

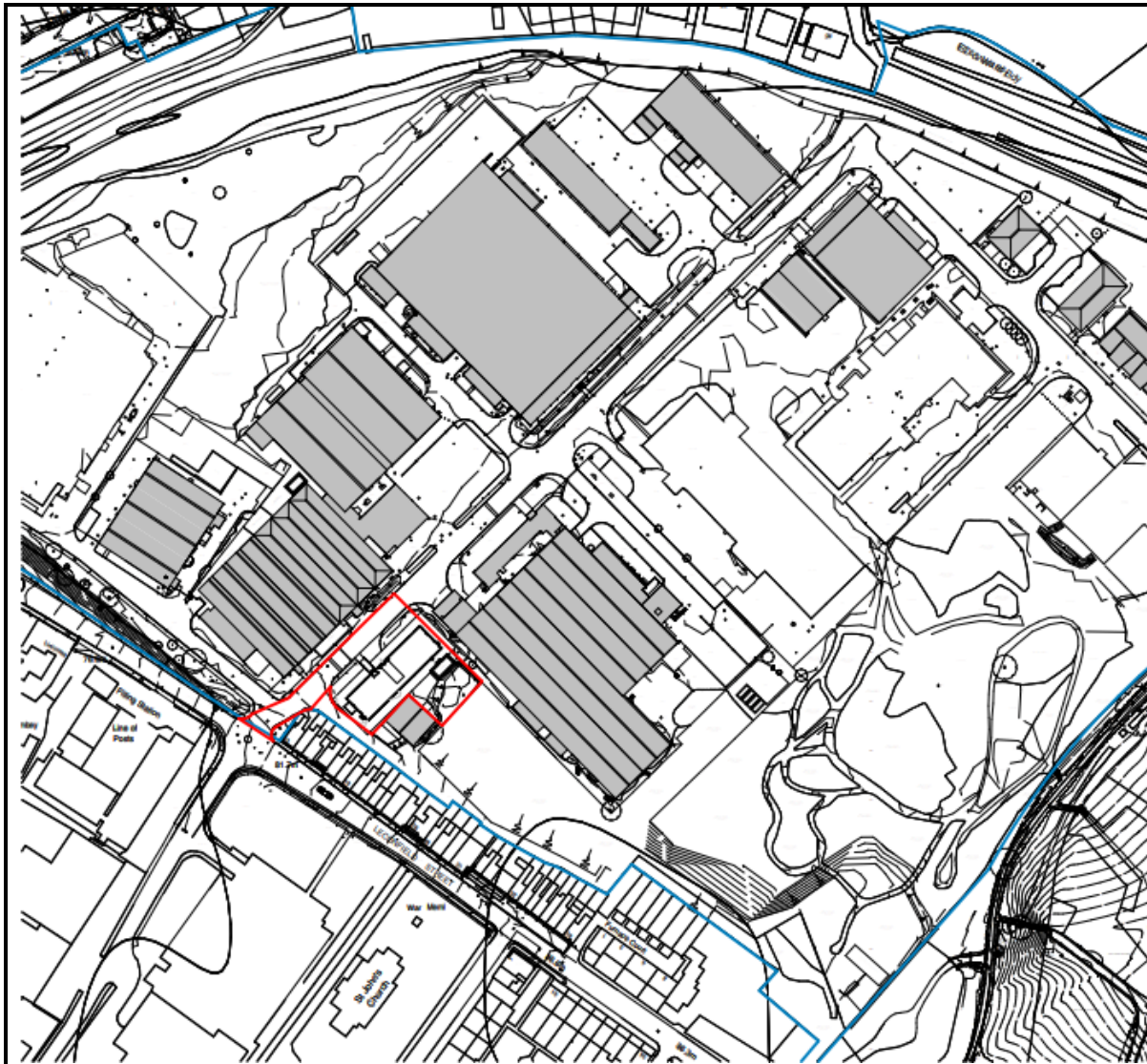


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 05/07/2022**

<b>Application Number:</b>	4/22/2211/0F1
<b>Application Type:</b>	Development by District Council Reg 3 : Full
<b>Applicant:</b>	Copeland Borough Council
<b>Application Address:</b>	1A LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
<b>Proposal</b>	WORKS TO REFURBISH EXISTING INDUSTRIAL UNIT
<b>Parish:</b>	Cleator Moor
<b>Recommendation Summary:</b>	Approve



