

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2474/OF1
2.	Proposed Development:	RENEWAL OF PERMISSION FOR TEMPORARY CAR PARK (4yrs) FOR APPROXIMATELY 89 SPACES
3.	Location:	LAND AT PRESTON STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - 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 an area of land that covers approximately 0.34 hectares and fronts onto Preston Street. The site is bound by the Home Bargains store to the north and residential properties at The Ginns to the south.</p> <p>The land has previous permission for use as a car park for a temporary 4 year period (application reference 4/17/2248/OF1) and has been used as such since 2017.</p> <p>PROPOSAL</p> <p>Planning permission is sought for the retention of the car park for a further four years. The site accommodates 89 parking bays in total and is surfaced in crushed stone to a depth of approximately</p>

200mm. Eight of the bays are for disabled use and are hard surfaced in smooth concrete and linked by a pathway to Preston Street.

Vehicular access is achieved off Preston Street using a 6 metre wide entrance and dropped kerb. Visibility splays of 2.4 metres x 43 metres are secured and the stone wall has been reduced to 1 metre in height to accommodate this.

The southern extreme of the site adjacent to the residential area is grassed and the remaining elements of the existing boundary wall have been retained.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for Class A1 food store, petrol filling station, car parking, servicing and associated facilities, approved in 2004 (application reference 4/04/2480/0 relates);

Temporary car park for 4 years for 89 spaces, approved in 2017 (application reference 4/17/2248/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

The Coal Authority

No objections subject to an informative.

Cumbria County Highways

No objections as it is considered that the proposal does not have a material effect on the existing highway conditions.

Local Lead Flood Authority

No objections, however when conducting a visual inspection of this site it was noted that within the left hand corner of the car park looking from the existing vehicle access on Preston Street stands water, this making some if not most of the bays within this isolated area inaccessible to users of this facility. It is proposed that the local planning authority requests that the site is adequately drained and managed through building control to allow full use of the parking bays available.

United Utilities

United Utilities have reviewed the above application and have no comment to make.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 3 properties.

No responses have been received as a result of this advertisement.

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 ST3 – Strategic Development Priorities

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV1 – Flood Risk and Risk Management

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 2021 (NPPF)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently 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

Principle of development

This application relates to a town centre site with previous permission for a car park that has been implemented since 2018 and seeks to extend the use for a further four years. Whitehaven is designated as Copeland's Principal Town within the Copeland Local Plan, where the majority of the Borough's development should take place. The site provides well needed parking for the town and has been well utilised since its installation. The use is encouraged in this location and provides a useful stop gap until such times as the land is developed for regeneration, as detailed within Policy ST3 of the Copeland Local Plan.

On this basis, the principle of the retention of the car park is considered to be acceptable when considered against policies ST1 and ST2 of the Copeland Local Plan.

Highways

The application included a supporting statement detailing that within the four years that the car park has been operating, there have been no road impacts or accident as a result. The Transport Statement has been resubmitted and is considered to remain relevant with no objections received from Cumbria Highways.

Overall, the proposal does not have a material effect on the existing transport network and is therefore compliant with Policy DM22 of the Copeland Local Plan.

Drainage

Concerns were raised by the Local Lead Flood Authority that the hard surfaced disabled bays in the eastern part of the site are collecting water and sometimes inaccessible for use. This was observed during a site visit on a wet day and therefore the Agent was asked to address this issue.

Works will be carried out to include the installation of a 40m, 150mm filter drain to be filled with 40mm of free draining stone to the front and southern edge to be at a depth of 600mm below the finished car park level. The disabled bays will also be re-tarmacked and the rest of the site will have the potholes fixed. These works are considered to be acceptable and are likely to resolve the flooding issues to the east of the site. It would be prudent to include a suitably worded planning condition to ensure that these works are undertaken within 6 months of the approval date.

	<p>With no objections raised from statutory consultees and the resolution of the drainage issues, the proposal will comply with Policies ENV1 and DM24 of the Copeland Local Plan to reduce flooding.</p> <p>PLANNING BALANCE AND CONCLUSION</p> <p>Overall this is considered to be an appropriate form of development and is encouraged within the town centre to assist with the current lack of parking. Given the status of the land as part of an allocated “Employment Opportunity Site” which is listed as a priority for regeneration in the Local Plan it is considered appropriate to limit the length of any planning permission to a temporary 4 year period. This will ensure that it does not preclude its future development for employment purposes as part of the Councils growth agenda.</p> <p>The proposal complies with Local and National Planning Policies and therefore should be approved.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The use hereby permitted must be for a limited period of 4 years from the date of this approval. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use must be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the future development of the land for employment purposes and also to protect local amenity in accordance with Policy ST3 and DM10 of the Copeland Local Plan.</p> <p>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> <p>Site Location Plan, scale 1:1250, received 1st November 2021; Proposed temporary car park, scale 1:500, drawing number 170503/01/D, received 1st November 2021; Transport Statement, written by TLA, received 1st November 2021; Supplementary information, written by TLA, received 1st November 2021; Supporting letter, written by Morbaine Limited, received 1st November 2021; Disabled Bays Works, quote from Toman Contracting Ltd, received 31st January 2022.</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>
3.	<p>Within 6 months of the date of this approval, the works detailed within the submitted quote from Toman Contracting Ltd on 31st January 2022 must be undertaken and completed. The works must be retained as such at all times thereafter, until the use of the land as a car park ceases.</p> <p>Reason</p> <p>In order to control surface water on the eastern extreme of the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.</p>
4.	<p>The eight accessible parking bays must be available for use in accordance with drawing number 170503/01/D, received as part of the planning application. The accessible bays must be maintained at all times whilst the land is used as a car park.</p> <p>Reason</p> <p>For the avoidance of doubt and to ensure that adequate provision is made for all users in accordance with the adopted car parking guidelines and Policy DM22 of the Copeland Local Plan.</p>
5.	<p>Clear visibility splays of 2.4m x 43m, measured down the centre of the access road and the nearside channel line of the major road must be maintained at the junction of the access road with the county highways at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind must be erected, parked or placed and no trees, bushes or other plants must be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.</p> <p>Reason</p> <p>In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p>
6.	<p>There must be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.</p>

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and in accordance with Policy DM22 of the Copeland Local Plan.

Informative

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

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: Sarah Papaleo

Date : 09/02/2022

Authorising Officer: N.J. Hayhurst

Date : 10/02/2022

Dedicated responses to:- N/A