

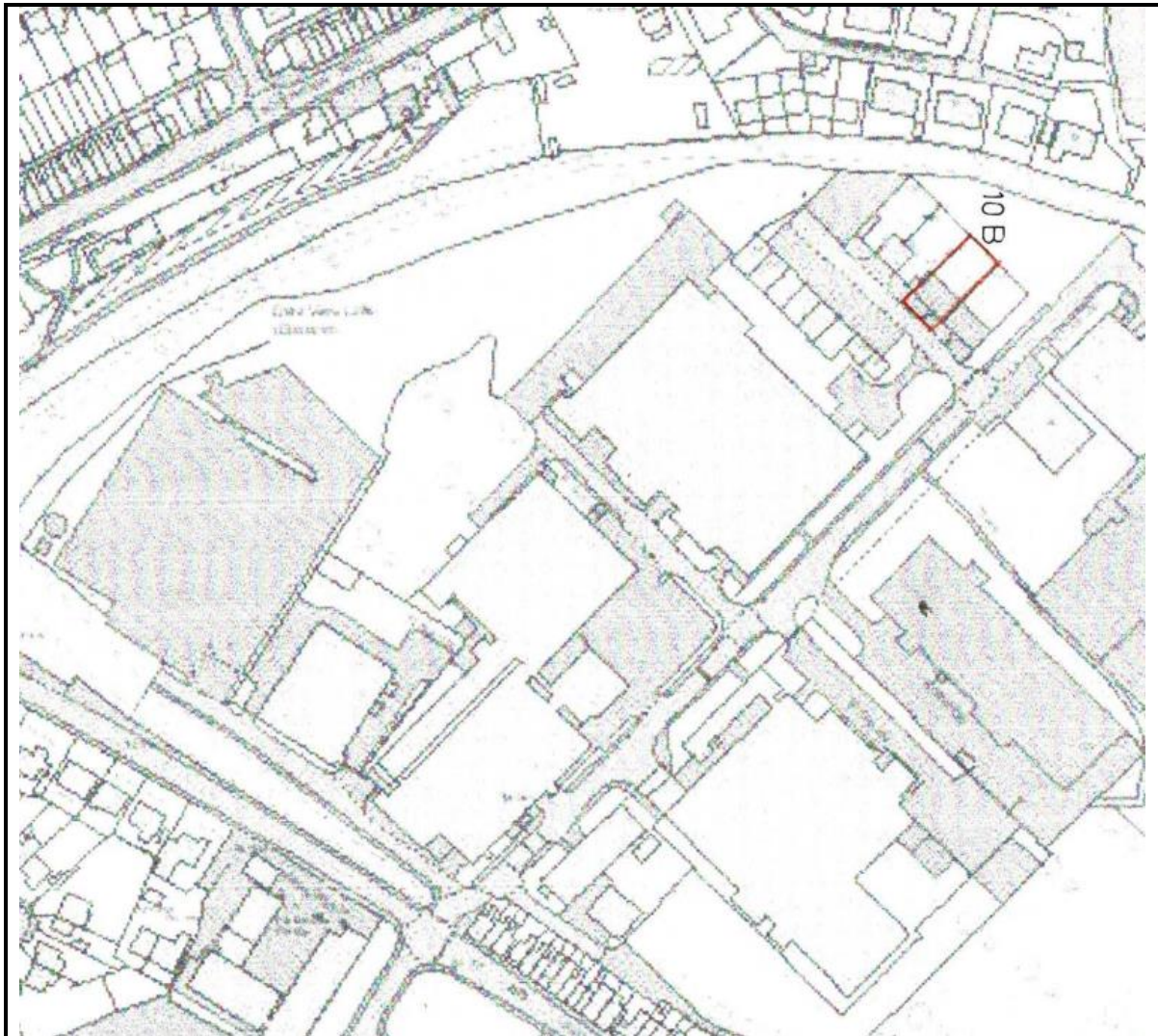


To: PLANNING PANEL

Development Management Section

Date of Meeting: 18/01/2023

Application Numbers:	4/22/2443/0F1
Application Type:	Full
Applicant:	C Mather Construction
Application Address:	UNIT 10B LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR STATIC CATERING TRAILER
Proposals	SITING OF STATIC CATERING TRAILER (RETROSPECTIVE)
Parish:	Cleator Moor
Recommendation Summary:	Approve subject to conditions



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Reason for Determination by Planning Panel

The site is owned by Copeland Borough Council and is leased by the Applicant. Under the Council's Constitution, all planning applications on land owned by Copeland Borough Council must be taken to the Planning Panel for decision.

