

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2179/0F1	
2.	Proposed Development:	REPLACEMENT DOG KENNEL BLOCK INCLUDING DEMOLITION OF EXISTING BLOCK	
3.	Location:	ANIMAL CONCERN RESCUE, MARLBOROUGH LONNING, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	<p>This application relates to Animal Concern Rescue located at the Mary Irving Centre which is situated off Marlborough Lonning to the south west of Egremont.</p> <p>Animal Concern is a long established, small Cumbrian charity which helps find new homes for animals and has been operational since the 1970's. Originally known as Marlborough and</p>		

providing commercial stabling, cattery, and kennelling, the 2.65 acre site has been providing services for animals for several decades. The site has previously benefitted from purpose built animal facilities, however some of these have been demolished as the site is in need of upgrading and re-organising to meet modern standards in animal care.

Relevant Planning History

4/21/2048/0F1 – Erection of two ancillary building & 12.no cat pods – Approved.

Proposal

This application seeks planning permission for the demolition and replacement of the existing dog kennel block at this site.

The existing kennel block is located within the rear section of the application site, adjacent to the buildings to the east. The existing block measures 15.8m x 6.28m. As part of the previous planning approval at this site (ref: 4/21/2048/0F1), works to the kennels were limited to refurbishment only in order to allow other major site works to be undertaken. Since then, further degradation of the block has occurred causing serious issues with the building fabric which has made cleaning and maintenance impossible. It is therefore considered that a full rebuild is required.

The proposed kennels are to be located on the same site as the existing. The proposed kennels will measure 6.66m x 18m and will benefit from a mono pitched roof with an eaves height of 2.2m and an overall height of 2.8m. The rear of the site will benefit from a walkway screened by a metal security fence with a height of 1.8m. Internally, the block will create 9 kennels with a run and sleeping area, an internal corridor and a large store area.

The proposed kennel block will be of modular construction and will be finished externally with wood effect composite cladding and a composite roof.

Consultation Responses

Egremont Town Council

No comments.

Cumberland Council – Local Highway Authority & Local Lead Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or



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elsewhere.

Cumberland Council – Environmental Health

Having visited the site and discussed the proposed development there are no objections to this proposal from Environmental Health.

The facility is relatively isolated and there is no history of any noise complaints against this premises.

The animal rescue centre currently falls outside of the animal licensing regulations for commercial dog boarding operations.

Public Representation

This application has been advertised by way of a site notice. 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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER4 – Land and Premises for Economic Development

Policy ER6 – Location of Employment

Policy ER11 – Developing Enterprise and Skills

Policy T1 – Improving Accessibility and Transport

Policy SS4 – Community and Cultural Facilities

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 DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries



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Strategic Policy DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy DS11PU - Protecting Air Quality Strategic

Policy E1PU: Economic Growth Strategic

Policy E2PU: Location of Employment Strategic

Policy E5PU: Employment Sites and Allocations

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy N9PU - Green Infrastructure

Policy N13PU: Woodlands, Trees and Hedgerows

Strategic Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

Copeland Economic Development Needs Assessment (EDNA)

Assessment

The key issues raised by this application relate to the principle of the development; growth of existing facilities; landscape and visual impact; scale, design and impact of development;

flood risk and drainage; access and highway safety.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to support development that provides or contributes to the Borough's social and community infrastructure enabling everyone to have good access to jobs, shops, services, and recreational/sport facilities. This policy also seeks to support the development of tourism in appropriate locations.

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site relates to the existing Animal Concern Rescue site located on Marlborough Lanning, located to the west of Egremont. Policy ST2 of the Copeland Local Plan identifies the application site as outside of any defined settlement boundary. Policy ST1 and ST2 of the Copeland Local Plan seeks to support development outside of designated settlement to those which have a proven requirement for such a location, including land uses characteristically located outside settlements such as agriculture or forestry, farm diversification schemes or tourism activities requiring location in the countryside.

Within the Emerging Local Plan, under Policy DSPU3 the application site continues to be identified as within open countryside. Policy DM4PU allows for a number of types of developments within open countryside where there is a proven need, including agriculture, forestry, farm diversification, or tourism proposals.

The NPPF also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

Given the existing use of the site, the principle for the development is considered to be acceptable.

Growth of Existing Facilities

Policies ST1, ST2, SS4 and SS5 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 and are accessible by public transport, cycling or on foot. 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.

Policy SC5PU of the Emerging Local Plan states that proposal for new community facilities will be supported in principle. This policy states that development must be located within a settlement identified in the hierarchy unless the proposal is for a specific activity or function that requires a location that cannot be accommodated within a settlement; prioritise brownfield sites where possible; be accessible by sustainable transport modes where possible; be of a scale that is appropriate to its surroundings; ensure that adequate parking (including safe cycle storage) is provided; ensure that the development does not cause unacceptable harm on residential amenity; and ensure that biodiversity conservation interests



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would not be harmed as a result.

