

Application Reference Number:	4/21/2187/0F1
Application Type:	Full Planning Application
Application Address:	Land To South of Whinnah Cottages, Lamplugh
Proposal	Change Of Use from an Agricultural Shed to a Mixed Use Comprising a Food Distribution Centre/Milk Distribution Facility and Agricultural Storage (Retrospective) and Construction of New Access.
Applicant	Mr P Watson
Agent	Calva Design Studio
Valid Date	29 th April 2021
Case Officer	Nick Hayhurst

Cumberland Area and Region

Copeland and Lamplugh Parish

Relevant Development Plan

Copeland Local Plan 2021 – 2039.

Reason for Determination by the Planning Committee

This application raises planning policy issues and other relevant material planning considerations. The Parish Council have lodged an objection to the proposal.

Recommendation

That the application is granted subject to the conditions outlined in Appendix 1 with the Service Manager for Development and Implementation being given delegated authority to add and/or make any amendments to the conditions as considered appropriate

1. Site and Location

- 1.1 This application relates to a detached agricultural building which lies to the south of a small collection of buildings known as Whinnah Cottages on the northern edge of Lamplugh village. Whinnah Cottages are Grade II listed buildings.
- 1.2 The building is located within a hard surfaced yard and is accessed off a lane which runs past Whinnah Cottages and joins onto the A5086 approximately 80 metres to the north. The A5086 is a main highway that links Cockermouth to the north with Egremont to the south.
- 1.3 An existing public right of way adjoins the northern boundary of the site.
- 1.4 Lamplugh is a small hamlet that is characterised by its dispersed layout and comprises small collections of buildings separated by attractive open agricultural land. The Lake District National Park World Heritage Site lies in close proximity to its eastern edge. The western fells form a backdrop to the settlement when viewed in the wider landscape context.

2. Directly Relevant Planning Application History

- 2.1 4/19/2217/0F1 – planning permission was granted for a replacement agricultural shed on the site in 2019
- 2.2 4/21/2188/0F1 – retrospective planning permission was refused for the change in the use of part of the site to retain 8 shipping containers for storage use in 2023. An Enforcement Notice was subsequently served to secure the removal of the unauthorised containers. An appeal was lodged against this Enforcement Notice. The Notice was recently quashed on appeal in a letter from the Planning Inspectorate dated 06th November 2025.

3. Proposal

- 3.1 This application relates to a detached agricultural building which was erected on the site in 2019/2020. The building replaced a smaller agricultural building which had occupied the site for a number of years. This was last used as a cattle distribution centre.
- 3.2 The application seeks retrospective permission for the use of the existing agricultural building for a mixed use comprising a food distribution centre/milk distribution facility and also for agricultural storage.
- 3.3 The business is run by Watsons Dairies and involves the purchase of milk, associated dairy products and other food items which are then sold onto and delivered to local commercial businesses in the hospitality industry. Historically Watsons Dairies previously operated from another farm in Lamplugh and relocated to this site in 2019 once the tenancy agreement on

the farm had ceased. The applicant owns other agricultural land around Lamplugh which is currently let out to a local farmer.

3.4 The application is accompanied by the following information:-

- Application Form
- Covering Letter
- Site Location Plan
- Proposed Site Plan
- Proposed Elevation Plan
- Supporting Statement
- Proposed Access Plan
- Swept Path Diagrams for the existing and proposed access points
- Transport Form and Drawings
- Road Safety Assessment of Junction Access Options
- Justification Statement for the business operation

4. Consultation Response

Lamplugh Parish Council

1st Response

Whilst in principle, the Parish Council is supportive of local business and necessary diversification to support the local economy and employment, such changes need to be carried out in a properly planned, environmentally acceptable and safe manner.

The application seems to be a further dragging out of the process of determining the retrospective application for a change of use 4/21/2187/OF1 and 4/21/2188/OF1 which was validated on the 21st April 2021 and is yet to be determined. The delay in determining appears to be as a result of the applicant failing to properly provide detail of suitable means for access and egress from the property. There has been sufficient time for a diligent applicant to provide such detail, and the application should be determined, based on the information to hand, and 'refused'. The new information submitted to the application, doesn't go near far enough to satisfy the County Design Guide for accesses onto an 'A Class' highway, and a full traffic assessment and travel plan should be provided as the proposed use is out with the adopted plan.

With regards the highway proposals submitted as part of the latest application, what appears to be proposed is a continuation of the existing access and a new access some way to the south. The use of the existing access by articulated HGV's requires the vehicle to partially enter a side road, and cross into the opposite carriageway on a 60mph highway. This is clearly an unsafe proposition. Even with the new access, it is unclear how an HGV would leave site to travel south, which bearing in mind the applicant has stated that their business supplies dairy products to Whitehaven and all of West Cumbria, this seems a fundamental omission. In addition, the demonstrated 214m visibility splay towards the north is

not proven as the detail only shows the horizontal alignment. There has been no assessment of the vertical alignment, the effect of the curvature of the A5086, or the effect of the existing junction onto the slip road.

