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31 March 2021

Copeland Borough Council  
Development Control  
The Copeland  
Whitehaven  
Cumbria  
CA28 7SJ

**via Planning Portal only**

Dear Sir/Madam

**APPLICATION FOR FLEXIBLE USE PLANNING PERMISISON TO ALLOW CLASSES B2, B8 AND E(g (ii and iii)) AT THE FORMER CUMBRIA STEELSTOCK UNIT, WILLIAM PIT INDUSTRIAL ESTATE, WHITEHAVEN, CA28 6AU**

On behalf of Franklin Steel ('the Applicant') Avison Young have submitted a planning application for planning permission to allow flexible use of the above premises at William Pit Industrial Estate, Whitehaven ('the site') within Classes B2 (general Industrial), B8 (storage/distribution) and E(g (ii and iii)) (commercial, business and service).

To maximise the potential use and viability of the site the application is for a flexible use to allow for provisions made in the Town and Country Planning (General Permitted Development) Order 1995 Part 3 Class V. This allows for the building to alternate between specified uses for a period of ten years from the date of the permission, whichever use is in place after ten years will then remain fixed.

To clarify, the application seeks the retention of the existing use of the building Class B2 / B8 use while seeking appropriate flexibility by introducing E(g (ii and iii)) Uses. Given that the unit is currently vacant this flexibility will help increase the market attractiveness of the unit to a wider range of potential occupants and provide greater flexibility for tenants to meet any future changes in their operational requirements. In so doing ensuring the continued viability of the unit and the vitality of the wider William Pit Industrial Estate.

**Supporting Documents**

To assist Copeland Borough Council in their consideration of the application, the following documents have been submitted:

- Site location Plan

This letter also acts as a Design and Access Statement for the purposes of meeting validation requirements.

Included below is the following information:

- The Site and Surroundings
- Planning History
- The Proposal
- Planning Policy
- Planning Considerations

### **The Site and Surroundings**

The site (Figure 1) is situated at William Pitt Industrial Estate, Whitehaven, north of Whitehaven Marina and the town centre in a mixed-use area. Whitehaven train station is located approximately 250m to the south. The site is bound to the west by a railway line with the Irish Sea beyond and by a c.10m tall sheer crag immediately to the east.



**Figure 1: The application site**

The site occupies an elevated position and comprises a detached, high bay industrial workshop of steel frame construction with corrugated steel cladding. The total Gross Internal Area (GIA) of the unit is 10,075sqft (935.87sqm). The schedule of accommodation is as follows:

Ground Floor		
Main Unit	8,818sqft	819sqm
Offices/Reception	876sqft	81sqm
First Floor		
Offices/Stores/canteen	380sqft	35sqm

The site has been operated by a steel fabricator company for almost 30 years but due to changing operational and business requirements the site is currently vacant and has been marketed since October 2019.

## Planning History

A search of Copeland Council's online Planning records has revealed the following record:

Application Reference: 4/94/0007/0	
Application Type	Full Planning Permission
Description	Demolition of existing steel, stockholding/distribution unit and replace with, new larger unit.
Decision	Approved
Decision Date	3 March 1994

No further information regarding the application is available electronically and due to Covid-19 restrictions at the time of writing, paper copies of the council's records were unavailable for viewing. Consequently, Avison Young have not been able to determine if the planning application and permission documents referred to a specific Use Class for the unit. Given the description of development it is assumed that the current Use Class for the unit is likely to include B8 (Storage and Distribution) and B2 (General Industrial) use given that the previous occupants also undertook steel fabrication activities at the site, including fabrication of steel frames, welding and cutting of steel.

## The Proposal

The description of development is as follows:

*"Allow flexible uses within Classes B2 (general industrial); and/or B8 (storage/distribution) and E(g(ii) and iii)) (commercial, business and service)."*

For clarity, in September 2020 the Government introduced amendments to the Use Class Order<sup>1</sup>. The amendments included the introduction of a new Use Class E which incorporates the former use classes; A1 (shops), A2 (financial and professional), A3 (restaurants and cafes), B1 (business) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure).

<sup>1</sup> The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

With specific relevance to this application the former Use Class “B1” (Business) was revoked and replaced with the new Class E(g). This is defined as:

*Use Class E(g) – Commercial, Business and Service*

*(i) an office to carry out any operational or administrative functions, (Offices – formerly use class B1(a))*

*(ii) the research and development of products or processes, or (formerly use class B1(b))*

*(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial – formerly use class B1(c))*

This application seeks the change of use with specific reference to uses defined under Use Class E(g (ii and iii)) i.e. research and development uses (formerly Use B1(b)) and light industrial processes (formerly Use B(c)). Any office use at the site would simply be ancillary to the main operation.

