

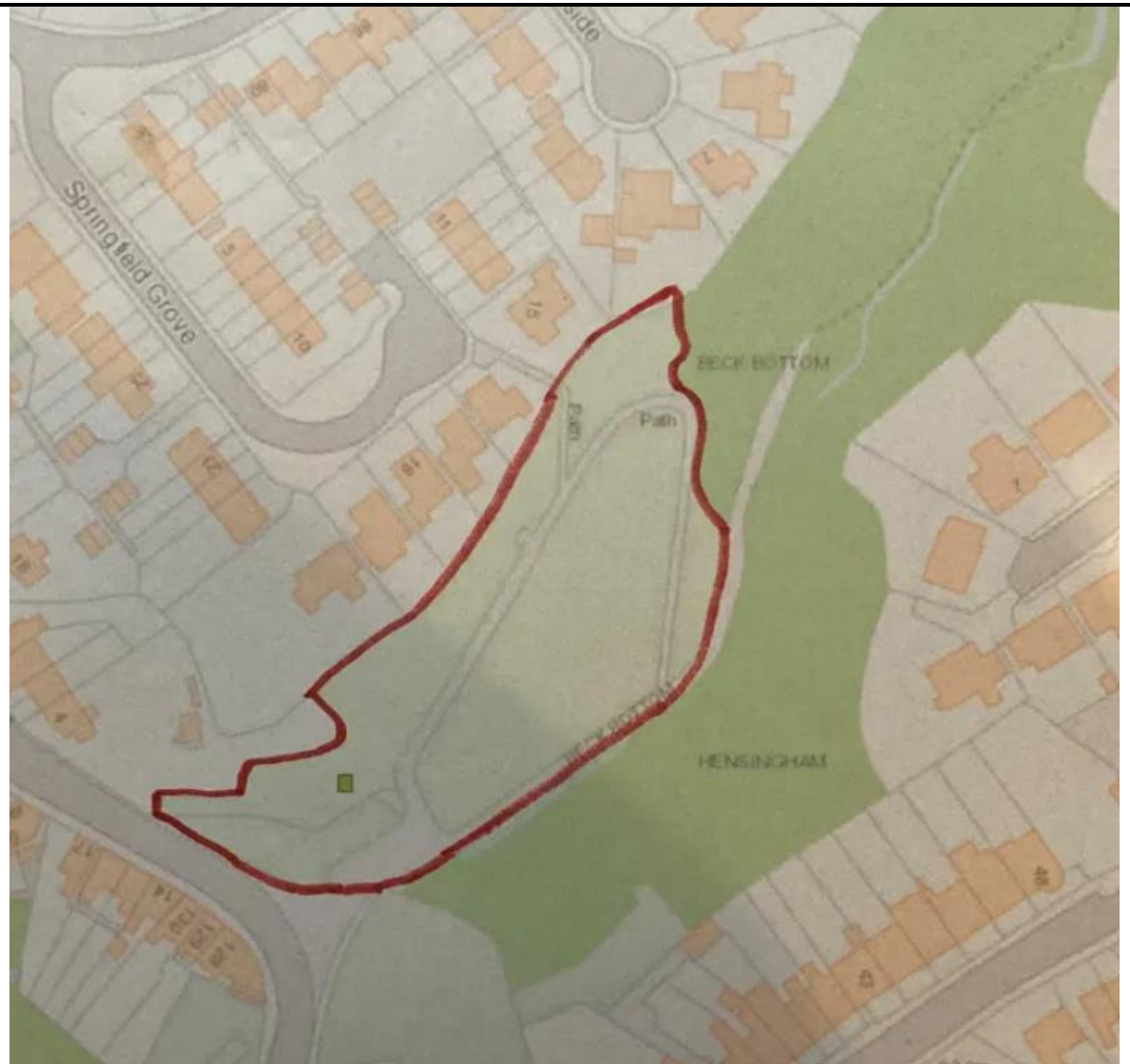


To: PLANNING PANEL

Development Management Section

Date of Meeting: 15/03/2023

Application Numbers:	4/23/2038/0F1
Application Type:	Full
Applicant:	Beck Bottom Community Garden Group
Application Address:	BECK BOTTOM COMMUNITY GARDEN, RIBTON MOOR SIDE, WHITEHAVEN
Proposals	GARDEN STORE WITH GREEN ROOF (3M IN LENGTH X 2.1M WIDE X 2.1M HIGH) AND TRELLIS CLADDING TO OBSCURE BUILDING. RAINWATER HARVESTING FACILITY
Parish:	Whitehaven
Recommendation Summary:	<p>Members authorise delegated authority to the Head of Planning and Place to approve planning permission for the development subject to:</p> <ul style="list-style-type: none">- No objections being received from the public consultation period which expires on 21st March 2023;- The planning conditions outlined at the end of this report; and,- Any revisions as deemed appropriate by the Head of Planning and Place.



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Reason for Determination by the Planning Panel

This application is brought for consideration by Members of the Planning Panel as the site is owned by Copeland Borough Council.

Site and Location

The application relates to Beck Bottom Community Garden, located within the Hensingham area of Whitehaven.

The site is bound by Main Street, the B5295 to the south, Springfield Grove and the Hillcrest housing estate to the west and a woodland area to the east. The site benefits from a

number of paths and green spaces. It is located on a hill and comprises garden flower beds supported by retaining walls.

There is also a Public Right of Way No. 431025 running adjacent to the site.

Proposal

Planning Permission is sought for the erection of a detached garden store building. The building will be clad with a wooden trellis and is to have a green roof. The proposal also includes a rainwater harvesting facility to the rear of the store.

