

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2290/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF LAND FROM LANDSCAPED AREA TO MEMORIAL GARDEN
3.	<b>Location:</b>	CIVIL NUCLEAR CONSTABULARY TRAINING FACILITY, SELLAFIELD, SEASCALE
4.	<b>Parish:</b>	Ponsonby
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>	
	<b>Site and Location</b>	Located within the grounds of the Civil Nuclear Constabulary (CNC) training facility `Griffen Park` to the immediate south of Sellafield, the application site can be found to the northwest adjoining the existing main car park on part of an open landscaped area. To the west it borders an area of scrubland, to the south the car park and to the north and east an extensive area of open landscape laid to grass.  It will comprise some 168 square metres in area.
	<b>Proposal</b>	The proposal is for the creation of a memorial garden on the site which will involve the

change of use of part of the existing landscaped area which currently forms the setting of the CNC facility. The design would include the following features:

- 2 feature trees in the northern section.
- Local stone walling (to a maximum height of 1.5m);
- Circular stone paving with CNC engraving.
- Four hardwood benches.
- 6m diameter lawn.
- Variety of hardy perennials and shrubs
- Raised circular bed with slate coping stone providing an informal seating area and a silver birch tree in the centre.
- Gravel paths.
- Double entrance gates.
- Gravel entrance path edged with recessed timber board.
- Four feature trees in the southern section of the garden.
- Post and wire fence (1m height).
- Beech hedge underplanted with snowdrops (clipped annually to 1.2m height).
- Natural stone paving in assorted sizes.

Pedestrian access would be via the existing internal footpath network directly from the car park.

### **Planning History**

Recent relevant planning history comprises:

4/23/2022/0F1 – Change of Use of Land from Landscaped Area to Dog Training Facility, approved on 14 April 2023.

### **Consultation Responses**

#### Seascale Parish Council

No objection.

#### Ponsonby and Calderbridge Parishes Council

No objection. Have raised separate concerns regarding a recent noise issue which is being addressed.



## Cumberland Council

### Gosforth Parish Council

Support the application.

### Beckermet with Thornhill Parish Council

Offer no comment.

### Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA)

Have reviewed the application and confirm they 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 elsewhere.

### Environmental Health

No objections.

### Sellafield Ltd

No objection to the proposed works.

### Public Representation

No issues were raised as a result of neighbour notification.

## **Planning Policy**

Planning law requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Copeland Local Plan (CLP) 2013-2028**, Adopted December 2013

Relevant policies comprise:

#### **Core Strategy**

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

#### **Development Management Policies**

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Development

### **Emerging Copeland Local Plan 2021-2038 (ECLP)**

The emerging Copeland Local Plan comprising the Publication Draft (January 2022) and

Addendum (July 2022) have been examined by the Planning Inspector and the report on the soundness of the plan is currently awaited. The Planning Inspector has now issued the post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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 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 ECLP policies (to which there have been no objections) are relevant to this proposal. As objections have been received to the proposed nuclear policies these cannot be considered relevant at this stage.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

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

Strategic Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy DS9PU: Sustainable Drainage

### **Other Material Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

Cumbria Development Design Guide (CDDG)

### **Assessment**

#### Key Planning Considerations

The main planning issues to be assessed include design, noise, car parking, ecology and flood risk.



## Cumberland Council

### Principle of Development

#### *Design*

In terms of design the proposed garden will comprise a rectangular shaped level area enclosed by a mixture of stone walling and fencing containing pathways and a variety of seating and planting areas interspersed with hard and soft features. Due to its proximity to the existing car park, it will be seen as forming part of an existing group of hard development and taking into account, its small scale will be viewed as an extension to this and will blend in. This acceptably accords with Policy ST1 (CLP) which encourages high design standards and an efficient use of land and DS6PU (ELP). This is also reiterated in Policy DM10 Achieving Quality of Place (CLP) which states that a high standard of design in new development will be expected, which responds positively to the character of the site and the immediate and wider setting through and including careful selection and use of building materials which reflects local character and vernacular.

#### *Noise*

The Noise Assessment report which accompanied the original application for the CNC facility assessed the potential noise impact of external activities. As these are predominantly located in the area to the immediate south of the building complex any impact to the north is negligible particularly as the intervening building complex acts as a buffer to any noise travelling towards the nearest sensitive receptors (i.e. nearest - Sella Park Hotel adjoining the northern boundary). Although the site is located to the north, given the nature and intended use of the proposed development and its relatively small scale, (an enclosed garden which staff and visitors can use to undertake quiet activities), it is considered that the Memorial Garden will not create any additional noise impact that will adversely affect any sensitive noise receptors or the area generally.

#### *Car Parking*

The existing car park which lies adjacent provides 101 car parking spaces, (plus 10 motorcycle spaces and 20 cycle spaces) for the CNC facility. The proposed Memorial Garden will not create any additional demand for car parking, as the facility will be used solely by members of staff and visitors who will use the existing parking facilities. This accords with Policy DM22 of the CLP and DS6PU of the ELP. The Highway Authority and the LLFA concur with this view.

#### *Ecology*

The site currently forms part of a landscaped area surrounding the CNC facility and is laid to grass which is regularly cut/ maintained. As such it's biodiversity and habitat value is considered to be relatively low requiring no further assessment especially given its small scale.

#### *Flood Risk*

The site is located within Flood Zone 1 and the proposed use is categorised as 'less

	<p>vulnerable' in the NPPF Vulnerability Classification Table for Flood Risk. As such the proposal does not raise any issues in terms of flood risk. This is endorsed by the LLFA who in their consultation response are of the view that the proposal will not increase the flood risk on the site or elsewhere.</p> <p><b>Planning Balance and Conclusion</b></p> <p>The proposal will provide an additional welfare facility in the form of a Memorial Garden for use by staff and visitors of the existing CNC firearms complex. As it is relatively small scale in nature it is recognised that its impact will be limited and as the assessment demonstrates it raises no adverse material planning issues and is supported by existing and emerging planning policy.</p> <p>In terms of planning balance, the benefits arising from this development will by far outweigh any potential adverse risks.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced 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.</li> <li>2. 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: -  Covering Letter, from Matt Verlander of Avison Young, dated 23 June 2023. Location Plan, ref. AY-CNC-001, scale 1:2500. Detail Specification (plants), ref. AY-CNC-002, dated 15 June 2023 Proposed Elevation North, ref. AY-CNC-003, dated 15 June 2023 Detail Drawings, by Bea Ray Garden Design Ltd, ref. AY-CNC-004, dated 15 June 2023 Design Plan by Bea Ray Garden Design Ltd, ref. AY-CNC-005, dated 18 March 2022. Planting Plan, by Bea Ray Garden Design Ltd, ref. AY-CNC-006, scale 1:100, dated 5</li> </ol>



## Cumberland Council

May 2022.

Setting Out Plan, by Bea Ray Garden Design Ltd, ref. AY-CNC-007, scale 1:100, dated 3 May 2022.

Proposed Elevations, ref. AY-CNC-009, dated 13 October 2023.

Proposed Elevations, ref. AY-CNC-010, dated 13 October 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.

### 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: H.S. Morrison**

**Date : 07/12/2023**

**Authorising Officer: N.J. Hayhurst**

**Date : 08/12/2023**

**Dedicated responses to:- N/A**