



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2365/0F1	
2.	<b>Proposed Development:</b>	ERECTION OF ROOF OVER EXISTING MIDDEN AREA & DEMOLITION OF EXISTING AGRICULTURAL BUILDING	
3.	<b>Location:</b>	HILL GREEN, DRIGG, HOLMROOK	
4.	<b>Parish:</b>	Drigg and Carleton	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	This application relates to Hill Green, an existing farm located within the east of Drigg. The farm is located off the B5344 and is set back from the highway. The application site is located to the west of the existing farm, adjacent to a number of existing agricultural buildings.	

### **Relevant Planning History**

4/12/2375/0F1 – Erection of agricultural building – Approved.

4/15/2457/0F1 – Erection of steel framed building as extension to existing cubicle house building – Approved.

4/16/2319/0F1 – Steel framed building for cubicle housing to side of existing silage clamp – Approved.

4/21/2290/0F1 – Erection of an agricultural building – Approved.

### **Proposal**

This application seeks planning permission for the erection of a roof over an existing midden area to reduce dirty surface water runoff. The proposal also includes the removal of the existing block built building on site.

The proposed building will be located within the centre of the existing farm, directly adjoining a number of existing agricultural buildings and the new roofed area proposed under application ref: 4/2364/0F1. The proposed building will measure 20m x 11.9m and will benefit from an eaves height of 3.6m and an overall height of 4.3m. The building is open on the west side and will be finished with a low 1.5m concrete panel wall to the north and east. The roof of the proposed building will be finished with a fibre cement roof.

Drainage for the development will remain as existing as not altered as part of the proposed works.

### **Consultation Responses**

#### Drigg & Carleton Parish Council

*14<sup>th</sup> January 2024*

Drigg & Carleton Parish Council has no objection to this application if the surface water is managed properly.

*20<sup>th</sup> February 2024*

As previous comments. No objection.

#### Cumberland Council – Highway Authority & LLFA

*8<sup>th</sup> January 2024*

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.

*19<sup>th</sup> February 2024*

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 elsewhere.

### United Utilities

No comments received.

### Cumberland Council – Environmental Health

*4<sup>th</sup> January 2024*

There are no objections to this proposal from Environmental Health.

Although the premises in question is a farm, it would be preferable to confine any noisy works to standard construction hours if possible, given that there are residential dwellings nearby that could potentially be impacted by noise disturbance.

Accordingly, a planning condition is requested if the development were to be approved relating to noise from the development.

*19<sup>th</sup> January 2024*

Yes I know, I wondered about that and if they were doing the works themselves or getting a contractor in.

It's not essential, you can leave it out if you feel it is not needed / inappropriate.

We have not had any complaints relating to activities at the farm in any case.

*21<sup>st</sup> February 2024*

There are no objections to this proposal from Environmental Health.

### Cumberland Council – Countryside Access Officer

No comments to submit on the application. The proposed development will have no direct impact on the existing Public Right of Way Network.

### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to fifteen properties. No comments have been received in relation to the original statutory notification procedure.

Following the submission of additional/amended information, one letter of support has been

received stating that they are happy for the plans to go ahead.

### **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 – Strategic Development Principles

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 DM24 – Development Proposal and Flood Risk

Policy DM30 – Rural Buildings

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.



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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.

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

### **Other Material Planning Considerations**

National Planning Policy Framework (2023)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

### **Assessment**

This application raises issues of the principle of the development; siting, scale and design, impact on landscape character; access and highway safety; and flood risk and drainage.

#### Principle of Development

Policy ST2 of the Local Plan supports development outside of settlement, which have a proven requirement for such location, including agriculture. Policy DM30 and section 6 of the NPPF supports proposals for small holdings and equine related developments 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. Policy RE1PU of the Emerging Local Plan states that new agricultural buildings requiring planning permission will be supported where there is a demonstrated need for the building in relation to the functional operation of the agricultural building, the building is located within or adjacent to the existing farm complex unless justified, the building is of appropriate scale, form and design, and the building will not adversely impact on residential amenity or landscape character.

As the proposal is to roof over an existing midden area within the centre of a farm complex,

the works are considered to be an appropriate form of development in the countryside in accordance with Policy ST2 and DM30 of the Local Plan, Policy RE1PU of the Emerging Local Plan, and provisions of the NPPF.

