
**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2240/0F1
2.	Proposed Development:	ERECTION OF ONE BUSINESS/INDUSTRIAL BUILDING TO PROVIDE 4 SELF-CONTAINED UNITS (USE CLASSES B2, B8 AND CLASSES E(G)(I), E(G)(II) AND E(G)(III)), CAR PARKING, ACCESS AND ASSOCIATED WORKS
3.	Location:	LAND AT SNECKYEAT INDUSTRIAL ESTATE, HENSINGHAM, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to the Sneckyeat Industrial Estate, located off Sneckyeat Road in Whitehaven. The Industrial Estate spans to the north and south of Sneckyeat Road and is accessed from Homewood Road to the west. There are residential properties to the west, the West Cumberland Hospital to the south and open fields to the east and north.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the erection of one business/industrial building to provide 4</p>

self-contained units to be utilized for use classes B2, B8, E(G)(I), E(G)(II) and E(G)(III) along with car parking, access and associated works.

The block will be sited to the north of Sneckyeat Road and will cover an area of approximately 822 sq metres containing a total of 4 units. Each unit will have an eaves height of 4.9m and an overall height of 6.54m with a sloping roof. The frontage will have 4 roller shutter vehicle doors and 4 pedestrian doors to provide access. The walls will be painted steel in Merlin Grey with a Kingspan insulated roof panel roof in goosewing grey. Gutters, fascias, verges and rainwater goods will also be coloured grey to match. All doors and windows will be goose grey. There will be a brick plinth at 900mm in height which will be constructed from beige/brown bricks.

Access will remain as existing from Sneckyeat Road and to the private roads within the site. Additional parking will be provided for the units to include a total of 26 bays.

Surface water drainage will be by attenuation and the connected into the existing surface water drainage network. Foul water will go to the existing private foul drainage system within the site.

A similar proposal was approved in May 2021, with this application amending the size of the units to include an increase in height and a square shaped rather than a rectangular footprint.

This application has been submitted in tandem with an application for two buildings on the opposite side of the estate (application reference 4/23/2244/0F1 relates).

RELEVANT PLANNING APPLICATION HISTORY

Workshops (B1, B2 and B8), approved in December 1991, application reference 4/91/0896/0 relates;

Erection of 2.4m high security fence and gates, road widening demolition of 2 existing derelict blocks, erection of CCTV towers, approved in January 2004 (application reference 4/03/1401/0);

Erection of three business/industrial buildings to provide 12 self-contained units (use classes B2, B8 and classes E(G)(I), E(G)(II) and E(G)(III), approved in May 2021 (application reference 4/21/2233/0F1).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

The Environment Agency

No response received.



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United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

CONDITION

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.

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.

Cumbria Highways and the Local Lead Flood Authority

1st Response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood

Authority (LLFA) has reviewed the above planning reference, and I can confirm that we have no objection in principle to the proposed development but would like the following points addressed before a final response can be submitted.

All points below have been taken from proposed site plan (drawing number 22123-PJA-OO-ZZ-DR-A-1203-C).

- To promote safe walking and cycling within the development site the LHA would like to see a continuous footway around the car parks 1-6 outside unit 1. the LHA would like the cycle store to better located away from the footway to eliminate obstruction to all footway users.
- The proposed footway within the access to unit 3/4 shows 4 no cycle hoops to be installed, these cycle hoops need to be installed in an area away from the footway to eliminate obstruction within the footway boundary, this will allow safe passage for all footway users.
- All footways within the development site need to be at least 2 metres in width.
- Within the proposed site plan no detail has been submitted regarding refuse collection points/storage for each unit proposed, the LHA would welcome this detail at this stage of the application.

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.

2nd Response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood

Authority (LLFA) has reviewed the above planning reference, and our findings are detailed below.

Please see below points raised and previous response.

- To promote safe walking and cycling within the development site the LHA would like to see a continuous footway around the car parks 1-6 outside unit 1. the LHA would like the cycle store to better located away from the footway to eliminate obstruction to all footway users.

The above point has been addressed in the information submitted to the Local planning authority (LPA) in October 2023

- The proposed footway within the access to unit 3/4 shows 4 no cycle hoops to be installed, these cycle hoops need to be installed in an area away from the footway to



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eliminate obstruction within the footway boundary, this will allow safe passage for all footway users.