As a council we are concerned about the continued unsafe traffic movements from the premises, and despite the applicant's contention that it is acceptable because there haven't been any accidents to date, that is no way to properly assess a hazard. We look forward to sight of the proper assessment of the highway situation by the County Council.

Additionally, the placement and rental of shipping containers in this area is an inappropriate use of agricultural land in an open countryside location.

2nd Response

Following receipt of Cumbria County Councils letter dated 17th May relating to the above application, this matter was discussed in detail at the Lamplugh Parish Council meeting held on 22nd July 2022.

LPC have already submitted detailed objections to the planning applications on two separate occasions both of which flagged concerns over highway safety. In our opinion CCC have not fulfilled their duty to properly address road safety issues associated with this application and as a Parish Council we are fearful of the potential consequence given the characteristics of the A5086 generally and specifically at this location. This location presents one of the few overtaking opportunities, is subject to the national speed limit of 60 mph though observations would suggest this restriction is routinely exceeded significantly and there is poor visibility of fast moving traffic approaching from the north, In these circumstances we believe that slow moving HGV vehicles joining the A5086 presents a high risk to highway safety that requires thorough assessment. Issues relating to Road Safety on the A5086 were previously highlighted earlier in the year to CCC and referred to CRASH (Casualty Reduction and Safer Highways).

It appears that Highways have failed to follow the Design guidance in relation to conducting the necessary Road Safety Audits and risk assessments to make a proper evaluation of the proposed scheme with respect to safety and that conditions they are proposing are not sufficient to mitigate the risks involved. With the history of the application and dilatory approach the applicant has taken to providing additional information or assessments we believe that, should a Consent be issued conditional on further work, there is a serious risk that the applicant will leave an unsatisfactory, unsafe highway solution in place.

Given these considerations we do not believe it would be good planning practice to issue a Consent based on an unproven highway solution and we would like you to pursue our concerns with Highways, Copeland Borough Council and Cumbria County Council on behalf of Lamplugh Parish Council as we deem the proposal to be unsatisfactory and dangerous.

It may be sensible as part of the process to conduct a site visit with CCC, Highways and Parish Councillors to observe the location first hand.

3rd Response

Following a site meeting with yourself, Shamus Giles (CCC) and representatives from LPC on 15 December 2022 we have revisited and discussed both your original comments regarding the above application and the discussions from our joint visit to the site on 15 December 2022 in detail at the Lamplugh Parish Council meeting held in January. We fed back Cumbria County Councils view that its policies applicable to the installation of the new junction have been satisfied and CCC have no objections, save making sure it is constructed correctly (letter dated 17 May 2022 CCC to CBC) and also the statement that in the Opinion of the Authorities representatives the construction of the junction did not pose a “significant risk” and therefore certain sections of its Policy were not administered.

We have reservations based upon the original application and made appropriate representation detailing our concerns, since then we understand the original application did not reflect the applicants current or future usage of the premises which would alter the vehicles accessing or egressing the premises and this should require the Authority to revisit their approval.

We are therefore asking the Authority to review its decision and apply its own policies. And respectfully ask for the following

- A Road Safety Audit to be conducted (based upon “Significant Risk” (or) changes to Highway Geometry)
- A Risk Assessment to be conducted based upon likelihood or collision (As per recommendations from “The Chartered Institute of Highways and Transportation”)
- The standards for visibility (215m) is confirmed based upon both summer and winter topography (Trees, Hedges and Bushes) and also the current Junction can have cars entering the highway restricting visibility which have to be taken into account when assessing applications. Please note that LPCS assessment using mapping software is that the 215 m visibility splay is interrupted to the right at 2 points by well established hedging.
- Based upon the Highway issue close to the application (sinkhole) and drainage issues a Surface Water Drainage Plan is developed and approved
- The increase of traffic flow based upon the opening of the Countryman with the junctions being in close proximity. There are currently 6 well used junctions and 1 farmers entrance within close proximity to the application along the section of road that visibility is being assessed.

In our opinion, and for the safety of parishioners and those using the Road network we ask Cumbria County Council to re-evaluate the proposal and conduct the necessary checks applicable to its own policies. I believe we have been consistent with our objections and have finally made every effort to be fair to planning applications within the parish.

4th Response

Lamplugh Parish Council determined that the consultation letter had no bearing on their position relating to this application and we maintain our position which has been clearly outlined in previous correspondence.

Highways Authority/Local Lead Flood Authority (LLFA)

1st Response

In discussions with our highway network team it would appear that the old access road servicing Whinnah Cottages and the application site may possibly be part of the public highway and further enquiries are ongoing to determine if a 'Stopping Up' order exists, which would indicate that the highway is private and not publicly adopted.