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### **Reason for Determination by Planning Panel**

As this application seeks planning permission for the Council to develop its own land at Leconfield Industrial Estate, Regulation 3 of the Town and Country Planning General Regulations 1992 applies and requires that such applications are determined in public by the Council's Planning Panel.

### **Site and Location**

The application site is located within Leconfield an established industrial estate, located in Cleator Moor, some 600m to the north-west of the town centre. Accessed via a mini roundabout off the B5295 /Leconfield Street this forms the main part of the southern

boundary, with the C2C cycle route forming the boundary to the North. To the west and east the Estate is flanked by predominantly residential areas and community uses.

The estate currently accommodates some 20 industrial and warehouse units of varying sizes of standard commercial construction, including brick, profiled metal cladding and prefabricated steel frames, a number of which are vacant. There are also a number of vacant / cleared plots. This established industrial estate has been in use since the 1940`s and has more recently suffered from a period of decline.

Plot/ Unit 1A, the subject of this application, occupies a prominent location fronting onto the main access road near the entrance of the Industrial Estate. On the plot is a single-storey industrial unit, to the immediate north and opposite are existing large industrial units currently occupied. To the rear is a smaller occupied unit. The total area of the plot measures 0.23ha.

The detached building on the site is vacant and constructed of brown brick with a pitched roof. Rectangular in shape and devoid of windows, it has a small store at the rear linked via a covered corridor. To the front is a ramped main entrance and vehicle entrance and small grassed area with a small parking area and service yard to the rear.

## **The Proposal**

This application seeks planning permission for external physical works to the Unit on the plot which is in need of refurbishment and modernisation. It is one of three applications for similar works to other existing units on the estate with the aim being to upgrade and improve the overall appearance of the site, making the units more suitable for modern industry.

The refurbishment of this particular Unit will involve a series of external and internal works as follows:

- The removal of existing apertures and provision of new roller shutter, windows and doors
- Refurbishment of facades including:
  - Profiled flashings added to both gables to create portal features.
  - Lower blue brick plinth.
  - Vibrant accent colour of cladding to gables and parts of front elevation to give the unit individuality.
  - New windows inserted on the front and prominent gable elevation.
  - Replacement of the goods entrance shutter to the internal loading area with a partially glazed sectional overhead door.
  - Fully glazed doors providing access to the main floor level.
  - All glazed areas will incorporate concealed security shutters.
- Recladding of the roof is proposed which will increase the height of the building from 6.2 m to 6.3 m.

- Creation of accessible parking to the front and the construction of a new accessible ramp which is DDA compliant.

As regards the colour scheme the proposed external cladding to the roof and walls is anthracite grey, with cornflower blue as an accent colour for the gable ends and features.

## **Consultation Responses**

### Cleator Moor Town Council

No concerns raised.

### CCC Highway & Local Lead Flood Authority

No objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions, nor will it increase the flood risk on the site or elsewhere.

### Natural England

Comments awaited.

### Flood and Coastal Defence Engineer

No objections to this application but would ultimately like a more sustainable drainage option being adopted for the Estate with surface water being drained into a separate system.

## **Public Representation**

This application has been advertised by way of a site notice and neighbour notification. No responses to date have been received to either.

## **Planning Policy**

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

## **Adopted Copeland - Local Plan 2013-2028 (CLP)**

### **Relevant CLP policies:**

Policy ST1 Strategic Development Principles

Policy ST2 Spatial Development Strategy

Policy ER5 Improving the Quality of Employment Space.