The above point has been addressed in the information submitted to the Local planning authority (LPA) in October 2023

- All footways within the development site need to be at least 2 metres in width.

The above point has not been addressed within the information submitted to the LPA in October 2023 and the footways within the development site are to remain as proposed at 1.5 metres.

The LHA would not recommend refusal on this matter as the footways will remain private and the foot flow traffic will be low, but would recommend that the LPA encourage the applicant to increase the footway width to a minimum of 1.8 metres which will mirror the surrounding footways within the industrial estate.

- Within the proposed site plan no detail has been submitted regarding refuse collection points/storage for each unit proposed, the LHA would welcome this detail at this stage of the application.

The above point has been addressed in the information submitted to the Local planning authority (LPA) in October 2023

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 :

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

Reason: In the interests of highway safety.

Condition 2 :

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:

- 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.

Flood and Coastal Defence Engineer

No response received.

Environmental Health

Further to the above planning application.

A basic desk top study of the proposed site has shown a historical industrial heritage associated with limestone extraction from Overend Quarry until the early 20th century. The quarry was later infilled with made ground materials. The former quarry area extended over a substantial area and most of this land has since been redeveloped for multi-purposes.

As such, whilst the site has the potential to be termed contaminated land, it is understood that the risk of contamination is low, given the commercial end use of the site and its design criteria with concrete and tarmac hard surfaces.

Sneckyeat Industrial Estate is a well-established commercial / industrial site that has not encountered problems associated with historical land contamination.

As such, Environmental Health have no objections to the proposal.

It may be prudent, however, to include the following condition with regard to possible ground contamination if the planning application is approved –

- Land Affected by Contamination – Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where it is necessary a Remediation Scheme, must be submitted to and approved in writing



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by the Local Planning Authority.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Public Representation

The application has been advertised by way of a site notice, press notice and neighbour notification letters issued 79 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

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 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 ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM3 – Safeguarding Employment Areas

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Emerging Copeland Local Plan (ELP):

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

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

Policy DS10PU: Soils, Contamination and Land Stability

Strategic Policy E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

Policy E7PU: Safeguarding of Employment Sites

Strategic Policy CO4PU: Sustainable Travel



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Policy CO5PU: Transport Hierarchy

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

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

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

ASSESSMENT

Principle of Development

Policy ST2 of the CS and DS1PU of the ELP defines the areas of Copeland considered to be suitable for development. Whitehaven is classified as the Borough's Principal Town where the majority of development should take place and employment opportunities are encouraged.

The site is within the defined settlement boundary for Whitehaven and Policy ST2 of the CS and DS3PU of the ELP state that clusters of new business types will be supported. The proposal for further units will be in addition to the existing units on Sneckyeat Industrial Estate, therefore the continuation of the use is acceptable.

A similar development was approved in May 2021, therefore it is considered that a precedent is set.

Growth of Business

Policy ST1, ST2, and ER6 of the CS and DS1PU, DS3PU and E1PU of the ELP seek to facilitate grow of the Borough's local economy. Policy ER7 of the CS and E1PU of the ELP seek to promote the diversification of the Borough's economy by expanding 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 proposed site is located within Sneckyeat Industrial Estate. The proposal seeks permission for the construction of buildings to create four self-contained industrial units. The construction of these buildings will create the opportunity to encourage new businesses into this area and potentially create jobs in the area.

On this basis it is considered that the proposal complies with the policies ST1, ST2, ER6 and

ER7 of the CS, policies DS1PU, DS3PU and E1PU of the ELP and the NPPF.

Impacts of Residential and Visual Amenity

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

Although the proposed buildings are relatively large in scale, they will lie adjacent to a number of large existing industrial units and so will be compatible with the overall industrial estate. The buildings are therefore not considered to adversely impact on the overall area as the development is seen in the context of the existing estate. The proposals are located within the centre of the existing industrial estate therefore the development is well screened, and a significant distance, from any nearby residential properties. No objections have been received from any nearby properties in relation to this proposal.

On the basis of the above it is considered that the proposal complies with ST1 and DM10 of the CS, 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 requires 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 existing open spaces within the industrial estate without the loss of any parking or negative effect on the local highway. The development will create additional units within the estate and will utilise the existing access. Cumbria Highways raised no objections to the principle of the development, however requested that the pavements, cycle parking and refuse collection areas improved.