We can confirm that the proposal does not involve any physical alterations to the premises or an increase in the floorspace. In addition, no change to the existing forecourt arrangements (servicing/parking areas) is proposed.

## **Planning Policy**

### *National Planning Policy Framework*

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve sustainable development the planning system has three objectives: economic, social and environmental (paragraph 8).

Paragraph 8 defines the economic objective of the planning system is to “help to *build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating development requirements, including the provision of infrastructure*”.

So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). In respect of decision taking, this means “*Approving development proposals that accord with an up-to-date development plan without delay*” or where there are no relevant development plan policies, or the relevant policies are out of date granting permission unless:

- I. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.  
(paragraph 11)

Section 6 of the NPPF focuses on how the planning system can assist in building a strong, competitive economy. Paragraph 80 states that:

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future..." (emphasis added)*

Paragraph 81 also requires Planning policies to be *"flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances."*

#### *Development Plan for Copeland*

The statutory development plan for Copeland comprises of the Core Strategy and Development Management Policies Development Plan Document (adopted 2013) ("CSDMP") and the remaining 'saved' policies of the Copeland Local Plan 2001-2016 (adopted 2006) ("2006 Local Plan").

In addition, the Council have also commenced the production of a new Local Plan which, when adopted will replace the CSDMP and remaining policies of the 2006 Local Plan. The latest version of the new Local Plan is the 'Copeland Local Plan 2017-2035 Preferred Options Draft (September 2020)' ("emerging Plan").

Following a review of the Development Plan, the following policies have been identified as being of relevance to the development proposals:

- **2006 Local Plan Policy EMP 4: Extension of an existing employment use**

*Proposals for the extension of an existing employment use which meet the requirements of other plan policies will be approved.*

- **CSDM Policy ST2: Spatial Development Strategy**

*Sets out that development in the Borough with should be distributed in accordance with:*

- A) Growth: providing for and facilitating growth in the local economy; and*
- B) Concentration: development will be located in the Borough's settlements at an appropriate scale, within defined settlement boundaries, in accordance with the Borough's settlement hierarchy; and*
- C) Restricting development outside the defined settlement boundaries to that which has a proven requirement for such a location.*

- **CSDM Policy ER6 – Location of Employment**

*A) Employment development will be supported in Whitehaven and Key Service Centres*

*B) Outside Whitehaven, the Key Service Centres, and the allocated sites, smaller scale economic development proposals will be considered on their merits, with the following matters being particularly important:*

- The Core Strategy Copeland Local Plan 2013-2028: Adopted Core Strategy and Development Management Policies Page 42*

- justification for rural location
- transport impact
- vulnerability to flooding
- impact on residential amenity and
- impact on landscape character, settlement character and biodiversity

• **Emerging Policy E2PO: Location of Employment**

*Proposals for economic development opportunities will be supported where they*

- Provide the type and scale of development that is appropriate for its settlement; and are
- Located on allocated employment sites and existing employment land either through the reuse or redevelopment of existing premises and where appropriate intensification of uses; or
- Located on land identified as areas for economic growth.

*Where the following impacts occur, development will only be supported where the mitigation measures proposed are deemed by the Council to make the development acceptable.*

- Transport impact
- Vulnerability to flooding
- Impact on residential amenity
- Impact on the landscape character, settlement character and biodiversity

*Applications for economic development outside of the Borough's towns and local service centres must be supported by a written statement justifying its rural location to the satisfaction of the Council.*

**Planning Considerations**

The planning considerations arising from the above review of planning policy are set out below.

*Principle of Development*

The proposal seeks to retain the previous planning permission and existing use of the site, i.e. for Class B2 and B8 as well as allowing flexibility by introducing Class E(g(ii and iii)) Use as part of flexible use planning permission. The purpose of the proposal is to assist the owner with marketing and ongoing management of the premises to ensure that the unit retains its commercial viability.

The current economic environment has highlighted the importance for businesses to be able to adapt and change rapidly to market requirements. In seeking flexible use the application therefore not only seeks to widen the attractiveness of the unit to new occupants but also enable future occupants to adapt to changing operational needs without needing to relocate. In this regard we highlight the NPPFs assertion that *Planning decisions should: "help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should... address the challenges of the future..."* (paragraph 80).



Overall, the proposal continues to generate jobs and contributes to economic growth in an established employment site. As such the proposal is acceptable in principle and accords with national policy, 2006 Local Plan Policy EMP 4 and Emerging Policy E2PO.

#### *Flexible Permission*

In order to allow for approximate flexibility for future management and occupation, it is considered that a flexible permission for uses within Classes B2 and/or B8 and/or E(g(ii and iii)) are the most appropriate for the size and design of the unit and its location.

