

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2415/0F1
2.	<b>Proposed Development:</b>	EXTENSION AND NEW PITCHED ROOF COVERING TO EXISTING SINGLE INDUSTRIAL BUILDING WITH NEW EXTERNAL CLADDING AND INTERNAL ALTERATIONS TO PROVIDE NO. 3 UNITS
3.	<b>Location:</b>	UNIT B6, HAVERIGG INDUSTRIAL ESTATE, HAVERIGG
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	<b>Publicity Representations &amp; Policy</b>	See report.
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to Unit B6, located on the Old Tannery Industrial Estate in Haverigg. The building is located to the Southwest of the industrial site, approx. 110m West along Moor Road from the main eastern entrance.</p> <p>The existing building is currently used as a vehicle repair workshop/garage, and has two parts. The first being a single storey mono pitch profile structure with a single access door to the left of the front elevation. The second is a pitched roof gable profile structure which is stepped back by approx. 925mm.</p> <p>A larger metal roller shutter allows vehicular access into the workshop as and when required.</p> <p>Both structures are built from concrete blocks and roofed with asbestos panels with a steel frame structure internally.</p> <p><b>PROPOSAL</b></p>

Planning Permission is sought for the construction of an extension to the existing industrial unit with internal alterations to provide 3x industrial units, with the installation of a new roof covering.

The proposed extension will extend 5m in length to the East and 8.5m in width to the North and has been designed to remove the existing monopitch and pitched roof and replace these with one pitched roof throughout. The eaves height would be increased nominally to match the existing unit behind (to the West) and the ridge height would increase due to a new 25-degree roof pitch also matching the general shape and profile of the existing unit to the West.

Each of the three units will be identical internally, consisting each of a large central workshop area with car lift and work bench, with a small kitchen area and W/C.

The external construction would be constructed of blockwork to match the majority of the other units with a metal boxed profile sheet cladding applied to the exterior walls and the roof to improve the overall aesthetic qualities of the overall building. Three roller shutter doors will be installed on the front elevation to each new unit to allow for access.

#### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this site.

#### **CONSULTATION RESPONSES**

##### Millom Town Council

No objections.

##### Highways & Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

##### Natural England

No response received.

##### Cumberland Council Environmental Health

There are no objections to this proposed development from Environmental Health.

The site falls within a larger footprint of land that encompassed the former Haverigg Tannery that was active from the 1930s until 1979.

This industrial legacy, together with its current use as an industrial estate, mark out the land as being potentially contaminated by virtue of Part 2A Environmental Protection Act 1990.



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The proposed works will require limited ground works, however, with a solid internal floor finish that will act as an effective barrier against a possible pathway of ground contamination to the end users.

Provided that construction workers use appropriate PPE against any dermal contact and inhalation of fine dusts, we would view the works as low risk and request that a condition for unexpected contamination is applied to any planning approval.

To mitigate against any noise disturbance to local residential amenity during the construction phase, Planners may also wish to limit the construction working hours.

The following conditions are therefore suggested:

### **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 remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the 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.

### **Noise from Construction Works**

Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours. Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Cumberland Council Ecologist –

### **Breeding Birds**

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present on the roof tops. If

active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

### **Natterjack toads**

In the unlikely event a natterjack toad is seen on site (clear pale-yellow stripe down their back) works must cease and a suitably experienced ecologist contacted for advice as to how to proceed.

### Public Representation

The application has been advertised by way of site notice. No objections have been received as a result of this consultation.

## **PLANNING POLICY**

Planning law requires that 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 2021 - 2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council. The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001- 2016.

The following policies are relevant to this proposal:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy E1: Economic Growth



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Strategic Policy E2: Location of employment

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

### **Other material planning considerations**

National Planning Policy Framework (2024)

National Planning Practice Guidance (NPPG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, the growth of business, scale, design and potential impact on the area, contamination and ecology and biodiversity net gain.

#### **Principle of Development**

Strategic Policies DS1 and DS2 of Copeland Local Plan seek to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy.