On receipt of this information, no further objections were raised, subject to conditions to require the highways to be brought into use prior to the first use of the units and that a construction management plan be provided.

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

Drainage

Policy ST1B(ii) of the CS and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure



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that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan and CO8PU of the Emerging Local Plan reinforces the focus of protecting development against flood risk.

The site is located within Flood Zone 1 with a low chance of flooding. The Applicant has stated that drainage will be on separate systems with new foul drains will be connected to the existing private network within the estate. Surface water will be attenuated before being released into the existing surface water drainage network at a controlled rate.

Parking areas should be surfaced in a permeable material to allow for water to soak through and be filtered prior to entering the network. United Utilities requested a full surface water drainage scheme and that drainage be secured on separate systems, which has been submitted by the Applicant. The Applicant has been made aware that permission will be required from United Utilities for access to their network, but the information submitted is considered to be sufficient for the purposes of planning.

The proposal is therefore considered to comply with policies ST1, ENV3 and DM24 of the Copeland Local Plan, Policy CO8PU of the ELP and provisions of the NPPF.

Ground Conditions

Policies ST1 of the CS and DS10PU of the ELP ensure that land is suitable for development and does not pose a contamination risk either onsite or elsewhere.

The submitted basic desk top study of the proposed site has shown a historical industrial heritage associated with limestone extraction from Overend Quarry until the early 20th Century. The quarry was later infilled with made ground materials. The former quarry area extended over a substantial area and most of this land has since been redeveloped for multi-purposes.

As such, whilst the site has the potential to be termed contaminated land, it is understood that the risk of contamination is low, given the commercial end use of the site and its design criteria with concrete and tarmac hard surfaces.

A cautionary planning condition requiring the reporting of any contamination found has been advised. This will ensure that any risk is dealt with swiftly and in the correct manner.

Planning Balance and Conclusion

The proposal will expand the existing industrial estate allowing for the retention and creation of new businesses without causing any significant impacts on any surrounding properties. The highways network is unlikely to be negatively affected and the road system within the site has been designed satisfactorily. These points are considered to carry significant weight within the planning balance.

A drainage strategy was submitted with the application and outcomes are considered to be acceptable, with a recommendation that the Applicant discuss any required permissions with

	<p>United Utilities prior to the commencement of development. A full drainage plan is considered to be required for approval, prior to the operation of the site.</p> <p>There have been no objections to the proposal.</p> <p>Overall this is considered to be an acceptable form of sustainable development which accords with the policies within the adopted Local Plan and the guidance set out in the NPPF.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</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 23rd August 2023; Site Location Plan, scale 1:2500, received 23rd August 2023; Proposed Site Plan, scale 1:200, drawing number 22123-PJA-00-ZZ-DR-A-1203-D, received 16th November 2023; Fire Strategy Plan, scale 1:200, drawing number 22123-PJA-00-ZZ-DR-A-1206-A, received 23rd August 2023; Plan and Elevations, scale 1:100, drawing number 22123-PJA-B3-ZZ-DR-A-3000-C, received 23rd August 2023; Roof Plan and Sections, scale 1:100, drawing number 22123-PJA-B3-ZZ-DR-A-3001-B, received 23rd August 2023; Drainage Strategy Report, drawing number 2022.262, received 23rd August 2023; Design and Access Statement, received 23rd August 2023. <p>Reason</p>



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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. Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) must be 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. Prior to the commencement of the units 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 must 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;

(vi) Permeable material for the surfaced car parking.

The approved schemes must 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 in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Prior to Occupation Condition

5. No Units must be occupied until the estate road including footways and cycleways to serve such Units has been constructed in all respects and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

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

Other Conditions

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing



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immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where it is necessary a Remediation Scheme, must be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy ST1 of the Copeland Local Plan.

Informative Notes

1. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with United Utilities at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.
2. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.
3. It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.
4. Should any unexpected ground conditions, which could indicate the presence of land contamination (for example unusual colours, odours, liquids or waste materials) be encountered during development work should halt and the Council be notified to agree on the appropriate action.
5. 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>

	<p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: Sarah Papaleo	Date : 07/12/2023
Authorising Officer: N.J. Hayhurst	Date : 12/12/2023
Dedicated responses to:- N/A	