Policy DM10 Achieving Quality of Place

Policy DM11 Sustainable Development Standards

Policy ENV3 Biodiversity and Geodiversity

Policy DM25 Protecting Nature Conservation Sites, Habitats and Species.

**Copeland Local Plan 2001-2016 (LP):**

Saved Policy EMP1 of the Copeland Local Plan (2001-2016) designates Leconfield Industrial Estate as an employment site where development for employment and industry uses (Class B1 Office and Business, B2 General Industrial and B8 Storage and Distribution Uses will be permitted.

**Emerging Local Plan Copeland Local Plan – 2021-2038 (ECLP)**

The emerging Copeland Local Plan has recently been the subject of a Publication Draft 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.

The following ECLP policies are relevant to this proposal:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS6PU: Design and Development Standards

Strategic Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Strategic Policy DS9PU: Sustainable Drainage

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy E4PU of the emerging Copeland Local Plan (2021-2038) allocates Leconfield Industrial Estate and adjacent land to accommodate the Cleator Moor Innovation Quarter business cluster. The primary uses on the Cleator Moor Innovation Quarter development will be limited to Use Class B2, Use Class B8 and Use Class E(g) only.

However, it should be noted that the CLP currently carries the primary weight in relation to decision making.

**Other Material Considerations**

National Planning Policy Framework (2021)

National Planning Policy Guidance

National Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

### **Assessment – Key Planning Considerations**

The main considerations relevant to the determination of this application are as follows:

#### **Principle of Development**

The principle of development is already established with existing employment use rights on the application site which is located within the settlement boundary for Cleator Moor on an industrial estate and contains an existing employment unit. The proposal comprising mainly external cladding of the walls and roof, the insertion of new window openings and doors and associated hard landscaping. These alterations will enhance the appearance and attractiveness of the site and support its continued use for employment aligning with CLP Policy ST1 - Strategic Development Principles. The works are consistent with the role and function of the estate as an established industrial/commercial location and will help maintain and support its role in providing employment land to serve the local area, thus contributing to economic growth.

#### **Design**

The proposal will significantly enhance the appearance of the unit and contribute to that of the wider estate. It accords with CLP Policy ER5 Improving the Quality of Employment Space, Criterion B of which supports improvements of specific industrial areas. It specifically recognises that a more attractive environment and better quality premises are needed to promote economic diversification.

Policy ST1 Strategic Development Principles Criterion D (i) and Policy DM10 Achieving Quality of Place aim to ensure the creation and retention of quality places by requiring and supporting improved design.

The design has had regard to the objectives of both local and national planning policies which seek to secure high quality design in all new developments. The proposed works include using a modern design and high-quality materials which accords with the aspirations and objectives of these design policies.

#### **Ecology**

Policy ENV3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

The applicant has undertaken an updated Bat Roost Assessment of the Site. This informs that there is evidence of the building being used as a day roost for bats but due to its infrequency is considered to be of low conservation significance. However, as the refurbishment work proposed will destroy the roost a European Protected species mitigation licence will be required from Natural England before any works commence. This

will place conditions on the development to ensure no bats are injured or killed during works in order to protect their conservation status.

A mitigation strategy proposes that the roost be compensated with one bat box installed on the refurbished unit and another on a nearby retained tree as enhancement. A planning condition is proposed to secure the completion of relevant mitigation.

This is considered acceptable and accords with Policy ENV3 and DM25 of the CLP which seek to protect and enhance such biodiversity interests.

### **Drainage**

A Drainage Statement plan has been submitted with the application. As part of the works any internal rainwater pipes are to be relocated externally and these will use the existing perimeter combined sewer. Surface water runoff is to be drained and connected into the existing combined sewer. Although the Flood and Coastal Defence Engineer raises no objections to this proposal per se, he would ultimately wish to see a more sustainable drainage system with the separation of the surface water system on the Estate.

