

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2385/0F1
2.	Proposed Development:	USE OF FORMER NURSERY AS CHARITY GROWING SITE WITH THE DEMOLITION OF A BUILDING AND THE ERECTION OF A NEW MODULAR CLASSROOM
3.	Location:	BECK GREEN NURSERY, CROSS SIDE, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
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: Site and Location <p>This application relates to Beck Green Nursery, a former Copeland Borough Council plant nursery facility in Egremont. The site is accessed off Cross Side and the site currently contains a number of greenhouses, potting sheds, offices and areas of hard standing.</p> <p>It is bound by residential properties to the north and south, Cross Side road to the east, and the River Ehen to the west and it is screened by an existing fence and hedge.</p> <p>The site will be operated by the Growing Well charity, a therapeutic community mental health service which seeks to assist recovery from mental health challenges through supported</p>	

activity in the outdoors, within a real-world horticulture enterprise, supported and guided by experienced therapeutic growers and mental health support staff.

Proposal

Planning permission is sought for the use of the former plant nursery as a charity growing site with the demolition of an existing building and the erection of a new modular classroom.

The charity will repurpose this disused site for the benefit of the local community. The primary focus of site includes the creation of an outdoor growing area, transforming the previously overgrown scrubland into a productive and visually appealing space that provides organic vegetables to the local community. The outdoor growing area will cover an approximate total size of 300 square meters.

In addition, a new modular classroom building will be constructed on an existing concrete hard standing to the north-west of the site, but the final details are to be confirmed.

The works also include the demolition of an old building and the refurbishment of other buildings and glasshouses.

The Growing Well charity seek to operate the site between 9am – 5pm Monday to Friday.

The application has been supported by the following:

- Site Location Plan;
- Site Plan with on-site parking;
- Indicative Proposed Plans and Elevations;
- Preliminary Ecological Appraisal;
- Waste Water Plan;
- Surface Water Plan;
- Design and Access Statement, including flood risk assessment and demolition plan.

Planning History

There has been no previous planning application on this site.

Consultation Responses

Egremont Town Council



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No objections.

Highways and LLFA

No objection in principle to the proposed development, but requested that the following points were addressed:

- The LHA would welcome a detailed plan showing the location of the proposed car parking and how safe manoeuvres can be achieved.
- The LHA would also like to see cycle storage included in this development site to encourage active travel to and from the site.
- Although the applicant has provided foul and surface water drainage plans for the surrounding area of the development site, The LLFA would welcome detailed plans showing how the surface water from the proposed new classroom building will drain to existing systems.

Final comments:

No objections based on the additional information provided.

Environment Agency

No objections.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters to no. 9 properties.

One letter of objection has been received which raised the following comments:

- Concerns with parking arrangements once the facility is open;
- People are already not parking on site and it is causing parking issues within the locality;
- Cross Side is currently a quiet residential area and it would cause major concerns for residents if that changed.

Planning Policy

Planning law requires 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 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 ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions.

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

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



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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 DS2PU: Reducing the impacts of development on Climate Change

Policy DS3PU: Settlement Hierarchy

Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy R4PU: The Key Service Centres

Policy SC1PU: Health and Wellbeing

Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy N14PU: Community Growing Space

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Cumbria Development Design Guide

Assessment

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

Principle of Development

Sections 6 and 8 of the NPPF seek 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 seek to encourage the provision and retention of good quality services and facilities.

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 site regeneration of the disused plant nursery for use by the established Growing Well charity is considered to align with the NPPF and Local Plan priorities. The charity is a targeted mental health intervention which champions recovery through outdoor activities in market gardens. The charity's vision is rooted in the principles of community engagement, sustainable agriculture, and mental health support, all set within a therapeutic and inclusive environment.

The modular classroom will provide space for the charity operations, welfare facilities, classroom space, therapy rooms for one-on-one sessions and a small office. This classroom unit will be a central hub for education, support and community engagement.

The wider site will provide space for outdoor growing with therapeutic and educational purposes. The refurbishment of the existing glass houses will also provide space for growing and the charity's activities.

On this basis, the principle of the development is considered to be acceptable in accordance with Policies ST1, ST2, SS4 and DM21 and the NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seek to ensure development is of an appropriate scale and design which is appropriate to their surroundings.

The development will re-purpose a vacant site of a former Copeland Borough Council plant nursery which is suitably located within Egremont. The glasshouse refurbishments and the new classroom building are considered to meet the needs of the charity and they will be suitably located within the site, on existing hard standing areas. The demolition of one of the old buildings is also considered to be acceptable and the Design and Access Statement includes a Demolition Plan.

