

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2166/0F1
2.	Proposed Development:	ERECTION ONE TWO BAY POLYTUNNEL TO PROVIDE A SMALL SCALE COMMERCIAL TREE NURSERY
3.	Location:	H M PRISON, NORTH LANE, HAVERIGG
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location <p>The site is located on the edge of the village of Haverigg, some 3km to the north west of Millom, which is a key service centre within the Borough. It forms part of the operational crown land belonging HMP Haverigg and lies to its immediate southwest.</p> <p>Situated just outside the prison boundary it is relatively level and was part of the overspill staff car park which is now vacant. Rectangular in shape, the site forms part of a larger open area laid to hard core and now used for ad hoc storage. It is bounded to the north by the prison allotments and to the west by existing prison security fence and buildings. To the south is the existing prison shop and boundary fence to the staff car park and, to the east a substantial planted screen and fence beyond which are dwellings (Coombe View)..</p> <p>Although the prison and the site itself does not benefit from any sensitive designations, it is within close proximity to the coastal sand dunes of the Duddon Estuary SSSI which along with Morecambe Bay also benefits from the European designations of a SPA (Special Protection Area) SAC (Special Area of Conservation) and RAMSAR (Designated Wetlands of International Importance). The Lake District National Park (UNESCO World Heritage Site)</p>	

boundary also lies approximately 2km to the north east.

Proposal

It is proposed to erect a large two bay polytunnel on the site, some 16m x 24.4m, with each bay measuring 8m x 24.4m. It will extend up to a maximum height of 3.7m. Constructed of a tubular steel frame with 60mm diameter tube it will have supporting hoops spaced 2.44m apart. There will be aluminium sliding doors at both ends of one of the bays to allow access. As regards cladding this will take the form of 180mu thick light diffusing polythene.

The purpose of the proposal is to provide a small-scale commercial tree nursery for the growing of trees to supply UK forests. This will be a social enterprise facility for the prisoners to be employed and trained in horticultural forestry skills as currently there is a shortage of such skills as well as trees. The trees will be used to populate forests in the UK.

As a social enterprise all surplus revenue will be reinvested, with 50% going to running community skills training and 50% to train prisoners on local, industry skills shortage areas. The trees are being sold and planted out as forests by Raise, Cumbria Coastal Community Forest.

Pedestrian access for the prisoners will be direct from the adjoining prison where walking routes to the location already exist. There will be no additional infrastructure required as vehicular access for construction and servicing will be via the existing staff car park access which leads from the access road from North Lane to which no improvements are considered necessary.

Recent Relevant Planning History

4.24/2070/0F1 A lawful development certificate for the erection of new 60 one storey accommodation cells within the prison was granted earlier this year.

4/21/2523/0f1 Approval of a solar photovoltaic system for electricity generation on the site.

Consultations

Millom Town Council

No objections in principle.

Highways & LLFA

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.



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Natural England

No comments received.

Neighbours

No comments have been received in relation to local neighbour notification.

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

Adopted Copeland Local Plan 2013-2028

Relevant policies comprise:

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER7 – Principal Town Centre, Key Service Centres, Local centres and other Service areas, Roles and Functions.

Policy ER9- The Key Service Centres, local Centres and other smaller centres.

Policy ER11 – Developing Enterprise and Skills

Policy ENV1 - Flood risk and risk management

Policy ENV3 – Biodiversity and Geodiversity

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Emerging Copeland Local Plan 2021-2038

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued the post hearing letter in June 2023, which identified the next steps for the examination.

The Inspector has now considered all representations and the discussions that took place

during the Local Plan Examination Hearing Sessions and identified a number of 'modifications' that are required to ensure the ELP is sound and consistent with national planning policy.

A subsequent six-week public consultation seeking views on the proposed modifications to the ELP closed on the 28th March 2024. The final report is awaited.

As set out in 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 advanced stage of preparation of the ELP it is considered that full weight can now be attached to policies where no objections have been received or objections have been resolved. Especially as the consultation on the main modifications to the ELP is now complete and just awaiting confirmation, also significant weight can now be afforded to the policies of the ELP where modifications are proposed.

The following ELP policies (to which there have been no objections) are relevant to this proposal:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS6PU - Design and Development Standard

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

Strategic Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU - Reducing Flood Risk

Strategic Policy DS9PU: Sustainable Drainage

Strategic Policy E1PU Economic Growth

Strategic Policy E2PU Location of Employment

Strategic Policy N1PU Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3PU Biodiversity Natural Gain

Strategic Policy CO4PU Sustainable Travel

Strategic Policy RS5PU Retail and Service Provision in Rural Areas

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Assessment

Principle of Development

No issues are raised in terms of the principle of development. The proposal to erect a polytunnel to create a small scale commercial tree nursery on underutilised operational HMP land, immediately adjacent to the prison boundary and for prison use/ operation only, is considered acceptable from a planning policy point of view.

Transport and Noise

The nearest properties most likely to be affected by any noise or disturbance emanating from the development are the 6 dwellings at Coombe View which are situated to the east of the site behind a substantial tree/ planted belt and boundary fence.

