

**UNIT 2, JOE MCBAIN
AVENUE, WHITEHAVEN
COMMERCIAL PARK,
WHITEHAVEN, CA28 8EA**

PLANNING STATEMENT

September 2020
On behalf of GAP Group

Carter Jonas

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1.0 INTRODUCTION

- 1.01 This application seeks full planning permission for the regularisation of the land outlined in red on the accompanying location plan, along with all associated activities and structures, to be used for the existing operations on site (including fencing and external lighting). The building known as 'Unit 2' on the western side of the site is used as a workshop, store, ancillary office space and staff welfare facilities whilst the yard immediately to the east of Unit 2 (which is within the western part of the site) is used for outdoor storage in connection with the plant and tool hire business. The eastern side of the yard, further afield from Unit 2, is used for the storage and hire of non-mechanical equipment, welfare equipment, lifting equipment and some plant and tool equipment. The application also seeks a proposed eastward expansion of the existing eastern yard.
- 1.02 This application seeks full (part retrospective) planning permission for the following:
- The use of the western part of the site as a storage yard in association with hire of plant and tool equipment (including the use of the building known as 'Unit 2' as a workshop, store and ancillary office with associated staff welfare facilities) (and regularisation of all associated activities and structures on site) (retrospective);
 - The use of the eastern part of the site as a storage yard in association with hire of non-mechanical equipment, welfare equipment, lifting equipment and some plant and tool equipment and regularisation of all associated activities and structures on site (retrospective);
 - All existing activities and structures associated with the operation of the site including fencing, external lighting, wash bay and disposal point (retrospective);
 - Proposed eastward expansion of the existing eastern storage yard to be used in association with storage and hire of non-mechanical equipment, welfare equipment, lifting equipment and some plant and tool equipment (at present the land designated for the expansion has just been scraped but hard core will have to be laid in future). The additional eastern yard hardcore area will measure 791m².
 - Standard operating hours of 07:30 – 18:00 weekdays.
 - In addition to the standard hours of operation there will be a maximum of 12 events a year when operations will be required outside of standard operating hours. Neighbouring residents and the Council will be given at least once months' notice of such out of hours events including by letter drop.
 - The site is utilising the two means of access approved under reserved matters ref 4/94/0339/O.
- 1.03 The applicant considers that some of GAP's operations should have been classified as a 'B' Use Class (as has been accepted by several other Council's in the country and as noted in more detail later in this report) but has agreed to apply for a Sui Generis Use Class in the interest of working with the Council. It should be noted that since September 2020 some of the B Use Classes have effectively been replaced with Class E(g).

2.0 THE SITE AND SURROUNDINGS

- 2.01 The application site, which measures 0.66ha in total, is located on the northern side of John McBain Avenue, within the Whitehaven Commercial Park, and currently consists of one industrial unit, which is located on the western side of the site, and an associated yard on the eastern side of the site. As shown on the accompanying 'Site Plan Ownership and Lease Areas' Plan GAP lease the western part of the site from different owners on whom the relevant certificates have been served. Gap own the eastern part of the site, including the rough land to the far east which is proposed to be used for the expansion of the eastern storage yard.
- 2.02 All of the application site is located within the Settlement Boundary for Moresby Parks as defined in the Copeland Local Plan 2013-2029 Proposals Map. According to the Copeland Local Plan (2013-18) Moresby Park is a 'Local Centre'. The eastern side of the site is defined as having a 'Employment Land Allocation' under the same Proposals Map. The western part of the site has an established industrial use following implementation of outline ref 4/91/0222/O and reserved matters ref 4/94/0339/O.
- 2.03 Outline planning permission was granted across the wider site under reference 4/91/0222/O for an 'Industrial Development including Use Classes B1, B2 and B8 and Non-Food Retail sales. The application site falls wholly within the approved area for industrial development approved under ref 4/91/0222/O. On 7th July 1994, a reserved matters application was approved for two units under ref 4/94/0339/O. The reserved matters application granted approval for '2 No. Factory Units for Classes B1, B2 and B8'. One of these two units, known as Unit 2, can be found on the western side of the application site and was approved under ref 4/94/0339/O for B1, B2 or B8 uses. The eastern part of the application site is located within the boundary of ref 4/91/0222/O but is located outside of the boundary for ref 4/94/0339/O.
- 2.04 The western part of the site (0.26ha) is used primarily in connection with the storage and hire of plant and tool. The unit located to the west of the site (Unit 2) is used for the repair of plant and has a hire desk area, manager's office, canteen, staff welfare, and toilets. Unit 2 comprises 712.8m² of floor space which can be broken down as follows:
- Ground floor workshop (inc. storage of plant and equipment) 424.8m²;
 - Ground floor office 144m²;
 - First floor office and staff welfare plus ancillary mezzanine 144m².
- 2.05 The eastern part of the site (0.4ha) is used primarily in connection with the storage and hire of non-mechanical equipment, welfare equipment, lifting equipment and some plant and tool equipment. A wash bay and connecting interceptor can be found in the centre of the site whilst a waste disposal point can be found close to the southern boundary of the site. A waste skip is used for the solids which gather at the bottom of the wash bay, as a result of cleaning machines when they are returned. Commercial bins for normal and recyclable waste are provided next to the back door of Unit 2.
- 2.06 The application site is located within Flood Zone 1 and does not suffer from surface water flooding as defined by the Environment Agency's maps.
- 2.07 The application site is not located in close proximity to any protected sites of biodiversity or geological importance and the application site is not located in close proximity to any designated conservation areas or nationally / locally listed buildings.

