

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2085/0F1
2.	Proposed Development:	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).
3.	Location:	UNITS 1, 2 & 3 JOE MCBAIN AVENUE, MORESBY PARKS
4.	Parish:	Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Preferred Route Corridor - Within Preferred Route Corridor
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to a vacant parcel of land situated adjacent to Joe McBain Avenue in Moresby Parks. The site is bound by Joe McBain Avenue to the south and east, further commercial buildings to the west and vacant land to the north.	

The site covers a total area of 0.42 hectares.

PROPOSAL

Planning permission is sought for the erection of three buildings for use as warehouses including commercial shop fronts, along with the associated car parking.

The units will be scaled as follows:

Unit 1 – 765 square metres, (H) 10.5m, (W) 21m, (L) 36m

Unit 2 – 446 square metres (H) 10.5m, (W) 21m, (L) 21.2m

Unit 3 – 360 square metres (H) 10.5m, (W) 21m, (L) 24m

The buildings will be constructed from the following materials:

Walls – Blockwork walls to mid height, Insulated steel cladding up to eaves.

Roof – Insulated steel cladding in light grey, matching profile roof lights

Doors – Steel roller shutter style

Eaves & Rainwater goods – Plastisol coated steel

Trims – Plastisol coated steel

Parking is available to the east of the site with an overall provision of 42 spaces to serve the three units proposed. Three access and egress points are proposed – two to the east and one to the south of the site.

Foul drainage is proposed to connect to the adjacent existing foul drainage network and surface water will be attenuated within the site and released to the adjacent surface water system at greenfield runoff rates.

RELEVANT PLANNING APPLICATION HISTORY

Industrial development including use classes B1, B2 and B8 and non-food retail sales, approved in May 1991 (application reference 4/91/0222/0 relates);

Access and infrastructure for future industrial development, approved in January 1992 (application reference 4/91/1050/0 relates).

CONSULTATION RESPONSES

Moresby Parish Council



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No objections and it is noted that it is positive to see more development taking place on the industrial estate.

Cumberland Infrastructure Team

This proposal relates to full permission sought for the erection of two new buildings (one to contain units 1 and 2 and one to contain unit 3) to include commercial shop front, manufacture, warehousing and distribution at Joe McBain Avenue, Moresby Parks.

The application includes the formation of a new entrance from Joe McBain Avenue.

The application site comprises 41800 Sqm of brownfield land within allocated Employment Land Whitehaven Commercial Park in Moresby Parks, Whitehaven. Whitehaven Commercial Park is allocated as MP022 / EMP1 within the emerging Copeland Local Plan 2021-2038.

Using the evidence available in the Copeland Transport Improvement Study (2021), there are a series of infrastructure improvement schemes which are attributed to Whitehaven Commercial Park, in some cases, as a proportion of an overall contribution from more than one allocated site identified within the Local Plan. These Improvement schemes include active travel, bus stop infrastructure, bus stop services, road network capacity improvements and road network safety improvements.

Full details of contributions attributed to the Whitehaven Commercial Park site in Moresby Park are provided in the table provided.

Item No.	Infrastructure Type	Detail	Cost attributed to development site	Site/s improvement scheme is Allocated to	Evidence
1.	Active Travel Infrastructure	Provision of shared use path utilising wide verges on Moresby Road	£664,800	1.Whitehaven Commercial Park (Mp022)	Copeland Transport Improvements Study 2021 Table No: 9-1, p75
2.	Bus Stop Infrastructure	Proposed location of new bus stop at Moresby Parks Road	£91,000 for layby £5,500 per shelter	1.Whitehaven Commercial Park (Mp022)	Copeland Transport Improvements Study 2021 Table No: 9-2, p76
3.	Bus Service Potential Requirements	New bus service to Moresby Parks	£105,000 annually Additional bus (single deck) within timetable	1.Whitehaven Commercial Park (Mp022) 2.Red Lonning and Harass Moor Stage 3 (HWH2) 3.Hensingham Common (ELA1)	Copeland Transport Improvements Study 2021 Table No: 9-3, p76
4.	Cost estimates for proposed capacity improvements on the local road network and attribution to Local Plan sites	Ref: ID31 Moresby Road / Cleator Moor Road / Main Street, Whitehaven	£805,800	1. Land at Mill Hill (HCM4) 2. Leconfield Estate 3. Whitehaven Commercial Park	Copeland Transport Improvements Study 2021 Table No: 9-5, p77



