

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2424/OF1	
2.	Proposed Development:	ERECTION OF BUILDING FOR 3 NO. SELF CONTAINED INDUSTRIAL UNITS	
3.	Location:	SWALES CONSTRUCTION, HAVERIGG INDUSTRIAL ESTATE, HAVERIGG, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Reponses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>  <b>Site and Location</b>  This application relates to an existing concrete yard located to the north of the existing Haverigg Industrial Estate. The gated yard is currently used by the applicant to store sand, old wood and a trailer.  <b>Proposal</b>  This application seeks planning permission for the erection of three self-contained industrial units.  The proposed building will measure 14.12m x 9m, and will benefit from an eaves height of 4m and an overall height of 6.9m. Each industrial unit will have an internal space of 4.496m x 8.57m, and will include a roller shutter door with a wicket personal door. It is also proposed to create a permeable paved parking area to the front of the site measuring 14m x 5m.		

Externally the proposed building will be finished with white rendered blockwork, and Russel Galloway slate grey concrete interlocking roof tiles.

### **Consultation Responses**

#### Millom Town Council

No objections.

#### Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

This is a minor extension to the existing industrial estate therefore the Highway Authority have no objections.

#### United Utilities

United Utilities have stated that in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. UU have therefore requested conditions relating to surface water and foul water drainage. Following confirmation from the applicant that the existing drainage layout will be used, UU have confirmed that they no longer require the requested pre commencement condition.

#### Environment Agency

The Environment Agency has stated that they have reviewed the FRA in so far as it relates to their remit and they are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

#### Copeland Borough Council – Scientific Officer

No objections to the proposed development. The wider industrial estate was originally a tannery and there is certainly the potential for contamination to be present. However, the proposed development is low risk with no change of use, it is located away from the main tannery process area and the Officer is not aware of any reports of contamination from the site. The Officer has stated that it would not be appropriate for a full contaminated condition given the scale of development, but it would be appropriate to include an unexpected contamination informative to cover any groundworks that might be undertaken.

#### Copeland Borough Council – Flood & Coastal Defence Engineer

Initially the Council's Flood and Coastal Defence Engineer requested additional information regarding

the proposal. Following these initial comments the applicant has confirmed that the proposed development will utilise existing drainage on the site and no foul drainage will be proposed. Based on these comments the Officer has confirmed that he has no objections to the proposed development as utilising the existing drainage is an acceptable solution.

#### Natural England

No ecology survey is required for this application as the site isn't suitable for natterjack toads. Natural England has stated that there may be an issue with discharges if the units have a septic tank draining direct to the watercourse.

#### Public Representation

This application has been advertised by way of a site notice. No comments have been received in relation to the statutory notification procedure.

#### **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**

##### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

ST1 – Strategic Development Principles

ST2 – Spatial Development Strategy

ER6 – Location of Employment

ER9 – The Key Service Centres, Local Centres and other small centres

ER11 – Developing Enterprise and Skills

ENV1 – Flood Risk and Risk Management

ENV3 – Biodiversity and Geodiversity

ENV5 – Protecting and Enhancing the Borough's Landscapes

#### Development Management Policies (DMP)

DM10 – Achieving Quality of Place

DM22 – Accessible Developments

DM24 – Development Proposal and Flood Risk

DM25 – Protecting Nature Conservation Sites, Habitats and Species

DM26 – Landscaping

### **Other Material Planning Considerations**

National Planning Policy Framework (2019)

Wildlife and Countryside Act 1981.

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has been 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**

#### Principle of Development

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The site lies within Haverigg, which is identified as one of the Borough's Local Service Centres, where opportunities for new employment provisions will be provided through conversions/re-use of existing buildings or completion of sites already allocated. The site is located within an existing industrial estate, therefore the principle of development is considered to be acceptable.

#### Growth of Business

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate grow of the Borough's local economy. Policy ER7 seeks to promote the diversification of the Borough's economy by expanding new and expanding employment sectors, and by supporting the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to retain enterprise, jobs and skills within the Borough. The NPPF also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

The proposed site is located within Haverigg Industrial Estate. The proposal seeks permission for the construction of a building to create three self-contained industrial units. The construction of these buildings will create the opportunity to encourage new businesses into this area and potentially create jobs in the area.

On this basis it is considered that the proposal complies with the policies ST1, ST2, ER6 and ER7 of the Copeland Local Plan and NPPF.

### Impact of Development

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 proposed building is relatively large in scale, however the building will lie adjacent to a number of large existing industrial units. There are also examples of similar scale buildings within the industrial estate. The building is therefore not considered to adversely impact on the overall area as the development is seen in the context of the existing estate. The proposal is located within the centre of the existing Industrial Estate therefore the development is well screened, and a significant distance, from any nearby residential properties. No objections have been received from any nearby properties in relation to this proposal.

