

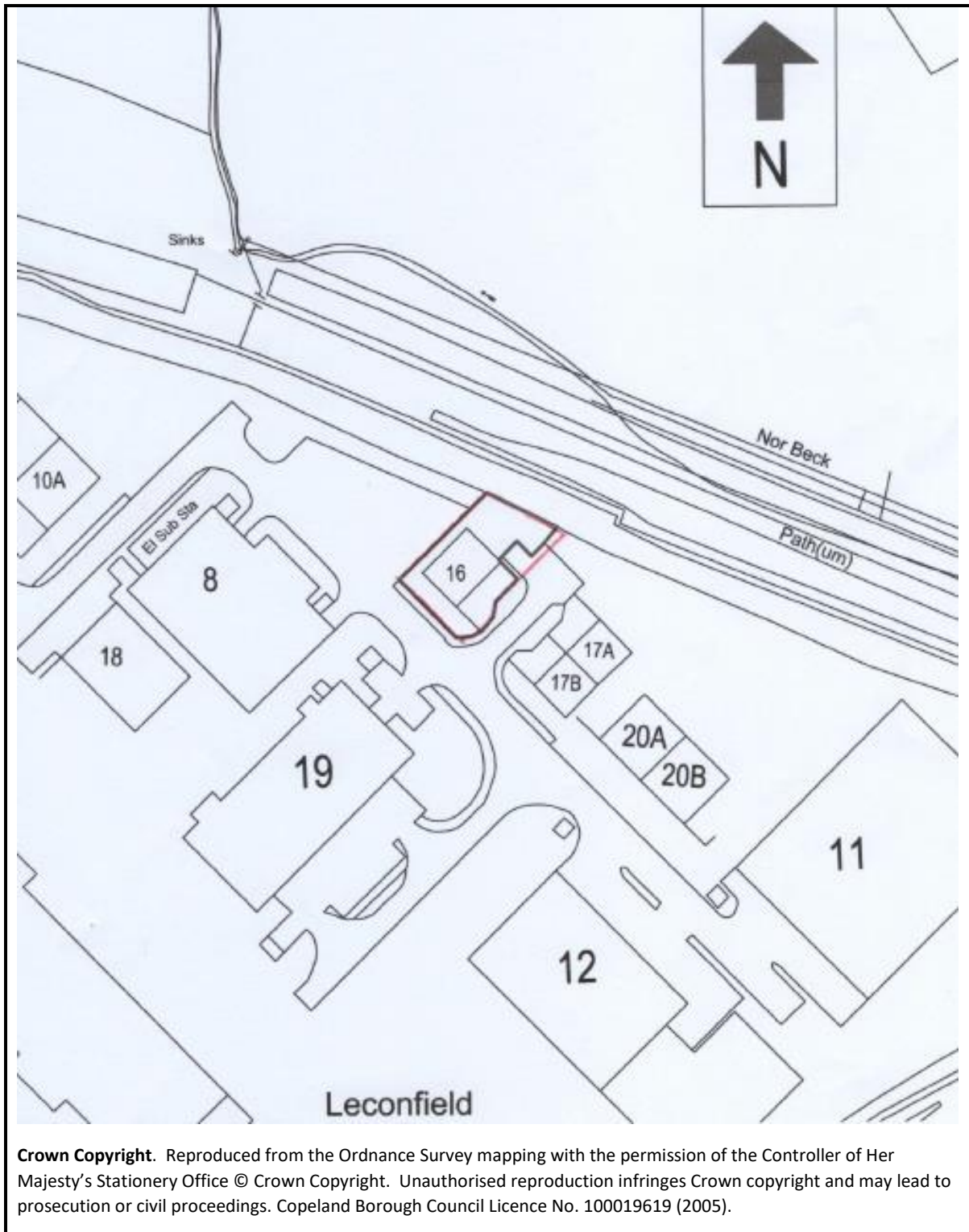


**To: PLANNING PANEL**

**Development Control Section**

**Date of Meeting: 27/10/2021**

<b>Application Number:</b>	4/21/2390/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Little Explorers
<b>Application Address:</b>	UNIT 16 LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
<b>Proposal</b>	ERECTION OF A TEMPORARY MODULAR BUILDING TO THE REAR OF THE UNIT & ERECTION OF 7FT FENCE
<b>Parish:</b>	Cleator Moor
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



### Reason for Determination by Planning Panel

This application is brought for consideration by Members of the Planning Panel as the proposal relates to a site which is owned by the Council.

## **Site and Location**

This application relates to the land to the rear of Unit 16 on the Leconfield Industrial Estate which is located within Cleator Moor. Unit 16 currently operates as a pre-school and benefits from a grassed level area to the rear of the site and a large car park to the side of the unit.

## **Proposal**

Planning Permission is sought for the erection of a temporary modular building to the rear of the existing unit and the erection of a green 7ft metal fence around the boundary of the site.

The proposed temporary building will measure 3.7 metres in width and 9.83 metres in length. It has been designed to include a flat roof with an overall height a height of 3.01 metres. The building will be finished in an off-white prefabricated textured steel frame with a laminate top hat fascia and UPVC windows and doors. The building will also include roller shutters to provide additional security.

## **Relevant Planning Application History**

There have been several previous applications approved on this site:

- Change of use to Fitness Centre (ref: 4/94/0151/0);
- Change of use from Gym to Children's Indoor Play Centre (ref: 4/95/0816/0);
- Garden Ornament Manufacturing, Wholesale, Retail and Storage (ref 4/02/0605/0);
- Change of use from Light Industrial to Pre-School (ref: 4/11/2201/0F1).