My comments are from a perspective that the access road is part of the adopted highway. Highways: A5086 Access. It understood that large HGV's struggle to manoeuvre off the A5086 onto the unclassified carriageway when approaching and leaving from/to the South which involves an almost complete u-turn. Video evidence has been presented to this authority showing a large HGV having to utilise the junction opposite (U4018) (requiring a short shunt which resulted in a 3rd party vehicle having to reverse clear of the HGV) in order to safely negotiate the turn. Furthermore, it is understood that articulated HGV's have visited the site, in its current form the junction will not be safely accommodate such vehicles approaching or leaving from/to the south.

It is a cause of concern that this development increases unsafe and unconventional vehicle manoeuvres which increase the risk of collision on a high-speed road in order to gain access to the proposed development. This is not acceptable to the Highway Authority.

Notwithstanding the above there are further issues which your authority should note when considering this application. It is considered that there has been increase in HGV vehicles and overall vehicle movements as a result of this development, however no detailed information has been provided in relation to this. A Transport Statement and Design & Access Statement must be submitted that takes into consideration what impact the development has on the local highway network and details vehicle types and movements. I have attached hereto a Transport Form that the applicant needs to complete in order for us to further understand traffic movements prior to the change of use and current movements.

- Please complete the supplied form and provide a Transport Statement and Design & Access statement.

As this is a change of use application that will see an increase in vehicular movements and types at this substandard junction the applicant needs to demonstrate that adequate visibility splays can be achieved, as the A5086 is within a national speed limit zone the required visibility splay is 215 metres unless

supported by a speed survey to establish the 85th percentile speed which can be used to determine if a splay reduction can be achieved.

- Visibility splays need to be provided and drawn on a scaled plan please refer to the Cumbria Design Development Guide (CDDG) for guidance on how visibility splays are calculated. Site Access Points.

It is understood that the Southern access point is being utilised for this development however the applicant needs to clarify which site access point is being utilised the existing access to the South or new access to the North? The existing access to the South needs to be formally constructed with a bound surface to the edge of the existing carriageway with appropriate kerbing and should have some suitable drainage to prevent surface water discharging out onto the highway, a permit and access construction detail can be gained from our Streetworks Dept which is required for works undertaken adjacent to the highway.

The newly constructed access to the North which is adjacent to the PROW has not been formally applied for through our Streetworks Department so is currently considered unauthorised, the applicant must apply for the required permit, the access will need to comply with required visibility splays, have a bound surface and appropriate drainage, again the construction detail and permits can be obtained from Streetworks.

- The applicant should clarify which access is to be utilised for this application.
- Submit proposals to formalise the required access point.
- Apply for the required permits to formalise the access points under S184 Highways Act 1980.

Parking and Vehicle Manoeuvring. Staff numbers have been included within the application form however no formal vehicle parking has been designated within the site or included in the submitted plans. How is refuse collected from the site? is there a requirement for the vehicle to access the site in order to do so?

- The applicant needs to demonstrate that there is adequate parking within the curtilage of the site and that delivery/refuse vehicles can still manoeuvre to leave in a forward gear.

LLFA

As the proposed development is within a pre-existing site where it is considered that existing impermeable area remains as previous and existing drainage will be utilised. It should be noted that the highway to front of the development suffers from 1 in 30 and 1 in 100yr surface water flooding however it is considered that this application will not increase the flood risk to the highway or neighbouring properties. Your authority should ensure that any drainage design is in line with the Building Regulations process.

Conclusion.

The LLFA has no objections to the proposed development

2nd Response

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

I can confirm that the response made to the previous application (4/21/2187/0F1) should still apply as no further detail has been provided regarding the points raised from a LHA and LLFA perspective.

3rd Response

Following recent submissions to the Local Planning Authority in April 2022 with the proposal of a new access for development application number 4/21/2187/0F1, we as the LHA and LLFA are content with this new approach. I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Local Highway Authority Conditions

Condition 1:

The development shall not commence until visibility splays providing clear visibility of 215 metres measured 215 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason:

In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Condition 2:

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason:

To ensure a minimum standard of construction in the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

Condition 3:

The access road shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the change in development is brought into use.

Reason:

In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8

Condition 4:

The gradient of the access drive shall be no steeper than 10% for a distance not less than 5m as measured from the carriageway edge of the adjacent highway.

Reason:

In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Condition 5:

Before the development is brought into use the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason:

To minimise highway danger and the avoidance of doubt. To support Local Transport Plan Policies: LD5, LD7, LD8

Condition 6:

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;

- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

To support Local Transport Plan Policies: WS3, LD4

Condition 7:

Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works.

Enquires should be made to Cumbria County Councils Street Work's team - streetworks.central@cumbria.gov.uk

Fees: <https://www.cumbria.gov.uk/roads-transport/fees.asp>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

LLFA conditions

Condition 8:

Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason:

In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8

4th Response

We as the LHA and LLFA welcome the additional road safety audit (RSA) submitted in support of the above application. Following the review of the RSA, the LHA and LLFA are in support of the proposed new access to the development

site, option 1 within the RSA. I can confirm that the response made to the previous application should still apply.