Site And Location

This application relates to Unit 10 B which is located within the Leconfield Industrial Estate in Cleator Moor. The unit forms part of a row of 4 other units, with further commercial buildings to the south west and south east. There are residential properties located on Sanderson Park to the north.

Access is achieved from the existing access road leading off Leconfield Street into the industrial estate.

Proposal

Retrospective Planning Permission is sought for the retention of a static catering trailer which has been sited within the compound associated with Unit 10 B. The trailer has been present on the site since June 2022 and is utilized for hot food takeaway, predominantly to users of the surrounding industrial estate.

The trailer covers approximately 20 sqm. of floor space and is constructed from blue metal sheeting with aluminium windows. There is an existing palisade fence surrounding the compound.

There are 4 parking spaces available to serve the existing unit, with the access remaining as existing through the industrial estate.

The catering trailer employs one full time member of staff and is operational between the hours of 07:30 – 18:00, Monday to Friday.

Relevant Planning Application History

Rear of unit 10 B, renewal of permission for mobile office, approved in January 1993 (application reference 4/92/0933/0 relates).

Consultation Responses

Cleator Moor Town Council

No objections.

Cumbria Highways

1st Response

A transport form should be completed by the applicant and a plan of the parking provisions should also be provided.

Once we have received the above information I will be able to make a formal response.

2nd Response

Thank you for completing the transport form. We still await to see a plan of your parking

provisions.

Once we have received the information I will be able to make a formal response.

Environmental Health Officer

1st Response

In considering this application, can the agent please confirm that the catering trailer has a cooking hood / basic extract system to expel cooking fumes and odours?

There is a extract / ventilation grille on the back of the unit, but no access to the unit inside.

The make and model of the trailer unit would also be helpful if possible.

2nd Response

I have no objections from an Environmental Health perspective to the above application.

United Utilities

No objections subject to standing advice.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued 3 no. properties.

No responses have been received as a result of these advertisements.

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 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 ER7 – Principal Town Centre, Key Service Centres and other service areas: Roles and Functions

Development Management Policies (DMP)

Policy DM3 – Safeguarding Employment Areas

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP).

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

Strategic Policy E4PU: Cleator Moor Innovation Quarter at Leconfield

Strategic Policy E5PU: Employment Sites and Allocations

Policy E7PU: Safeguarding of Employment Sites

Policy R10PU: Hot Food Takeaways

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

Principle of Development

Policy ER5 of the CS and Policy E7PU of the ELP seeks to safeguard existing employment areas. Policy ER6 of the CS and Policy E2PU of the ELP supports employment development in Key Service Centres.

Policy ST2 of the CS and DS3PU of the ELP defines the areas of Copeland which are considered to be suitable for development. Cleator Moor is classified as one of the Borough's Key Service Centres where development and employment opportunities are encouraged.

The site is within the defined settlement boundary for Cleator Moor and Policy ST2 of the CS and DS3PU of the ELP state that small enterprises will be encouraged with opportunities for expansion. The principle of development is considered to be acceptable subject to site specific considerations as set out below.

Growth of Business

Policy ST1, ST2, and ER6 of the Copeland Local Plan and DS1PU, DS3PU and E2PU of the ELP seek to facilitate growth of the Borough's local economy. Policy ER7 of the CS seeks to promote the diversification of the Borough's economy by encouraging new and expanding employment sectors, and by supporting the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to retain enterprise, jobs and skills within the Borough. The NPPF also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. The emerging Local Plan includes Policies E4PU and E5PU which focus on the regeneration of the Leconfield Industrial Estate. The site is located within Area 1 where a café use is likely to be encouraged as part of the larger scheme.

The proposed site is located within Leconfield Industrial Estate, an established commercial estate which includes various commercial uses. The proposal is modest in scale and allows for the creation of a new business and a service that will benefit the site as a whole. One full time job has been created and the provided service will support a small local business.