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Item No.	Infrastructure Type	Detail	Cost attributed to development site	Site/s improvement scheme is Allocated to	Evidence
				4. West Lakes Science Park 5. Red Lonning and Harass Moor	
<i>Strategic Road Network improvement schemes (under the responsibility of National Highways)</i>					
5.	Cost estimates for proposed safety improvements on the Strategic road network and attribution to Local Plan sites	Ref: ID43 A595 / Rosehill, Whitehaven	£338,700	1. Land at Mill Hill 2. Leconfield Estate 3. Whitehaven Commercial Park	Copeland Transport Improvements Study 2021 Table No: 9-5, p78

As this application is within the Whitehaven Commercial Park catchment area we would seek to obtain a developer contribution of £16,455 towards active travel improvements, these improvements will consist of a new pedestrians island crossing point on the Moresby Parks Road and the repositioning of speed restriction signs also on the Moresby Parks Road, The proposed improvements will create a safe connectivity to and from Whitehaven Commercial Park in either direction.

Local Highways Authority

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition 1:

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason:

To ensure a minimum standard of construction in the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

Condition 2:

The development shall 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 shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason:

In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Condition 3:

No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the existing road has been provided and brought into full operational use.

Reason:

In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8

Condition 4:

Footways shall be provided that link continuously and conveniently to the nearest existing footway in both directions. Pedestrian within and to and from the site shall be provided that is convenient to use.

Reason:



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In the interests of highway safety.

Condition 5:

A detailed Car park design is to be submitted to the satisfaction of the local planning authority, within the detailed design car, disabled, motor cycle and pedestrian cycle bays are to be included.

(for guidance use the Cumbria Development Design Guide)

Reason:

In the interests of highway safety.

Condition 6:

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- 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 support Local Transport Plan Policies: WS3, LD4

Local Lead Flood Authority

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition:

Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

United Utilities

DRAINAGE

Following our review of the submitted drainage report (ref 23-186rO01, dated April 2023) the proposals are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated.

If it is evidenced a connection to the public sewer is required for surface water, we would recommend the three plots are combined into one single connection to allow for a larger orifice to be used in the flow control device - this will reduce the risk of blockage.

We would also request the subsequent drainage plan is detailed with all details such as FFL's, invert and cover levels of all proposed manholes and connection points to public sewers.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITIONS

1. Prior to the commencement of development, details of a sustainable surface water

drainage scheme and a foul water drainage scheme shall 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.

2. Prior to occupation of the proposed development, the drainage schemes shall 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.

The applicant can discuss any of the above with Developer Engineer, Tom Bethell, by email at wastewaterdeveloperservices@uuplc.co.uk.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. We believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in any subsequent Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. The following may be a useful example.

3. 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.

Flood and Coastal Drainage Engineer

1st Response

With regards to the above application, I have some observations about the site itself and the Application:

- Despite being in Flood Zone 1 and at a very low risk of surface water flooding, the site is actually very, wet, with water pouring off it on a frequent basis.
- Any development on this site should consider the natural storage capacity of the land and how water runoff from adjacent higher land will affect the development itself.
- The Application itself states that surface water will be disposed of by means of a pond / lake.
- The Application itself states that foul sewage will be disposed of by mains sewer.
- No details have been provided, but there is a combined sewer running adjacent to the site, so it would be matter of an agreed connection point with United Utilities.
- The sustainability section of the Design and Access Statement states that there will be provision of sustainable drainage systems.
- No further details have been provided about surface water management.

As this is a Full Planning Application, it fails to provide sufficient information sustainable surface water management and therefore I am raising an objection.



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2nd Response

I have some comments and queries on the Drainage Report:

- The information for surface water disposal follows the drainage hierarchy, so this needn't be included in conditions required in my opinion.
- The surface water calculations use a 40% climate change allowance, when it is now 50% in our region, so this will need to be updated at detailed design stage.
- The report refers to a pond, as did the application, yet one is not showing on the drawings.
- The proposal is to inspect the drainage system as part of the development. This need only be done within the site boundary, as the sewer networks within Whitehaven Commercial park are adopted.

Other than that, no further comments.

Environment Agency

We have no objection to the proposed development but we request that any subsequent approval is conditioned to address the following issue:

Contaminated Land

The previous use of the proposed development site as railway land presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary A aquifer and in close proximity to a tributary of the River Keekle.

The application's preliminary environmental assessment demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

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.

The Coal Authority

The application site **does not** fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

Environmental Health Officer

The main consideration is the potential for contamination from historical industrial use on / around the site.

A preliminary Environmental Appraisal has been submitted by the applicant, and this



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concluded that the geo-environmental risks were very low / low / negligible.

