

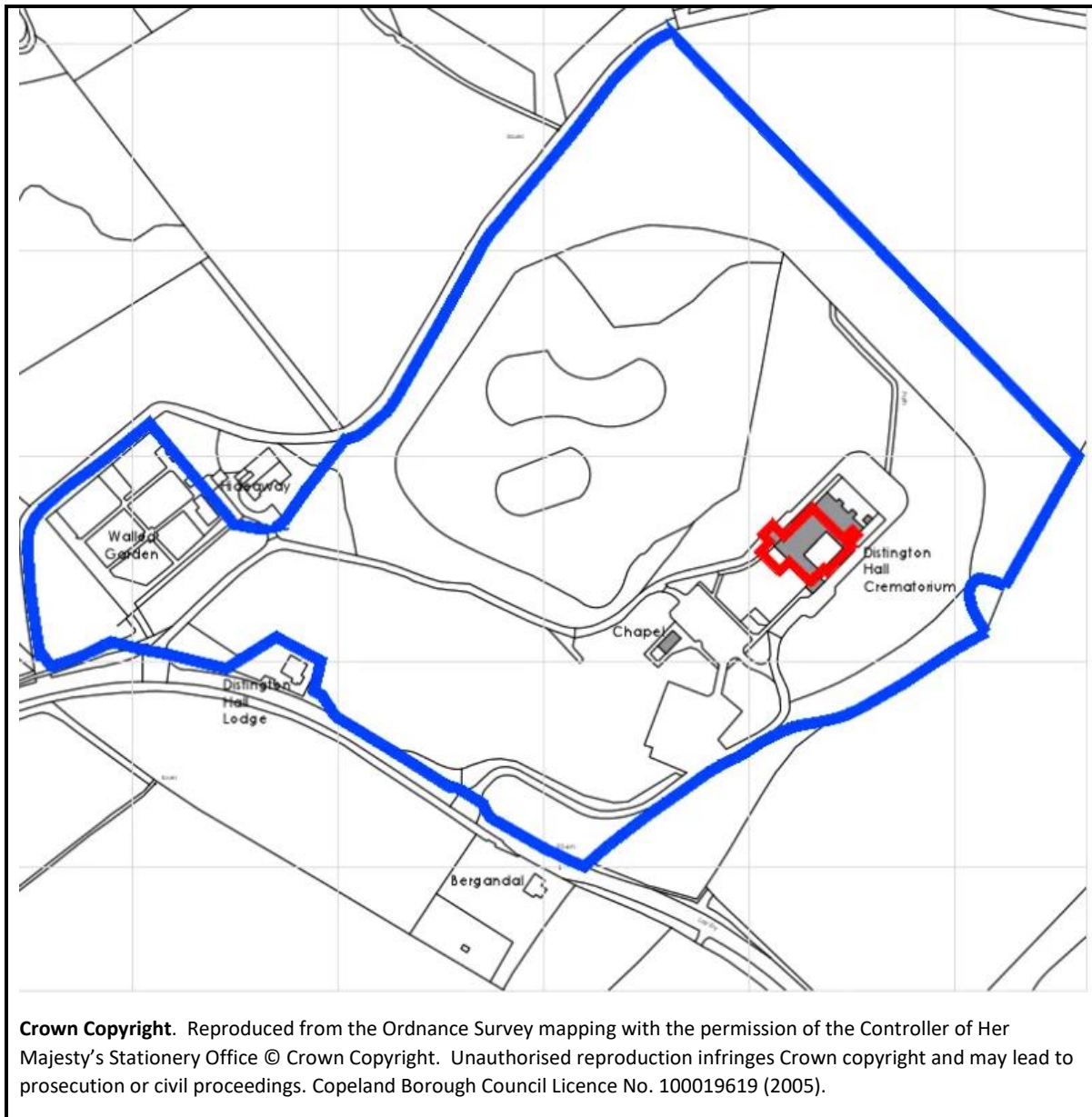


To: PLANNING PANEL

Development Management Section

Date of Meeting: 23/11/2022

Application Number:	4/22/2384/0F1
Application Type:	Full : CBC
Applicant:	Copeland Borough Council
Application Address:	DISTINGTON HALL CREMATORIUM, DISTINGTON TO PARTON, DISTINGTON
Proposal	ERECTION OF EXTERNAL ENTRANCE & EXIT CANOPIES
Parish:	Distington
Recommendation Summary:	Approve subject to conditions



Reason for Determination by Planning Panel

The application is brought for consideration by Members of the Planning Panel as the Applicant is Copeland Borough Council and the site relates to Council owned land.