### **Planning Balance and Conclusion**

This application seeks planning permission for physical works to refurbish one of the most prominent industrial units on Leconfield Industrial Estate which sits close to the main entrance. The site lies within the settlement boundary of Cleator Moor.

On balance, it is considered that the proposed development will not raise any adverse material planning issues that cannot be adequately mitigated. It has been demonstrated that the loss of protected species (bat) habitat can be compensated for by enhancement. As such it is considered that this issue is not sufficiently harmful to significantly and demonstrably outweigh the benefits of the proposal which will significantly improve the appearance of the building on the industrial estate, and thus fully accord with the principle of securing good design.

Taking the above into account, it is concluded that the proposed development is compliant with the local plan and national planning policies, and particularly the overarching objective of the NPPF to deliver sustainable development.

### **Recommendation:-**

Approve subject to the following conditions:-

### **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: -

Documents

- Design and Access Statement, by NORR, dated May 2022.
- Interim Bat Roost Assessment by Tetra Tech, ref 784-B034942 Rev 1, dated April 2022.
- Bat Roost Assessment Report by Tetra Tech, ref 784-B034942 Rev 2, dated June 2022.
- Drainage Statement

Plans and Drawings

- SITE - LOCATION PLAN (Planning), Drawing no. CMIQ-NOR-01A-ZZ-DR-A-90091 Rev P02.
- SITE - EXISTING PLAN Drawing no. CMIQ-NOR-01A-ZZ-DR-A-90094
- SITE - PROPOSED PLAN Drawing no. CMIQ-NOR-01A-ZZ-DR-A-90095
- SITE - EXISTING BLOCK PLAN Drawing no. CMIQ-NOR-01A-ZZ-DR-A-90092
- SITE - PROPOSED BLOCK PLAN Drawing no. CMIQ-NOR-01A-ZZ-DR-A-90093
- EXISTING PLAN Drawing no. CMIQ-NOR-01A-00-DR-A-00092 - LEVEL 00
- PROPOSED PLAN Drawing no. CMIQ-NOR-01A-00-DR-A-00091 - LEVEL 00
- EXISTING - ROOF PLAN Drawing no. CMIQ-NOR-01A-RF-DR-A-27091
- PROPOSED- ROOF PLAN Drawing no. CMIQ-NOR-01A-RF-DR-A-27092
- EXISTING - GA ELEVATIONS Drawing no. CMIQ-NOR-01A-ZZ-DR-A-00191
- PROPOSED - GA ELEVATIONS Drawing no. CMIQ-NOR-01A-ZZ-DR-A-00192
- EXISTING - GA SECTIONS Drawing no. CMIQ-NOR-01A-ZZ-DR-A-00291
- PROPOSED - GA SECTIONS Drawing no. CMIQ-NOR-01A-ZZ-DR-A-00292
- Landscape Site Plan Drawing no. N1045-ONE-ZZ-01A-DR-L-0001-P02
- Drainage Strategy Drawing no. CMIQ-BGP-06-XX-DR-C-52-06130\_P01
- Proposed Drainage Plan, Drawing no. CMIQ-BGP-060708-XX-DR-C-52-06130\_P03
- Existing Drainage Plan, Drawing no. CMIQ-BGP-060708-XX-DR-C-52-06129\_P01
- Amended Existing Drainage Plan, Drawing no. CMIQ-BGP-060708-XX-DR-C-52-06129\_P03



- Amended Proposed Drainage Plan, Drawing no. CMIQ-BGP-060708-XX-DR-C-52-06130\_P05

#### Reason

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

3. The development shall implement all of the mitigation and compensation measures set out in the Bat Roost Assessment Report reference 784-B034942 Rev 2, prepared by Tetra Tech, dated June 2022, and submitted as part of the planning application.

#### Reasons

To protect the ecological interests evident on the site.

#### 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.