



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2369/OF1
2.	Proposed Development:	The use of the western part of the site as a storage yard in association with hire of plant and tool equipment including the Unit 2 as a workshop, store and ancillary office with associated staff welfare facilities and regularisation of all associated activities and structures on site (retrospective); The use of the eastern part of the site as a storage yard in association with hire of equipment and regularisation of all associated activities and structures associated with the operation of the site including fencing, external lighting, wash bay and disposal point (retrospective); Proposed expansion of the existing eastern storage yard to be used in association with storage and hire of equipment
3.	Location:	UNIT 2, JOE MCBAIN AVENUE, MORESBY PARKS, WHITEHAVEN
4.	Parish:	Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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:	<p>INTRODUCTION</p> <p>The application site is located within an existing industrial estate that is located to the south of the settlement of Moresby Park. The site forms that of a rectangle shaped section of land that is adjoined on its western boundary by a further industrial unit, residential dwelling to the north and vacant industrial land to the east and south. Vehicular access to the site is made via Joe McBain service road that runs along the south boundary of the site.</p>

PROPOSAL

This application seeks planning permission retrospectively for the change of use of the site for that of the operation of a Plant Hire Business (Sui Generis).

CONSULTATION RESPONSES

Moresby Parish Council

No reply

Cumbria Rights of Way Officer

Public Footpath 417015 follows the alignment of the dismantled railway to the east side of the proposed development and must not be altered or obstructed before or after the development has been completed.

Cumbria County Council – Highways

The slight increase in vehicular use of the existing development is unlikely to have a significant material affect on existing highway conditions. I can therefore confirm that the Highways Authority has no objection to the proposal.

LLFA

Previous concerns highlighted by the LLFA in regard to the drainage strategy for this site have now been resolved. The drainage hierarchy has been considered, a maintenance plan provided, treatment for discharged water and SuDs proposed which is acceptable to the LLFA.

Infiltration testing has determined that this is not a viable discharge route, the applicant has elected to discharge into the existing drainage ditch along the adjacent footpath, this is acceptable to the LLFA. Your authority should ensure relevant permission has been gained from the landowner in this respect.

Therefore the LLFA has no further objections to the proposed development subject to a condition.

Environmental Health Team – Scientific Officer

The noise assessment seemed to be based on reasonable assumptions and indicates that the predicted levels of noise will be comfortably within the BS8233 guidelines for outdoor amenity space in the nearest garden. However, I have some concerns that the modelled noise levels show a potential for an adverse impact using the BS4142 methodology. I also note that the noise monitoring was carried out during the first COVID lockdown and may not be fully representative of a normal working day.

I don't object to the development but given the potential BS4142 adverse impact I feel that it would be reasonable to require a noise barrier, such as a close board 1.8m timber fence, between the yard and the nearby properties. Looking at the plans I suggest that the fence should run from the northeast corner of the industrial building, along the site boundary for approximately 30-40m to

break the line of sight between the garden areas and the depot.

As per my earlier email, I also recommend that an obtrusive light condition is used:

All external lighting shall meet the guidelines and obtrusive light limits detailed in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)

Public Representation

The application has been advertised by way of 4 Site Notices erected on both Joe McBain Service Road and Whinrigg Drive and by way of a neighbour notification letters issued to 5 properties.

One letter of objection has been received as a result of this public consultation process. The concerns raised are:

- Noise and vibration generated from the site with equipment being tested and left to run into the evenings.
- The noise impact assessment that was submitted with the application was carried out during the first Lockdown when the business was not operating fully and 3 readings were taken while the business was not operating.
- The potential impact from out of hours working including weekends and bank holidays.
- Members of staff working in the yard can be heard shouting and yelling across the yard to each other.
- The visual impact of the possible future loss of views.
- Light Pollution from the flood lighting used around the perimeter of the site.

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

Copeland Local Plan 2013-2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER4 – Land and Premises for Economic Development

Policy ER5 – Improving the Quality of Employment Space

Policy ER6 – Location of Employment

Policy ER11 – Developing Enterprise and Skills

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Other Material Planning Considerations

NPPF 2019

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but 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 National Planning Policy Framework.

ASSESSMENT

The Principle of Development

The principle of the development accords in general terms with the aims of Policy ST1 and section 6 of the NPPF, both of which seek to support the expansion of business.

Impact on Residential Amenity

The site is located to the south a small group of residential houses on Whinrigg Drive. During the public consultation process, a concern was raised with several issues which included adverse impacts from noise, vibration and light pollution. These matters have been investigated by the Councils Scientific Officer and he has confirmed that the concerns raised, can all be overcome by way of a condition to limit and control the lighting used and for the erection of a 1.8 metre height acoustic wooden fence along the northern boundary of the application site with Whinrigg Drive.

