



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2108/OF1
2.	Proposed Development:	REPLACEMENT OF EXISTING FENCE AND INSTALLATION OF AN ADDITIONAL 15 METRES OF NEW FENCING EXTENDING UP TO 1.8 METRES IN HEIGHT
3.	Location:	RUDHALLS, BREWERY INDUSTRIAL ESTATE, BIRKS ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to Rudhalls, a small industrial unit situated at Brewery Industrial Estate, off Birks Road, Cleator Moor. There are two residential properties to the south and further workshops to the north.</p> <p>Access is taken directly from Birks Road.</p> PROPOSAL <p>Planning Permission is sought for the replacement of the existing fence and extension to it of 15 metres. The fence will be 1.8m in height and is to be constructed of black chain link supported on metal posts.</p> <p>It will be situated to the east and north of the site and will be stepped back from the road by approximately 3m.</p>	

RELEVANT PLANNING APPLICATION HISTORY

There have been no relevant previous applications on the site.

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

Cumbria Highways

The fence is not likely to obstruct visibility therefore the LHA have no objections to the proposal.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 5 properties.

No consultation responses have been received.

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

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft

	<p>Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.</p> <p>ASSESSMENT</p> <p><u>Principle of the development</u></p> <p>The site is located within an existing industrial estate and the workshop has been established for many years. Part of the fence is existing and will be replaced under the new application, with the extension of the fence proposed to extend for an additional length of 15 metres in order to maintain site security and give a clear distinction between separate parcels of land.</p> <p>In this context the principle of the fence is acceptable.</p> <p><u>Design</u></p> <p>The metal fence is typical of boundary treatments found within an industrial estate. The new fence will replace an existing similar fence on the northern boundary of the site and extend it adjacent to the road on the eastern side of the site. It has a functional design and is unlikely to create an adverse visual effect on the site or its immediate surroundings.</p> <p><u>Access</u></p> <p>The existing access to the site will remain as existing. The fence has been stepped back from the carriageway, with enough visibility to retain the existing situation. Cumbria Highways were consulted on the application and confirmed that they have no objections as the visibility will not be impaired.</p> <p>Overall, the proposal complies with Policy DM22 of the Copeland Local Plan in relation to accessibility.</p> <p><u>Planning Balance and Conclusion</u></p> <p>No objections have been received to the proposal. The principle of a boundary fence is acceptable in order to enclose and secure the site. There will be a neutral impact on the surrounding landscape due to the materials proposed and the industrial context of the site. Access to the site will remain as existing and the development is unlikely to create an impact on the surrounding road network.</p> <p>Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPF and policies within the adopted Local Plan.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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: -</p> <p>Site Location Plan, scale 1:1250, received 28th February 2022; Site Block Plan, scale 1:500, received 28th February 2022; Proposed Site Layout, scale 1:500, received 28th February 2022; Photograph of fence, received 28th February 2022.</p> <p>Reason</p> <p>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.</p> <p>Informative</p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
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Case Officer: Sarah Papaleo	Date : 25/04/2022
Authorising Officer: N.J. Hayhurst	Date : 28/04/2022
Dedicated responses to:- N/A	