On this basis it is considered that the proposal complies with the policies ST1, ST2, ER6 and ER7 of the Copeland Local Plan, Policies DS1PU, DS3PU, E2PU, E4PU and E5PU of the ELP and NPPF.

Design and Impact on Residential Amenity

Policy ST1 and DM10 of the CS, DS1PU and DS6PU of the ELP and section 12 of the NPPF seeks protection of residential amenity, creating a high standard of design, fostering of quality places, and proposals which respond to the character of the site.

The unit is constructed from blue metal sheeting which is standard construction for a catering trailer of this type. Whilst the design is functional, it is typical for a unit of this type and appropriate for an industrial estate. The unit is located next to existing buildings and is viewed in context with them which reduces its visual impact within the locality.

The nearest residential property is located 60 metres to the north on Sanderson Park. Due to this separation distance and the row of existing commercial buildings between the catering trailer and the dwellings there is unlikely to be any significant adverse impact on the amenity of the occupiers.

Environmental Health requested information with regards to the extraction system in order to ensure that there would not be any risk to public health or antisocial smells from the trailer. The Agent for the application confirmed that there will not be any frying operations, only a hot plate for burgers, sausages, eggs etc. Sales will otherwise be for coffee and sandwiches and therefore the windows and open front hatch will be sufficient for extraction. Environmental Health raised no objections to the proposal on the receipt of this information.

Planning conditions are proposed to limit the opening hours to correspond to the times when the industrial estate is operational. This would also help to minimise the impact of this use.

On the basis of the above it is considered that the proposal complies with ST1 and DM10 of the Local Plan, DS1PU and DS6PU of the ELP and section 12 of the NPPF.

Access and Parking

Policy DM22 of the CS and CO7PU of the ELP require developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

The proposal will develop an existing open compound space within the industrial estate, utilizing the existing access road. The existing 4 parking spaces that serve Unit 10 B will be retained and the trade utilizing the trailer is likely to be local from the surrounding businesses within the estate which will limit traffic movements. Cumbria Highways raised no objections to the principle of the development, however requested that a transport form be completed in order to assess any potential impact on the existing highways and a plan to show the available parking. The transport form details that car parking and pedestrian and cycling links are available. As the parking will remain as existing, with ample other spaces available throughout the industrial estate, it is considered that a plan to show parking is not required and there is unlikely to be a material effect on the existing highway conditions.

On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan, Policy CO7PU of the ELP and Section 9 of the NPPF.

Planning Balance and Conclusion

This site lies within an existing industrial in Cleator Moor. Cleator Moor is designated as a key service centre and is suitable for new commercial development of an appropriate scale.

The proposal has provided a new business opportunity with the creation of a full-time job. The trailer has been sited within an existing compound and is seen in context with the existing units on the site. Due to the nature of the use and the separation distances involved it is unlikely to have any significant adverse impact on residential amenity within the locality. Hours of operation can be adequately controlled by a planning condition.

Sufficient parking has been provided to serve the trailer and it is served by an existing access. It is anticipated that the use will mainly serve the existing occupiers on the industrial estate which should limit vehicular movements and any impact on the highway network.

No objections have been received to this application.

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

Recommendation:

Approve subject to the following conditions:-

1. The use hereby permitted must be for a limited period of 3 years from the date of this approval. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use must be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason

The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the future development of the land for employment purposes and also to protect local amenity in accordance with Policy ST3 and DM10 of the Copeland Local Plan.

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 1:2500, received 8th November 2022;
Block Plan, scale 1:100, received 8th November 2022;
Transport form, received 12th December 2022.

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 catering trailer shall be open to serve the public during the following times only:

Monday to Friday – 07:30 – 18:00

Reason

In order to protect the amenity of the neighbouring properties and in accordance with Policy ST1 of the Copeland Local Plan.

4. The catering trailer must not include a deep fat fryer, nor serve deep fat fried food at any time.

Reason

To ensure that there are no antisocial smells to affect the amenity of the neighbouring properties and in accordance with Policy ST1 of the Copeland Local Plan.

Informative Note

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 >

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.