfare services. The site has previously benefitted from a number of facilities which are dilapidated and are no longer suitable for modern practices. Although the proposed buildings will be larger in scale they will be viewed against the existing facilities and are not considered to adversely impact on the character or appearance of the surrounding area. Additional landscaping is also proposed to mitigate any impacts of the development, particularly the proposed cat pod located to the north of the site.

	On the basis of the above, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Condition(s): 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- <ul style="list-style-type: none"> - Site Location Plan (Amended), Scale 1:1250, received by the Local Planning Authority on the 31st March 2021. - Demolition Plan (Amended), Scale 1:1250, received by the Local Planning Authority on the 22nd March 2021. - Proposed Elevations (Amended), Scale 1:100, received by the Local Planning Authority on the 31st March 2021. - Proposed Floor Plan: Plan A (Amended), Scale 1:50, Drawing No 3 of 5, received by the Local Planning Authority on the 1st April 2021. - Section XX (Amended), Scale 1:50, Drawing No 2 of 5, received by the Local Planning Authority on the 15th March 2021. - Proposed Floor Plan: Plan B (Amended), Scale 1:50, Drawing No 4 of 5, received by the Local Planning Authority on the 1st April 2021. - Proposed Site Plan (Amended), Scale 1:200, received by the Local Planning Authority on the 31st March 2021.

- Project Brief, received by the Local Planning Authority on the 15th March 2021.
- Standard Rescue Cattery Pen, received by the Local Planning Authority on the 31st March 2021.
- Animal Concern Cumbria Woodland Creation Plan (Amended), received by the Local Planning Authority on the 6th May 2021.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Prior to the first use of the development, the proposed landscaping relating to the development here by approved must be carried out in accordance with the approved documents:

- Animal Concern Cumbria Woodland Creation Plan (Amended), received by the Local Planning Authority on the 6th May 2021.

The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

4. The proposed landscaping relating to the development hereby approved must be maintained in accordance with the approved document, Animal Concern Cumbria Woodland Creation Plan (Amended), received by the Local Planning Authority on the 6th May 2021. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting shall be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

	<p>Statement:</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p>Case Officer: C. Burns</p>	<p>Date : 17.05.2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 17/05/2021</p>
<p>Dedicated responses to:- N/A</p>	