



To: PLANNING PANEL

Development Control Section

Date of Meeting: 01/09/2021

Application Number:	4/21/2231/0F1
Application Type:	Full : CBC
Applicant:	Chris Gilbertson
Application Address:	HEWDEN PLANT HIRE, MEADOW ROAD, WHITEHAVEN
Proposal	CHANGE OF USE OF CONTRACTORS PLANT HIRE DEPOT TO BUILDERS MERCHANTS (SUI GENERIS) WITH ASSOCIATED OPERATIONAL DEVELOPMENT OF DEMOLITIONS AND ALTERATIONS.
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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Reason for Determination by Planning Panel

This application is brought for consideration by Members of the Planning Panel as the building is owned by Copeland Borough Council.

Site and Location

This application relates to an area of land which fronts directly onto Meadow Road and is bound on its eastern side by Pow Beck. The site houses a large building, an external storage compound and associated parking which are currently used by a Plant Hire business.

The site lies adjacent to other commercial buildings and is served by a vehicular access directly off Meadow Road.

Proposal

This application seeks planning permission for the change of use of the site from a contractor's plant hire depot to a builder's merchants. The proposal includes the following internal and external alterations which are required to facilitate the proposed change of use:

- Reconfiguration of internal layout;
- Removal and replacement of external cladding;
- Replacement of up and over door on east elevation with double pedestrian doors;
- Replacement of large window on south elevation with up and over door;
- Addition of new signage.

Relevant Planning Application History

Planning permission was granted in 2005 for the installation of vehicle access doors to the gable end of the existing building (application reference 4/05/2549/0 relates).

Consultation Responses

Whitehaven Town Council

No objections.

Cumbria County Highways

Initially requested the following further information to allow an appropriate assessment of the application:

- Completed Transport Form;
- Design and Access Statement;
- Transport Statement;
- Details of visibility splays;
- Details of car parking spaces and clarify how vehicles will enter and exit the site;
- Clarification on staff parking numbers and disabled, cycle and motorcycle parking;
- Consideration of an EV charging point;
- Definition of the carriageway and walk ways within the development;
- Inclusion of details on the proposed plan of where vehicles will be loaded and unloaded;
- Submission of tracking information demonstrating that articulated HGVs can turn and leave the site in a forward gear.

Following the submission of additional information and amended plans by the Applicant's agent the Highways Authority raised no objections, subject to a condition relating to EV charging points.

Local Lead Flood Authority (LLFA)

The Applicant should provide a drainage strategy to confirm where the existing surface water discharges to. Requested the consideration of SuDS to be incorporated into the site. Further to the submission of an updated drainage statement by the Applicant's agent the LLFA considered that the retrofit of SuDS would not be practical and that the existing drainage is sufficient.

Environment Agency

No objections but provided standing advice.

Flood and Coastal Defence Engineer

Initially raised the following comments and queries about the application:

- The application states that surface water drainage will be disposed of by means of a soakaway. No details of this have been provided. As it is highly unlikely that disposal of surface water by means of a soakaway will be feasible, more detail is needed on this. I assume that the existing drainage systems will actually be retained. Can confirmation of the proposed method of surface water disposal be confirmed?
- From the plans it appears that one of the existing buildings will be demolished and the existing surface of the site remediated. Has any assessment of the change in surface water run-off been made? Any increases will need to be attenuated and any alteration in the existing system should take into account water quality leaving the site.
- The developer needs to be mindful of the fact that a culverted water course crosses the site running from Whitehaven Cemetery through to Pow Beck. This, from memory, does appear to be across the open southern part of the site.

In response to these comments the Applicant's agent confirmed that the existing drainage system would be utilized and that no new or additional surface water network would be installed. As the Flood and Coastal Drainage Engineer insisted that the drainage hierarchy should be considered a surface water drainage statement was submitted. This was considered to be appropriate and no further objections were raised.

Natural England

No comments.

Copeland Property Manager

Raised no objections to the proposal in planning terms.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 no. properties.

No responses have been received as a result of this advertisement.

Planning Policies

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

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Cumbria Development Design Guide (CDDG)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 is currently 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 the development

The Copeland Local Plan is generally supportive of the expansion of businesses and the re-use of existing buildings. The site is located within Whitehaven, Copeland's Principal Town where the majority of the Borough's development should be directed in accordance with Policy ST2 of the Copeland Local Plan. The building has been used by Morris Leslie Plant Hire for a number of years, however this business is being relocated. The proposal intends to allow for a Sui Generis use for JT Atkinson Builders Merchant to utilize the site.

The site is currently in a commercial use and is adjoined by other commercial business uses. The proposal would allow the reuse of the site for an alternative viable commercial use which would be appropriate in this location and would secure the future of the site in accordance with Policies ST1, ST2, ER4, ER5 and ER6 of the Copeland Local Plan.

Impact on the surroundings

The proposal includes modest external alterations including recladding in order to make the building usable for the proposed use. This would improve the appearance of the existing buildings on the site.

A Construction Method Statement has been included with the application to demonstrate how the works will be undertaken safely and efficiently. This will also be controlled by other legislation, including The Construction (Design and Management) Regulations 2015 and the Health and Safety at Work Act.

The nearest residential property is situated approximately 170 metres to the north-west. On this basis, there are unlikely to be any amenity issues for the surrounding properties with regards to noise, disturbance or smell. The proposed change of use is likely to have a lesser impact than the existing use which involves heavy plant machinery entering and leaving the site on a regular basis.