3.0 THE PLANNING CONTEXT

3.01 The following saved policies from the Copeland Local Plan 2001-2016 are of relevance:

- Policy EMP1 – Employment Land Allocations
- Policy TSP8 – Parking Requirements

3.02 The following policies from the adopted Copeland Local Plan 2013-2028 (adopted Dec 2013) are of relevance:

Core Strategy Policies

- Policy ST1 – Strategic Development Policies
- Policy ST2 – Spatial Development Strategy
- Policy ER4 – Land and Premises for Economic Development
- Policy ER6 – Location of Employment
- Policy ER11 – Developing Enterprise and Skills
- Policy ENV1 – Flood Risk and Risk Management
- Policy ENV3 – Biodiversity and Geodiversity
- Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies

- Policy DM3 – Safeguarding Employment Areas
- Policy DM10 – Achieving Quality of Place
- Policy DM22 – Accessible Developments
- Policy DM23 – Information and Communications Technology
- Policy DM24 – Development Proposals and Flood Risk
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
- Policy DM26 – Landscaping
- Policy DM28 – Protection of Trees
- The Cumbria Development Design Guide (adopted Nov 2017) also requires consideration.

4.0 PLANNING ASSESSMENT

Principle of Development

- 4.01 Adopted 'Policy ST1- Strategic Development Principles' outlines the fundamental areas of the Local Plan that inform and underpin the Borough's planning policies. The proposal is in accordance with the economic and social sustainability principles of this policy because the scheme will support diversity in jobs and will support the creation of investment in job creation as encouraged by part (ii) of the 'Economic and Social Sustainability' section of Policy ST1. The proposal is also in accordance with the 'Environmental Sustainability' section of Policy ST1 because the site is not at risk of flooding and is located within Flood Zone 1 and will also be in accordance with the section 'Ensure the creation and retention of quality places' because the scheme provides for cyclists
- 4.02 The application site is located within the settlement boundary and so is supported by adopted 'Policy ST2 – Spatial Development Strategy' which states that 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 as set out in Figure 3.2. Figure 3.2 defines Moresby Park as a 'Local Centre' and explains that employment development in such areas should place an emphasis on retention whilst new provision will most likely be provided through conversion/re-use of existing buildings or completion of sites already allocated. The application is in accordance with this policy because it not only seeks to retain the existing Unit 2 on site but also seeks to regularise an associated storage yard that is located in the wider site approved under ref 4/91/0222 for 'Industrial Development' whilst also having an 'Employment Land Allocation' under the current adopted Proposals Map.
- 4.03 Adopted 'Policy ER4 – Land and Premises for Economic Development' states that the council will maintain an adequate supply of land and floorspace for economic development by allocating land for economic development, to allow a flexible response to emerging demand and by safeguarding employment areas. The supporting text to Policy ER4 explains that Whitehaven Commercial Park should be reserved as a valuable resource for local businesses. The current operations by GAP provide employment for 16 employees and the expansion of the yard to the eastern side of the site, is essential for ensuring the long term viability of the business. It is also considered that by allowing this application the Council would be demonstrating a flexible response to demand because a lot of the wider industrial site remains vacant and so the current GAP operation should be encouraged because it is making use of this underutilised industrial space.
- 4.04 Adopted 'Policy ER6 – Location of Employment' explains that 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:
- justification for rural location
 - transport impact
 - vulnerability to flooding
 - impact on residential amenity and
 - impact on landscape character, settlement character and biodiversity.
- 4.05 As explained earlier in this statement the eastern part of the site is located within an allocated employment site and so the provision of a storage yard to support an existing employment use is considered to be in accordance with policy and justification is not required with regard to the list of matters from 'Policy ER6'. The western part of the site, which includes a building known as 'Unit 2', was approved under reference 4/94/0339/O for '2 No. Factory Units for Classes B1, B2 and B8'.

