

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2430/OF1
2.	Proposed Development:	ERECTION OF A GREENHOUSE
3.	Location:	BROOK HOUSE, COMMON END, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location <p>This application relates to land at Brook House, a horticultural nursery related in the Commonside area of Distington.</p> <p>There are residential dwellings located to the north east and north west of the site with a single residential property to the south. There are open fields to the east and the B5306 from Howgate to Distington is located to the west.</p> Proposal <p>The application seeks full planning permission for the erection of a greenhouse.</p>	

It will be located to the west of the dwelling known as Brook House and to the south east of the B5306.

The greenhouse will measure 30m x 9m, giving an additional floor space of 270m². The eaves will be 2.4m with the overall pitch at 4.5m.

The sectional drawing shows the land slopes steeply from west to the east with a drop of 3m from the road level to the floor level of the greenhouse.

8 x 1000L water storage containers are proposed to the north and south of the greenhouse in order to utilise the rain water from the site in connection with existing business.

Consultation Responses

Distington Parish Council

No response.

Flood and Coastal Defence Engineer

The above planning application is in Flood Zone 1, but parts of the site are at a high risk of surface water flooding and may have suffered flooding in the past.

Consequently there needs to be consideration given to how the proposed development may be affected by flooding and how the development itself will impact on flood risk elsewhere.

As properties downslope have suffered internal flooding in the past, it is essential that the development does not increase the flood risk.

Specific points that need addressed:

- The application states that surface water is to be disposed of by means of a sustainable drainage system and to a watercourse.
- No details have been provided, so this is required.
- Any new connection to the watercourse is likely to need consent from the LLFA.
- Discharge rates should adhere to greenfield runoff rates, assuming that the site actually currently naturally drains to the watercourse.
- The development should not cause a discharge of water onto the highway.
- The development should not divert any flood water it may encounter.

I may have further questions depending upon the response.

For example, being a greenhouse, I would consider that much of the runoff would be collected in water butts for re-use on site, which would be really good, but there is always the issue of management of water butts should they overflow.

I'm not objecting to the development at this time, but as with many applications, there is insufficient supporting information to actually assess whether the development would not have a detrimental affect of wider flood risk.

The Coal Authority

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

Cumbria Highways

No response.

Public Representations

The application has been advertised by way of a site notice and neighbour notification letters issued to 4 no. properties.

No responses have been received as a result of these advertisements.

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) (CS):

Core Strategy:

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER6 – Location of Employment

Policy ER11 – Developing Enterprise and Skills

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management
Policy ENV3 – Biodiversity and Geodiversity
Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies:

Policy DM10 – Achieving Quality of Place
Policy DM11 – Sustainable Development Standards
Policy DM22 – Accessible Developments
Policy DM24 – Development Proposals and Flood Risk
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
Policy DM26 – Landscaping
Policy DM30 – Rural Buildings

Copeland Local Plan 2001-2016 (LP):

Policy TSP8 – Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
National Planning Practice Guidance (NPPG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Cumbria Development Design Guide (CDDG).

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 policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy
Policy DS6PU: Design and Development Standards
Policy DS7PU: Hard and Soft Landscaping
Strategic Policy DS8PU: Reducing Flood Risk
Policy DS9PU: Sustainable Drainage
Strategic Policy E2PU: Location of Employment
Strategic Policy E5PU: Employment Sites and Allocations
Policy RE1PU: Agricultural Buildings
Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

Principle of Development

Policy ST1 of the CS and DS1PU of the ELP outlines support for the expansion of established businesses.

Policy ST2 of the CS and DS3PU of the ELP designates the site as outside of, but adjacent to the settlement boundary for Distington. These policies seek to restrict development outside of the defined settlement boundaries to that which has a proven requirement for such a location, including land uses characteristically located outside settlements, such as agriculture.

Policy ER6 of the CS and E2PU of the ELP states outside Whitehaven, the Key Service Centres, and the allocated sites, smaller scale economic development proposals will be considered on their merits with the following matters being particularly important: justification for rural location; transport impacts; vulnerability to flooding; impacts on residential amenity; and, impact on landscape character, settlement character and biodiversity.

Policy DM30 of the CS and RE1PU of the ELP states that proposals for new agricultural buildings... will be permitted so long as they: are well related to an existing settlement or farm building complex, or where this is not possible or appropriate are accessible and well screened; are of an appropriate scale and design; use materials and colours that enable the development to blend into its surroundings; do not adversely impact on the local landscape character or built environment; and, do not significantly impact the amenity of any nearby residents. It is stated that such development may also require an appropriate planting scheme.

For the purposes of the Town and Country Planning Act 1990 (as amended) (TCPA) the definition of *“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed*

accordingly.