Animal Concern is a well-established local facility, which offers animal services within the Borough. The application site has been utilised for the provision of animal services for several decades, and has previously provided commercial stabling, and a cattery and kennelling facilities. Animal concern took over the site in 2014 and utilised the existing facilities. In 2021, planning permission (ref: 4/21/2048/0F1) planning permission was granted for new facilities to replace existing building which were no longer fit for purpose. As part of the previous planning approval at this site (ref: 4/21/2048/0F1), works to the existing kennels were limited to refurbishment only in order to allow other major site works to be undertaken. Since then, further degradation of the kennel block has occurred meaning a full rebuild is now required. The replacement kennel block will ensure that the charity can upgrade their dilapidated facilities, which are no longer fit for purpose, and provide modern facilities to ensure it can continue its longstanding service to the community and meet its regulatory standards.

On this basis, the proposed works are considered to comply with Policies ST1, ST2, SS4 and SS5 of the Copeland Local Plan, Policy SC5PU of the Emerging Local Plan, and provisions of the NPPF.

Landscape and Visual Impact

Policy ENV5 of the Copeland Local Plan 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.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhance by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria

Landscape Character Guidance and Toolkit at the earliest stage.

Whilst the building is relatively large in scale, it is to be located on the site of and reflects the scale of the existing building to be demolished. The proposed building also lies adjacent to a number of other existing buildings within the site, therefore the development is not considered to adversely impact on the overall amenity of the area as the development is seen in the context of the existing centre.

It is therefore considered that the proposal will not have a significant detrimental impact on the overall landscape in accordance with Policies ENV5 and DM26 of the Copeland Local Plan, Policies N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design and Impact of Development

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan 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.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Although the replacement building is relatively large in scale, the building is to be located on the site of and reflects the scale of the existing building to be demolished. The replacement building reflects the scale and design of the other buildings within the site. The application site is located within the centre/rear of the existing site and is therefore a significant distance from any nearby residential property. No objections have been received from any residential dwelling in relation to this proposal.

It is therefore considered that the proposal is of an appropriate scale and design and will not have a detrimental impact on residential amenity in accordance with Policies SS1 and DM10 of the Copeland Local Plan, Policies DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Flood Risk and Drainage

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are



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at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 1 therefore a Flood Risk Assessment has not been submitted to support this application. The application confirms that foul water will be disposed of to the existing package treatment plant, and surface water will be discharged to the existing watercourse. The LLFA have reviewed the application and confirmed that they have no objections as the development is not considered to increase flood risk on the site or elsewhere.

On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

Access and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

Access to the site will remain as existing from Marlborough Lonning and will not be altered to accommodate the proposal. No objections have been received from the Highway Authority. It is therefore considered that, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Planning Balance & Conclusions

The application site relates to the existing Animal Concern Rescue centre located within the open countryside. The site has historically been utilised for animal welfare services and has previously benefitted from recent planning approvals to replace some of their existing dilapidated facilities. The current application seeks a further replacement of their main kennel block which has previously benefitted from cosmetic changes, however has now fallen into a state of disrepair. The proposed replacement kennel block will ensure that the charity can upgrade their dilapidated facilities, which are no longer fit for purpose, and provide modern facilities to ensure it can continue its longstanding service to the community and its meet regulatory standards.

Whilst the building is relatively large in scale, it is to be located on the site of and reflects the scale of the existing building to be demolished. The proposed building also lies adjacent to a

	<p>number of other existing buildings within the site. Therefore, the development is not considered to adversely impact on the overall area as the development is seen in the context of the existing centre. There are no neighbouring properties near to the application site. The development is not considered to have an adverse impact on highway safety or drainage given existing access and drainage arrangements are to be utilised.</p> <p>On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p>Recommendation: 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 must be carried out in accordance with them:- <ul style="list-style-type: none"> - Location, Scale 1:1250, Dwg No: 3, Rev: A, received by the Local Planning Authority on the 12th December 2023. - Site, Scale 1:500, Dwg No: 2, Rev: A, received by the Local Planning Authority on the 12th December 2023. - Proposed, Scale 1:100, Dwg No: 1, Rev: A, received by the Local Planning Authority on the 12th December 2023. - Design & Access Statement, received by the Local Planning Authority on the 12th December 2023. <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>



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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 : 05.02.2024

Authorising Officer: N.J. Hayhurst

Date : 05.02.2024

Dedicated responses to:- N/A