- 4.06 There is some contention as to whether the existing operations at the site are a B Use Class or Sui Generis. It should be noted that many other Councils have considered that GAP's operations fall within the 'B' Use Class (parts of which have been replaced with Class E(g) as of September 2020). The following sites are examples of where Councils have considered that GAP's activities fall within the B Use Class:
- Cornwall Council (ref: PA19/00098) – GAP's operations were determined to be a B1/B8/sui Generis Use;
 - Thurrock Council (ref: 18/01315/FUL) – GAP's operations were determined to be a B8 and Sui Generis Use.
- 4.07 Whilst it can be argued that the existing plant hire operation is either a B Use Class / Class E(g) or Sui Generis what isn't in doubt is that the current plant hire operation is an employment generating use. The whole of the application site is located in an area that originally had outline approval for industrial development (and the western part of the site has detailed reserved matters approval for industrial use) and so the existing use on site is considered to be in accordance with 'Policy ST2 – Spatial Development Strategy' which states that there should be an emphasis on retention. It is therefore considered that neither the western nor eastern sides of the site need to specifically address the list of five criteria from 'Policy ER6'. Notwithstanding this, it is considered that the application site does meet the tests of the five criteria from 'Policy ER6' because the application site is within a settlement boundary and is therefore close to good sources of employment. The adjacent Moresby Parks Road provides good transport links to Whitehaven and the wider area and the site is not vulnerable to flooding being in Flood Zone 1. The only residential development in relatively close proximity to the site is located to the north and is protected by existing, mature vegetation. The accompanying Noise Impact Assessment also demonstrates that the closest dwellings would still benefit from noise levels within the recommended guidelines. Finally, the application site is located within a settlement boundary and so does not represent encroachment into the countryside, especially in light of the fact that there is existing development providing a backdrop to the north and west of the site.

Noise

- 4.08 The application is supported by a Noise Impact Assessment (NIA). It has been confirmed by the Council that no complaints regarding noise from the GAP site have ever been received. The NIA demonstrated that even when GAP were operating from the site noise levels at the nearest residential garden and inside the nearest residential dwellings would remain within the recommended BS 8233 guidelines. The NIA concluded that given that noise levels from the site at the nearest receptors have not caused complaints, are limited to the daytime period only and are low in absolute terms, it is considered that mitigation measures are unwarranted. The NIA also surmised that noise need not be a determining factor in granting planning consent for the ongoing operations at the site.

Employment

- 4.09 The eastern section of the application site is located within defined Employment Land of the current proposals map and forms part of Employment Allocation Site 'EM2'. Saved 'Policy EMP1 – Employment Land Allocations' states that

The designation of land for employment use includes approximately 89ha of land allocated or with planning permission for employment use set out in Table EM2. Within these areas development for or changes of use to the employment uses prescribed in Table EM2 will be permitted provided that the requirements of other plan policies are met.