## **Consultation Responses**

### Cleator Moor Town Council

No objections.

### Highways Authority

No objections.

### Lead Local Flood Authority

No objections.

United Utilities

Standing Advice applies.

### Copeland's Property Team

Support the application

### Public Representations

Public representations for this application have been advertised by way of site notice and neighbour notification letters issued to the 2 adjoining units - No objections have been received as a result of the consultation.

### **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 ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy SS4 – Community and Cultural Facilities and Services

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

#### Emerging Copeland Local Plan (ELP):

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

The key issues raised by this proposal are the principle of development, its siting, scale and design and the potential impacts on residential amenity, highway safety and flood risk.

### **Principle of Development**

Sections 6 and 8 of the NPPF seeks to promote healthy and safe communities through delivering social, recreational and cultural facilities for community needs. Policies ST1, ST2, SS4 and DM21 of the Copeland Local Plan and Section 6 and 8 of the NPPF seek to encourage the provision and retention of good quality services and facilities, which meet the needs of local communities.

Policy ER9 reflects Cleator Moor`s role as a Key Service Centre within the Borough and encourages service sector provision within the defined boundaries to serve the local communities.

Policy SS4 of the Copeland Local Plan also allows for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

The development will be located to the rear of Unit 16 within the Leconfield Industrial Estate. The site is located within the settlement boundary of Cleator Moor which is designated as a Key Service Centre in the Local Plan. The temporary modular building and boundary fence will provide an additional indoor classroom and a secure outdoor garden/play area to enhance the current childcare and learning provision from the site. The proposal accords with the Little Explorers OFSTED Report.

On this basis, the proposal represents an appropriate form of development in this location, consistent in principle with the provisions of Policy ST2, ER9, SS4 and DM21 of the Local Plan.

### **Siting, Scale and Design**

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site.

The temporary modular building and boundary fence will be suitably located to the rear of the existing unit and therefore the development will not be excessively prominent within the locality. It is of a modest scale and the design will be functional to meet the needs of the Childcare Centre while respecting the character of the industrial estate. In addition, the proposed materials are considered to be appropriate in this location.

On this basis, the proposal is considered to meet Policy DM10 and the NPPF guidance.

### **Impact of Development**

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

As there are no residential houses in the vicinity, it is unlikely that the additional classroom and outdoor area will give rise to any disturbance in the area which is industrial in character.

In addition, there have been no objections received to the proposal from the occupiers of the adjoining units.

On this basis, the proposal is considered to comply with Policy DM10 of the Local Plan.

### **Highway Safety**

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The proposal will not increase numbers of staffing or registrations and therefore the Highways Authority raised no objections to the proposal. It is not considered that the proposal will have a material effect on the highway conditions or safety. In addition, a large car park is located adjacent to the site, which is considered to meet the needs of the Childcare Centre.

On this basis, the proposal is considered to meet Policy DM22 and the standards set out in the Cumbria Development Design Guide.

### **Flood Risk and Drainage**

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policy DM24 seeks to protect developments against risks of flooding.

The LLFA confirmed they had no objections to the proposal as it will not increase the flood risk on site or elsewhere. They also noted that the site falls within flood zone 1 but lies adjacent to flood zone 3. On this basis the LPA should seek clarification that a Flood Risk Assessment is not required.

Based on Policy DM24 and the guidance with the NPPG, a flood risk assessment is not considered to be a requirement for this application as the site lies within Flood Zone 1 and the proposal will not result an increased flood risk.

In addition, United Utilities provided standing advice on the means to facilitate sustainable development in terms of drainage and water supplies. Following this, additional surface water drainage details were sought from the applicant. The development will satisfy the surface water drainage hierarchy, infiltrating into the ground and the proposal will require a water supply.

On balance, the proposal is considered to be acceptable within Flood Zone 1 and therefore it will comply with Policy DM24 and the NPPG guidance.

### **Planning Balance and Conclusion**

The proposed temporary modular building and boundary fence are of an appropriate scale and design. It will be sited adjacent to an existing industrial unit and will provide an enhanced outdoor learning provision and new garden area. It would not have any detrimental impact on the amenities of the surrounding area and the proposal would not have an impact on existing highway conditions or flood risk.

Overall, the proposal is considered to be an acceptable form of development within the existing industrial estate, which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.

Due to Council's aspirations and long-term redevelopment plans for the Leconfield Industrial Estate a temporary permission of five years is considered to be reasonable to restrict the long term use of the site. The five year period would correspond with the terms of lease offered by the Council and the Property Team have confirmed support for this temporary proposal.

**Recommendation:-**

Approve

**Conditions**

1. The development hereby permitted shall be for a limited period of five years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the development shall be removed from the site on or before this date and the land restored to its former condition.

Reason

The development hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Site Location Plan, scale 1:1250, drawing no. U16LIE-JW-001, received 25<sup>th</sup> August 2021;

Existing Block Plan, scale 1:500, received 25<sup>h</sup> August 2021;

Proposed Block Plan, scale 1:500, received 25<sup>h</sup> August 2021;

Proposed Floor Plan, received 25<sup>h</sup> August 2021;

Proposed Elevations, scale 1:50, drawing no. LGSU079, received 25<sup>h</sup> August 2021;

Photograph of Fencing, received 25<sup>h</sup> August 2021;

Supporting Statement, received 25<sup>th</sup> August 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.

**Informative**

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](http://www.gov.uk/government/organisations/the-coal-authority)

**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.