Site and Location

The Application Site comprises the Distington Hall Crematorium, Distington.

The Site is located within the grounds of the former Distington Hall which cover an area of approximately 9.9 hectares. They predominantly comprise amenity grassland surrounded by semi-deciduous woodland.

The crematorium building itself comprises a large single-storey building under a flat roof structure. The exterior of the building is predominantly finished with facing brick and stonework.

Access to and egress from the Site is via the C4011 to the south. The access point connects to an internal road that runs around the perimeter of the crematorium building and two vehicle parking areas located to the south of the Site before connecting back to a separate egress point on to the C4011.

The Site is located in Flood Zone 1, is an area of known land contamination and is within the Hen Harriers Protection Zone.

Proposal

This application seeks Full Planning Permission for the erection of a new external canopy and the upgrade of the existing Porte Cochere (entrance) and exit canopies.

The proposed new canopy is to comprise a steel frame with dark grey coloured aluminum fascias, timber effect boarding to the underside of the soffits and a dark grey roofing membrane to the roof. Horizontal timber weatherboarding is proposed to enclose two sides of the canopy.

The upgraded works to the entrance and exit canopies includes the installation of Western Red Cedar timber weather boarding on the undersides and sides of the existing canopies.

The application is accompanied by the following -:

- Site Location Plan;
- Block Plan;
- Site Plan;
- Existing and Proposed Floor Plans;
- Existing and Proposed Elevations;
- Bat Survey.

Recent Planning Application History

Planning Permission has previously been granted for:

- Application Ref. 4/11/2019/0F1 – Change of use to provide extension to overspill car park.
- Application Ref. 4/19/2197/0F1 – External Entrance and Exit Canopies and Rendering of External Walls of Existing Building.

Consultation Responses

Distington Parish Council

No objections.

Cumbria County Council – Highways and LLFA.

Standing Advice under the Service Level Agreement.

Natural England

No comments received.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 5 no. properties.

No representations have been received to date.

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 (CS):

Policy ST1 – Strategic Development Principles

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS8PU – Reducing Flood Risk

Policy DS6PU – Design and Development Standards

Policy SC5PU – Community and Cultural Facilities

Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity

Assessment

The primary issues relevant to the determination of this application are:

- Principle of Development;
- Design and Appearance;
- Impact upon Ecology;
- Flood Risk and Drainage;
- Tree Protection;
- Residential Amenity.

Principle of Development

Policy ST1 seeks to support development that provides or contributes to the Borough's social and community infrastructure.

Policy SS4 seeks that the range of services and facilities serving the Borough's communities will be protected by encouraging 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; and, allowing the expansion and / or enhancement of existing community and cultural facilities to assist continuing viability. Policy SC5PU of the Emerging Local Plan also seeks to protect and retain important community and cultural facilities.

The proposed development comprises works to improve and enhance the existing Distington Hall Crematorium, which is a local community facility.

On this basis, the proposed development is supported in principle subject to site-specific matters.

Design and Appearance

Policy DM10 expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

The proposed new canopy, whilst a contemporary addition to the existing crematorium building, relates well to the linear form of the building. The canopy will be carefully positioned over the existing front canopy structure to create a visual hierarchy to the entrances and it will maintain a visual balance to the elevations of the building. The timber boarding will act as a privacy screen while allowing light to enter existing windows. In addition, the proposed new timber boarding to the existing canopies will be appropriate to the building and its setting.

The proposed development achieves high standards of design and responds positively to the character of the Site and immediate and wider setting. On this basis, the proposal is considered to satisfy Policy DM10 of the Copeland Local Plan.

Impact on Ecology

Policy ST1, ENV3 and DM25 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 building to which this application relates falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines.

A Preliminary Ecological Appraisal has been submitted in support of the Full Planning Application. The Appraisal identifies the potential for the development to impact upon Bats.

A Bat Survey has been prepared. The Survey concludes that bats have been identified roosting on the southern elevation; however, as the proposed canopy will tie into the existing building below the existing overall height and will not necessitate the removal of the existing metal fascias, none of the identified roost locations will be physically destroyed or damaged during the works. It is confirmed that although no identified bat roost will be physically damaged/destroyed by the works, bat roosts have been identified within 5m of the proposed works and in the absence of mitigation are likely to be disturbed. It is confirmed that if the works are completed between November 1st and March 15th when bats are unlikely to be present, disturbance to bats will not occur and a European Protected Species Mitigation Licence (EPSML) would not be required. It is confirmed that if completing the works during the hibernation season will not be possible, a EPSML would be required.