Construction

Most of the traffic and associated noise will arise during the construction period for the delivery and erection of the polytunnel structure and seed trays and associated equipment required for the initial set up along with construction staff. It should be noted that this will only be for a temporary period of some 2 weeks (weather dependant)

Work will take place during normal daytime working hours. There will be 2 to 4 people at the most on any given time. The vehicles used will be flatbed to bring equipment, and these will be parked in the car park. The team will use a 2.5 mini digger to dig holes and a dumper and a concrete mixer vehicle will be on site for 30 minutes once, to pour into the foundations.

They also use battery operated impact Rench (Buzz Gun) for the bolts, these will produce noise it is not expected to be significant.

Operation

Once the facility is up and running there will be little in the way of traffic created. The only deliveries expected are to pick up the saplings to take to the customer which it is estimated will be once a year and two 7.5tonne lorries will be used. No further deliveries/ traffic movements are expected. However, it is likely that these movements/ collections will not take place directly outside / in the vicinity of the tree nursery. These will follow existing HMP protocol for safety and security reasons and use the central delivery / collection point at the front of the prison.

For example, once deliveries are made the prison have a dedicated stores team who will be responsible for getting goods safely, appropriately to the polytunnel and it will follow existing safety and security procedures.

Operation will be a relatively quiet process with no disruptive activity taking place within the polytunnel. No machinery will be used, it will be hand watered or sprinkler system powered by

hosepipe. There will be no chemicals. It will be naturally grown trees abiding by Plant Heathy rules.

It can be concluded from this that the construction and operation of the Nursery is unlikely to cause any significant disturbance from a traffic and noise perspective to any nearby neighbouring residents.

Lighting

Lighting is unlikely to raise any significant issues as it is the intention that the polytunnel will only be accessed during daylight hours. Working hours proposed are 8am until 16.45pm reduced in the winter due to account for loss of daylight. No additional lighting either inside or outside the polytunnel is proposed.

Drainage and Flooding

There are unlikely to be any drainage issues arising from the development. A sustainable drainage system is proposed via a water irrigation system to collect and harvest rainwater. So, all rainwater that falls on the 390.4m² of the polytunnel will be collected in a guttering system and harvested for reuse watering the seeds/saplings etc. There is also a water culvert nearby which will pick up any residual water if need be.

As the site is in Floodzone 1 the potential for flooding to occur is minimal.

Residential Amenity

Noise and associated disturbance is covered in the Transport and Noise section.

As regards any potential further impacts on residential amenity there is visual aspect to consider and possible effect on views from the rear of the nearest dwellings on Coombe View. However, given that these are fully screened by a large evergreen canopy of trees/conifers and sit significantly higher than the polytunnel it is unlikely that any views will be affected by the new development as the polytunnel will not be seen from the road or neighbouring properties. It should also be noted that the existing tree canopy is also a little distance away - at approximately 30 metres from the boundary of the site.

Ecology/ Biodiversity

An ecological review of the site revealed that protected species and / or habitats are unlikely to be affected by the proposed works. It is noted that the polytunnel will be built entirely on un-vegetated hardcore surface and vehicular access to the site will be via existing roads / tracks. As a result, the development will not involve the loss of any habitat nor impacts to any feature likely to be used by protected or priority species. Also, the operation of the facility will not involve any additional lighting and will therefore present no risk of disturbance to bats etc.

As a result, the ecological impacts as a result of the development are likely to be negligible.

As the application was submitted just prior to the BNG coming into effect it has been



Cumberland Council

	<p>accepted that it is not required for this development.</p> <p>Planning Balance and Conclusion</p> <p>Taking the above into account, it has been demonstrated that the proposed small scale development comprising the erection of a polytunnel to provide a small scale tree nursery as a economic facility for the prisoners to run, raises no contentious planning issues. As such and on balance it is considered to satisfactorily comply with relevant development plan policies and national guidance.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted shall 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. 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: - <p><u>Documents</u></p> <p>Polytunnel details by National Tunnels, dated 20 April 2024.</p> <p>Forests with Impact Planning Application Supporting Information, received 2 July 2024</p> <p>Ecology Report, by Hesketh Ecology received 15 May 2024.</p> <p><u>Plans</u></p> <p>Location Plan, dwg no. 24-158-PL-01, scale 1:2500, dated 16 January 2024.</p> <p>Site Layout as Proposed, dwg no. 24-158-PL-02, scale 1:500, dated 16 January 2024.</p> <p>Polytunnel Floor Plans, dwg no. 24-158-PL-03, scale 1:100, dated 29 April 2024.</p> <p>Polytunnel Elevations, dwg no. 24-158-PL-04, scale 1:100, dated 29 April 2024.</p>

	<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> <p>Statement</p> <p>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.</p>	
Case Officer: H.S. Morrison		Date : 09/09/2024
Authorising Officer: N.J. Hayhurst		Date : 11/09/2024
Dedicated responses to:- N/A		