The application states that there will be no hazardous substances stored or used on site.

Overall, the application is considered to be in keeping with the surrounding area and will comply with Policies ST1 and DM10 of the Copeland Local Plan.

Access, Parking and Highway Safety

The existing access off Meadow Road will be retained to serve the parking areas on the site. Cumbria Highways initially raised a number of queries in relation to the proposed use and requested the following further information:

- Completed Transport Form;
- Design and Access Statement;
- Transport Statement;
- Details of visibility splays;
- Details of car parking spaces and clarification on how vehicles will enter and exit the site;

- Clarification on staff parking numbers and disabled, cycle and motorcycle parking;
- Consideration of an EV charging point;
- Definition of the carriageway and walk ways within the development;
- Details of the provision for the loading and unloading of vehicles;
- Submission of tracking information to demonstrate that articulated HGVs can turn and leave the site in a forward gear.

The Applicant's Agent completed the Transport Form as requested by the Highways Officer which concluded that there was unlikely to be a material increase in the traffic movements associated with the proposed use when compared with the existing situation. Cumbria Highways indicated that they were satisfied with this information and concluded that the change of use is likely to have a negligible effect.

Visibility splays were confirmed by the Applicant to be 2.4m x 60m and these have been demonstrated on the site layout plan.

Amended plans were provided to show the vehicle parking at the front of the development re-aligned, the entrance and exit defined and a one way system introduced. Furthermore, three electric vehicle charging points will be created which can be secured with a suitably worded planning condition. The internal parking arrangements have been amended and provision has been made for motorcycle, disabled and bicycle parking. The internal layout shows an area for loading and unloading of vehicles without any safety risk to the general public. Furthermore, pedestrian walkways have been introduced within the site.

Overall, the amended details submitted now meet the requirements of the Cumbria Highways and are considered to be consistent with Policy DM22 of the Copeland Local Plan and the Cumbria Development Design Guide. The proposal is unlikely to have any significant impact on the road network.

Drainage

The application site is largely situated within Flood Zone 1 although some of the compound and car park fall within Zones 2 and 3. The Applicant states that the land on which the existing buildings are sited is at a substantive elevation to the adjacent Pow Beck and has not flooded in the most recent extreme flood events. The Environment Agency have raised no objections to the proposal but provided standing advice for the Applicant.

Surface water is proposed to be drained to the combined sewer. The Applicant was asked for a Drainage Strategy to show that the NPPG hierarchy had been considered. The submitted document discounts infiltration as the ground conditions are not suitable, drainage to Pow Beck as the applicant does not have the right to access the adjacent site and drainage to a surface water sewer as there is not one in the vicinity. The existing connection to the combined sewer will be retained as part of this proposal.

Initially, the Local Lead Flood Authority requested that SuDs be considered for the site and retrofitted if possible. However, further to the submission of an amended site plan from the Applicant, the LLFA confirmed that this would not be possible in this location.

Adequate drainage arrangements are in place to serve the site and the proposal is considered to comply with policies ENV1 and DM24 of the Copeland Local Plan.

Planning Balance and Conclusion

There have been no objections to the proposal.

This commercial site lies within the settlement boundary of Whitehaven and is considered to be an appropriate location for the use proposed. The proposal will provide a viable use and the alterations proposed will result in an improvement in the external appearance of the buildings.

Issues in relation to drainage, access and parking have been resolved satisfactorily.

Overall this is considered to be an acceptable form of development which accords with the policies set out within the local plan and the guidance contained in the NPPF.

Recommendation:-

Approve (commence within 3 years)

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Site Location Plan, scale 1:1250, drawing number HT1440.1.100, received 19th May 2021;

Proposed Site Plan, scale 1:250, drawing number HT1440.1.103, received 19th May 2021;

Existing Floor Plans and Elevations, scale 1:200, drawing number HT1440.1.101, received 19th May 2021;

Proposed Floor Plans and Elevations, scale 1:200, drawing number HT1440.1.102, received 19th May 2021;

Site Survey, scale 1:200, received 19th May 2021;

Flood Risk Assessment, received 19th May 2021;

Transport Form, received 28th June 2021;

Planning Statement, received 19th May 2021;

Construction Method Statement, received 19th May 2021;
Environment and Ecology Statement, received 19th May 2021;
Surface Water Drainage Statement, written by Hough Tullett, dated July 2021,
received 5th July 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.

Pre-occupation condition

3. The use must not be commenced until access and vehicle parking (including EV Charging Points) requirements and loading, unloading and manoeuvring areas have been constructed in accordance with the approved plan as detailed on *Plan HT1440.1.103 RevC Proposed Site Plan Morris Plant Hire* - Dated 19.08.2021. Any such access and or parking provision must be retained and be capable of use when the development is completed and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use and in accordance with Policy DM22 of the Copeland Local Plan.

Other conditions

3. Development must be undertaken in accordance with the Construction Method Statement, submitted as part of the application on 19th May 2021.

Reason

In order to ensure a suitable method of construction and protect the amenity of the surrounding properties during the construction phase.

Informatives

1. 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.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2. The proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at medium risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted on the flood risk assessment.

Environmental permit - advice to applicant

The site is adjacent to the designated main river Pow Beck.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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