5th Response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the change of use supporting statement in connection with the above planning reference.

I can confirm that the proposals in terms of highway impact, i.e. trip generation, junction design proposals, have already been taken into account and as long as there are no material changes to the application, its access location and design etc, there is no reason for the LHA or LLFA to reach a different conclusion. Our previous response should therefore still apply

Environmental Health

1st Response

Complaints previously received relating to noise from vehicles arriving and leaving the premises. Delivery hours should be restricted to 8am – 6pm Monday to Friday and 8am – 1pm on Saturday with no deliveries on Sundays or Bank Holidays.

Complaint of burning and waste disposal from site previously received. It would help to condition for all on-site waste to be disposed of via a licenced trade waste carrier.

2nd Response

There has been one complaint made to Environmental Health in 2020 about noise disturbance from vehicle deliveries and the burning of waste on the site.

Whilst early morning activity appears to be an integral element of the site's operation, it is unclear if or to what extent any noise from activities inside the structure may break out so as to be audible to neighbours.

The ambient noise environment in that locality will be quiet, particularly in the early hours, and consist of occasional passing traffic on the A5086 and sporadic localised agricultural activity.

Given the above, and the particular circumstances of this planning application, Environmental Health would not object to the proposal but would suggest a number of conditions to any approval that may be granted so that a reasonable degree of protection is provided to residential amenity.

Planners may wish to consider a limit of working hours, bearing in mind that night-time is legally defined as the hours between 23.00 – 07.00.

Environmental Health would also suggest the following conditions:

Waste Management Plan

No use hereby permitted shall be commenced until a waste management plan, setting out how waste will be stored and collected, has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason:

To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

Noise Management Plan

No use hereby permitted shall be commenced until a noise management plan, setting out how noise from the development and vehicle movement will be avoided, controlled and / or mitigated, has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved noise management plan for the lifetime of the development.

Reason:

To safeguard the amenity of nearby residential premises and the area generally.

Artificial Lighting (External)

Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E2 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason:

To safeguard the amenities of nearby residential occupiers.

Conservation and Design Officer

1st Response

Description: This plot is a site approx. 40m to the south of the grade II listed “Whinnah Cottages and adjoining store”, within its setting. It was previously developed, with an agricultural building that occupied roughly the same footprint as the current building and containers combined but was replaced by the current green shed structure with permission in 2019.

Conclusion: No objection

Assessment:

Impact of the change of use of the agricultural shed:

- The “as proposed” drawings submitted with this application appear identical to those submitted during the 2019 application (with the exception of the

containers, considered below), and as such I conclude that there is no heritage impact from the proposal.

2nd Response

The Council has received additional and updated information relating to the following:

- Justification statement

This document provides additional information on the business operations of the site but does not assist in understanding the likely heritage impact caused by the reconfiguration of the site entrance and provision of shipping containers needed to achieve the change of use. I have no objection to the change of use itself. I anticipate harm from the changes mentioned above to be minor in impact on the setting of the grade II listed Whinnah Cottages, however, this is currently unconfirmed. I suggest an annotated elevation drawing of the site entrance would allow this to be understood, in combination with information on the impact of the containers, such as photos showing their visibility from and in views of the cottages.

Electricity North West

The development is shown to include the applicants own electrical supply to the existing structure.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also adhere to the minimum safety clearances contained within the Energy Network Associations Guidance, a copy of which is also attached to this email.

Furthermore, should there be a requirement to divert the apparatus because of the proposed works, the applicant should be advised that the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment.

This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel

No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website Know before you dig (enwl.co.uk)

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets and rights that may cross the site and any proposed development.

Countryside Access Officer

Public Bridleway 412005 follows an alignment to the north of the proposed development area and must not be altered or obstructed before or after the development has been completed, if the Bridleway is to be temporarily obstructed, then a formal temporary closure will be required, there is a 12 week lead in time for this process, please contact Sandra.smith@cumbria.gov.uk for further information.

Public Representations

The application has been advertised by way of neighbour notification letters to the adjoining residential properties and also the display of a site notice.

Local Opposition

Opposition has been received from 5 local residents. The main issues raised in opposition to the application are as follows:-

- Adverse impact on residential amenity due to the number and movement of large commercial vehicles visiting the building, noise from the activities on the site and also the operational hours being carried out by the business
- Adverse impact on the setting and character of the adjoining building group, all of which are designated listed buildings
- The current access is unsuitable
- Use of the current substandard access from the A5086 is unacceptable and results in significant highway safety issues locally
- Potential exacerbation of localised flooding issues, particularly as a pipe has been constructed which discharges drainage from the site onto the adjoining lane
- Adverse visual impact on the landscape and character of the village
- Question whether this is an appropriate and suitable location for this type of use in terms of planning policy and sustainability. There is no justification for its location
- The application is lacking in detail in terms of the new access and drainage

- The construction of a new access would change the character of the landscape in this part of the village
- The current use of the building is now unrelated to agriculture
- Any policy support for rural businesses is based upon there being no harmful impact. There are harmful impacts resulting from this use.
- Increased traffic movements

Local Support

Nine individual letters and a petition containing 115 signatures have been received in support of the application. They make the following points:-

- This is a valued and well-established local business with family links to Lamplugh
- The business has a positive impact on the local community and local economy
- Acknowledgement of the vital service that the business offered during the Covid outbreak to the local community
- The previous use of the site for agricultural purposes including a cattle distribution centre which produced more traffic movements than the current business use
- This stretch of road in Lamplugh does not have a history of accidents

5. Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The material planning considerations are assessed below.

