



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2272/OF1	
2.	Proposed Development:	CONCRETING OF EXISTING YARD AREAS TO REDUCE RISK OF CONTAMINATION TO GROUND WATERS	
3.	Location:	FLEMING HALL GOSFORTH	
4.	Parish:	Gosforth	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
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 Fleming Hall Farm, located to the west of Gosforth. The dairy farm comprises of a farmhouse, eight barns and associated outbuildings. The farm is accessed via a single access track and is within the open countryside.	
	Relevant Planning History		
		4/19/2328/OF1 – Application for prior notification of proposed demolition of barn – Approved	

4/19/2311/OF1 – Application for prior notification of proposed demolition of stable block – Approved

4/21/2347/OF1 – Construction of agricultural livestock building and stable block to replace now demolished barn building and stable block – Approved

4/21/2439/OF1 – Discharge of condition 3 of planning approval 4/21/2347/OF1 – Approved

4/22/2259/OF1 – Application to determine if prior approval is required for the demolition of a farm building and existing lean-to extension – Approved

4/22/2273/OF1 – Roof over existing slurry store – Ongoing

Proposal

This application seeks planning permission to concrete two existing yard areas within the farmyard to reduce the risk of contamination to ground waters. The two areas of yard are located to the north-east of the site adjacent to the site entrance, and to the south of the yard between two existing agricultural buildings. The total area to be concreted will cover an area of 900 sq metres and are currently surfaced with gravel and stone.

Consultation Responses

Gosforth Parish Council

No objections.

Cumbria County Council – Cumbria Highways & LLFA

It is noted from the details supplied that the proposal will not lead to an increase in vehicular traffic to and from nor will it increase the flood risk for the site. I can therefore confirm that the Highway Authority and Lead Local Flood Authority have no objection to the proposal.

Environment Agency

No objections.

Copeland Borough Council – Flood and Coastal Defence Engineer

7th July 2022

Based on the fact there is no supporting information provided with this application I serious concerns about it and strongly object.

The aim of the application is to reduce the risk of groundwater contamination, which is clearly a good thing, all I can see it doing is increasing watercourse pollution instead!

Specific issues:

- What is the pollution? (Presumably slurry?)

- Part of the philosophy behind SUDS is that by running water naturally through the ground, it cleans naturally, compared to direct discharge into a watercourse, but there is nothing on treating the contamination.
- How is discharge to a watercourse going to reduce the pollution risk?
- Where is the watercourse? (It could be too small to be shown on GIS and there is nothing on the plans supplied.)

As it stands I can't really see any purpose, or advantage in the application.

Surely there must be some reason as to why this application will do what it states it is for.

15th August 2022

A letter or note stating the info below would have been useful if submitted with the application.

Is it possible to get a sketch (not a scale plan), just a schematic, showing the drainage from the site to the watercourse please?

This would help to visualise the set up.

1st September 2022

I've already had this with the other application and in this instance, it isn't what I was looking for.

It is the drainage on the farm itself showing how the surface water is gathered on site and how the contamination will be dealt with, so as not to end up in the watercourse, if that make sense.

To me there is going to be contaminated water running of the yard into the drainage system, as it won't be possible to scrape off the slurry at all times of rainfall.

22nd September 2022

Additional information provided appears to be reasonable.

Cumbria County Council – Footpaths Officer

A PROW (public footpath/bridleway/byway) number 409011 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.

We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.
- No development should take place on or near the footpath until the appropriate statutory legal process has been successfully completed.

Cumbria County Council – Resilience Unit

No objections. However, it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to one property. 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 DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM30 – Rural Buildings

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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 raises issues of the principle of the development; amenity and character, highway safety; 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 concrete existing parts of the farm, 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.

Amenity & Character

Policy ST1 and the NPPF seek to safeguard good levels of amenity. Policy ENV5 also seeks to protect and enhance the Borough's landscapes and ensure the impacts of developments are minimised through adequate mitigation, preferably on site.

The site forms part of an operational farm within the open countryside, the proposed concrete area is a common feature within existing agricultural establishments and so is considered to accord with general agricultural character of the area. Given the modest size of the proposals and their siting, the development is not considered to have a negative impact upon the surrounding area or to cause any demonstrable harm to amenity of the two dwelling houses that are located to the west of the site.

On this basis, proposal is considered to meet Policy ST1, ENV5 and NPPF guidance.

Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access.

	<p>The Highway Authority consultation confirmed that the application would not have any effect in the existing highway conditions.</p> <p>On this basis, the proposal is considered to meet Policy DM22</p> <p><u>Drainage</u></p> <p>Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.</p> <p>The proposal is not located within an area identified as either a Flood Risk Zone 2 or 3. As part of the application process the Council's Flood and Coastal Defence Engineer requested clarification regarding the drainage, watercourse, and the pollutions at this site. Following confirmation of these issues the Officer has confirmed that he has no objections to the development.</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 Conclusions</u></p> <p>This application seeks planning permission to concrete two areas of the existing farmyard within an existing farm complex. The concreting is considered appropriate in terms of use and scale in this location, and due to its siting within the existing farmyard is not considered to have an adverse impact on any nearby residential properties.</p> <p>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:-

- Site Plan, Scale 1:1250, received by the Local Planning Authority on the 28th June 2022.
- Block Plan, Scale 1:500, received by the Local Planning Authority on the 28th June 2022.
- Drainage Details, received by the Local Planning Authority on the 1st September 2022.
- Email from Agent - Re 42222720F1 - FLEMING HALL GOSFORTH, received by the Local Planning Authority on the 7th September 2022.

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.

Informatives:

1. The applicant should liaise with the CCC - Resilience Unit office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafeld site.
2. The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
3. The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.
4. No development should take place on or near the footpath until the appropriate statutory legal process has been successfully completed.

Statement:

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.

Case Officer: C. Burns	Date : 27.09.2022
Authorising Officer: N.J. Hayhurst	Date : 27.09.2022
Dedicated responses to:-	