Table EM2 : Proposed Employment Sites

	Site	Employment land with planning permission (ha)	Employment allocations (EMP1) (h1)	Permitted use
	Strategic Employment Site	12.70		B1, 2, 8
E2	Whitehaven Commercial Park	12.70		B1, 2, 8

- 4.10 'Policy ER11 – Developing Enterprise and Skills' states that the council will work with its partners to promote and develop the skills and employment opportunities of local people by:

A Enhancing inward investment and promoting the diversification of the Borough's economy, working with partners to support new and expanding employment sectors, particularly energy-related and environmental and innovative energy technologies, such as tidal, off shore wind and micro-generation

B Supporting the development of education and training facilities, to encourage people to develop the qualifications and skills that will be attractive to new business and vital for new enterprise

C Supporting the development of commercial units which meet the needs of businesses, encourage start-ups and promote further expansion in order to retain enterprise, jobs and skills within the Borough

- 4.11 The existing plant hire operation provides an important source of investment and employment in the area in accordance with part A of 'Policy ER11'. The site employs 16 people (including young apprentices) and also indirectly supports many other businesses in the area including agency drivers which is encouraged by part C of Policy ER11.
- 4.12 Employees at the site benefit from training opportunities and the potential to gain new qualifications which is again encouraged by 'Policy ER11 (part B)'. GAP is a member of the governments' apprenticeship scheme to help train young people to work at the site.
- 4.13 The proposal is also in accordance with adopted 'Policy DM3 – Safeguarding Employment Areas' because regardless of whether the plant hire operation is classed as a B Use Class or Suis Generis the use is helping to ensure the provision of local employment on a wider site where the lack of inward investment has meant that large areas of the employment area remain undeveloped.

Transport and Parking

- 4.14 Saved 'Policy TSP8 – Parking Requirements' states that all proposals for new development must comply with the parking requirements set out in Appendix 1 of the saved Local Plan. The maximum levels of car parking permitted for new development are:
- Use Class B1: Stand Alone Offices - 1 space per 30 sq. m;
 - Use Class B1: Business Parks - 1 space per 35 sq. m;
 - Use Classes B2 and B8 - 1 space per 45 sq. m for.
- 4.15 The Cumbria Design Guide (2017) Appendix 1 Parking supersedes Policy TSP8 and stipulates the following car parking standards noted in the table below. It should be noted that the figures below are purely guidance and that 'Appendix 1 Parking' to the Cumbria Design Guide states that

'Developments may prove acceptable without offering parking levels as indicated below or prove unacceptable despite offering parking levels equal to or greater than those indicated, depending on the circumstances.'

Table 1: Parking guidance from Cumbria County Council 'Development Design Guide 2017'

Usage Class					
Type of development	Essential Operational Parking	Disabled Parking	Cars	Motorcycles	Pedal Cycles
B1 Business (Office , Light industry, Research & Development)	50m2 of usable service space per 500m2 gross floor area Plus turning space	1 space or number equivalent to 3% of car requirement whichever is greater.	1 space per 25m2 gross floor area	1 space or number equivalent to 5% of car requirement when more than 20 car spaces needed	number equivalent to 10% of car requirement, minimum of 2 spaces
B2 General Industry	50m2 of usable service space per 250m2 gross floor area Plus turning space	1 space or number equivalent to 3% of car requirement whichever is greater	1 space per 50m2 gross floor area	1 space or number equivalent to 5% of car requirement when more than 20 car spaces needed	number equivalent to 10% of car requirement, minimum of 2 spaces
B8 Storage and distribution					
Less than 235m2	50m2 of usable service space per 500m2 gross floor area Plus turning space	1 space or number equivalent to 5% of car requirement whichever is greater	1 space per 25m2 gross floor area	1 space or number equivalent to 5% of car requirement when more than 20 car spaces needed	number equivalent to 10% of car requirement, minimum of 2 spaces
More and 250m2	50m2 of usable service space per 250m2 gross floor area Plus turning space	1 space or number equivalent to 3% of car requirement whichever is greater	1 space per 100m2 gross floor area	1 space or number equivalent to 5% of car requirement when more than 20 car spaces needed	number equivalent to 10% of car requirement, minimum of 2 spaces

- 4.16 The application site makes provision for the parking of 17 cars and the accompanying Transport Statement explains that the current parking provision is considered suitable to meet the operational needs of the Site.