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, (LP).

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS4: Design and Development Standards

Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

Policy RE1: Agricultural Buildings

Policy RE3: Conversion of Rural Buildings to Commercial or Community Use

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Strategic Policy CO4: Sustainable Travel

Strategic Policy CO2: Priority for improving transport networks within Copeland

Strategic Policy C04: Sustainable Travel

Policy C05: Transport Hierarchy

Policy CO7: Parking Standards

Key Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Planning Practice Guidance (PPG)

Planning (Listed Building and Conservation Areas) Act 1990

Cumbria Development Design Guide (CDDG)

6. Assessment

Principle of Development

6.1 Policy DS1 of the LP defines the settlement hierarchy for the Copeland area.

- 6.2 The application site is located on the northern edge of Lamplugh village. Lamplugh is located in an area defined as Open Countryside in Policy DS1.
- 6.3 Policy DS2 of the LP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. Lamplugh being in defined Open Countryside does not have and is not located within a defined settlement boundary.
- 6.4 Policy DS2 of the LP states:
- 6.5 To ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundaries will only be accepted in the following cases:
- The proposal is for one of the following types of development and a proven need for an open countryside location has been demonstrated to the satisfaction of the Council:
- Nuclear related developments
 - Renewable energy proposals, including wind farms
 - Essential infrastructure to support energy developments and other infrastructure
 - Appropriate rural developments such as agricultural, forestry, farm diversification or tourism proposals which are dependent on such a location.
- 6.6 The proposed use is not dependent on an open countryside location and therefore the principle of development is not supported in policy terms.

Rural Economy

- 6.7 Strategic Policy E1 encourages the strengthening and diversification of the range of employment and economic opportunities that will attract new key industries and provide flexibility to accommodate existing business by, amongst other things:- helping the rural economy in rural areas by supporting rural enterprises and rural diversification and complementing new agricultural development where necessary.
- 6.8 Policy E2 sets out the locational preference for employment and clarifies that economic development in the open countryside must be supported by a written statement justifying its rural location.
- 6.9 In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and takes any opportunities available to make a location more sustainable, for example through improvements to public transport provision to better connect locations to Key Service Centres and Local Service Centres.
- 6.10 Paragraph 87 of the NPPF recognises that provision should be made for “storage and distribution operations at a variety of scales and in suitably

accessible locations that allow for the efficient and reliable handling of goods, especially where there is need to support the supply chain”.

- 6.11 Paragraph 88 of the NPPF seeks to support a prosperous rural economy. It states that:-

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 6.12 Paragraph 89 of the NPPF sets out that:-

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 6.13 Policy R5 of the LP encourages retail and service provision in rural areas. In open countryside small schemes of 150sqm or less will be considered where the development respects the character of its setting and the countryside, the development would not lead to unacceptable harm to biodiversity assets or heritage assets, and it can be robustly justified that there is need for an open countryside location.

- 6.14 The applicant’s agent has submitted a Supporting Statement to justify the proposal which sets out the history of the site and also the current operation of the business. It sets out the following points:-

- Watsons Dairies is a well-established business that has operated from the Lamplugh area for over 30 years. The business was previously operated from a local farm but was moved to this site in 2019.
- The site has housed an agricultural building for a number of years and operated as a cattle distribution centre from 1976 to 2003. The

replacement building was erected in 2019 following the grant of planning permission.

- The current operation involves the purchase of dairy and farm products from mainly Cumbria based businesses which are delivered to the site on a daily basis. These products include milk, eggs, cheese, butter and bacon. These products are then sold on to local businesses involved in the local hospitality industry. Milk is also supplied to local schools in Workington, Whitehaven and Egremont.
- Milk is delivered to the site on a daily basis using a large HGV. Eggs and bacon arrive via a van once per week. Butter is also delivered once per week via an HGV.
- The applicants' own vans deliver the products to their customers on a daily basis except Sundays.
- The business has grown and now employes 5 local people.
- The applicants consider this site to be in a central and well-located position to serve their local client base. It maintains and supports the local economy.

6.15 Government policy in the recent past has sought to encourage the diversification of the rural economy. Changes to the planning system have been introduced to increase permitted development rights to allow farm buildings to be changed into other commercial uses.

6.16 The business is well established in the local area and provides a service to the local hospitality industry and local schools. It is a modest operation and utilizes small vans to distribute its products. It is housed within an existing building.

