

TP/5578/01(28April22)AppSub

Development Management
Market Hall, Market Place
Whitehaven
CA28 7JG



28 April 2022

Dear Sir/Madam,

MORRISONS, FLATT WALKS, WHITEHAVEN - FULL PLANNING APPLICATION WITH ADVERTISEMENT CONSENT ON BEHALF OF WM MORRISONS SUPERMARKETS

We have been instructed by our client, Wm Morrisons Supermarkets (Morrisons) to prepare and submit a planning application for the site at Flatt Walks, Whitehaven, CA28 7RW (PP-11220713) for the development of the following description:

Erection of single-storey pod containing WeBuyAnyCar in the Morrisons, Flatt Walks, Car Park

This planning application is accompanied by documents submitted via the Planning Portal and should be read in conjunction with this covering letter, which includes:

1. Covering letter
2. An application fee for the payment of **£366**
3. Site Location Plan (ref: 170285 221 PL 01)
4. Proposed Layout plan (ref: 170285 221 PL 02)
5. Design & Access Statement prepared by Whittam Cox Architects (ref: 170285 221 PL 03)
6. WBAC 'Pod' Plans and Elevations (ref: WBACSOgV1 REV 01)

An application for Advertisement Consent under the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) is also made as part of this application, for the associated WeBuyAnyCar Pod.

The pod will be located at the eastern edge of the Morrisons carpark. This application seeks to supplement the existing services on-site through the provision of this ancillary facility, for the benefit of the local community. The pod will be located within a position of the car park which is furthest from the store entrance and the more commonly utilised areas of the car park.

The proposal is within a Conservation Area, albeit it is not adjacent to any Listed Buildings or structures.

According to the Government's Flood Map for Planning, the site is located within Flood Zones 2 and 3. However, given the proposed use of the site and the pod itself which sits on jack pads above the existing car park surface, there are not likely to be any flooding issues that would arise from the development and use of the proposed part of the wider car park, nor would the development increase flood risk elsewhere. It is considered to be an acceptable use in such locations.

The proposed development by Morrisons would seek to change the use of an under-utilised section of the car park, providing ancillary services to the main store. The proposal would see the erection of a pod with branding on the exterior, occupied by WeBuyAnyCar (see drawings and the Design & Access Statement prepared by Whittam Cox), a used motor vehicle buyer and seller. The offering would be a

pocket showroom, with cars for trade sitting in parking spaces. WeBuyAnyCar would offer people the opportunity to have their vehicles valued and/or the ability to sell their vehicles. WeBuyAnyCar.com ensure that there is always space available for appointments within 10 (undesignated) car parking spaces and therefore through the regular collection there is no overspill onto adjoining areas of the car park. The cars stay on site for a maximum of 72 hours, but this is normally a shorter period. The cars will be removed from site by a plate driver, rather than a vehicle transporter as there is a WeBuyAnyCar.com auction house located within the locality. The plate driver will collect and move the vehicles from site to the auction house on an almost daily basis.

The pods would sit on top of the existing car park on legs and require no major excavation or ground disturbance. The pods will be secure, no keys are left on site overnight, therefore, no security alarms are fitted, however, there are fire safety alarms in the pods. The pod will be manned by a single person but occasionally it may include two employees on site. The employee's regional manager may also visit the pod occasionally or staff may receive on the job training whilst working. The highest number of WBAC employees on site at any one time would be three. The pods are proposed to be open on Monday-Friday (10:00-19:00), Saturday (10:00-18:00) and Sunday (10:00-17:00).

The proposal is supported by and does not conflict with a number of local and national policies. The National Planning Policy Framework (NPPF), as amended in 2021, states in **Paragraph 11** that *plans and decisions should apply a presumption in favour of sustainable development* and that *approving development proposals that accord with an up-to-date development plan without delay*.

Paragraph 81 states that *planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt*.

Paragraph 119 states that *decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*.

Paragraph 120 states that decisions should *encourage multiple benefits from both urban and rural land*.

Paragraph 167 states that development should only be allowed in areas at risk of flooding where *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment*.

Adopted Local Plan

The Development Plan for the area is comprised of the Core Strategy and Development Management Policies DPD (adopted 5 December 2013) forms the main part of the Development Plan for the borough. The Council will also continue to have regard to the remaining 'saved' policies from the Copeland Local Plan 2001-2016 (adopted 2006) relating to specific areas of land (which will be reviewed in the Local Plan).

Policy ST1 (Strategic Development Principles) and **Policy ST2** (Spatial Development Strategy) of the Copeland Core Strategy restrict development outside of the defined settlement boundaries to that which has a proven requirement. Given the proposal is within the settlement boundary for Whitehaven, it is fully compliant with this policy requirement.

Policy ER8 (Whitehaven Town Centre) states that development will be encouraged which meets a number of criteria. The criteria of relevance are (D) given the proposal will diversify the 'offer' within the town centre, (H) as the proposal will allow for the integration of new and existing developments into the urban grain. While the site is located in the Conservation Area, this part of it has experienced change with the introduction of a large supermarket store, therefore it is considered that the design and siting

of the pod will help to maintain the high standard of design for the area as well as improving the range of activities available to local residents in accordance with criteria I and L.

Policy ENV1 (Flood Risk and Risk Management) ensures that development in the Borough is not prejudiced by Flood Risk.

Policy ENV4 (Heritage Assets) the Council's policy is to maximise the value of the Borough's heritage assets by protecting listed buildings, conservation areas and other townscape and rural features considered to be of historic, archaeological or cultural value.

Development Management Policies (DMP)

Policy DM10 (Achieving Quality of Place) seeks high standards of design that amongst other things positively respond to local character and setting.

Policy DM11 (Sustainable Development Standards) informs applicants that the council will expect a high standard of design and the fostering of 'quality places' on all development proposals.

Policy DM22 (Accessible Developments) ensures that all development proposals will be accessible to all.

Policy DM24 (Development and Flood Risk) requires development proposals 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.

Policy DM27 (Built Heritage and Archaeology) development within Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the area and, where appropriate, views in and out of the area.

Policy DM29 (Advertisements) ensures that developments which are either in or out of any area of Special Advertisement Control meet several criteria with respect to the erection of advertisements.

Emerging Local Plan – Copeland Local Plan 2021-2038 (Publication Draft)

The emerging Copeland Local Plan 2021-2038 has recently been the subject of a Publication Draft Consultation. Given the stage of preparation of the Copeland Local Plan 2021-2038 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

Summary

The proposal will result in the utilisation of two out of the three hundred and twenty-three parking spaces from the Morrisons Store (see proposed site plan). The pod occupies two spaces, with the remaining 10 spaces used for additional parking capacity, with no more than 10 cars on a site at one time, however, this is more likely to be 4-6 on a normal day. The overall resultant loss of parking spaces would therefore be 2. Once sold the vehicles will remain in a parking space until collection. Locating the pod in such a way reduces the impacts of the proposed use. The loss of just two spaces will have a less than significant impact on the capacity and safe function of the car park, even during busy holiday periods, therefore the proposal will not adversely affect the car park's operation, functionality or highway safety.

A combined fee payable of **£366** has been paid via the Planning Portal to Copeland Borough Council and has been submitted along with the application. The application is compliant with the relevant policies in the Statutory Development and Emerging Plans and there are no material considerations that would justify a decision contrary to the adopted policies. As such we respectfully request that this application is granted planning permission without delay.

Should you have any queries regarding this, please do not hesitate to contact Tom Procter on the number above. We look forward to your written confirmation of receipt of this submission, alongside confirmation of validation of this planning application.

Yours faithfully,

PEACOCK & SMITH