#### Siting, Scale, Design and Impact on Residential Amenity

The proposal seeks to erect a roof over an existing midden area within the centre of an existing farm complex. The nearest residential properties are located approximately 80m to the north of the farm, and are separated from the proposed building by the existing farm buildings along the site frontage. The building will be of a similar scale and constructed from similar materials to the existing buildings adjoining the site.

Within their consultation response to this application, the Council's Environmental Health Team have offered no objections to this application, however they have requested a condition to limit construction hours at this site. Given that the site is within an existing farm complex it was questioned by the Planning Officer whether this condition was necessary, due to existing site operations. Environmental Health confirmed that the condition was not essential, particularly as no noise complaints have been received in relation to existing farm operations. The condition will therefore not be included within any planning decision. Any noise issues would be dealt with under Environmental Health legislation.

On this basis, the scale and design of the proposal is considered to be appropriate with regard to the existing site and is unlikely to cause any demonstrable harm, in accordance with Policy DM30 of the Copeland Local Plan and Policy RE1PU of the Emerging Local Plan.

#### Impact on Landscape Character

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 enhanced 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



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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.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside, reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.

The proposed roof is to be located within the centre of the existing farm complex. The building will reflect the scale and materials utilised within the existing farm buildings on site and will be viewed in the context of the existing farm. Based on this, the proposal is therefore not considered to result in intrusion into open countryside or impact on the surrounding local landscape.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and provision of the NPPF.

### Access & 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.

The proposal does not alter the access to the farm of the proposed building. The Highway Authority have therefore confirmed that the proposal will not have a material effect on existing highway conditions.

On this basis, the development is not considered to 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.

### Flood Risk and Drainage

Policy ST1 of the Copeland Local Plan and paragraph 165 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site lies within Flood Zone 1, however surface water disposal has previously been an issue at this site which has been rectified as part of previous planning approvals. In order to ensure the proposed works are drained in a suitable manner and as previously agreed with the Local Planning Authority the application is supported by a document setting out the surface water system for the proposal. It is confirmed that the proposal will not alter the existing surface water system, with the surface water from the building draining as previous buildings at the site. An appropriately worded planning condition will be attached to any decision notice to ensure the works are carried out in accordance with these approved details.

The LLFA have confirmed that the proposal is not considered to increase flood risk on the site or elsewhere.

On this basis, the proposal is not considered to have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

### Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

The application site is also identified as a potential area for natterjack toads. The application





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	<p>is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and is located within an existing farm complex. 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 minor application. Furthermore the development will be located upon the footprint of an existing extension therefore will not disturb any habitats.</p> <p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan, N1PU and N3PU of the Emerging Local Plan, and NPPF.</p> <p><u>Planning Balance and Conclusions</u></p> <p>This application seeks planning permission to erect a roof over an existing midden area sited within the centre of an existing farm complex. The building is considered appropriate in terms of use and scale in this location, and its siting minimises its potential impacts on the nearby residential properties. Drainage details have been submitted to confirm the works will not alter existing drainage arrangements.</p> <p>The proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b> <u>Standard Conditions</u></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li></ol> <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"><li>2. Permission must relate 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"><li>- Location Plan (Amended), Scale 1:1250, Reference: PB1b, received by the Local Planning Authority on the 12<sup>th</sup> February 2024.</li><li>- Block Plan (Amended), Scale 1:500, Reference: PB2b, received by the Local Planning Authority on the 12<sup>th</sup> February 2024.</li><li>- Proposed Elevations, Scale 1:200, Reference PB3, received by the Local Planning</li></ul></li></ol>

Authority on the 4<sup>th</sup> December 2023.

- Design and Access Statement, Prepared by Planning Branch Ltd November 2023, received by the Local Planning Authority on the 4<sup>th</sup> December 2023.
- Surface Water System, received by the Local Planning Authority on the 4<sup>th</sup> January 2024.

**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.

Other Conditions:

3. The drainage for the development hereby approved, must be carried out in accordance with the approved document 'Surface Water System, received by the Local Planning Authority on the 4<sup>th</sup> January 2024', and must be retained thereafter for the lifetime of the development.

**Reason**

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

**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 :** 28.02.2024

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

**Date :** 29.02.2024

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



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