6.17 Given the rural nature of the area and the dispersal of its customers it is inevitable that the applicants' business relies on transport to distribute its goods to its customer base. This would also be the position if it were located within a settlement.

6.18 On balance there is some merit in the business maintaining its historical location within the village and there are some benefits in terms of the diversification of the rural economy in this part of West Cumbria.

Impacts on Highway Safety

6.19 Policy C02 of the Local Plan clarifies that development which is likely to have a detrimental impact on the Highway network will be resisted.

6.20 Guidance set out in paragraph 116 of the NPPF states that " Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

- 6.21 Paragraph 117 clarifies that within this context, applications for development should: (d) allow for the efficient delivery of goods, and access by service and emergency vehicles.
- 6.22 The initial proposal involved the use of the existing site access off the A5086 in its current form. The Highway Authority did not consider that this access arrangement was suitable for an expanded or new usage. They were particularly concerned that large HGVs struggle to manoeuvre off the A5086 onto the unclassified carriageway when approaching and leaving from/to the South which involves an almost complete u-turn. They considered that in its current form the junction is not be able to safely accommodate such vehicles approaching or leaving from/to the south. They raised concerns that that this development increases unsafe and unconventional vehicle manoeuvres which increases the risk of collision on a high-speed road in order to gain access to the proposed development.
- 6.23 In response to these concerns the applicant commissioned a Transport Consultant to prepare details of a new site access to serve the building. The new access is to be sited immediately to the south of the building and access yard and would join the A5086 at right angles. It would be 7.3 metres wide with a 10 kerb radius. In this location visibility spays of 215 metres are achievable both in a northerly and southerly direction along the A5086 from a setback of 2.4 metres.
- 6.24 Provision would also be made for the turning of HGV vehicles within the site so that vehicles could enter and leave the site in a forward direction directly on to the A5086.
- 6.25 Subsequent to local concern, an independent Road Safety Audit was also carried out on the proposed new access. This stated :-
- *The junction will be a standard layout familiar to road users;*
 - *Movements of long vehicles into and out of the facility will be catered for without significant encroachment into the opposing lane;*
 - *the new junction for access to the facility (Option 2) would be more beneficial in terms of road safety and ease of operation (than using the existing junction)*
- 6.26 The Highway Authority also considered other road safety factors when assessing the new proposed access. These included:
- introducing an additional access onto the highway presents a slight theoretical increase in conflict with right-turners. However, in this instance the number of vehicles involved, excellent accident record, and the fact that visibility is satisfactory has resulted in an assessment of an acceptable and very minor risk. The alternative, i.e. original proposal was considered to present a higher degree of risk overall.

- Overtaking risk of conflict. This is a risk at any access where overtaking is possible. The RSA concluded that '*overtaking could occur in the vicinity of both the existing and proposed junctions*'. Therefore, there is no discernible or material difference in risk at either location.
- 6.27 In response to the revised access proposals and the Road Safety Audit the Highway Authority confirmed that they had carried out a technical review of the proposal to ensure that it complies with the necessary standards. In this instance they concluded that the additional risk has been mitigated as far as practicable and there are some benefits from removing the sub-standard manoeuvres at the existing junction.
- 6.28 In terms of the guidance set out in paragraph 116 of the NPPF the Highway Authority has confirmed that they are satisfied that the impact on Highway Safety grounds is NOT unacceptable, nor would the cumulative impact on the road network be severe.
- 6.29 The Parish Council has consistently opposed the planning application based on their concerns regarding road safety. Following the submission of the additional details illustrating the new access, a site meeting was held with the Parish Council and the Highway Authority to review whether the visibility splays were achievable and to recognised standards.
- 6.30 Although the Parish Council have maintained their opposition to the proposals the Highway Authority has confirmed that they have no objection to the new access as now proposed. A number of conditions have been requested to ensure the construction of the new access to serve the site, the achievement of the required visibility spays and also the closing off of the existing access.
- 6.31 The provision of a new access to serve the building to adoptable standards would produce a significant benefit and would help to overcome existing highway safety concerns within the locality.

Impacts on Residential Amenity

- 6.32 Policies DS4, E2 and RE3 of the Local Plan and section 12 of the NPPF seek to safeguard good levels of residential amenity.
- 6.33 Local concerns have been raised with regard to the noise disturbance from vehicle deliveries to the building.
- 6.34 This matter has been considered by the Environmental Health Officer who has commented as follows:-
- “Whilst early morning activity appears to be an integral element of the site’s operation, it is unclear if or to what extent any noise from activities inside the structure may break out so as to be audible to neighbours.

The ambient noise environment in that locality will be quiet, particularly in the early hours, and consist of occasional passing traffic on the A5086 and sporadic localised agricultural activity.

Given the above, and the particular circumstances of this planning application, Environmental Health would not object to the proposal but would suggest a number of conditions to any approval that may be granted so that a reasonable degree of protection is provided to residential amenity. This includes limiting the delivery times.

