

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2497/OF1
2.	Proposed Development:	ERECTION OF UP TO 5NO. BUS SHELTERS AT PARK AND RIDE FACILITY
3.	Location:	FORMER KANGOL FACTORY, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, SSSI - SSSI, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location <p>The site comprises a 600 bay car park – a key Sellafield `park n ride` facility for Sellafield employees and contractors that was approved in 2018 and is now in full operation. It is situated on part of the former vacant factory site at Kangol in Cleator.</p> <p>The main body of the car park is bounded to the north and east by the River Ehen which is designated as a SAC/SSSI. Also to the north is the existing private access which serves this site and the adjacent vacant industrial complex. This abuts the A5086 and a number of residential properties. To the west is an existing green field currently used as grazing land and to the south the remainder of the vacant Kangol factory units.</p> Proposal <p>A proposal to erect “up to” 5 bus shelters on the 600 space park n ride car park at Kangol which is operated by Sellafield Ltd. The purpose of the shelters is to improve the facilities available for users by providing enclosed waiting areas and protection from the inclement weather. An “up to” approach is being sought to avoid the need for subsequent applications for additional shelters, which will be determined by user uptake.</p>	

The initial plan would be to erect 2 bus shelters with a further 3 depending on demand.

Each shelter would comprise an aluminium frame with clear glazing (toughened glass) panels fixed into a cemented hardcore and concrete base within the car park which comprises a bound surface. Each will measure 2.225m in height by 5.525m in length and 2.33m in width. Roof will be of flat grey composite panels.

The erection of the shelters will involve the removal of a small number of parking bays. The most significant being the loss of 2 accessible bays to make way for shelter 1. The displaced bays will be relocated on the row immediately behind. This shelter will be in the prime location, not far from the main entrance and near to the first bus pick up stop. It is the intention that the second shelter `shelter 2` will be erected further round and diagonally opposite the first one. This work will involve the loss of 3 parking bays. There are also three further shelters that may be erected in various locations on the car park should there be demand.

Consultations

Cleator Moor Town Council

no comments received.

Highway Authority and LLFA

The proposal will not have a material effect on existing highway conditions and confirm they have no objection to the proposal.

Advise that as the Environment Agency (EA) surface water maps indicate that the site is in flood zones 2 and 3 the Environment Agency should be consulted regarding flood risk assessment.

Environment Agency

No objection.

Environmental Health

No objections - had initial concerns re contamination but are satisfied that the findings of the previous Phase 1 and 2 Land Contamination Reports. Request a condition related to unexpected contamination being encountered during works.

Also, regarding noise whilst there should be limited noise disturbance from the proposed works, some breaking out using kango-type drills may be required, and therefore request such works are confined to standard working hours.

Planning Policy

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)

Adopted in 2013 the following Policies of the document are considered relevant and carry significant weight in decision making:

- Policy ST1 Strategic Development Principles
- Policy ST2 Spatial Development Strategy
- Policy ST4 Providing Infrastructure
- Policy T1 Improving Accessibility and Transport
- Policy ENV1 Flood Risk and Risk Management
- Policy ENV3 Biodiversity and Geodiversity
- Policy DM10 Achieving Quality of Place
- Policy DM25 Protecting Nature Conservation Sites, Habitats and Species

Emerging Copeland Local Plan 2021-2038 (ECLP)

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have been submitted for examination by the Planning Inspector. The Examination is in progress and is due to finish on 9th March 2023.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF. Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

However, the CLP currently carries the primary weight in relation to decision making.

The following ECLP policies are relevant to this proposal:

- Strategic Policy DS1PU Presumption in favour of Sustainable Development
- Strategic Policy DS2PU Reducing the impacts of development on Climate Change
- Strategic Policy DS6PU Design and Development Standards
- Strategic Policy DS7PU Hard and Soft Landscaping
- Strategic Policy DS8PU Reducing Flood Risk
- Strategic Policy DS9PU Sustainable Drainage
- Strategic Policy DS10PU Soils, Contamination and Land Stability.

