

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2131/0F1
2.	Proposed Development:	REFURBISHMENT OF THE RESTAURANT WITH ALTERATIONS TO ELEVATIONS TO INCLUDE EXTENSIONS TOTALLING 6.2 SQM, INCORPORATING A NEW ENTRANCE LOBBY, UPDATED DRIVE THRU BOOTHS, NEW GLAZING AND ACCESS DOOR. NEW ALUMINIUM CLADDING TO ELEVATION AND FROSTED VINYL TO WINDOWS, WITH ASSOCIATED WORKS TO THE SITE.
3.	Location:	MCDONALDS, BRIDGES RETAIL PARK, FLATT WALKS, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - 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: Site And Location This application relates to the McDonalds Restaurant, situated on Bridges Retail Park off Flatt Walks, Whitehaven. It operates as both a restaurant and a drive through. The building has car parking to the west and south, Flatt Walks to the east and the access road to the retail park to the north.	

Proposal

Planning Permission is sought for the refurbishment of the restaurant with alterations to extend the building by 6.2 square metres. The extension will incorporate a new entrance lobby and the refurbishment will include new drive thru booths, new glazing, a new access door, new aluminium cladding and also frosted vinyl to the windows.

Relevant Planning Application History

Refurbishment of restaurant and patio area, changes to elevations and removal of drive through booth, approved in June 2010 (application reference 4/10/2189/0F1 relates);

Reconfiguration of car park and drive thru lane to provide a side-by-side order point and relocation of a booth window, approved in November 2014 (application reference 4/14/2418/0F1 relates);

Reconfiguration of the car park and drive thru to facilitate the installation of a side by side drive thru lane and removal of 11 parking spaces, approved in November 2015 (application reference 4/15/2426/0F1 relates);

Reconfiguration of the car park and drive thru lane, approved in January 2016 (application reference 4/15/2515/0F1 relates).

Consultation Responses

Whitehaven Town Council

No response received.

Highways and Local Lead Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood

Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

The Environment Agency

No response received.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 1 no. properties.

There has been one response received raising concerns regarding the loss of seating as a result of the proposals.



Cumberland Council

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS4 – Community and Cultural Facilities

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Emerging Copeland Local Plan (ELP).

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU – Reducing Flood Risk

Policy DS9PU – Sustainable Drainage

Strategic Policy E1PU: Economic Growth

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

ASSESSMENT

Principle of Development

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications and carry significant weight in the decision making process. The emerging local plan has been through an examination and the Planning Inspectors final report is currently awaited. Therefore significant weight can be given to the policies it contains. The Borough's Strategic Development Principles are set out in Policy ST1 of the CS and DS1PU of the ELP which seek to support the expansion and continued use of local services.



Cumberland Council

Policy ST2 of the CS and DS3PU identify Whitehaven as Copeland's Principal Town where the majority of development should be directed. Policy SS4 of the CS and SC5PU of the ELP seek to enhance existing services in order to meet the demand created by new development.

McDonalds is an established restaurant within Whitehaven that has traded and expanded over the last 25 years. The proposal seeks to improve and enhance the business, providing a refurbishment of the external façade and additional provision for takeaway and delivery orders. The proposals will allow the business to be brought up to standard with other restaurants in the McDonalds chain and progress the business to a more modern approach with the emphasis on takeaway food.

Whilst concerns were raised from a local resident with regards to the loss of seating, this is considered to be a modest loss and unlikely to affect the overall function of the business.

On this basis the principle of development is considered to be acceptable.

Impacts on Visual and Residential Amenity

Policy DM10 of the CS and DS6PU seek to achieve a high standard of design.

The extension will be located to the south of the building and will provide an entrance for the McDelivery drivers. The location of the entrance is within the retail park and on the side of the existing drive thru and car parking. It is therefore unlikely to create any amenity issues for any surrounding residents.

The proposal will not materially change the visual amenity of the building which is seen in context with the surrounding retail park. The proposed cladding and re-glazing will improve the overall look of the building.

Access and Parking Provision

Policies DM22 of the CS and CO7PU of the ELP ensure that developments are accessible for all.

Access and parking provision will remain unchanged by the proposal. No objections have been received from the Highway Authority.

Drainage and Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan and DS8PU and DS9PU of the ELP reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 2 and therefore a Flood Risk Assessment is required unless exempt. As the development will create a floor space of less than 250 square metres, this is considered to be a minor development and therefore a FRSA009a form has been submitted only in support of the application. This confirms that there will be no

	<p>reduction in floor level and that all mitigation measures available will be undertaken to ensure that the development does not create further flood risk either on site or in the surrounding area.</p> <p>No objections were raised by the LLFA. The EA did not respond to consultation.</p> <p>On the basis of the information submitted, the proposal complies with policy ENV1 and Policy DM24 of the CS, the ELP and the provisions of the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The extension is modest in scale, of a functional design and will enhance a well used existing service. The external alterations will be in keeping with the existing building and the proposal will not cause any amenity issue to the amenities of any surrounding properties. These considerations afford significant weight within the planning balance.</p> <p>The details submitted are considered to comply with the Policies of the adopted and emerging Local Plans which seek to retain and permit extensions to existing services and ensure their longevity to provide for the surrounding communities.</p> <p>This proposal is considered to be a sustainable form of development and complies with the policies set out in the Copeland Local Plan and emerging local plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <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>Application form, received 16th April 2024; Site Location Plan, scale 1:1250, drawing number 13773_AEW_0998_0001, received 16th April 2024; Block Plan, scale 1:500, drawing number 13773_AEW_0998_002, received 16th April 2024; Proposed Site Plan scale 1:100, drawing number 13773_AEW_0998_004, received</p>



Cumberland Council

16th April 2024;
Proposed Floor Plan, scale 1:50, drawing number 13773_AEW_0998_0050, received 16th April 2024;
Existing and Proposed Elevations, scale 1:100, drawing number 13773_AEW_0998_0005, received 16th April 2024;
Flood Resilience and Resistance Statement, received 16th April 2024.

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.

Informative Note

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 : 07/06/2024

Authorising Officer: N.J. Hayhurst

Date : 10/06/2024

Dedicated responses to:- N/A