

Allerdale Borough Council

Planning Application FUL/2019/0279

Development Panel Report

Reference Number: FUL/2019/0279
Valid Date: 22/11/2019
Location: M Sport Dovenby Hall Estate Cockermouth
Applicant: Mr Alessandro Morganella Northern Developments (Cumbria) Ltd
Proposal: The formation of 2No bunds within the 2.5km test track (retrospective)

RECOMMENDATION

Grant permission subject to no conditions

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The proposed bunds relate to the development of an evaluation centre and test track for motor sport vehicles at M Sport Ltd, Dovenby. The principle of this use has already been accepted under application 2/2014/0350, including the use of bunds for noise mitigation purposes.
Noise	Consultants appointed by colleagues in Environmental Health have indicated that the two additional bunds will have a negligible impact, either positive or negative, over and above the approved bunding.
Heritage Assets	The two additional bunds would be positioned internally to the test track and would have no greater impact on the setting of Dovenby Hall (Grade II listed) than the approved scheme for an evaluation centre and test track.

2.0 Proposal

2.1 The Plans for consideration are:-

DWG081010-001 REV B Existing Site Plan
DWG081010-100 REVB Site Boundary Plan
DWG081010-100 REVB Site Boundary Plan
DWG081010-1110 Sound Attenuation Bund
Cirrus Environmental Statement 18 Nov 2019.

3.0 Site

3.1 The proposal relates to the grounds of the Dovenby Hall Estate, where an evaluation centre and test track facility are under construction, for the testing of motor sport vehicles associated with M Sport Ltd. The test track and evaluation centre lie to the east and south of Dovenby Hall, a Grade II listed building. The two bunds are in situ and are positioned internally to the test track. Other bunding (approved through the discharge of condition 8 of the original planning approval 2/2014/0350), which is positioned externally to the test track, is also under construction and is nearing completion.

3.2 The wider estate lies to the southeast of the village of Dovenby, with the A594 providing the boundary to the north east of the site and Brides Beck forming the boundary to the south east.

4.0 Relevant Planning History

4.1 The following are considered relevant:-

- AM/2014/0350 - Non-material amendment to condition 6 relating to noise on planning approval 2/2014/0350 – Granted.
- 2/2014/0350 - Demolition of up to seven buildings including School House, Hodgson House and Howard House. Full planning application for M Sport Evaluation Centre (B1), testing and evaluation facility (2.5km in length) (Sui Generis), car parking (242 spaces), earthworks including sound attenuation bunds, surface water attenuation ponds, grounds maintenance shed incorporating fuel store (B1 & B8) and separate underground fuel tank. Temporary widening of eastern access from A594 for construction vehicles. Outline planning application for future expansion space of 5000sqm (use class B1), Offices 2450sqm (B1), 60 bed Hotel 6000sqm (C1) all to include associated parking and external works – Granted.
- CON1/2014/0350 - Compliance with conditions 5, 8, 17, 18 & 19 of planning approval 2/2014/0350 – Granted.
- CON2/2014/0350 - Compliance with conditions 13 & 21 on planning approval 2/2014/0350 – Granted.
- CON3/2014/0350 - Compliance with condition 22 of planning approval 2/2014/0350 – Granted.

- CON4/2014/0350 - Compliance with condition 6 as amended under planning approval AM/2014/0350 relating to noise – Granted.
- CON5/2014/0350 - Application for approval of conditions 4, 10, 11 and 12 of application 2/2014/0350 – Granted.
- CON6/2014/0350 - Application to discharge condition 6 updated noise management plan on application 2/2014/0350 – Pending.

5.0 Representations

Town/Parish Councils

- 5.1 Bridekirk and Dovenby Parish Council – no comments received.
- 5.2 Papcastle Parish Council – no objection.
- 5.3 Brigham Parish Council, Broughton Moor Parish Council, Broughton Parish Council, Dearham Parish Council – all no comments received.

ABC Environmental Health

- 5.4 No comments received.

Cumbria County Highways

- 5.5 No comments received.

Other representations

- 5.6 The application has been advertised by press advert, site notice and neighbour letter. Four letters have been received in relation to the current proposal, none raise objection to the proposal.

6.0 Environmental Impact Assessment

- 6.1 With regards to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development is considered to be a subsequent application to development that has already been considered to be EIA development following screening under Schedule 2. As a subsequent application, the proposal has been accompanied by an addendum to the original Environmental Statement.

7.0 Duties

- 7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

- 7.2 Regulation 9 of the Conservation of Habitats and Species Regulations 2017 requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions, particularly when determining a planning application for a development which may have an impact on European Protected Species ("EPS"), such as bats, great crested newts or otters.

8.0 Development Plan Policies

Allerdale Local Plan 1999

- 8.1 The application site falls outside of Saved Settlement limits

Allerdale Local Plan (Part 1) 2014

- 8.2 The following policies are considered relevant:-

S1 Presumption in Favour of Development
S2 Sustainable Development
S3 Spatial Strategy and Growth
S4 Design Principles
S5 Development Principles
S27 Heritage Assets
S29 Flood Risk and Surface Water Drainage
S32 Safeguarding Amenity
S35 Protecting and Enhancing Biodiversity and Geodiversity

9.0 Other material considerations

Allerdale Borough Local Plan (Part 2) Submission Draft

- 9.1 The application site is outside of any settlement limits. There are no relevant policies within this Plan.