- 4.17 Adopted 'Policy DM22 – Accessible Developments' again reinforces the importance of meeting car parking standards where possible.
- 4.18 Appendix 3 of the 'Cumbria County Council Development Design Guide' states that for 'Other' use classes the requirement for a Transport Statement or Transport Assessment/Travel Plan is '*To be determined on case by case basis by Cumbria County Council.*' The application is supported by a Transport Statement which explains that the trip generation associated with the current use is comparable with that of B1-B2-B8 uses and is readily accommodated within the existing highway network and is therefore deemed acceptable when considering the site's industrial location. The Transport Statement also concludes that the extension of the eastern storage yard would result in an immaterial negligible increase in vehicular traffic in the local and wider road network, estimated as less than 1 two way vehicle movement per hour, on average.
- 4.19 The Transport Statement explains that the site benefits from existing footpaths which are provided alongside the carriageway with the Commercial Park where the Site is located. These footpaths lead to a footpath on Moresby Park Road which connects to the residential area at Moresby Parks (500m to the north of the site) and to industrial and residential areas further south and to the nearest bus stops.
- 4.20 In terms of cycle storage, the existing operations are considered to be in accordance with the guidance contained in the Cumbria Design Guide (2017) because cycle storage space is provided within the building at Unit 2 for employees across the whole site. The cycle storage benefits from being located in a locked and covered facility with employee only access and natural surveillance. The storage of bicycles in Unit 2 also means that employees have easy access to the public highway. In addition to the existing cycle storage facilities the applicants are also proposing that a bicycle stand will be provided at the front of Unit 2 as shown on the accompanying 'Site Plan as Proposed.'
- 4.21 The Site is part of an industrial estate, with roads able to accommodate the manoeuvres of large vehicles, including refuse vehicles. As noted previously in this statement, the site is utilising the two means of access approved under reserved matters ref 4/94/0339/O.

Flood Risk

- 4.22 Adopted 'Policy ENV1 – Flood Risk and Risk Management' states that the Council will ensure that development in the Borough is not prejudiced by flood risk through permitting new build development only on sites located outside areas at risk of flooding and ensuring that new development does not contribute to increased surface water run-off. The application site is in accordance with the aims of Policy ENV1 and adopted 'Policy DM24 – Development Proposals and Flood Risk' because the site is located in Flood Zone 1 and in an area that does not suffer from flood risk. Furthermore, a Flood Risk Assessment is not required because the application site is less than 1 hectare (ha) in area and is located within Flood Zone 1. It should be noted that the surface water in the "leased" area of the site is fed into the mains system, and the surface water in the "owned" section of the site is soak-away as it is a hard core on earth surface (see Site Plan Ownership and Lease Areas).
- 4.23 The foul water from Unit 2 is already directly linked to the mains sewer.

Natural Environment

- 4.24 Adopted 'Policy ENV3 – Biodiversity and Geodiversity' and adopted 'Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species' state that development should incorporate measures to protect and enhance any biodiversity interest.

- 4.25 The application site is not located in close proximity to any protected or designated sites of biodiversity or geological importance. The applicant agrees to the imposition of a planning condition to enhance the biodiversity of the application site by way of the provision of bird boxes.
- 4.26 Adopted 'Policy ENV5 – Protecting and Enhancing the Borough's Landscapes' states that the borough's landscape should be protected. Adopted 'Policy DM26 – Landscaping' explains that all development proposals will be assessed in terms of their potential impact on the landscape. The application site is located within a site that has been designated for employment uses and benefits from permission for industrial development. The expansion of the storage yard at the site is therefore sympathetic to the employment / industrial use on site. Furthermore, the expanded activities in the storage yard are hidden by existing mature vegetation to the north and by existing, approved industrial buildings to the west and so would have no detrimental impact on the landscape of the locality. The use of Unit 2 has no detrimental impact on the landscape.
- 4.27 The extended storage yard is located within the boundary of the outline application approved for industrial development under reference 4/91/0222. The extended yard is therefore located within the confines of an area already approved for industrial development and so there are not considered to be any concerns with regard to impact on mature trees. The proposal is therefore considered to be in accordance with adopted 'Policy DM28 – Protection of Trees'.