On the basis of the above it is considered that the proposal complies with ST1 and DM10 of the Local Plan and section 12 of the NPPF.

### Contaminated Land

Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The application site is located on the former tannery, the Council's Scientific Officer has stated that there is potential for contamination to be present, however the development is considered to be low risk. The Officer has therefore offered no objections to the development but has requested the inclusion of an unexpected contamination informative to cover any groundworks that might be undertaken. On this basis the development is considered to comply with the provision of the NPPF.

### Landscape and Protected Species

Policies ST1, ENV3 and DM25 of the Copeland Local Plan 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 proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

Haverigg Industrial Estate is identified as a potential area for natterjack toads. The application is not supported by any ecology details. Although the site is located within 200m of a water course (as indicated within the ALGE trigger list), the site has been significantly altered in the past, is covered in hardstanding and has a variety of pieces of equipment and scrap stored upon it. The site is adjoining by a boundary fence beside an area of open grass land and forms part of a larger industrial 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. NE have also confirmed that no ecology survey will be required at the site isn't suitable for natterjack toads. It is however stated that there may be an issue with discharges if the units have a septic tank draining

direct into the watercourse. The applicant has confirmed that there is no foul drainage proposed as the units are for storage only.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.

#### Highways

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. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

The proposal will develop an existing yard within the existing industrial estate. The development will create an additional three units within the estate and will utilise the existing access to the site. Cumbria Highways have confirmed that as this is a minor extension to the existing industrial estate the Highway Authority offer no objections to the proposal.

On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan and Section 9 of the NPPF.

#### Flood Risk and Drainage

Policy ST1B(ii) and paragraph 163 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. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

Initially the Council's Flood and Coastal Defence Engineer requested additional information regarding the proposal. Following these initial comments the applicant has confirmed that the proposed development will utilise existing drainage on the site and no foul drainage will be proposed. Based on these comments the Officer has confirmed that he has no objections to the proposed development as utilising the existing drainage is an acceptable solution.

United Utilities did initially request conditions relating to surface water drainage however following confirmation from the applicant that the existing onsite drainage would be utilised they have confirmed that the pre commencement condition is no longer required so long as the existing drainage layout is used. It has therefore been deemed appropriate to condition the use of the existing drainage on this site.

	<p>The proposal is therefore considered to comply with policies ST1, ENV3 and DM24 of the Copeland Local Plan and provision of the NPPF.</p> <p><u>Planning Balance and Conclusions</u></p> <p>The application seeks permission to erect a building to create three self-contained industrial units with an existing industrial estate. The proposal will support the opportunity for new business and potential create jobs within the area. The building will be located within the existing industrial estate and is screened from any residential properties by existing buildings, therefore the development is not considered to have a detrimental impact on the surrounding area. Issues relating to drainage, flood risk and potential contamination can be adequately dealt with by appropriately worded planning conditions.</p> <p>On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></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. This permission relates 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"> <li>- Site Location Plan, Site Layout Plan, Proposed Floor Plan, &amp; Proposed Elevation (Amended), Scale 1:50, 1:200 &amp; 1:1250, received by the Local Planning Authority on the 24<sup>th</sup> November 2020.</li> <li>- Flood Risk Statement, Prepared by bEk Enviro Ltd on the 19<sup>th</sup> October 2020, received by the Local Planning Authority on the 20<sup>th</sup> October 2020.</li> <li>- Email from Applicant, received by the Local Planning Authority on the 11<sup>th</sup> December 2020.</li> </ul> </li> </ol>

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 must be carried out in accordance with and implement all of the details and measures set out within the approved document Flood Risk Statement, Prepared by bEk Enviro Ltd on the 19<sup>th</sup> October 2020, received by the Local Planning Authority on the 20<sup>th</sup> October 2020.

Once installed these measures shall be retained at all times thereafter.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

4. Foul and surface water must be drained on separate systems

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

5. The site must be drained as per the existing drainage system currently in place on the site in line with the Email from the Applicant received by the Local Planning Authority on 11<sup>th</sup> December 2020. Any variation to the proposed drainage will require permission from the Local Planning Authority.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

**Informative(s):**

1. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.
2. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.
3. It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between



	<p>any United Utilities' assets and the proposed development.</p> <p>4. Should any unexpected ground conditions, which could indicate the presence of land contamination (for example unusual colours, odours, liquids or waste materials) be encountered during development work should halt and the Council be notified to agree on the appropriate action.</p> <p><b>Statement:</b></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>
<b>Case Officer:</b> C. Burns	<b>Date :</b> 21.12.2020
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 21/12/2020
<b>Dedicated responses to:-</b> N/A	