

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2218/OF1	
2.	Proposed Development:	ERECT CATTLE CUBICLE BUILDING INCLUDING UNDERFLOOR SLURRY STORE	
3.	Location:	LOW SHAW FARM, THE GREEN, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to Low Shaw Farm, located to the west of The Green. The farm is located within the open countryside and is accessed via a single access track. The site benefits from a farm house and a number of existing agricultural buildings.</p> <p>Proposal</p> <p>This application seeks planning permission to erect a cattle cubicle building including an underfloor slurry store. The proposed building will measure 32m x 20.12m with an eaves height of 3.66m and an overall height of 6.4m. The proposed building will have an overall area of 643.84m², however the concrete apron and projection of the underfloor slurry store will create a total area of 689.44m². Externally the proposal will be finished with reinforced concrete panels to the lower walls and</p>	

Yorkshire type boarding to the upper, big six corrugated cement fibre sheets, and a galvanised sheet clad sliding door.

Consultation Responses

Millom without Parish Council

Support this application.

Cumbria County Council – Cumbria Highways & LLFA

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.

Environment Agency

No objection to the proposal as submitted.

The application is for agricultural building, which is defined as a ‘Less Vulnerable’ use in the Planning Practice Guidance. The site is in flood zone 3, in an area benefitting from defences. The EA have reviewed the flood risk assessment (FRA) dated 29 April 2021 submitted with this application. The applicant, as owners of the existing property, are aware of the potential flood risk at this location and, as a result of the FRA they should be satisfied that the impact of any flooding will not adversely affect their proposals.

Copeland Borough Council – Flood & Coastal Defence Engineer

No objections.

The development location is in Flood Zone 3, but benefits from existing defences. The flood risk at this location is tidal, so development would not cause a loss of flood storage area. Being an agricultural development, the type of development is also compatible with Flood Zone 3.

For disposal of the surface water, it is proposed to store the rainwater for reuse on site, with excess water being directed to soakaways, which a sustainable method. However, it isn't clear whether these are new or existing soakaways.

As mapping shows the presence of watercourse adjacent to the site, these would also be a suitable means of surface water disposal, bearing in mind that there are no downstream flood receptors before the watercourses discharge into the Duddon Estuary.

Copeland Borough Council – Scientific Officer

No objections to the development as the site is an isolated farm so there's unlikely to be an odour issue associated with the slurry store. As a working dairy farm they should already have a manure

management plan, this should be updated to reflect the new development.

Natural England

Initially Natural England stated that there was insufficient information provided as part of the application in relation to air quality impacts. Based on these comments the applicant has submitted additional information including an Infrastructure Statement.

Natural England have now stated that they had assumed from the information provided that the herd was being increased, and the initial SCAIL results submitted did not include all the info regarding the housing. Based on the new information submitted NE Air Quality Team have advised that this proposal will not lead to an increased air pollution risk on the nearby designated sites and therefore Natural England have no objection to this proposal. A commitment to increased scraping as indicated would be beneficial in reducing emissions but would not be a requirement in order for the application to be approved.

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 – Strategic Development Principles

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM30 – Rural Buildings

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. 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

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including agriculture. Policy DM30 and section 6 of the NPPF supports proposals for new agricultural buildings as long as they are well related to existing settlement or farm complexes, and do not adversely impact on local landscapes or the amenity of nearby residential properties.

As the proposal is to create a new agricultural building with an underfloor slurry lagoon adjacent to the existing farm complex, these works are considered to be an appropriate form of development in the countryside in accordance with Policy ST2 and DM30 of the Local Plan.

Landscape and Visual Impact

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 site lies in the open countryside adjacent to the existing buildings associated with Low Shaw Farm. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type '2b Coastal Margins - Coastal Mosses'. The key character of this area are lowland raised mosses, a mosaic of heath, high ecological value, varied field shapes bounded by hedges and fences, and flat panoramic views. It is stated that development in this area should protect the small-scale open character of the mosses from inappropriate development, specifically large vertical developments such as large scale wind turbines and pylons, and avoid fragmentation of the natural patterns of the mosses and wildlife links by infrastructure development.

