

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2423/OF1
2.	<b>Proposed Development:</b>	SITING OF TWO PORTACABINS
3.	<b>Location:</b>	UNIT 3, DEVONSHIRE ROAD INDUSTRIAL ESTATE, MILLOM
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to the land to the right of Unit 3 on Devonshire Road Industrial Estate within Millom. Unit 3 operates as Millom Network Centre (MNC), a charity work and skills centre and the site benefits from an area of hard standing to the side of the existing unit.  <b>PROPOSAL</b>  Retrospective Planning Permission is sought for the siting of two portacabins to be used as classrooms. The portacabin structures measure 3 metres in width and 10 metres in length and they include a flat roof with an overall height of 2.5 metres.  <b>RELEVANT PLANNING APPLICATION HISTORY</b>	

Planning Permission has previously been granted for the change of use of the industrial unit to vocational training facilities (4/12/2042/0F1).

## **CONSULTATION RESPONSES**

### Millom Town Council

No objections.

### Environmental Health

No objections.

### Highway Authority

No objections.

### Lead Local Flood Authority

No objections.

### United Utilities

Standing Advice.

### Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 2 no. properties.

One letter has been received as a result of this consultation which raised the following comments:

- No objections in principle to these portacabins being sited on the land. However, we do have some observations and requests, which have already been expressed to MNC and which may have a bearing on planning consent:
- So far we have not seen any details of the expected increase in quantity and flow of people and traffic occasioned by these portacabins. The present use of Unit 3 for: shared offices, meeting rooms, workshops, skills training and the like is a departure from the building's original purpose, which was for light manufacture. Whilst this change of use is not controversial, having been agreed in previous years, it remains the case that Unit 3 was originally intended for relatively few occupants and the access to it is not great, passing as it does through the Tornado car park. The portacabins will only add to the increase in traffic.
- Currently, Unit 3 has car parking space for 5 vehicles. The 4 car spaces directly opposite where the portacabins are proposed to be sited are on Tornado land and are used by our staff. Even though they are the nearest parking spaces to where the portacabins are proposed, they are not to be considered as generally available for shared use. On the other hand, the portacabins are only taking up a fraction of the spare land next to the Unit 3 building and a usage analysis (in line with planning guidelines) may well require that more

spaces be created by installing a dropped kerb in front of the portacabins and providing a proper hardstanding area for vehicles.

- These portacabins are planned to be sited in close proximity to our factory, which is a noisy environment. We often have factory doors and windows open for ventilation purposes and access; and that will need to continue even when these portacabins are in place. The noise outside the factory building is not hazardous to health, but at the point where the portacabins are, it is certainly very noticeable and incessant. It must be accepted that the portacabins are being sited in an industrial environment where noise is a pre-existing fact of life.

## **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**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy SS4 – Community and Cultural Facilities and Services

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

#### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland

Local Plan 2017-2035 has only limited weight in decision making, but 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 National Planning Policy Framework.

## **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, highway safety and flood risk.

### Principle of Development

The proposed application relates to an industrial estate within Millom and it seeks to retain two portacabins which have been sited on the land to be used as classrooms. Planning Permission has previously been granted for the change of use of the industrial unit to vocational training facilities.

Sections 6 and 8 of the NPPF seeks to promote healthy and safe communities through delivering social, recreational and cultural facilities for community needs. Policies ST1, ST2, SS4 and DM21 of the Copeland Local Plan and Section 6 and 8 of the NPPF seek to encourage the provision and retention of good quality services and facilities, which meet the needs of local communities.

Policies ST2 and ER9 reflects Millom's role as a Key Service Centre within the Borough and encourages service sector provision within the defined boundaries to serve the local communities.

Policy SS4 of the Copeland Local Plan also allows for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

The development will be located to the side of Unit 3 within the Devonshire Road Industrial Estate. The site is located within the settlement boundary of Millom and it will provide enhanced community facilities. The portacabins will provide classroom facilities to enhance capacity and learning provision at the work and skills centre.

On this basis, the proposal represents an appropriate form of development in this location, consistent in principle with the provisions of Policy ST2, ER9, SS4 and DM21 of the Local Plan.

### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure developments are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenity of the surrounding area.

The portacabins will be suitably located to the side of the existing unit and therefore the development will not be excessively prominent within the locality. The scale will be modest and the design will meet the needs of the community centre while respecting the character of the industrial estate. In addition, the proposed materials are considered to be appropriate in this location.