Haverigg is identified as a Local service centre within the settlement hierarchy. The focus is to support the retention and small-scale growth of existing services and businesses. Development will be focussed on existing employment allocations, moderate housing allocations, windfall and infill development.

The site is located within the settlement boundary of Haverigg, where opportunities for new employment provisions will be provided through conversions/re use of existing buildings or completion of sites already allocated.

The site is located within an existing industrial estate and it will expand an existing building, therefore the principle of development is considered to be acceptable.

#### **Growth of Business**

Strategic Policy E1 states that the economy of Copeland will be strengthened and broadened to provide a diverse range of employment and economic opportunities that will attract new key industries and provide the flexibility to accommodate existing businesses and new initiatives.

Strategic Policy E2 seeks to support proposals for employment development (i.e B2, B8 and E(g) uses) where they provide the type and scale of development that is appropriate for its settlement, and are located on allocated employment sites or existing employment land through the reuse or redevelopment of existing premises.

The NPPF also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

The application site is located on an existing industrial estate and proposes that the purpose of the extension is to make better use of the current building by extending it to provide flexibility to allow for two additional industrial units to be made available to the general public for rent with the potential to create more jobs, with one being retained by the client, which is currently used as a vehicle repair workshop/garage. The use class of a vehicle repair workshop is considered to be B2.

The proposal is therefore considered to comply with Strategic Policy E1 and E2 of the Copeland Local Plan and provisions of the NPPF in this regard.

### **Scale, Design and Impact of Development**

Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards and maintain high levels of amenity.

The 8.5x11m existing building is currently used as a vehicle repair workshop/garage, and has two parts. The first being a single storey mono pitch profile structure with a single access door to the left of the front elevation. The second is a pitched roof gable profile structure which is stepped back by approx. 925mm.

The proposed extension will extend the building by 5m in length to the East and 8.5m in width to the North and has been designed to remove the existing monopitch and pitched roof and replace these with one pitched roof throughout. The eaves height would be increased nominally to match the existing unit behind (to the West) and the ridge height would increase due to a new 25-degree roof pitch also matching the general shape and profile of the existing unit to the West.

Each of the three units will be identical internally, consisting each of a large central workshop area with car lift and work bench, with a small kitchen area and W/C. Each unit will have a new roller shutter door on the external elevation for access. The proposed extension is relatively modest in scale, and it is therefore not considered to adversely impact on the overall area.

The external construction would be blockwork to match the majority of the other units with a grey metal boxed profile sheet cladding applied to improve the overall aesthetic qualities of the overall building. The roof consists of grey metal boxed profile panels with 6 clear plastic sheets at intervals throughout to allow for natural light. The design is in keeping with the character of the existing building and surrounding buildings on the industrial estate; therefore it does not appear excessively prominent within the locality.

Despite being located on the edge of the industrial estate, it is viewed in the wider context of the site.

The Council's Environmental Health Officer has advised that to mitigate against any noise disturbance to local residential amenity during the construction phase, a limitation to the



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construction working hours may be appropriate. Given that the site is already an established industrial estate with other extensions having already been carried out without the same restriction to construction hours, and the fact that the proposal is approx. 62m away from the closest residential dwellings at Willowside Park, it is not considered necessary to include this condition within the approval on this occasion.

The materials proposed are typical of the overall industrial estate and are therefore considered appropriate for their use.

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 Policy DS4 of the Copeland Local Plan.

### **Contamination**

Policy DS8 ensures that The Council works proactively with developers and other partners to identify opportunities to remediate contaminated sites.

The site falls within a larger footprint of land that encompassed the former Haverigg Tannery that was active from the 1930s until 1979. This industrial legacy, together with its current use as an industrial estate, mark out the land as being potentially contaminated by virtue of Part 2A Environmental Protection Act 1990.

The proposed works will require limited ground works, with a solid internal floor finish that will act as an effective barrier against a possible pathway of ground contamination to the end users. Provided that construction workers use appropriate PPE against any dermal contact and inhalation of fine dusts, Environmental Health would view the works as low risk.

