

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2426/OF1	
2.	Proposed Development:	NEW LIVESTOCK BUILDING	
3.	Location:	HOLME CROFT FARM, BRAYSTONES	
4.	Parish:	Lowside Quarter	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone	
6.	Publicity Representations &Policy	Neighbour Notification Letters	Yes
		Site Notice	Yes
		Press Notice	No
		Relevant Policies	See Report
		Consultation Responses	See Report
7.	Report:		
	Site and Location		
		This application relates to Holme Croft Farm, located within the centre of Braystones. The farm comprised a farmhouse and a number of agricultural buildings. The farm is accessed from the main road through the village.	
	Proposal		
		This application seeks planning permission for the erection of a new livestock building. The proposed building will be located to the west of the site, directly adjoining two large existing agricultural	

buildings. The proposed building will measure 18m x 12m with an eaves height of 3.6m and an overall height of 4.8m. Externally the proposed livestock building will be finished with concrete panels to the lower walls and Yorkshire boarding to upper walls, grey cement fibre roof sheets with rooflights, and a sheet frame green sheeting door. The building will be accessed by the existing farm access.

Consultation Responses

Lowside Quarter Parish Council

No comments received.

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

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 – Flood and Coastal Defence Engineer

11th October 2021

Part of the site falls within Flood Zone 2.

Although the development is compatible with being in Flood Zone 2, there is the need to submit a Flood Risk Assessment to comply with NPPF.

The application states that the surface water is to be disposed of by means of a soakaway.

However, no supporting evidence (percolation testing) has been submitted to demonstrate that this is feasible.

It should be demonstrated that surface water disposal by means of infiltration is feasible.

If it can't be demonstrated that it is the applicant will need to demonstrate that the surface water can be disposed of in some way by following the drainage hierarchy.

Due to the lack of suitable information, I am raising an objection.

14th December 2021

Just a few comments on the FRA.

- The FRA identifies the site as being in Flood Zone 3 and benefitting from defences, then states that it is in Flood zone 2 and benefits from defences. This doesn't make sense. The outline would indicate that the proposed building is partially in Flood Zone 2, hence the requirement for the FRA, but mainly in Flood Zone 1.
- The more detailed assessment in the FRA states that the flood risk is tidal and not fluvial, which would appear to be the wrong way round.
- The FRA states that the Environment Agency advice is to set the finished floor level at a minimum of 750mm above the surrounding ground level and then states that the surrounding ground level is 11.20m AOD and the finished floor level is to be 12.24m AOD. Whilst this does follow EA advice this may be excessive and raises the question how do the livestock climb the 1.05m from ground to floor level? A ramp would increase the site footprint and therefore the drained surface. It would also require more use of materials to construct the building.
- Currently it is proposed to dispose of surface water by means of infiltration, but percolation tests have yet to be carried out. The alternative is to discharge surface water to the public sewer. It is likely that United Utilities will object to this until other options within the drainage hierarchy have been considered first, such as discharge to a surface water body.

In my opinion the Flood Risk Assessment fails to meet one of the main reasons of having a FRA, which is to steer development away from areas of high flood risk. I am not familiar with the site or farming practices, but to me logically from a flood risk perspective it would make more sense to relocate the proposed building to a location within the farm at a low flood risk, where mitigation measures would not be needed and the floor would not need to be raised so much above surrounding ground levels. There may be overriding reasons for the location of the livestock building where it is proposed, but I can only see that this would incur unnecessary additional costs to the farmer compared to an alternative location within the farm, which needn't be that distant from the proposed location.

18th November 2021

I'm now happy with the proposed development subjected to successful percolation testing and a soakaways to comply with Building Regulations.

30th November 2011

No objections to the development subject to successful percolation testing and a soakaways to comply with Building Regulations.

Natural England

20th October 2021

No comments received.

30th November 2021.

No comments to make on this application.

Resilience Unit

No comments received.