On this basis, the proposal is consider to meet Policy DM10 and the NPPF guidance.

### Residential Amenity

Policy ST1, Policy DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

As there are no residential houses in the vicinity, it is unlikely that the additional portacabin classroom will give rise to any disturbance in the area.

One letter of was received as part of the consultation period, which noted a few observations regarding noise and disturbance. The portacabins are sited in close proximity to an adjacent factory, which is a noisy environment. It is accepted that the portacabins are sited in an existing industrial environment where noise is common and Environmental Health were consulted as part of the application and they raised no objections.

On this basis, the amenities of the adjacent industrial occupants and the character of the area will be maintained and therefore the proposal is considered to comply with Policy DM10 and the NPPF guidance.

### Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

Comments were also received regarding the increase in traffic to the site and the departure from the building's original purpose, which was for light manufacture with a relatively low number of users. Although planning permission has previously been granted for the change of use of the industrial unit to vocational training facilities.

Despite the applications potential to increase traffic flow, the proposal also includes the creation of 10 additional parking spaces to the front of the portacabins and adjacent to the existing parking area. The additional parking has been provided on the additional site plan and the installation can be secured through the use of a planning condition. It is not considered that the proposal will have a material effect on the highway conditions or safety and therefore the Highways Authority raised no objections to the proposal.

In addition, it is likely a dropped kerb will be required and therefore an informative note is included.

On this basis, the proposal is considered to meet Policy DM22 and the standards set out in the Cumbria Development Design Guide.

### Flood Risk

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policy DM24 seeks to protect developments against risks of flooding.

The site falls within flood zone 1 and is surfaced with slate chippings. The LLFA confirmed they had no objections to the proposal, as it will not increase the flood risk on site or elsewhere.

In addition, United Utilities provided standing advice on the means to facilitate sustainable

	<p>development in terms of drainage and water supplies. Following this, additional surface water drainage details were sought from the applicant. The development will satisfy the surface water drainage hierarchy, collecting into water butts to be used on the garden and the excess water will infiltrate into the permeable ground. The proposal will not create a water supply.</p> <p>On balance, the proposal is considered to be acceptable within flood zone 1 and therefore it will comply with Policy DM24 and the NPPG guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The portacabins are of an appropriate scale and design to provide enhanced facilities for the community centre. They will not have any detrimental impact on the amenities of the surrounding area and the proposal would not have an impact on existing highway conditions or flood risk.</p> <p>Overall, the proposal is considered to be an acceptable form of development within the existing industrial estate, which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p> <p>The temporary portacabins are not considered suitable as a permanent form of development and therefore a temporary permission for five years is considered to be reasonable to restrict the long term use of the site.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be for a limited period of five years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the development shall be removed from the site on or before this date and the land restored to its former condition.</li> </ol> <p>Reason</p> <p>The development hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.</p> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</li> </ol> <p>Location Plan, scale 1:1250, received 23<sup>rd</sup> September 2021;  Site Plan, scale 1:500, received 23<sup>rd</sup> September 2021;  Proposed Side Elevation, received 23<sup>rd</sup> September 2021;  Proposed Front Elevation, received 23<sup>rd</sup> September 2021;  Site Plan with Additional Parking, scale 1:500, received 1<sup>st</sup> December 2021.</p>

	<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. The additional parking must be installed within three months of the approval in accordance with the approved Site Plan with Additional Parking plan received by the Local Planning Authority on 1<sup>st</sup> December 2021. The parking must be maintained as such at all times thereafter.</p> <p>Reason</p> <p>To ensure that adequate off-street parking is provided in accordance with Policy DM22 of the Copeland Local Plan.</p> <p><b>Informative Note</b></p> <p>Before any works are commenced, you should contact Cumbria Highway's Street Works team to obtain a permit for the dropped kerb.</p> <p>Enquires should be made to Cumbria County Councils Streetwork's team  <a href="mailto:streetworks.west@cumbria.gov.uk">streetworks.west@cumbria.gov.uk</a></p> <p><b>Statement</b></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>
<b>Case Officer: C. Unsworth</b>	<b>Date : 15/03/2022</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 18/03/2022</b>
<b>Dedicated responses to:- N/A</b>	