Nevertheless its conclusion recommended that further phase 2 ground gas monitoring, trial pits for possible made ground, soil contamination testing, and boreholes for unrecorded mine workings be undertaken.

Given that the risks are so low, and that the end use of the development is commercial, the Environmental Health team do not propose that a phase 2 contaminated land study is conditioned to any approval granted to the scheme.

Rather, that a risk assessment is carried out by the site developer on and during the groundworks and any suspected contamination is duly reported and dealt with.

Appropriate PPE should be provided to construction staff and materials used in utility trenches and foundations is commensurate to the ground conditions.

It would be prudent to request a planning condition that any suspected contamination is reported to the Local Planning Authority and a scheme to monitor, risk assess and remediate if required is put in place.

Other than that, the Environmental Health team would wish that construction works are carried out during standard hours (ie Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00) so that undue noise disturbance is not caused to residents in the locality.

Also that any external artificial lighting on site must conform to requirements to meet 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, in order to safeguard the amenities of nearby residential occupiers.

Public Representation

The application has been advertised by way of a site notice and press notice.

No responses have been received as a result of this 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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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

Policy ER6 – Location of Employment

Policy ER11 – Developing Enterprise and Skills

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM3 – Safeguarding Employment Areas

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Cumbria Development Design Guide

Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).

Copeland Local Plan 2001-2016 (LP) Saved Policies.

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.



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The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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 application are as follows:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

Policy E7PU: Safeguarding of Employment Sites

Strategic Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of the Development

This site is allocated for employment purposes and this allocation is proposed to be taken forward under the Emerging Local Plan.

Policies ST1, ST2, ER4 and ER6 of the CS and Policies E2PU and E7PU of the ELP are supportive of commercial development in this location. The site is a vacant plot within the Whitehaven Commercial Park, located at Moresby Parks, which houses a number of commercial units.

On this basis, the principle of the development is considered to be acceptable.

Retail Use/Trade Counters

The proposal includes shop fronts and trade counters to allow the utilisation of the buildings for trade firms such as Screwfix, Howdens or Dulux. Whilst the location of the buildings are not suitable for traditional retail stores, the use for trade counters is considered to be acceptable on this industrial estate. The estate is already occupied by a GAP plant hire, which has a similar set up. The Agent for the application has provided a statement detailing the extent of the retail area of each unit. Furthermore, a floor plan showing the trade counters have been shown. The statement reads the following:

- Proposed to employ 7 full time and 11 part time staff;
- Screwfix Direct Limited comprises a B8 trade counter operation aimed at local builders and related services e.g. plumbers, electricians, facilities departments to large organizations such as offices, hospitals, hotels, schools and prisons.
- Their products are also sold over the internet, via a catalogue, over the telephone as well as over the trade counter, which occupies about 5% of the floor space of a unit, with any individual unit servicing its own local area for each of these methods of purchase.
- In addition to the trade counter, there is a separate customer collection point for registered 'Trade Plus' account holders. This area equates to about 3% of floorspace and is only accessible to registered trades people ordering building products on a regular basis in high quantities. The purpose of the customer collection point is to streamline both their product ordering and collection.
- Whilst the units are advertised, this is predominantly in the trade press and is directed at tradesmen.
- It is by no means unusual for businesses involved in the distribution of goods to include a trade counter, where customers can call personally and buy what they need. The percentage of floorspace to be occupied as a trade counter by virtue of the proposal is small, both in itself and by comparison with the whole of the premises.
- In functional terms the trade counter is entirely reliant on the primary storage and distribution use and could not operate as a separate and independent retail unit.
- Various Local Authorities consider the operation of Screwfix Direct to fall within Use Class B8.

Clearly, the location will be for a specific business type, related to the other uses on the industrial estate and be for retail trade counters only. A suitably worded planning condition is proposed in order to restrict the use accordingly to ensure that general retail uses are not brought into this commercial site.



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Scale, Design and Landscape Impacts

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.

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The buildings fit neatly onto the site, with ample space remaining on the large plot. It is viewed in context with the existing buildings on the site and are of an appropriate scale and design for their function and context.

No information has been provided with regards to landscaping, therefore a suitably worded planning condition is proposed to ensure that this information is received and acceptable for the site.

On this basis, the proposal is unlikely to create any harm to the visual amenity or local landscape in compliance with policies ST1, DM10 and ENV5 of the Local Plan.

Parking and Access

Policy DM22 of the CS and CO7PU of the ELP seek to ensure that all new development includes sufficient access and parking.