In accordance with the CHSR, the Authority is required to consider the likelihood of an EPSML being granted by Natural England and in doing so engage the three tests for derogation.

Is the proposed development necessary for imperative reasons of overriding public interest?

In assessment of its planning merits, the proposal accords with the relevant provisions for the Development Plan and the NPPF. For these reasons it is considered that the test is passed.

Is there a satisfactory alternative?

Given the nature of the use of the Site by bats, the level of consideration of alternatives should be correspondingly low. In the event that the development will require an EPSML, it is unlikely that the development could have proceeded in such a way as to avoid the licensable activities for technical reasons or allow continued operations at the Site, in which case no satisfactory alternatives would reasonably exist.

Will the favourable conservation status of the species be maintained within its natural range?

Taking into account the use of the Site by bats, the fact that the development would result in a short-term disturbance for the duration of the works only and the mitigation strategy proposed, the favourable conservation status of the species would be maintained within its natural range.

It is therefore considered that the three tests are met and an EPSML licence would likely be granted by Natural England.

A planning condition is proposed requiring that the development is completed in accordance with the scheme of mitigation contained within the submitted Bat Survey.

Furthermore, the proposal does not relate to a habitat that is likely to contain Hen Harriers and so it would not be necessary to seek an ecological survey for this minor application.

Overall, the development will protect and enhance biodiversity and geodiversity in accordance with Policies ENV3 and DM25 of the Copeland Local Plan.

Other Matters

Flood Risk and Drainage

The Site is located within Flood Zone 1 and it is proposed to dispose of the surface water generated by the development to existing sustainable drainage systems.

The development will not result increase flood risk and the proposed means of drainage accords with the national drainage hierarchy.

Tree Protection

Policy DM28 seeks to protect trees and ensure the amenity value of the area is maintained.

The development would result in the removal of a tree adjacent to the front of the building and therefore the applicant has confirmed replacement trees will be planted within the site at a ratio of 1:3 in accordance with Copeland Borough Council's Tree and Woodland Strategy. This can be secured by the use of a planning condition.

Residential Amenity

Given the scale, form and nature of the development, no adverse impacts upon the residential amenity of nearby dwellings will result.

Planning Balance and Conclusion

The principle of the proposed development is supported.

The design of the proposed development is appropriate to the existing building and its setting.

The development will protect and enhance biodiversity and geodiversity and ensure replacement trees are planted.

No issues are arising in respect of the flood risk, drainage and residential amenity.

On balance, the development is considered to accord with the provisions of the Development Plan and the application is therefore recommended for approval subject to the planning conditions outlined below.

Recommendation:-

Approve subject to the following conditions

Conditions

1. The development hereby permitted must commence 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: -

Application Form, received 21st September 2022;
Site Location, scale 1:2500, drawing no. 21024-101, received 21st September 2022;
Site Block Plan, scale 1:500, drawing no. 21024-102, received 21st September 2022;
Site Plan, scale 1:200, drawing no. 21024-103, received 21st September 2022;
Existing Ground Floor Plan, scale 1:100, drawing no. 21024-104, received 21st September 2022;
Proposed Ground Floor Plan, scale 1:100, drawing no. 21024-107, received 21st September 2022;
Existing Elevations, scale 1:100, drawing no. 21024-105, received 21st September 2022;
Proposed Elevations, scale 1:100, drawing no. 21024-108, received 21st September 2022;
Bat Survey, Ref. ArP18SCO021/BAT1 D Doc No 1, received 21st 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.

3. The mitigation measures associated with bat roosts must be implemented as part of the development hereby approved in accordance with the details set out in Bat

Survey. Ref. ArP18SCO021/BAT1 D Doc No 1 received by the Local Planning Authority on 21st September 2022.

Reason

To ensure that adequate protection is given to protected species, in the interest of the environmental protection and in accordance with Policy DM25 of the Copeland Local Plan.

4. Prior to the removal of any trees as part of the development hereby approved, full details of all proposed replacement tree planting at a ratio of 1:3 shall be submitted to and approved in writing by the Local Planning Authority. All tree planting shall be carried out in accordance with those details and be maintained thereafter.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the date of planting, it must be replaced in the next available planting season by another of a similar size and species.

Reason

To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area and the preservation and planting of trees in accordance with Policy DM28 of the Copeland Local Plan.

Informative Notes

1. It is an offence under Wildlife and countryside Act to damage or destroy a bat roost.

If works are completed outside of the hibernation season, a European Protected Species Mitigation Licence (EPSML) must be obtained prior to the works commencing from Natural England.

For more details on how to apply for a bat mitigation licence, please follow the link: <https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence>

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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.