

Allerdale Borough Council
Planning Application FUL/2022/0105
Development Panel Report

Reference Number: FUL/2022/0151
Valid Date: 06/07/2022
Location: Allerdale Customer Service Centre
Fairfield Car Park
South Street
Cockermouth
Applicant: Mark- Anthony Midgley
Proposal: Provide detached smoothie hut

RECOMMENDATION

GRANT

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The application site is on Fairfield Car Park in Cockermouth which is owned by Allerdale Borough Council. The application comprises a timber clad shipping container to be used as a smoothie hut.
Highway Safety	The proposal does not fall within the criteria for consultation with Cumbria Highways however, no new accesses are required and Allerdale Parking Services were satisfied that the proposal would not impact upon parking within the car park.
Other issues	The site is outside of Cockermouth Conservation Area and near to a Public Right of Way which crosses the car park. The proposal is not considered to affect either.

2. Proposal

21. The application is for the siting of a detached smoothie hut.
22. The Plans for consideration are:-

DWG01 Existing Plan
DWG02 Proposed Plans

The particulars are available to view via the following link:-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X00000Hm262UAB>

Site

23. The application site comprises a section of public car park within the Town Centre of Cockermouth. It is adjacent to the Conservation Area and serves a Supermarket and other businesses.
24. Vehicular access is available to the car park via South Street to the North and Station Road to the South as well as a pedestrian access via Station Road to the East and Gallowbarrow to the West which is via a Public Right of Way. The area for development is in the South Western corner of the car park to the rear of both Fairfield Infant and Junior School.
25. The development is proposed on Allerdale owned land and is directly behind an existing shipping container that is used to store item's for the Town's market.

3. Relevant Planning History

- 3.1. FUL/2021/0266 - One small shipping container (14.79sqm) to store market gazebos- Approved with conditions

4. Representations

Cockermouth Town Council

- 4.1. Recommend Approval.

Environmental Health

- 4.2. No objections however advised that any food business should be registered.

Other representations

- 4.3. The application has been advertised by site notice and neighbour letter. No third party representations have been received to date.

5. Environmental Impact Assessment

5.1. With reference to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development is not within Schedule 1 nor 2 and, as such, is not EIA development.

6. Duties

6.1. Does the site affect the setting of a listed building?

No

6.2. Is the site within a designated conservation area?

No

6.3. Is the development likely to have a significant effect upon a Natura 2000 designation?

No

7. Development Plan Policies

7.1. Allerdale Local Plan (Part 1)

Policy S1 Presumption in Favour of Development

Policy S2 Sustainable Development

Policy S4 Design Principles

Policy S5 Development Principles

Policy S32 Safeguarding Amenity

DM14 Standards of Good Design

DM15 Extensions and Alterations to Existing Buildings and Properties

7.2. Allerdale Local Plan (Part 2)

8. Other material considerations

8.1. National Planning Policy Framework (NPPF) (2021)

9. Policy weighting

9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

10. Assessment:

Principle of development

- 10.1. The proposal is for the siting of a standard shipping container 6060x2440mm which will be clad in timber, it will entail a serving hatch to the Southern elevation which looks onto the carpark and serve a smoothie business.
- 10.2. The container will be sited in the grounds of Allerdale's former Customer Service Centre which is also in use by the applicant. The boundary wall is stepped and the container will fit satisfactorily behind the wall which is also directly abutting Allerdale's existing shipping container on the main car park.
- 10.3. The ground level slopes downwards from the South to the North of the car park and the shipping container itself will sit 0.47m below the ground level of the car park meaning less than 1m of the side elevation will be visible. The total height of the container is 1.3m. In terms of its scale, the shipping container is considered appropriate and proportionate with the site, it is large enough to serve its purpose and small enough to sit sympathetically into its surroundings
- 10.4. The timber cladding will create a more positive appearance which is appealing to its customers. The car park is bound by a stone wall, trees and several stone and rendered buildings, it is not considered that the timber cladding would have an adverse impact on the area. The Conservation Area boundaries the car park and has a sufficient distance to not be impacted upon.
- 10.5. The applicant is currently working to develop the former Customer Service Centre into a car wash and looks to expand his business premises in the form of the smoothie hut. The proposal is considered acceptable and is in a suitable position to target users of the existing facilities in the area.
- 10.6. From the front elevation (East) The building would not be visible due to the screening of the existing shipping container in situ, the Northern elevation is shielded by the former Customer Service Centre and the West looks on to the boundary wall of Fairfield Infant School which is bound by a high stone wall. The only visible elevation will be the South which is where the serving hatch is positioned and will be no higher than the roof of the Customer Service Centre.
- 10.7. There are some derelict overgrown steps on the site which will be removed to make way for the shipping container and the land levelled to a flat surface prior to installation. The area of car park in which the business will serve is not marked out for parking bays and would not impact the parking spaces on the car park. A site meeting took place with Allerdale Parking Services where the scheme was explained and no objections were received as a result.

108. The size of the shipping container means that the development was not subject to a sequential test due to its small floorspace. The threshold for a retail unit within Cockermouth Town Centre is 300sqm, the proposal is 16.64sqm.
109. Regarding the opening hours for the proposal, they are to target a daytime audience. The opening hours stated in the application are 8.00-16.00 Monday to Friday and 10.00-14.00 Saturday. The business will not be open on Sundays or Bank Holidays however this would be accepted should a change be put forward.

11. Conclusions

- 11.1. On balance there are no concerns regarding the proposal in terms of residential amenity, car parking, highways, odour or noise. The design, external finishes and siting of the smoothie hut is acceptable and is sited to minimise the effect on the surrounding area. It is considered that the area will benefit from this development.

12. RECOMMENDATION

GRANT

Annex 1

CONDITIONS

Time Limit:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In Accordance:

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:**

**DWG01 Existing Plans
DWG02 Proposed Plans**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

Advisory Note