Photos have been provided to show the site previously had a similar single-storey building in the proposed new building location and therefore the proposal is of an appropriate scale and design and will not have any detrimental impact on the surrounding area. The final design is



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yet to be confirmed and so it is appropriate to attach a planning condition for these details to be approved by the Local Planning Authority prior to its installation.

The new single-storey building will also be screened by an existing fence and hedge and therefore it is not considered to be excessively prominent within the locality.

On this basis, the proposal is considered to comply with Policy DM10 and the NPPF guidance.

Impact on Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The site relates to a former plant nursery and therefore the use by the Growing Well charity for therapy sessions and a small-scale market garden for organic produce is considered to be acceptable.

The site is bound by residential properties to the north, south and east across Cross Side and it is screened by an existing fence and hedge.

The new single-storey building is considered to be suitably located within the site and it will not cause adverse impacts in terms of overshadowing or overdominance.

In the interest of amenity, a planning condition is attached to control the opening times which should help to limit disturbance.

The proposal is therefore considered to comply with Policies ST1 and DM10 of the Local Plan and section 12 of the NPPF.

Highway Safety

Policy DM22 requires development proposals to incorporate innovative approaches to manage vehicular access and parking. Cumbria Development Design Guide also set out highway safety standards.

Despite the application receiving an objection regarding parking in the wider locality, the Highway Authority have been consulted and issues have been addressed through requested additional information.

A site plan was provided with the inclusion of minibus parking, 5 vehicle parking spaces, a turning area and bike parking and this can be secured by the use of a planning condition.

The re-consultation with the Highway Authority raised no objections to the additional information, as it is not considered that the proposal will have a material effect on the existing highway conditions.

On this basis, despite the initial concerns, the proposal is considered to comply with Policy DM22 and the standards set out in the Cumbria Development Design Guide.

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.

Natural England's 'standing advice' for bats in the PPG is a material planning consideration for local planning authorities.

The application is supported by a Preliminary Ecological Appraisal, which identified potential impacts regarding breeding birds, burrow dwelling mammals and invasive non-native species.

The report includes mitigation measures and provided that these measures are adhered to, no residual ecological impacts as a result of the proposed works are anticipated.

In addition, the Design and Access Statement sets out the Growing Well's charity vision and approach which prioritizes sustainable agriculture and harmony with nature, along with their commitment to responsible environmental practices.

On this basis, subject to the inclusion of planning conditions for the mitigation measures to be carried out, the proposal is considered to comply with Policies ST1, ENV3 and DM25 of the Copeland Local Plan and PPG Natural England's standing advice.

Flood Risk

Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.

The site lies adjacent to the River Ehen and therefore it falls within flood zones 2 and 3. The application is supported by a Flood Risk Assessment within the Design and Access Statement.

The proposed new classroom will be located within flood zone 1 on an area of existing hard standing and the outdoor growing area is classed as less vulnerable due to it falling under the category of land and buildings used for agriculture and forestry.

The LLFA requested details regarding the surface water drainage and the agent confirmed all surface water runoff for the new building and Glasshouse 3 will be captured in a buried 15,000l rainwater harvesting system. Due to the high-water usage on site in relation to growing in the glasshouses, the remainder of the water will need to be provided from mains water. The LLFA were satisfied with these details, and they can be secured by the use of a

planning condition.

The Environment Agency raised no objections to the proposed development and are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. They advised that the proposed development must proceed in strict accordance with the Flood Risk Assessment and the mitigation measures identified and these can be secured by the use of a planning condition.

An informative note is attached for the Environmental Permit.

Overall, the proposal will not have a detrimental effect on flood risk on the site or elsewhere and therefore the proposal complies with Policy ENV1 and DM24.

Planning Balance and Conclusion

The Growing Well project in Egremont represents a significant opportunity to bring about positive change and transformation in the lives of individuals facing mental health challenges and the wider community.

The development will re-purpose a vacant site of a former Copeland Borough Council plant nursery, which is suitably located within Egremont. The glasshouse refurbishments and the new classroom building are considered to meet the needs of the charity and they will be suitably located within the site, on existing hard standing. Photos have been provided to show the site previously had a similar building and therefore the proposal is of an appropriate scale and design and will not have any detrimental impact on the surrounding area. As the final design is yet to be confirmed, it is appropriate to attach a planning condition for these details to be approved by the Local Planning Authority.

The Charity seeks to create a safe, accessible, and environmentally responsible site. The Design and Access Statement confirms from the installation of the modular classroom to the regeneration of the outdoor growing area and the refurbishment of existing buildings, their approach prioritizes inclusivity, functionality, and harmony with nature. The application is supported by ecological appraisal with mitigation measures and recommendations that can be secured by the use of a planning condition.