In addition, it is considered that conditions that would limit the operational and opening times of the site will help to safeguard the future amenity of these nearby residents.

In terms of the visual impact, the acoustic fence will also assist in shielding the nearby residents from the views into and out of the site. There is also a 6 metre deep area of mature trees and shrubs that runs along the northern boundary of the site.

On this basis, subject to the imposition of relevant planning conditions, the proposal is considered to meet the aims and objectives of DM10 policy and the NPPF guidance.

Impact on Character

The site is located within an existing industrial estate that was first granted outline planning permission back in 1991. Whilst the presence of the plant hire equipment will be visible within the

	<p>industrial estate, this will be in keeping with the general industrial character of the estate.</p> <p>On this basis, the proposal is considered to meet the aims and objectives of DM10 policy and the NPPF guidance.</p> <p><u>Drainage</u></p> <p>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.</p> <p>Cumbria LLFA did initially respond to the consultation with a holding objection due to some concerns relating to the drainage of the site. However, further evidence in the form of a drainage report has been submitted to the LLFA and they have now confirmed that they no longer object to the proposal subject to an appropriate condition being attached.</p> <p><u>Highway Safety</u></p> <p>The existing car parking arrangements for the office building will be retained on site and the Highway Authority have confirmed that they do not consider that the development would lead to any significant material change to the level of traffic moments within the local area and so have no objection.</p> <p>Planning Balance</p> <p>This proposal relates to a commercial use that will be located on an existing industrial estate. The impacts of the development in terms of noise, lighting and drainage can be adequately controlled by planning conditions.</p> <p>Overall, this is considered to be 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</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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: - <ul style="list-style-type: none"> - Site Location Plan Drawing Ref AL (0)001 Rec C Received with the valid application on the 15th September 2021 - Site Plan As Existing Ref: AL (0)002 Rev D Received by email on the 25th June 2021 2021 - Elevation of Perimeter Fence Ref: AL (9) 01 Rev E Received by email on the 25th June 2021 2021 - Site Plan As Proposed Ref: AL (0) 003 Rev E Received by email on the 25th June 2021 2021 - The revised Drainage Plans 21017 (Proposed Drainage Strategy Maintenance and Management Schedule), 21017 – EW01A, 21017 – EW02, 21017 – Ex Flows A & 21017-

PR Flows A Received from the Agent Via Email on the 3rd June 2021

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.

2. Within 3 months from the date of this decision, all external lighting used on site must meet and comply with the guidelines and obtrusive light limits detailed in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011) for the lifetime of the development.

Reason

To minimise disturbance to neighbouring residents/properties in the interest of amenity.

3. Within 3 months from the date of this decision, an Acoustic Echo Barrier must be erected along the northern boundary of the site as shown on drawing ref: 'Site Plan As Proposed AL(0)003 Rev E.' The Acoustic Barrier will be erected in accordance with the H9 Acoustic Barrier Specifications received from the Agent by email on the 25th June 2021. Thereafter, the Acoustic Barrier must be retained in accordance with the approved details for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason

To minimise disturbance to neighbouring residents/properties in the interest of amenity.

4. Within 6 months from the date of this decision, the surface water drainage system including SuDS features shall be constructed in accordance with Plans 21017-EW01A and must be maintained and managed thereafter in accordance with the details set out on Document 21017 'Proposed Drainage Strategy Maintenance and Management Schedule' for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

5. Within 6 months from the date of this decision notice, the site must be set out in strict accordance with the approved plan: Site Plan As Proposed Ref: AL (0) 003 Rev E received by email on the 25th June 2021 and retained thereafter in accordance with these details for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

	<p>Reason</p> <p>In order to preserve the amenity of the local area.</p> <p>6. No machinery and or plant equipment will be operated or left running on the site as defined by 'Site Plan: As Proposed Ref: AL (0) 003 Rev E' before 7.30am nor after 6pm on weekdays and before 7.30am nor after 1pm on Saturdays and at no other times unless first approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>To minimise disturbance to neighbouring residents/properties in the interest of amenity.</p> <p>7. The site as defined by 'Site Plan: As Proposed Ref: AL (0) 003 Rev E', will not be open to the public / customers outside the following times:-</p> <p>7.30am to 6pm on weekdays and 7.30am to 1pm on Saturdays and at no other times, unless first approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.</p> <p>Informative</p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at:</p> <p>www.gov.uk/government/organisations/the-coal-authority</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: Adrian Adams	Date : 30.06.2021

Authorising Officer: N.J. Hayhurst	Date : 06/07/2021
Dedicated responses to:- N/A	