Planners may wish to consider a limit of working hours, bearing in mind that night-time is legally defined as the hours between 23.00 – 07.00.”

Subject to the conditions proposed, it is considered that adequate mitigation can be secured to minimise the impact of this development on residential amenity. The proposed creation of a new access point to the south of the existing building group would also significantly reduce any impact on the amenities of nearby residential properties in terms of vehicle movements.

Impacts on Heritage Assets

- 6.35 The site lies adjacent to a Grade II Listed Building.
- 6.36 Policies BE1 and BE2 of the LP seek to protect and enhance Heritage Assets including Conservation Area. Policy BE2 sets out that any harm to the significance of a designated heritage asset will require clear and convincing justification.
- 6.37 The Planning (Listed Building Conservation Areas) Act 1990 sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.
- 6.38 Section 66(1) requires that: ‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’.
- 6.39 The National Planning Policy Framework requires that proposed changes to the historic environment are based on a clear understanding of significance of any heritage asset and their setting that are affected, providing information so that the likely impact of proposals can be assessed.
- 6.40 The National Planning Policy Framework requires consideration of whether the harm to heritage asset is outweighed by the benefits of the proposal.
- 6.41 Paragraph 215 of the NPPF states that:-

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.42 Paragraph 216 states:-

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.43 The Conservation Officer has raised no objections to the change of use proposal as there would be less than substantial harm on the setting of the adjoining Listed Buildings.

6.44 The proposed use would provide some public benefit in terms of the creation of employment and the diversification of the rural economy. These factors are considered to outweigh the less than significant harm to the adjoining heritage asset.

Settlement Character, Landscape Impact and Visual Impact

6.45 Policy N6 of the Copeland Local Plan seeks to protect and enhance the Borough's landscapes. It requires development proposals to be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment.

6.46 The Application Site lies within Landscape Sub Type 11a - Foothills. The Key Characteristics of the land comprise: rolling, hilly or plateau farmland and moorland; occasional rocky outcrops; hills are dissected by numerous streams and minor river valleys; areas of improved grassland, unimproved heathland and extensive conifer plantations; semi natural woodland in small valleys; large areas of farmland and bounded by stone walls and hedges.

6.47 The Cumbria LCA identifies sensitivities of this landscape sub type, particularly given its proximity to the National Park, and notes that this landscape should be conserved and enhanced. Any large-scale development, including wind turbines, would erode the open and generally undeveloped character of the area, and therefore should be avoided.

6.48 The building is an existing structure and is smaller than the original building it replaced in 2028/19. The creation of a new access will have a minor impact on the character and appearance of the locality, but this will be limited to the immediate locality of the site including visibility for a short stretch of the A5086.

Flood Risk and Drainage

- 6.49 Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 6.50 Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.
- 6.51 Although the application details that existing drainage arrangements will be used on the site a pipe has been created which appears to allow surface water to run off the site onto the adjoining hard surfaced area of land which was formerly the route of the main highway.
- 6.52 The LLFA has not raised any objections to the proposal but has recommended a condition that requires a scheme of drainage to be agreed for the site prior to the commencement of works on the new access proposed. The issue of the existing pipe will be addressed under the provisions of this planning condition.
- 6.54 The site also falls within an area where nutrient neutrality applies. The requirement for Nutrient Neutrality was introduced in 2022 after the date on which the planning application was submitted. As the proposal relates to commercial development and agricultural storage no accommodation is provided as part of this application, the proposal does not fall within the umbrella of development that is prohibited by nutrient neutrality and as such, the council is lawfully able to determine the application.

7. Planning Balance and Conclusion

- 7.1 This application relates to an existing agricultural building which is located adjacent to an existing small group of buildings adjacent to the A5086. It lies outside any designated settlement identified in Policy DS2 in open countryside. This is not considered to be a sustainable location in policy terms.
- 7.2 LP policies and Government guidance set out in the NPPF seeks to support the rural economy and rural businesses. It is acknowledged in the NPPF that occasionally buildings for rural businesses may be located in open countryside. It also supports the conversion of existing buildings to support rural businesses, including the diversification of agriculture.
- 7.3 The applicant has submitted a supporting statement which clarifies their historical link to the farming industry in the local area. The proposal seeks to utilize an existing agricultural building as a storage and distribution centre.
- 7.4 The established use of the building is for agriculture. The permitted agricultural use of the building is unrestricted and there are no controls over the volume, type or size of vehicles that could visit the site. This would involve the use of the existing access which is deemed to be unsafe by the Highway

Authority. The established use of the building represents a fall-back position which is a material consideration in this case.

