

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2446/OF1
2.	Proposed Development:	RETROSPECTIVE STEEL FRAMED AGRICULTURAL BUILDING
3.	Location:	WALTHAM NURSERY, THE GREEN, MILLOM
4.	Parish:	Millom Without
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
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:	<p>SITE AND LOCATION</p> <p>The application relates to Waltham Nursery, a small holding located to the south of The Hill, Millom. The small holding is made up of several farm buildings and is located within Flood Zone 2 and 3.</p> <p>PROPOSAL</p> <p>Retrospective Planning Permission is sought for the erection of steel framed agricultural building. The proposed building is located within the existing farmyard along the north-western boundary. It measures 27.4 metres in width and 10.6 metres in depth. It includes a pitched roof with an eaves height of 4.5 metres and an overall height of 5.5 metres. It has been designed to reflect a typical farm building with an open front and concrete panels and Yorkshire boarding on the side and rear</p>

elevations. It also includes a cement fibre roof.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- Erect General Purpose Building (ref: 4/98/0048/0);
- Erect Timber Treatment Plant (ref: 4/98/0565/0).

CONSULTATION RESPONSES

Millom Without Parish Council

Support the application but noted the retrospective nature of the development.

The application description has been amended accordingly.

Highway Authority and Lead Local Flood Authority

Standing Advice.

Copeland's Flood Engineer

Initially raised questions regarding the surface water drainage.

Following the receipt of additional drainage plan, raised no further comments.

Environment Agency

No objections.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 2 properties. No objections have been received as a result of the consultation.

PLANNING POLICIES

Planning law requires 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 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM30 – Rural Buildings

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Wildlife and Countryside Act 1981

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 DS6PU – Design and Development Standards

Policy RE1PU – Agricultural Buildings

Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and impact on residential amenity, the landscape and visual impact, flood risk and drainage and ecology.

Principle of Development

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including agriculture related development. Policy DM30 and section 6 of the NPPF supports proposals for new agricultural buildings 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 retrospective application seeks to erect an agricultural building at Waltham Nursery. The site visit confirmed the building provides a covered shelter for cows and therefore the proposal is considered to be an appropriate form of agricultural development to support the farm operations. Despite being visible from the surrounding fields, the proposed structure will be modest in scale to meet the needs of Waltham Nursery and it will be screened by the existing boundary hedges. This will therefore minimise the impact of the development on the surrounding area.

On this basis, there is a proven requirement for the proposed agricultural buildings and therefore the proposal is considered to be an appropriate form of development in accordance with Policies ST2 and DM30 and NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site.

The scale and design of the proposed agricultural building is considered to be appropriate with regard to the existing small-holding scale and operations. The pitched roof design of the building is appropriate for its use and the choice of materials are typical of an agricultural development. This will ensure the character of the area is maintained.

On this basis, the proposal is considered to comply with policies ST1 and DM10.

Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of

the parent property or adjacent dwellings.

The proposal is considered to be suitably located within the existing farmyard and it has a separation distance of over 30 metres to the closest neighbouring properties, Bluebell Cottage and Derryelvin. It is also screening by the existing farm buildings and therefore the proposal does not appear overbearing or cause harmful overshadowing or loss of light.

Overall, it is considered that the proposal will have not have a detrimental impact on residential amenity and therefore the proposal is considered to satisfy Policies ST1, DM10 and the NPPF guidance.

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 within the Waltham Nursery farm complex. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 2d 'Coastal Urban Fringe', which seeks to enhance, restore and improve the landscape.

The development is considered to be suitably located within the existing farm complex. This ensures the character of the area is not eroded with development away from the traditional farmstead. Despite the proposal being visible from the surrounding area, the structure will be viewed in the context of the existing farm buildings and the structure is typical of an agricultural farm building, reflecting the rural character of the area. This will minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT.

Overall, the works are not considered to have a significant impact on the character and appearance of the landscape or result in a significant intrusion into the open countryside. The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.

Flood Risk and Drainage

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policies ENV1 and DM24 seeks to protect developments against risks of flooding.

The site is located in Flood Zone 2 and 3 and therefore a Flood Risk Assessment and Drainage Plan have been submitted in support of the application.

The Environment Agency data states that the location is at a low risk of flooding and the as the proposal relates to an agricultural building, it classed as appropriate development within Flood Zone 3. Copeland's Flood Engineer also confirmed as the proposed building is open fronted, it will not

	<p>impact flood storage.</p> <p>The agent provided additional surface water drainage details showing the existing farmyard drainage ditch and the approximate route of the drain. The new building surface water will be connected into this drain and as the previous site was hard farmyard, it is not anticipated that there will be any significant change in the rate of water entering the ditch. The agent also confirmed the ditch is of substantial nature, approximately 2 meters deep with more than adequate capacity.</p> <p>A planning condition has been attached to ensure the drainage scheme is retained in perpetuity. This is considered to be appropriate to satisfy the Flood Engineers concerns regarding drainage requirements.</p> <p>On this basis, the proposal is considered to meet Policy DM24 of the Copeland Local Plan</p> <p><u>Ecology</u></p> <p>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.</p> <p>The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site relates to a new development which is not located within 200m of a watercourse (as indicated within the ALGE trigger list). On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this agricultural application.</p> <p>It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This retrospective application seeks to erect an agricultural building at Waltham Nursery. The main issue raised by the application was the scale of the development and the potential impacts on the landscape character and residential amenity.</p> <p>The agricultural building is considered to be suitably located and it will be modest in scale. Given the significant separation distances and existing boundary treatments, the proposal will have little impact on residential amenity and the landscape and visual impact. In addition, given the scale and design of the proposal, potential impacts on flood risk and ecology will be minimal.</p> <p>Overall, the potential harm will not significantly and demonstrably outweigh the identified benefits of the development and therefore the proposal is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <p>1. 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: -</p> <p>Application Form, received 8th November 2022; Site Location Plan, scale 1:2500, received 8th November 2022; Site Plan, scale 1:500, received 8th November 2022; Proposed Floor Plan and Elevations, scale 1:200, received 8th November 2022; Flood Risk Assessment, received 8th November 2022; Drainage Plan, scale 1:500, received 20th December 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> <p>2. Within three months of the date of this permission, the surface water drainage scheme received by the Local Planning Authority on 20th December 2022 must be implemented in accordance with the approved details and must be retained in perpetuity thereafter.</p> <p>Reason</p> <p>To ensure a satisfactory form of development and reduce the risk of flooding in accordance with Policy DM24 of the Copeland Local Plan.</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. Unsworth	Date : 10/01/2023
Authorising Officer: N.J. Hayhurst	Date : 13/01/2023
Dedicated responses to:- N/A	