National Planning Policy Framework (NPPF) (2019)

- 9.2 Paragraph 213 advises that the weight afforded to development plan policies can vary according to their degree consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Allerdale Borough Council Plan 2019-2023:

- 9.3 The Plan contains the following corporate objectives:-

- Economic Opportunity and Growth – Support businesses to thrive, grow and invest.

- Stronger and Healthier Communities – Keep people safe and well.

10.0 Policy weighting

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan 1999 saved settlement limits and the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy.
- 10.2 However, paragraph 212 of the National Planning Policy Framework (NPPF) 2019 advises that the policies in that Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. In this context it is noted that paragraph 213 of the NPPF 2019 advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In this instance full weight is afforded to the relevant policies.
- 10.3 Weight can also be afforded to emerging plans as a material consideration, that weight dependent on the stage of preparation, the extent of unresolved objections and consistency with the provisions of the NPPF 2019. The Inspector's Report for Part 2 of the Local Plan has now been received with the Inspector finding the modified plan sound. As such, significant weight can be afforded to the Plan as a material consideration, albeit no policies are relevant for this application.

11.0 Assessment:

Principle of development

- 11.1 The development and use of the site for an evaluation centre and test track facility has already been accepted in principle under planning approval 2/2014/0350.

Noise/Amenity

- 11.2 Condition 8 of the planning permission required submission of specification details for the bunding proposed as part of the noise mitigation measures for the approved test track facility. A specification for the bunding was subsequently submitted and approved by the Local Planning Authority through the discharge of condition 8 (application ref. CON1/2014/0350).
- 11.3 The proposal seeks to regularise two earth bunds that have been constructed internally to the test track, the details of which had not previously been provided to the Local Planning Authority for approval as part of the discharge of condition 8. The earth bunds are of a similar height as those approved to the perimeter of

the track (up to approx. 3.0m). The northerly bund is approx. 34m in length and the southerly bund is approx. 96m in length.

- 11.4 The original application 2/2014/0350 was determined to be EIA development and was accompanied by an Environmental Statement. This proposal is considered to be a subsequent application under Section 9 of the EIA Regulations 2017 and the current application has been supported by a letter from Cirrus Environmental (the applicant's noise consultant) confirming, in their opinion, that the additional bunds will have no negative impact in terms of noise and that the environmental effects will be no different to those anticipated within the original Environmental Statement.
- 11.5 Earth bunds serve to absorb noise. An acoustic consultant engaged by the Council's Environmental Health Section has verbally advised that any effect of the two additional bunds will be negligible in both positive and negative terms. In relation to noise, therefore, and the protection of amenity to an appropriate standard, the two additional earth bunds are considered to be acceptable at this location, having regard to Policy S32 of the ALP Part 1.
- 11.6 A separate application has been submitted to discharge Condition 6 of the original approval, where physical testing on site is required, in order to demonstrate compliance with agreed Community Levels within the Noise Management Plan. The application to discharge condition 6 remains pending and the consideration of this retrospective application for two additional bunds is a separate procedure from the discharge condition 6. A recommendation on the application to discharge Condition 6 will be brought before Members of the Development Panel in due course.
- 11.7 For clarification, the two additional bunds are in situ and therefore their impact in terms of noise mitigation has been factored into the physical testing undertaken, to date which has informed the pending application to discharge condition 6.

Heritage Assets

- 11.8 Dovenby Hall is a Grade II listed building and policy S27 of the Local Plan Part 1 seeks to conserve and enhance all heritage assets and their settings in a manner appropriate to their intrinsic historic value and significance.
- 11.9 The development of the wider evaluation centre and test track facility has had a significant impact on the setting of the Dovenby Hall Grade II listed building – this has already been considered and accepted as part of the consideration and approval of the original application (2/2014/0350). The two additional bunds will be located within the area of the test track, where 3.0m high bunding has already been approved to the perimeter. In the officer's opinion the two additional bunds would have no significant impact on the setting of Dovenby Hall, over and above that of the development as approved. The proposal is therefore considered to be acceptable in relation to policy S27, advice contained within the NPPF and having special regard to the desirability of preserving the listed building or its setting, required by s66 of the Act.

Local Financial Considerations

11.10 Having regard to S70 (2) of the Town and Country Planning Act the proposal in isolation will not have any financial implications.

Other matters

11.11 In all other respects, the addition of the two bunds is not anticipated to have any greater environmental effects or other implications, over and above the approved scheme, including any implications for ecological interests.

12.0 Conclusions

12.1 The two additional earth bunds within the test track facility are considered to be acceptable, having regard to relevant policies of the Allerdale Local Plan Part 1 and advice contained within the NPPF. No conditions are considered necessary.

RECOMMENDATION

Grant permission subject to no conditions

