



**Cumberland Council  
Cumbria House  
107-117 Botchergate  
Carlisle  
Cumbria CA1 1RD  
Telephone 0300 373 3730  
[cumberland.gov.uk](http://cumberland.gov.uk)**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

Energy Coast Property Services  
Prior Rigg  
Sandsfield Lane  
Carlisle  
CA2 7RG  
FAO: Mr Paul Jefferson

**APPLICATION No: 4/23/2085/0F1**

**ERECTION OF TWO NEW BUILDINGS (ONE TO CONTAIN UNITS 1 & 2 AND ONE TO CONTAIN UNIT 3) TO INCLUDE COMMERCIAL SHOP FRONT, MANUFACTURE, WAREHOUSING & DISTRIBUTION (USE CLASSES B2 AND B8).  
UNITS 1, 2 & 3 JOE MCBAIN AVENUE, MORESBY PARKS**

**Energy Coast Property Services**

The above application dated 25/04/2023 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard 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: -

Application form, received 22<sup>nd</sup> March 2023;  
Site Location Plan, scale 1:1250, drawing number GSK0040, received 25<sup>th</sup> April 2023;  
Proposed Site Plan, scale 1:1250 and 1:500, drawing number MP-PR-002A, received 22<sup>nd</sup> March 2023;  
Proposed Plans, drawing number G-SK002B, received 22<sup>nd</sup> March 2023;  
Proposed Elevations, drawing number GSK001C, received 22<sup>nd</sup> March 2023;  
Proposed 3D Image, received 22<sup>nd</sup> March 2023;  
Preliminary Environmental Appraisal, written by Geo Environmental Engineering, reference GEO 2016-2088, received 22<sup>nd</sup> March 2023;  
Proposed Materials, received 22<sup>nd</sup> March 2023;  
Design and Access Statement, written by Paul Jefferson, received 22<sup>nd</sup> March 2023;  
Drainage Report, written by Kingmoor Consulting, reference 23-186r001, received 25<sup>th</sup> April 2023;  
Agent's Statement re. Trade Counters, received 9<sup>th</sup> August 2023;  
Proposed Floor Plans showing Trade Counters, scales 1:500 and 1:1250, drawing number MP-PR-002C, received 9<sup>th</sup> August 2023.

#### 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-commencement Conditions

3. Development must not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - construction vehicle routing;
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;

- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy DM22 of the Copeland Local Plan.

4. The development must not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind will be erected, parked or placed and no trees, bushes or other plants will be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason:

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

5. Prior to the commencement of the development hereby approved, a detailed car park design must be submitted to and approved by the local planning authority. This must include the detailed design of the car, disabled, motorcycle and pedestrian cycle bays. The car park must be brought into use before the commencement of development on the buildings hereby approved to accommodate construction traffic.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted

to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan.

#### Prior to Occupation Conditions

7. Prior to the first occupation of the development hereby approved, highway improvements including a new pedestrian island crossing point and the repositioning of the speed restriction signs on the Moresby Parks Road must be constructed and available for use in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. These must remain operational during the lifetime of the development.

Reason

In order to ensure active travel to and from the site in accordance with Policy DM22 of the Copeland Local Plan.

8. Prior to the occupation of the development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage

scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

9. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed  
In accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

9. Prior to the first occupation of the development hereby approved, an accessible parking bay must be marked out and available for use on the application site in accordance with the details set out in the Cumbria Design Guide. The accessible bay must be maintained at all times whilst the building is operational.

Reason

To ensure that adequate provision is made for all users in accordance with the adopted car parking guidelines and in accordance with Policy DM22 of the Copeland Local Plan.

10. Prior to the first occupation of the development hereby approved, the carriageway access, footways, footpaths, must be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval. The building will not be occupied until a full specification has been approved. Any works so approved must be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

11. Prior to the first occupation of the development hereby approved, a full landscaping scheme must be submitted to and approved by the Local Planning Authority. The landscaping must be maintained as approved at all

times thereafter, during the lifetime of the development.

**Reason**

In the interests of visual amenity and in accordance with Policy ENV5 of the Copeland Local Plan.

**Other Conditions**

12. Prior to their installation full details of any external lighting must be submitted to and approved in writing by the Local Planning Authority. Any lighting must conform to requirements set out in the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01/21. Development must be maintained in accordance with the approved details at all times thereafter.

**Reason**

For the avoidance of doubt and to protect the visual and residential amenity within the locality in accordance with Policy ST1 and DM10 of the Copeland Local Plan.

13. The commercial premises hereby granted planning permission must be used for Class B2 and B8 of the Town and Country Planning (Use Classes)(England) Order 1987 (as amended) only, including ancillary trade use, and for no other purpose without the express written consent of the Local Planning Authority.

**Reason**

To ensure that inappropriate uses are not brought onto the Industrial Estate and in accordance with Policy ER4 of the Copeland Local Plan 2013-2028.

**Informative**

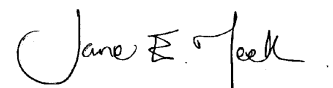
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read 'Jane E. Meek'.

Jane Meek

Assistant Director

Thriving Place and Investment

15<sup>th</sup> August 2023



**APPROVALS  
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015**

**PART 2**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.