The proposed store will be 3 metres in length, 2.1 metres in width and 2.1 metres in height. It will be constructed out of green metal and the roof will be a light-weight sedum roof which is low growing, drought tolerant and requires minimum maintenance.

The rainwater harvesting facility which is to be sited to the rear of the store will be 1.2 metres in length, 1 metres in width and 1.16 metres in height.

Relevant Planning History

There have been no previous planning applications at this site.

Consultation Responses

Whitehaven Town Council

No objections.

CCC Footpath Officer

No comments received.

Public Representations

Public representations for this application have been advertised by way of site notice and 4 no. neighbour consultation letters - No comments have been received at the time of writing this report.

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 SS4 – Community and Cultural Facilities and Services

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV6 – Access to the Countryside

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) underwent an Examination in public by a Planning Inspector which finished on 9th March 2023.

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 N1PU – Conserving and Enhancing Biodiversity and Geodiversity

Assessment

The key issues raised by this proposal are the principle of development, its scale, design and visual impact, and the potential impacts on ecology, residential amenity and the public right of way.

Principle of Development

Sections 6 and 8 of the NPPF seeks to promote healthy and safe communities through delivering social, recreational and cultural facilities for community needs. Policies ST1, ST2,

SS4 and DM21 of the Copeland Local Plan and Section 6 and 8 of the NPPF seek to encourage the provision and retention of good quality services and facilities, which meet the needs of local communities.

Policy SS4 of the Copeland Local Plan also allows for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

The development will be located within the Hensingham area of Whitehaven, and it will provide enhanced community facilities. The storage building, trellis cladding and rainwater harvesting facility will provide secure storage for the Beck Bottom Community Garden Group and provide rainwater harvesting facilities to manage and enhance the Beck Bottom Garden.

On this basis, the proposal represents an appropriate form of development in this location, consistent in principle with the provisions of Policy ST2, SS4 and DM21 of the Local Plan.

Scale, Design and Visual Impact

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 storage building, trellis cladding and rainwater harvesting will be suitably located within the site, on an elevated level area of ground above the existing flower beds to the south of the site. The proposed scale will be modest, and the design will meet the functional needs of the Beck Bottom Community Garden Group, while maintaining the character of the area.

As the proposal is small scale, it is unlikely to be excessively prominent within the locality and the visual impact will be reduced by the green colouring of the building, the use of a green sedum roof and the screening provided by the wooden trellis cladding. The installation of the trellis screening can be adequately secured by the use of a planning condition.

On this basis, the impact of the proposal is considered to be limited and would accord with the requirements of Policy DM10 and the NPPF guidance.

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 proposal includes a light-weight sedum roof which is low growing, drought tolerant and requires minimum maintenance. This green roof design is considered to enhance biodiversity by providing habitats and food sources for wildlife and pollinators.

On this basis the proposed development is considered to accord with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.

Impact on Residential Amenities

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

Given the character of the site and its separation distance to the nearest residential properties the proposed garden store is unlikely to give rise to any disturbance in the area.

In addition, there have been no objections received to the proposal at the time of writing this report, although the site notice consultation does not expire until 21st March 2023.

On this basis, the proposal is considered to comply with Policy DM10 of the Local Plan.

Public Right of Way

Section 7.7 of Policy ENV6 recognises that existing Public Rights of Way are protected in law. On this basis, as the Public Right of Way 416062 runs parallel to the development site, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

The proposed structure will be visible from a small section of the Public Right of Way although it will be modest in scale and it will include suitable screening. As such it will not have any detrimental impact on the amenity of users of the Public Right of Way.

The site visit confirmed that the PROW runs along the bottom path of the park and therefore it will not be directly adjacent to the store. On this basis, it will not significantly harm the physical footpath.

The proposal is considered to satisfy Policies ENV6 and DM10 of the Local Plan and the guidance set out in the NPPF.

Planning Balance and Conclusion

The proposed storage building, trellis screening and rainwater harvesting are of an appropriate scale and design to provide functional on-site storage for the community garden. The use of a green roof will enhance biodiversity by providing habitats and food for wildlife and pollinators through the green roof design. It will not have a detrimental impact on the amenities of the surrounding area or to the users of the adjoining public right of way.

Overall, the proposal is considered to be an acceptable form of development within the existing industrial estate, which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.

Due to the design of the store which is of a temporary nature it is considered appropriate to limit any permission to a 3 year period to retain control of the long-term use of the site in the interest of visual amenity.

Recommendation:

Members authorise delegated authority to the Head of Planning and Place to approve planning permission for the development subject to:

- No objections being received from the public consultation period which expires on 21st March 2023;

- The planning conditions outlined at the end of this report; and,
- Any revisions as deemed appropriate by the Head of Planning and Place.

Planning Conditions

1. The development hereby permitted shall be for a limited period of three years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the development shall be removed from the site on or before this date and the land restored to its former condition.

Reason

The development hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.

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 10th February 2023;
- Site Location Plan, scale 1:1250, received 10th February 2023;
- Proposed Site Plan with garden store and rainwater harvesting location, scale 1:500, received 27th February 2023;
- Insulated Store Specifications, received 27th February 2023;
- Rainwater Harvesting Specifications, received 27th February 2023;
- Trellis Drawing, received 27th February 2023;
- Photograph of Trellis, received 27th February 2023;
- Sedum Roof Example Images, received 27th February 2023.

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. Prior to the first use of the storage building hereby approved, the wooden trellis cladding must be installed in accordance with the 'Trellis Drawing' submitted to the Local Planning Authority on 27th February 2023 and must be retained thereafter.

Reason

To ensure suitable screening is provided in accordance with Policy DM10 of the Copeland Local Plan.

Informative Note

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.