

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/21/2290/OF1 | |
| 2. | Proposed Development: | ERECTION OF AN AGRICULTURAL BUILDING | |
| 3. | Location: | HILL GREEN, DRIGG, HOLMROOK | |
| 4. | Parish: | Drigg and Carleton | |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, 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 Hill Green, an existing farm located within the east of Drigg. The farm is located off the B5344 and is set back from the highway. The application site is located to the west of the existing farm, adjacent to a number of existing agricultural buildings. | |
| | Proposal | | |
| | | This application seeks permission for the erection of an agricultural building on this farm. The proposed building will lie to the west of and attached to the existing agricultural buildings at this site. | |

The proposed building will measure 18.293m x 42.683m, with an eaves height of 3.659m and an overall height of 6.098m. Externally the proposed building will be finished with pre stressed concrete infill panel to the lower walls, steel profile slate blue cladding to upper walls, a natural grey cement sheet roof with 28 roof lights, and steel profile sectionalised doors in slate blue.

The proposed building will be used for the storage of hay, animal feed, dry animal bedding materials, and tractors and other machinery. The site will be drained through the existing arrangements at this site.

Initial Consultation Responses

Drigg and Carylton Parish Council

Drigg & Carylton Parish Council considered this application at their July 2021 meeting and wish to make the following observations. The observations reflect the views of the near neighbours of Hill Green which were presented at this meeting and also the Council's own view. The Council would normally seek to support an application which encourages sustainability of local businesses. However, the Parish Council do not support this application as presented, without additional information about intended usage of the building. In particular, if the building is in support of increased cattle numbers, that the arrangements for associated drainage, effluent and slurry management are adequate on the proposed new site as a whole.

Cumbria County Council – Cumbria Highways & LLFA

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above and can confirm that they have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Copeland Borough Council – Environmental Health

No objection to the proposed development as confirmed in the 2nd August 2021 Planning Statement.

Copeland Borough Council – Flood and Coastal Defence Engineer

No concerns about the proposed development. Given the location, there are no downstream flood receptors, just agricultural land.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to nine properties. Three letters of objection have been received in relation to the statutory notification procedure which raises the following concerns:

- It is assumed that the proposed development is associated with housing cattle but this is unclear.
- The application was submitted without consultation with nearby residential properties which will be significantly impacted by the development.
- The submitted information does not allow for full assessment of the impacts of this development.
- The intention is to connect the surface water to pipework from barns 1 and 2 with no increase in capacity. Local topography and elevations means nearby residential properties are affected by surface water run off from the farm.
- In 2016 when barn 1 was constructed agreement was reached with the applicant that run off should be directly south towards the River Irt away from residential properties. Can this be confirmed by the Council?
- The connection of run off from all three barns will only provide a 7% spare capacity. Given global changes to weather more drainage capacity should be considered to avoid flooding.
- Flooding is already an issue in the area which has been made worse by the construction of barn 1.
- Current drainage systems are inadequate in Drigg.
- Livestock is kept inside most of the year therefore good slurry management is essential. The 2016 nor the current application increases the capacity for slurry storage. It is therefore assumed that slurry pumping and field dispersal will increase resulting in more noise and machinery movement impacting residential properties. Not mitigation measure for this as part of the application.
- Increase smells from slurry movement. This is not addressed or mitigated as part of application.
- Lights left on during hours of darkness. Lighting in new building should therefore be minimised.
- The proposed location of the new barn is outline the existing building line for the farm and will severely impact on the outlook of the neighbouring properties, therefore the building will devalue existing properties.

- The building should be relocated to mitigate noise levels, air pollution, light and devaluation of properties.
- Consideration should be given to relocating the barn to protect views from dwellings.
- Dairy product consumption is to be reduced by 20% by Government by 2030 therefore is the development necessary.
- The cows look miserable.

Three letters of support have also been received raising the following comments:

- Good for local business.
- No objections just increasing farm buildings within the farm, behind current buildings.
- The building is single storey and set back so is not obscuring views.
- Fully support this application. With Brexit complete we should be increasing our self-sufficiency in agricultural.

Consultation On Amended Details

Following concerns raised by the Parish Council the agent for this application has provided a planning statement for this application to provide additional details of the buildings proposed use.

Drigg and Carelton Parish Council

On the basis of the new information the Parish Council wish to withdraw their previous objection to this application. The Council are aware that you have received a further set of queries based on the continuing concerns of the group of residents who live closest to the farm; to which they are sympathetic.

Public Representation

As part of the reconsultation process letters were issued to the previously consulted 9 properties and objectors and supporters of the original application. Two letters of objection were received which raise the following points:-

- Local topography and elevations means nearby residential properties are affected by surface water run off from the farm. In 2016 when barn 1 and 2 were constructed agreement was reached with the applicant that run off should be directly south from the farm towards the River Irt away from residential properties. It is suggested that barn three will also connect into the same drain. Can the Council confirm that this was carried out as agreed and provide the currently location of the outfall from the surface water drain. This is unclear from the

application.

- The connection of run off from all three barns will only provide a 7% spare capacity. Given global changes to weather more drainage capacity should be considered to avoid flooding.
- Consideration should be given to relocating the barn to leave views unimpeded.
- Does the application require a full planning application or notice of intention?
- Where is all the rain water going as a building of that size will off load gallons upon gallons?