- 7.5 The main issue raised by the Parish Council and local residents is the use of the existing access which is deemed to be unsuitable for its current use and raises issues of highway safety on the A5086. The local residents have also raised issues regarding the adverse impacts of noise and disturbance that result from traffic movements using the existing access.
- 7.6 This application provides an opportunity to secure new and appropriate access arrangements to serve the existing use which would provide an adequate separation distance to the existing dwellings, including the listed barns associated with the adjoining dwelling. The new access would provide significant benefits to highway safety in the locality and also reduce the impact of the proposal on residential amenities.
- 7.7 This is a finely balanced case. Members are advised that Officers' consider that the benefits resulting from the provision of a new access should be afforded significant weight in the planning balance. The established permitted use of the building for agricultural purposes can operate without any control over the use of the current access which raises highway safety issues. There are also no controls restricting the operating hours of the agricultural use of the building which raises issues with regards to impacts on residential amenity. The impact on the adjoining heritage assets is considered to be minor with less than significant harm. Any landscape and visual impacts resulting from the creation of a new access are localised. Drainage issues can be resolved by the use of a planning condition.
- 7.8 If Members accept the weighting of the material planning considerations as set out above, then a number of planning conditions are proposed to secure the improved access and also to provide appropriate restrictions to the business use.

Recommendation

That the application is granted subject to the conditions outlined in Appendix 1, with the Service Manager for Development and Implementation being given delegated authority to add and/or make any amendments to the conditions as considered appropriate

Appendix 1

Planning Conditions

Condition 1

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: -

Application Form, received on 21st April 2021

Site location Plan, drawing number 279/01002 Rev 01, received on 21st April 2021

Proposed Site Plan, drawing number 279/01001 Rev 01, received on 21st April 2021

Proposed Plans and Elevations, drawing number 279/04001/Rev 01

Proposed Supporting Statement, received on 08th November 2021

Proposed Access from A5086, drawing number 0003 Rev PO1, received on 03rd May 2022

Swept Path Analysis for Proposed Access from A5086, drawing number 0004 Rev PO1, received on 03rd May 2023

Road Safety Assessment of Junction Access Options. Reference NS23/836/RSAss, dated May 2023

Justification Statement for Business Use, received on 21st June 2024

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.

Condition 2

The new access from the A5086 to serve the development shall be constructed and brought into use within 12 months from the date of this permission. The access shall be carried out in accordance with the details set out on the approved plan, drawing number 0003 Rev PO1, received on 03rd May 2022.

The new access shall be retained in accordance with the approved details at all times thereafter.

Reason

In the interests of highway safety.

Condition 3

The development of the new access shall not commence until visibility splays providing clear visibility of 215 metres measured 215 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that

Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason:

In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Condition 4

The carriageway and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on the new access. No work shall be commenced on the new access until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

Condition 5

The new access road shall be surfaced in bituminous or cement bound materials, or otherwise bound, in accordance with a specification which has been submitted to and approved in writing by the Local Planning Authority. and shall be constructed and completed in accordance with the approved details.

Reason:

In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8

Condition 6

The gradient of the new access drive shall be no steeper than 10% for a distance not less than 5m as measured from the carriageway edge of the adjacent highway.

Reason:

In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Condition 7

Within 2 months from the first use of the new access hereby approved the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority. Development shall be maintained in accordance with the approved details thereafter.

Reason:

To minimise highway danger and the avoidance of doubt. To support Local Transport Plan Policies: LD5, LD7, LD8

Condition 8

Development on the new access shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)

- surface water management details during the construction phase

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

Condition 9

Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to works on the new access being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason:

In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8

Condition 10

The use of the building hereby approved must only operate between the hours of 07:00 and 23:00

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with Policy DS4 of the Copeland Local Plan 2021 – 2039.

Condition 11

Within 3 months of the date of this permission a waste management plan, setting out how waste will be stored and collected, must be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason:

To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

Condition 12

Within 3 months from the date of this permission a noise management plan, setting out how noise from the development and vehicle movement will be avoided, controlled and / or mitigated, has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved noise management plan for the lifetime of the development.

Reason:

To safeguard the amenity of nearby residential premises and the area generally.

Condition 13

Prior to its installation all details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority,

Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E2 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

All external lighting shall be in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason:

To safeguard the amenities of nearby residential occupiers.

Condition 14

The use of the building shall be restricted to a use as a food distribution centre/milk distribution facility and agricultural storage only as documented in the planning application and for no other use whatsoever without the express written consent of the Local Planning Authority.

Reason

To ensure that the use of the building is controlled to reflect its rural setting and also to protect residential and visual amenity within the locality.

Informatives

1. Any works within or near the Highway must be authorised by Cumberland Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit (i.e. Section 184 Agreement) allowing such works.

Enquires should be made to Cumberland Councils Street Work's team - streetworks.central@cumbria.gov.uk

Fees: <https://www.cumbria.gov.uk/roads-transport/fees.asp>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

2. Public Bridleway 412005 follows an alignment to the north of the proposed development area and must not be altered or obstructed before or after the development has been completed, if the Bridleway is to be temporarily obstructed, then a formal temporary closure will be required, there is a 12 week lead in time for this process, please contact Sandra.smith@cumbria.gov.uk for further information.

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,