- Strategic Policy N1PU Conserving and Enhancing Biodiversity and Geodiversity.
- Strategic Policy NU1PU Supporting Development of the Nuclear Sector
- Strategic Policy CO4PU Sustainable Travel
- Strategic Policy CO7PU Parking Standards and EV Charging Infrastructure

Other Material Considerations

National Planning Policy Framework (2021)

National Planning Policy Guidance

Cumbria Development Design Guide

Assessment

The following are the main issues considered to relevant and material to the assessment of this application:

Principle

The proposal is acceptable in terms of the principle of development. The site for the bus shelters is on the recently completed car park which is now in use. As such it comprises developed land located within the settlement boundary for Cleator, close to Cleator Moor and the A5086, and is considered an appropriate location for this type of development which accords generally with the ACLP and ECLP policies.

Flood Risk

The site lies within Flood Zone 2 and 3. However, taking into account the nature, scale, type and location of the bus shelters the development is not perceived to be at any significant risk from flooding. It should be noted that The Environment Agency raise no objection.

Design and Visual Amenity

The bus stops are of a standard design and materials suitable for use as car park infrastructure (as detailed in the Proposals Section) and are not considered to be visually intrusive in the locations and settings proposed.

Noise/ Disturbance

This is not likely to be a prevalent issue with mitigation. Whilst there are no immediate nearby residences likely to be adversely affected, there are ones located adjacent to the junction of the Kangol estate road with the A5086. As kango type drills are likely to be used in the erection of the shelters a condition restricting working hours is recommended by our Environmental Health Team and considered to be acceptable mitigation.

Contamination

	<p>There is potential for the work required to erect the shelters causing disturbance to the ground which due to its previous industrial uses may be contaminated. However, Phase 1 and 2 Environmental Assessments have been carried out for the car park on the site and raised no issues. As a result our Environmental Health Team is satisfied with the findings of these reports which are still relevant and consider that there is likely to be minimal disturbance as a result. Request a condition be imposed on any approval related to unexpected contamination being encountered during works.</p> <p><u>Ecology</u></p> <p>The ecological implications of the work are considered to be negligible. The River Ehen SSSI and SAC runs along the northern and eastern edge of the site, and is protected. Extensive ecological surveys, assessment and mitigation has been undertaken for the car park development and the erection of the shelters, given the limited scope and scale of the proposed works and their location it is unlikely to create any issues.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This is an application for the erection of associated infrastructure for the new `park and ride` car park facility on part of the former Kangol site at Cleator. It is primarily aimed at improving the welfare of users of the facility.</p> <p>It has been demonstrated that the proposed development will cause minimal impact especially given its limited scale and where there are issues this is acceptable with appropriate mitigation.</p> <p>As a result, taking the above into account it is considered that there will be no significant harm arising from the development that will outweigh the benefits. The erection of up to 5 bus shelters on this new car park represents an acceptable form of development which accords with the policy guidance contained in the NPPF and the relevant policies of the Copeland Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none"> 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: -

- Covering Letter from Martin Chown, Sellafield Ltd, dated 16.12.22.
- Site Location Plan – Dwg no 18.15.LOC, scale 1:2500.
- Existing Site Plan – Proposed Car Parking Layout from Extant Permission, Numbered Spaces Plan, scale 1:500.
- Proposed Site Plan – Kangol Car Park – Proposed Bus Shelters, Layout Plan & Photos.
- Bus Shelter Details, Elevations and Materials, Dwg no. EQ70070471

Reason

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.

Contamination

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 immediately to the Local Planning Authority. A suitable investigation and risk assessment shall then be submitted to and approved by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by 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.

Working Hours

4. All works which are audible at the site boundary shall be carried out only between the following hours: 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday, and at no time on Sunday or Bank Holidays.

Reason

In the interests of surrounding occupiers during the construction of the development.

INFORMATIVES

Environment Agency

Environmental Permit

The River Ehen adjacent to the site is a designated main river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The developer should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Contaminated Land

It is recommended that developers:

- Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

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: H.S. Morrison		Date : 02/03/2023
Authorising Officer: N.J. Hayhurst		Date : 03/03/2023
Dedicated responses to:- N/A		