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 ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM26 – Landscaping

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM30 – Rural Buildings

Other Material Planning Considerations

National Planning Policy Framework (2021)

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 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 settlement, which have a proven requirement for such location, including agriculture. Policy DM30 and section 6 of the NPPF supports proposals for small holdings and equine related developments 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.

The proposal seeks to erect an agricultural building at an existing farm, Hill Green. The proposed building will be used for the storage of hay, animal feed, dry animal bedding materials, and tractors and other machinery. The creation of this building will allow the farm to operate as a more sustainable business and will create a secure storage for machinery making the business less vulnerable to crime. The creation of an additional agricultural building in this location is therefore considered an appropriate form of development in the countryside in accordance with Policy ST2.

Siting, Scale and Design

The proposed building will lie to the west of and attached to the existing agricultural buildings. Whilst concerns have been raised by nearby residential properties regarding loss of views this is not a material planning consideration. The building will run perpendicular to the existing farm buildings within the site, limiting the impact of the development upon nearby residential properties. The development is proposed to be located approximately 95m from the nearest residential properties, reducing the impacts on amenity.

Concerns have been raised from these properties regarding the use of the building and impacts of noise and smell. The agent has confirmed by the submission of a planning statement that the use of the building will be for storage only so this will not result in the same smells or noise as if the building had been used for the housing of cattle. In order to add additional control to the use of the building an appropriately worded planning condition can be included to ensure the development is carried out

in accordance with the submitted planning statement.

On the basis of the above, 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, in accordance with Policy DM30.

Impact on Landscape Character

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'. This area is characterised by undulating and rolling topography, and intensely farmed agricultural pastures dominates.

The proposed siting of the agricultural building is located to the north west of the application site, behind and adjoining a number of existing buildings. The building will run perpendicular to the existing farm buildings within the site, limiting the impact of the development. The proposed development would therefore be viewed against the backdrop of these existing agricultural building, and the proposal is therefore not considered to result in intrusion into open countryside or impact on the surrounding area. A small part of an existing hedgerow will be removed to accommodate this proposed building.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

Highways

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

The development will utilise the existing access to the site, with no alterations proposed. Cumbria

Highways have been consulted on this application and have offered no objections to the development.

On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan and Section 9 of the NPPF.

Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

The application site is located within an area identified as a potential area for Natterjack Toads. The application is however not supported by an ecology survey as the site is not located within 200m of a watercourse. Ecology details are therefore not required to support this application as detailed within the ALGE trigger list.

On this basis, the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan.

Flood Risk & Drainage

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 is located within Flood Zone 1 therefore a Flood Risk Assessment has not been submitted to support the application.

Concerns have however been raised by a number of nearby residential properties regarding the proposed drainage and the potential increase in flooding from the development. As part of the application rainwater calculations for the proposed development have been submitted. This document confirms that water will be carried away from the site to the River Irt by the existing system. The submitted calculation indicate that the development will be within the capacity of the existing system. The applicant's agent has confirmed that the drainage system that directs the surface water into the River Irt away from the site (and nearby houses) has been implemented as part of the development that was approved in 2016. This addresses concerns raised by objectors and ensures the proposed development can be implemented as documented within the current planning application.

As part of this application the Council's Flood and Coastal Defence Engineer, United Utilities, and the Local Lead Flood Authority have been consulted. No objections have been received from any of these

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| | <p>statutory consultees.</p> <p>On this basis, the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks planning permission to erect an agricultural building within an existing farm complex. The building is considered appropriate in terms of use and scale in this location, and its siting minimises its potential impacts on the nearby residential properties. Whilst concerns have been raised with regard to flood risk and drainage, no objections have been received from any statutory consultees and details have been submitted to show the development will operate within the capacity of the existing drainage system.</p> <p>On this basis the proposal is therefore 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.</p> |
| 8. | <p>Recommendation:</p> <p>Approve (commence within 3 years)</p> |
| 9. | <p>Conditions:</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 shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 21st June 2021. - Block Plan, Scale 1:500, received by the Local Planning Authority on the 21st June 2021. - Building Plan, received by the Local Planning Authority on the 21st June 2021. |

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| | <ul style="list-style-type: none"> - Rainwater Calculations, received by the Local Planning Authority on the 21st June 2021. - Planning Statement, received by the Local Planning Authority on the 2nd August 2021. <p>Reason</p> <p>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.</p> <p>3. The development must be carried out at all times in accordance with the details set out within the approved document Rainwater Calculations, received by the Local Planning Authority on the 21st June 2021.</p> <p>Reason</p> <p>For the avoidance of doubt and to ensure adequate drainage is provided within the development.</p> <p>4. The development must be carried out at all times in accordance with the details set out within the approved document Planning Statement, received by the Local Planning Authority on the 2nd August 2021.</p> <p>Reason</p> <p>For the avoidance of doubt and to ensure development is carried out in accordance with the proposed use.</p> <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> |
| Case Officer: C. Burns | Date : 06.09.2021 |
| Authorising Officer: N.J. Hayhurst | Date : 07/09/2021 |
| Dedicated responses to:- Letter to objectors | |