Environmental Health

No comments received.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to two properties. 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 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 Proposal and Flood Risk

Policy DM30 – Rural Buildings

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

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

This application seeks planning permission for the erection of a livestock building. This application raises issues of the principle of the development, siting, scale and design, landscape and visual amenity, impact on highways, ecology, and flood risk and drainage.

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.

As the proposal is to create a new agricultural building, 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.

Siting, Scale and Design

This application seeks planning permission for the construction of an agricultural livestock building. The application site is located within the centre of the village therefore there are neighbouring properties near the application site, however these properties are located at a significantly higher level than the proposed building. The building is also located further away from the properties than the existing buildings. The development is therefore not considered to have an adverse impact on any residential amenity. 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.

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 application site lies adjacent to a number of existing agricultural buildings associated with Holme Croft Farm. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 4: Coastal Sandstone. This area is characterised by coastal sandstone cliffs, sandstone rolling hills and plateaus, and large open fields.

The proposed agricultural building is located to the west of the site behind and adjoining a number of existing farm 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. Based on this and due to the sloping nature of the surrounding land, the proposal is therefore not considered to result in intrusion into open countryside or impact 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.

Highways Impact

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 no comments on the application. The development will also not increase run off onto the highway given the distance from the access point.

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. Originally this application was not supported by an ecology survey, however as the site is located within 200m of a water course this survey was requested to support this application. This report confirms that the site is adjoining Braystones Tarn which is a watercourse which is not suitable for the Natterjack Toads as the water is too deep, water access is too steep and will cause drowning of adult & infant toads. Furthermore, the site is also a well trafficked area with livestock & human interaction which is not suited to the reclusive amphibian. It is concluded the proposed development is not have any effect of Natterjack Toads habitats and environments, therefore the survey does not recommend any mitigation measure for the proposed development.

Natural England have been consulted on this amended detail and have offered no comments on the application.

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 partly located within Flood Zone 2 therefore the Council's Flood and Coastal Defence Engineer has requested that a Flood Risk Assessment be submitted to support the application. Following the submission of the requested Flood Risk Assessment and additional amendments requested the Council's Flood and Coastal Defence Engineer has confirmed that he has no objections to the proposed development subject to successful percolation testing and a soakaways to comply with Building Regulations.

United Utilities and the LLFA have also been consulted on this application and have offered no objections to the development.

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

Planning Balance and Conclusions

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. The submitted ecology survey also concludes that the development will not have an

	<p>impact on natterjack toads. 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>Condition(s):</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 (Amended), Scale 1:1250, Ref No: AT/AMB 1, received by the Local Planning Authority on the 16th November 2021. - Block Plan, Scale 1:500, Ref No: AT/AMB No 2, received by the Local Planning Authority on the 27th September 2021. - Floor Plan, Scale 1:100, Ref No: At/AMB 3, received by the Local Planning Authority on the 27th September 2021. - Elevations, Scale 1:100, received by the Local Planning Authority on the 27th September 2021. - Planning Nature Conservation & Ecology Assessment, received by the Local Planning Authority on the 27th September 2021. - Design & Access Statement, Ref: AT/AMB – No5, received by the Local Planning Authority on the 27th September 2021. - Flood Risk Assessment (Amended), received by the Local Planning Authority on the 16th November 2021.

	<ul style="list-style-type: none"> - Ecological Assessment: Natterjack Toads, received by the Local Planning Authority on the 12th November 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 in accordance with and implement all of the details and mitigation measures specified within the following approved documents:</p> <ul style="list-style-type: none"> - Flood Risk Assessment (Amended), received by the Local Planning Authority on the 16th November 2021. <p>The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.</p> <p>Reason</p> <p>To secure proper drainage and to manage the risk of flooding and pollution.</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 : 03.12.2021
Authorising Officer: N.J. Hayhurst	Date : 03.12.2021
Dedicated responses to:- N/A	