In this regard, Part 3, Class V of the General Permitted Development Order 2015 is explicit in allowing for change of use of a building or other land from a use permitted by planning permission granted to another use which that permission would have specifically authorised when it was granted. If one is implemented, any other use also permitted at the same time may be substituted within a 10-year period.

#### *Local and Transport Network and Access/Servicing*

There are no proposed alterations to the existing access, servicing or parking arrangements that have been in place since c.1994.

The proposed E(g(ii and iii)) uses are compatible with the previously permitted B2 and B8 operations and are therefore likely to generate similar levels of traffic. No increase in floorspace is proposed therefore, widening permission to include these uses would not generate additional trip numbers above those under the current B2 / B8 Use and as such will not result in any significant highways impact. Rather, given the sites previous operation for the storage and distribution of fabricated steel, it is considered likely that the alternative E(g (ii and iii)) uses would have a resultant beneficial impact in local highways terms in reducing the number and frequency of heavy goods vehicles servicing the unit.

It is considered that the proposals to widen potential uses at the site to include E(g (ii and iii)) will not generate any significant or severe highways impacts when compared to the currently permitted B8 (storage and distribution)/B2 (general industrial) use of the site. No increase in floorspace is proposed and E(g (ii and iii)) uses are broadly comparable functions. Therefore, widening permission to include these uses would not generate significant trip numbers or result in any severe impact on the road network or on the transport network, thereby satisfying the requirements of CSDM Policy ER6.

#### *Flood Risk*

With regards to risk of flooding, the site is in flood zone 1 and therefore at low risk of flooding. The proposals require no changes to the existing drainage system utilised. No additional floorspace is proposed and as comparable functions Class E(g(ii and iii)) Uses are unlikely to place additional strain on the existing system.

As such the proposals will not result in increased risk of flooding on the site or elsewhere and so are in accordance with CSDM Policy ER6.

#### *Neighbouring Amenity*

With regards to neighbouring amenity, the closest sensitive receptor is a residential dwelling c. 73m to the north of the site. Further residential dwellings are located approximately 250m to the east on Bransty Road but due to local geographical features (i.e. immediately adjacent crag) are also c.10 metres above the site. Given the extent of physical separation these properties are unlikely to be disturbed by current or future operations at the site.

No external alterations to the building or increase in floorspace are proposed, as such there will be no visual change to the building and as such no resulting impact on its surroundings or local character.

It is considered that the alternative E(g(ii and iii)) uses may have lesser impact than current activities as a steel distributor in terms of noise, vibration and odour nuisance due to the nature of these uses. Especially as we are aware the previous use included B2 activities including the fabrication of steel structures until recently. Accordingly, it is considered unlikely that adverse impacts will arise from the proposed range uses sought for the building. Given the size of the unit it is also considered that any future operations will be of a moderate scale.

Overall, it is considered that the proposals are in accordance with CSDM Policy ER6 with regards to protecting residential amenity.

#### *Design*

The development proposals entail no external alterations to the fabric or appearance of the building, and no additional floorspace is to be created. Furthermore, no amendments to the existing forecourt arrangements (servicing/parking areas) is proposed.

As such there is no material change to the design or layout of the current building, the application simply seeks to widen functions permissible.

#### **Conclusion**

The proposal is consistent with the longstanding use of the site in terms of its role and function as an employment area. The proposed introduction of Class E(g(ii and iii)) operations, used in conjunction with the existing B8 use, is justified in planning terms, and is in accordance with National Policy and the current and emerging Development Plan's strategic objective of securing employment and strengthening the local economy.

The proposals seek to widen acceptable uses at the site by including comparable functions in Use Classes E(g(ii and iii)) to that currently permitted and will result in no external alteration to the building. It is considered there will be no demonstrable harm to neighbouring amenity,



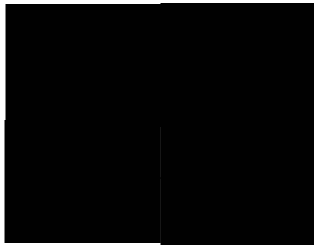


resultant severe highways impact or increased flood risk. The proposal will result in planning benefits, with greater flexibility to accommodate a range of operators, thus ensuring the continued operation of a successful industrial site.

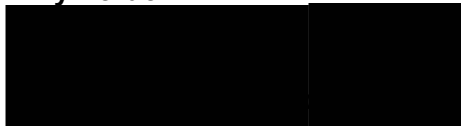
### **Next Steps and Contact**

We look forward to discussing the details of this development proposal with the Council. Should you have queries or wish to discuss any aspect of the application please feel free to contact me using the details provided below.

Yours faithfully



**Amy Hordon**



**For and on behalf of Avison Young (UK) Limited**