The proposal includes the utilisation of the existing access road to the south and east of the site – Joe McBain Avenue, which adjoins the main road running through Moresby Parks. The access has adequate visibility, with no features proposed to block the proposed splays.

The Highways Authority responded that the proposal was acceptable subject to conditions to secure the visibility splays, a construction management plan, detailed car parking and the construction of the highways prior to the first use of the building. Furthermore, as the Applicant did not show any details of disabled parking bays, a condition is included to secure this provision.

As a result of the above, the proposal is considered to accord with these policies within the CS and ELP.

Contributions and Pedestrian Safety

As this application is within the Whitehaven Commercial Park catchment area, developer contributions of £16,455 towards active travel improvements have been requested by the Infrastructure Team. These improvements will consist of a new pedestrians island crossing point on Moresby Parks Road and the repositioning of speed restriction signs also on the Moresby Parks Road. The proposed improvements will create a safe connectivity to and from

Whitehaven Commercial Park in either direction.

The developer has agreed to the level of contribution requested which will be secured via a S278 agreement, separate to the planning process. In order to ensure that this is undertaken, a Grampian style planning condition can be used to secure the infrastructure improvements required.

Drainage

Policy DM24 seeks to protect developments against risks of flooding.

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. The Application Site is not shown to be liable to surface water flooding.

It is proposed to attenuate and then drain surface water to the existing surface water drainage present on the boundary of the site. Calculations to show that the site is impermeable and therefore not suitable for permeable drainage were included within the submitted Drainage Report.

Foul drainage will be connected to the adjacent foul drainage network present on the site boundary.

Details of the drainage have been reviewed and no objections were raised by statutory consultees, however, further information was requested from United Utilities who requested that the three plots are combined to one single connection to allow for a larger orifice to be used in the flow control device, therefore reducing the risk of blockage. A planning condition is therefore proposed to ensure that this information is received and approved prior to the occupation of the building.

On this basis the proposal is considered to comply with Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP. A condition is proposed to ensure that the development is completed consistently with the submitted details.

Planning Balance and Conclusion

This application relates to an existing commercial park which is allocated for employment development. The principle of development is therefore acceptable and this carries significant weight in the planning balance.

The proposal will create additional employment on a commercial site within one of the defined Local Service Centres. This is a benefit that can be afforded some weight in the planning balance.

Although the proposed buildings are large in scale, their scale and massing will be broken up by separation into two blocks and they will form part of a wider commercial site. This will help to limit their visual impact. The buildings are an acceptable design for their function and context.

	<p>The retail use proposed will take the form of a trade counter which will be ancillary to the main use of the buildings as warehouses. This can be controlled by condition.</p> <p>Matters relating to parking, turning, access, drainage and landscaping can all be secured by planning conditions. Improvements to the highway infrastructure to encourage active transport are to be dealt with under a Section 278 Agreement outside the planning process. These improvements can be secured by the use of a Grampian style condition.</p> <p>Overall, the proposed development accords with the policies within the Copeland Local Plan and should be approved.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none"> 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: - <ul style="list-style-type: none"> Application form, received 22nd March 2023; Site Location Plan, scale 1:1250, drawing number GSK0040, received 25th April 2023; Proposed Site Plan, scale 1:1250 and 1:500, drawing number MP-PR-002A, received 22nd March 2023; Proposed Plans, drawing number G-SK002B, received 22nd March 2023; Proposed Elevations, drawing number GSK001C, received 22nd March 2023; Proposed 3D Image, received 22nd March 2023; Preliminary Environmental Appraisal, written by Geo Environmental Engineering, reference GEO 2016-2088, received 22nd March 2023; Proposed Materials, received 22nd March 2023;

Design and Access Statement, written by Paul Jefferson, received 22nd March 2023;
Drainage Report, written by Kingmoor Consulting, reference 23-186r001, received 25th April 2023;

Agent's Statement re. Trade Counters, received 9th August 2023;

Floor Plans showing Trade Counters, scales 1:500 and 1:1250, drawing number MP-PR-002C, received 9th 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



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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.

	<p>10. 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.</p> <p>Reason</p> <p>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.</p> <p>11. 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.</p> <p>Reason</p> <p>To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p> <p>12. 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.</p> <p>Reason</p> <p>In the interests of visual amenity and in accordance with Policy ENV5 of the Copeland Local Plan.</p> <p><u>Other Conditions</u></p> <p>13. 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</p>
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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.

14. 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.

Informatives

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.

Case Officer: Sarah Papaleo

Date : 10/08/2023

Authorising Officer: N.J. Hayhurst

Date : 15/08/2023

Dedicated responses to:- N/A