Whilst The Council's Environmental Health Officer has no objections to the proposal in principle, they have recommended an appropriately worded planning condition attached to the approval which mitigates against unexpected contamination if found.

On the basis of the above, the proposal satisfies Policy DS8 of the Copeland Local Plan.

### **Ecology and Biodiversity Net Gain**

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy. Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than

	<p>there was before the development.</p> <p>Some developments are however except from these BNG requirements. In this instance the development is considered exempt from BNG despite its size, as the existing site and its surroundings comprise of an existing industrial estate. The existing habitat is urban with large warehouse/industrial buildings and no grassland to disrupt. The existing surfacing within the application site is concrete and therefore the development will not impact upon any existing habitat.</p> <p>The site is identified as a potential area for Natterjack toads. The application is not supported by any ecology details as the site is located on an existing industrial estate. On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application, however, in the unlikely event a natterjack toad is seen on site (clear pale-yellow stripe down their back) works must cease and a suitably experienced ecologist contacted for advice as to how to proceed.</p> <p>The Councils Ecologist has also recommended that works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present on the roof tops. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.</p> <p>On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><b>Planning Balance and Conclusion</b></p> <p>The retrospective application relates to an existing building on Haverigg Industrial Estate. The proposed extension of the building is of an appropriate scale and design and it will not have any detrimental impact on the amenity of the application site or wider area.</p> <p>The proposal also retains the location of this current employment site, and supports the opportunity for new business and has the potential to create jobs within the area in future.</p> <p>The proposal is not supported by any ecology details and is exempt from BNG.</p> <p>Overall, the proposal represents an acceptable form of development and it is considered to accord with the policies set out within the adopted Copeland Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>



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9.	<p><b>Conditions:</b></p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>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: -</p> <ul style="list-style-type: none"><li>- Application Form, received 8<sup>th</sup> December 2025;</li><li>- Site Location Plan, scale 1:1250, drawing 25-37-P-L, received 8<sup>th</sup> December 2025;</li><li>- Site Block Plan, scale 1:500, drawing 25-37-P-L, received 8<sup>th</sup> December 2025;</li><li>- Proposed Site Plan, scale 1:200, drawing 25-37-P-01, received 8<sup>th</sup> December 2025;</li><li>- Existing Plans, scale 1:100, drawing 25-37-P-02, received 8<sup>th</sup> December 2025;</li><li>- Existing Elevations, scale 1:100, drawing 25-37-P-03, received 8<sup>th</sup> December 2025;</li><li>- Existing 3D Sketches, drawing 25-37-P-04, received 8<sup>th</sup> December 2025;</li><li>- Proposed Plans, scale 1:100, drawing 25-37-P-05, received 8<sup>th</sup> December 2025;</li><li>- Proposed Elevations, scale 1:100, drawing 25-37-P-06, received 8<sup>th</sup> December 2025;</li><li>- Proposed 3D Sketches, drawing 25-37-P-07, received 8<sup>th</sup> December 2025;</li><li>- Ecology Assessment report 1125/6, received 8<sup>th</sup> December 2025;</li><li>- BNG Exemption Statement, received 8<sup>th</sup> December 2025;</li><li>- Design and Access Statement, received 8<sup>th</sup> December 2025;</li></ul> <p>Reason</p> <p>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.</p> <p>3. 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</p>

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

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the 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.

### **Informative Notes**

#### **Breeding Birds**

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present on the roof tops. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

#### **Natterjack toads**

In the unlikely event a natterjack toad is seen on site (clear pale-yellow stripe down their back) works must cease and a suitably experienced ecologist contacted for advice as to how to proceed.

#### **Biodiversity Net Gain – Exemption Applies**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.



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The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions: Development subject to the de minimis exemption.

**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: Demi Crawford**

**Date : 30/01/2026**

**Authorising Officer: N.J. Hayhurst**

**Date : 02/02/2026**

**Dedicated responses to:- N/A**