Significant weight is given to the community facility, promoting a safe and healthy community. This directly aligns with Policies SS4 of the Copeland Local Plan, Emerging Policies and section 8 of the NPPF.

Despite the application receiving a local objection regarding parking in the wider locality, the Highway Authority requested additional information and they raised no objections to the additional information which includes minibus parking, 5 vehicle parking spaces, a turning area and bike parking. These measures can be secured by the use of a planning condition.

In addition, the proposed new classroom will be located within flood zone 1 on an area of

	<p>existing hard standing and the outdoor growing area within flood zones 2 and 3 are classed as less vulnerable falling under the category of land and buildings used for agriculture and forestry. The flood risk assessment measures can be secured by the use of a planning condition.</p> <p>Furthermore, in the interest of amenity, a planning condition is attached to control the opening times.</p> <p>On balance, the reuse of an existing site and the community benefits are considered to outweigh the parking concerns received. Overall, the development represents an acceptable form of sustainable 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><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence 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"> Application Form, received 15th December 2023; Site Location Plan, scale 1:1250, received 15th December 2023; Site Plan, scale 1:500, drawing no. A100 Rev A, received 15th December 2023; Proposed New Building Location, scale 1:250, drawing no. A100 Rev A, received 15th December 2023; Site Plan with Parking and Turning Circle, scale 1:500, received 8th February 2024; Site Plan with Drainage and rainwater harvesting system, received 8th February 2024; Waste Water Plan, received 15th December 2023;

Preliminary Ecological Appraisal, received 15th December 2023;
Design and Access Statement, received 15th December 2023;
Flood Risk Assessment, received 15th December 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. The development hereby permitted shall be operated in accordance with the details set out in the Design and Access Statement received by the Local Planning Authority on 15th December 2023. The operating measures must be carry out and maintained in accordance with the approved details at all times thereafter.

Reason

In order to safeguard the amenities of the locality in accordance with Policy DM10 of the Copeland Local Plan.

4. The development hereby permitted shall be carried out in accordance with the details set out in the Site Plan with Drainage and the rainwater harvesting system received by the Local Planning Authority on 8th February 2024. Once installed the drainage measures must be maintained in accordance with the approved details at all times thereafter.

Reason

To ensure that suitable drainage is installed in accordance with Policy DM24 of the Copeland Local Plan.

Prior to First Use Conditions

5. Prior to the first use of the site, the flood risk mitigation measures must be implemented as part of the development hereby permitted in accordance with the details set out in the 'Flood Risk Assessment' received by the Local Planning Authority on 15th December 2023. The flood resilience and mitigation measures must be maintained in accordance with the approved details at all times thereafter.

Reason

To ensure that suitable flood risk mitigation measures are implemented in accordance with Policy DM24 of the Copeland Local Plan.

6. Prior to the first use of the site, the proposed parking, including minibus and bike parking and the turning area shall be constructed and available for use in accordance with the approved 'Site Plan' received by the Local Planning Authority on 8th February 2024. The parking spaces must be maintained in accordance with the approved details at all times thereafter.

Reason

To ensure that suitable parking is provided in accordance with Policy DM22 of the Copeland Local Plan.

7. The development hereby permitted shall be carried out in accordance with the mitigation measures and recommendations set out in Preliminary Ecological Appraisal received by the Local Planning Authority on 15th December 2023. The operating and mitigation measures must maintained in accordance with the approved details at all times thereafter.

Reason

To protect biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan.

Prior to the Installation Condition

8. Prior to the installation of the new modular building, the final details of the floor plan and elevation design must be submitted to and approved in writing by the Local Planning Authority. The building must be installed in accordance with the approved details and must be maintained as such at all times thereafter.

Reason

In the interest of visual amenity in accordance with Policy DM10 of the Copeland Local Plan.



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Restricting Use Condition

9. The hours of opening shall be restricted to Mondays to Fridays 09:00 to 17:00 and not at all on Saturdays or Sundays.

Reason

In order to safeguard the amenities of the locality in accordance with Policy DM10 of the Copeland Local Plan.

Informative Note

Environmental Permit

The River Ehen is a designated statutory main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

1. on or within 8 metres of a main river (16 metres if tidal)
2. on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
3. on or within 16 metres of a sea defence
4. involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
5. in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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. Wootton	Date : 01/03/2024
Authorising Officer: N.J. Hayhurst	Date : 01/03/2024
Dedicated responses to:- N/A	