Sustainability

- 4.28 The proposal does not seek permission for the erection of any new buildings and so the BREEAM standards referred to in adopted 'Policy DM11 – Sustainable Development Standards' are not considered to be relevant.
- 4.29 The application is supported by a documented titled 'GAP Green Action Plan' which sets out the steps GAP are taking to reduce their carbon footprint and the support GAP provide to their customers to help them reduce theirs too. Some of the measures included within the Green Action Plan are:
- Collaborating with supply chains to develop new products.
 - Reducing gas and electricity kWh/per employee year on year.
 - Reducing annual A4 paper consumption to 1.2m sheets.
 - Reducing the engine sizes of the vehicle fleet.
 - Continuing to recycle rubber tracks and tyres.
 - Continuing to invest in environmentally friendly infrastructure i.e. solar panels and sensor lighting
 - Installing energy efficient LED lighting in all depots across the country.
 - Investing in new products to ensure GAP have the youngest and most environmentally friendly fleet in the industry.
 - Educating drivers on improvements supporting fuel efficient driving.

Other Issues

- 4.30 The proposal is in accordance with adopted 'Policy DM10 – Achieving Quality of Place' because the expansion of the storage yard is in accordance with the character of the site and the immediate and wider setting which is an employment area. The storage yard is largely hidden by existing fencing, mature vegetation and buildings but the applicant is willing to provide additional soft landscaping around the perimeter of the site if required. The physical appearance of the building known as 'Unit 2' has already been accepted by the Council given that it was approved under reserved matters ref: 4/94/0339/O.
- 4.31 The application site is not located in close proximity to any designated or non-designated heritage features and so is not contrary adopted 'Policy DM27 – Built Heritage and Archaeology'.

- 4.32 Adopted 'Policy DM23 – Information and Communications Technology' requires all major new developments to be enabled for Next Generation Access (NGA) Broadband. The site benefits from ADSL Superfast Connect Broadband.

5.0 CONCLUSION

- 5.01 This application seeks to regularise the existing uses on a site along with the expansion of the existing eastern yard. The western part of the site has an established B1-B2-B8 use following implementation of outline ref 4/91/0222/O and reserved matters ref 4/94/0339/O. The eastern side of the site, which was also included in ref 4/91/0222/O, is defined as having a 'Employment Land Allocation' under the Council's Proposals Map.
- 5.02 The operations on site are considered to be a satisfactory use of the site, in accordance with all local and national guidance, for the following reasons:
- The existing business generates significant employment (by way of 16 jobs across the site) and supports existing employment uses in the area. The whole of the application site is located in an area that originally had outline approval for industrial development (and the western part of the site has detailed reserved matters approval for industrial use) and so the existing use on site is considered to be in accordance with 'Policy ST2 – Spatial Development Strategy' which states that there should be an emphasis on retention. The hire operation is compatible with other employment uses in the area given the industrial nature of the existing activities on the commercial park whilst land with an Employment Allocation is considered the most suitable location for this employment generating activity.
 - The application is not seeking permission for any new buildings and the proposal is in keeping with the industrial nature of existing uses and the Employment Land Allocation of the wider area.
 - The proposed expansion of the eastern storage yard will help to ensure the long-term viability of the business.
 - The site benefits from existing footpaths connecting to bus stops which ensures that staff of the site can access the site by alternative modes of transport.
 - The Transport Statement illustrates that the trip generation associated with the current use is comparable with that of the previously approved B1-B2-B8 uses and is readily accommodated within the existing highway network.
 - The application is supported by a Noise Impact Assessment (NIA) which demonstrates that when GAP are operating from the site noise levels at the nearest residential garden and inside the nearest residential dwellings would remain within the recommended BS 8233 guidelines. Furthermore, it has been confirmed by the Council that no complaints regarding noise from the GAP site have ever been received.
 - The site does not operate in the evening or at night during standard hours of operation and so there would be no impact on normal hours of sleep (with the exception of exceptional circumstances when residents would be notified at least one month in advance);
 - The proposal includes ecological mitigation by way of the provision of additional bird boxes at the site.