The proposed development will be located within a field directly adjacent to a number of existing agricultural buildings. The field is screened by well-established hedgerow which will help to minimise the impact of the development on the surrounding area. The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

Impact on Residential Amenity

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.

The nearest residential properties are approximately 1000m from the proposed location of the new agricultural building and underground slurry store. The existing farm buildings are located in closer proximity. The Council's Scientific Officer has stated that he has no objections to the development as the site is an isolated farm so there's unlikely to be an odour issue associated with the slurry store. As a working dairy farm they should already have a manure management plan, this should be updated to reflect the new development. This has been added as an informative on the decision notice for this application.

The scale, design and location of the proposed development is therefore considered to be appropriate with regard to the existing farm and is unlikely to cause any demonstrable harm. The development will also ensure the farm can comply with modern standards and will allow the farm to increase its dairy herd which has previously been limited due to housing arrangements.

The proposal is therefore considered to comply with policies ST1, and DM10 of the Copeland Local Plan and provision of the NPPF.

Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The application is supported by a Protected Species Survey/Management Plan. The survey states that the applicant accepted there may be a possible presence of natterjack toads however there are no ponds or wet holes within the site, and the field is cut for silage once a year and is otherwise grazed for cows and sheep. Mitigation measures have also been identified within this plan, including cover of any trenches, informing contractors, and including toad fencing if presence is identified from initial checks.

Initially Natural England stated that there was insufficient information provided as part of the application in relation to air quality impacts. Based on these comments the applicant has submitted additional information including an Infrastructure Statement. Natural England have now stated that

	<p>they had assumed from the information provided that the herd was being increased, and the initial SCAIL results submitted did not include all the info regarding the housing. Based on the new information submitted NE Air Quality Team have advised that this proposal will not lead to an increased air pollution risk on the nearby designated sites and therefore Natural England have no objection to this proposal. A commitment to increased scraping as indicated would be beneficial in reducing emissions but would not be a requirement in order for the application to be approved. In order to ensure the development does not have a detrimental impact on the surrounding area it will be conditioned that the development should be carried out in accordance with the submitted infrastructure statement.</p> <p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.</p> <p><u>Conclusion & Planning Balance</u></p> <p>The proposed new agricultural building and underground slurry store is of an appropriate design and will not have any detrimental impact on the amenities of any residential properties. The development will ensure the farm can comply with modern standards and will allow the farm to increase its dairy herd which has previously been limited due to housing arrangements. It represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 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 Plan, Block Plan, Proposed Elevations, Proposed Floor Plan, & Section A.A, Scale 1:100, 1:500, & 1:2500, Drawing No 1694, received by the Local Planning Authority on the 12th

May 2021.

- Design & Access Statement, received by the Local Planning Authority on the 12th May 2021.
- Flood Risk Assessment, received by the Local Planning Authority on the 12th May 2021.
- Protected Species Survey/Management Plan, received by the Local Planning Authority on the 1st June 2021.
- Infrastructure Statement, received by the Local Planning Authority on the 9th September 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.

Other Conditions:

3. The development must be carried out in accordance with and implement all of the detail and mitigation measures set out within the approved document 'Protected Species Survey/Management Plan, received by the Local Planning Authority on the 1st June 2021. Once installed these measures must be retained at all times thereafter.

Reason

To protect the ecological interests evident on the site.

4. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk Assessment, received by the Local Planning Authority on the 12th 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 secure proper drainage and to manage the risk of flooding and pollution.

5. The development must be carried out in accordance with the details identified within the approved document 'Infrastructure Statement, received by the Local Planning Authority on the 9th September 2021. The development must be maintained in accordance with this

	<p>approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.</p> <p>Reason</p> <p>To protect the ecological interests evident on the site and the surrounding area.</p> <p>Informative(s):</p> <ol style="list-style-type: none"> 1. A PROW (public footpath/bridleway/byway) number 416024 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. 2. The farms manure management plan should be updated to reflect the new development. <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 : 15.09.2021</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 15/09/2021</p>	
<p>Dedicated responses to:- N/A</p>		