This application relates to an existing and well established horticultural nursery. The nursery is no longer open to the public and largely satisfies large commercial orders. The increase in business since the Covid 19 pandemic has necessitated the addition of a further greenhouse on the site as the existing buildings are operating at capacity.

Due to site constraints, the only available space for the greenhouse is the location proposed at the road frontage of the site. The location is away from any residential properties and therefore unlikely to create any amenity issues.

The proposed development comprises the expansion of an existing horticultural business which itself falls within the definition of agriculture within the TCPA. The site is suitable for development within the parameters of Policy DM30 of the CS and RE1PU of the ELP, therefore the principle of the development is considered to be acceptable.

Landscape and Visual Impacts

Policy ST1 of the CS and DS1PU of the ELP seek to protect, enhance and restore the Borough's valued assets including landscapes.

Policy ENV5 of the CS states that the Borough's landscapes will be protected and enhanced by protecting all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area; and, 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.

Policy DM10 of the CS and DS6PU of the ELP requires that *development respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through:... the appropriate provision, orientation, proportion, scale and massing of buildings.*

Policy DM26 of the CS and DS7PU of the ELP states that all development proposals will be assessed in terms of their potential impact on the landscape.

The proposed site for the greenhouse is next to the main road running from Howgate to Distington. Whilst there were initial concerns that the greenhouse would be highly visible from the road, a site visit showed the well established hedge on the roadside and the drop in levels into the site. As a result of these factors, it is unlikely that the greenhouse will be seen from outside the site and will therefore not create a significant effect on the character or appearance of the local landscape. Furthermore, it will be seen in context with the existing buildings on the site.

On this basis, the proposal is considered to comply with Policies from the CS and ELP in relation to

landscape and visual protection and is unlikely to create a prominent feature on the site.

Highway Safety

Policy DM22 of the CS and CO7PU of the ELP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet adopted car parking standards.

The proposal will not affect the existing access to Brook House or the available off-road parking at the gated entrance. Whilst the new greenhouse will expand the business, it is unlikely that any further traffic will be created and there is no proposal to increase the number of staff on the site as a result of this proposal. No comments were received from Cumbria Highways, but it is unlikely that the proposal will impact on the surrounding highway network.

Overall, the proposal is considered to comply with Policy DM22 of the CS and CO7PU of the ELP in relation to highway safety as there will be no change to the current situation.

Flood Risk and Drainage

Policy DM11 of the CS and DS8PU and DS9PU of the ELP requires that surface water is managed appropriately, with the inclusion of Sustainable Drainage Systems where possible.

Policy DM24 states that development will not be permitted where: there is an unacceptable risk of flooding; or, the development would increase the risk of flooding elsewhere; or, the development would cause interference with or loss of access to a watercourse.

The Site is located within Flood Zone 1. The proposed comprises a less vulnerable use and is therefore a compatible use in Flood Zone 1.

Concerns were raised from the Councils Flood and Coastal Defence Engineer with regards to local knowledge of surface water flooding from run off to lower land in this area. The Agent for the application confirmed that the business would seek to store as much runoff water as possible for horticultural use and provided a plan to show water butt storage as part of the proposal. It is considered to be reasonable to include a condition to any approval to ensure that the storage is put into place and operational prior to any use of the building, to ensure that any issues with surface water runoff is mitigated.

With the sustainable drainage mitigation measures proposed, it is considered that the proposal complies with the CS and ELP and is unlikely to create a flooding issue on site, or within the surrounding area.

The Planning Balance

	<p>No objections to the proposal have been received.</p> <p>The proposed development comprises the expansion of an existing horticultural business which falls within the definition of agriculture.</p> <p>The proposed greenhouse will be sited in a location where it will have little effect on surrounding residential properties and will not create any significant landscape or visual impact. There will not be a material change to the existing highway situation and any concerns relating to surface water flooding have been mitigated.</p> <p>On balance, giving the significant weight to the economic growth and the support in the expansion of the business, the benefits of the proposal are considered to outweigh any detrimental impacts created by the proposal. The application is therefore considered to be acceptable and accords with the Policies set out in the CS and ELP and also the guidance within the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, received 1st November 2022; Proposed plan and elevations, scale 1:100, drawing number RB/BH/1, received 1st November 2022; Water storage plan, received 14th November 2022.</p> <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>

3. Prior to the first use of the development hereby approved, the water storage containers, as demonstrated on the water storage plan submitted on 14th November 2022, must be sited and brought into use. The storage containers must be kept in suitable working order and utilised for the lifetime of the development in accordance with the approved details.

Reason

In order to ensure that the development does not lead to local flooding issues and in accordance with DM24 of the Copeland Local Plan.

Informative

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.

Case Officer: Sarah Papaleo

Date : 19/12/2022

Authorising Officer: N.J. Hayhurst

Date : 19/12/2022

Dedicated responses to:-