

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2069/0F1
2.	<b>Proposed Development:</b>	REDEVELOPMENT OF EXISTING CAR PARK TO INCORPORATE, CYCLE HOOPS, LIGHTING AND CCTV PROVISION, BIN STORE, STORAGE CONTAINER UNITS AND LPG COMPOUND
3.	<b>Location:</b>	WELLINGTON CAR PARK, WEST STRAND, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	Ancient Monument - Ancient Monument, ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change, Key Species - POTENTIAL AREA for the Small Blue
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The Application Site comprises the property known as Wellington Car Park, West Strand, Whitehaven.</p> <p>The Site currently comprises a vehicle parking area; access road and landscaped area.</p> <p>The Site occupies a prominent location within the Whitehaven Harbour with views of the Site experienced from a number of the key historic viewpoints within the harbour area itself, which is an important public open space and major tourist attraction.</p> <p>The Site is located in the Whitehaven Town Centre Conservation Area, comprises part of the setting of a number of listed buildings/structures and non-designated heritage assets and includes part of the Whitehaven Old Fort scheduled monument. The Old Quay and Old Quay Lighthouse scheduled monument is located to the north of the Site.</p>	

The Site is located within Flood Zone 1.

**Recent Planning Application History:**

4/19/2016/0F1 – Erection of a three storey building for use as a coastal activity centre comprising toilet, changing and shower facilities, class room, a flexible multi use space for hire, office space and hostel accommodation; the erection of a detached building for use as storage; the erection of a detached building for use as a workshop/retail unit; the construction of a new slipway – Approved.

4/20/2149/DOC – Approval of details reserved by Planning Condition 5 – Slipway. Approved.

4/20/2180/0B1 - Variation of conditions 3, 4, 6, 7, 9 (change of wording) of approved planning permission 4/19/2016/0F1 – Approved.

4/21/2163/0B1 - Variation in design - variation of condition 2 of planning approval  
4/20/2180/0B1 - Approved.

**Proposal:**

This application seeks Full Planning Permission for the redevelopment of the existing car park to incorporate, cycle hoops, lighting and cctv provision, bin store, storage container units and lpg compound.

The development comprises an element of the site and is to comprise the vehicle parking infrastructure to serve the approved three storey building for use as a coastal activity centre.

The proposals effectively comprise a revision of the scheme approved under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1.

Consultee:	Nature of Response:
Town Council	No consultation response received.
Cumberland Council – Conservation Officer	<p>The application will involve adding contents to the car park, but the open space is currently bare tarmac and makes a negative contribution to the conservation area and other heritage assets.</p> <p>The car park will additionally be part of the Edge development and will be read in conjunction with it, and this development overall has a positive impact.</p> <p>Taken on balance, I would consider these developments to have a neutral impact overall on the character and appearance of the</p>

		conservation area and surrounding assets.	
	Cumberland Council – Highways and LLFA	<p>May 2023</p> <p><b>Local Highway Authority response:</b></p> <p>As the LHA we have no objections to the redevelopment of the existing car park, although we have no objections Cumberland Council cycling and walking team have commented on this application welcoming the inclusion of cycle parking for 16 cycles, which is beneficial. The Cycling and Walking team would welcome as part of the redevelopment a cycle parking directional sign from the harbour area to the proposed parking, particularly for those doing the C2C.</p> <p>This would also benefit the Whitehaven LCWIP route 6 which includes the harbour area.</p> <p><b>Lead Local Flood Authority response:</b></p> <p>In principle the LLFA has no objections with the proposal but would like to see a detailed drainage plan that is same as proposed site plan, The proposed drainage plan does not show what is proposed within the site plan.</p> <p>June 2023</p> <p>The LLFA welcome the additional drainage drawings submitted in June 2022 Drawing Number WL-1654-051 C4, following reviewing the additional drawings its clear to see that a Design change is being proposed from the previous plans Drawing number WL-1654-051 P2 to which the LLFA would like the following points addressed before we can proceed with a full response for this application.</p> <p><input type="checkbox"/> It is proposed to use the existing surface water drains within the car park area and connect to the existing combined sewer, We as the LLFA and United Utilities are working together to reduce the amount of surface water within the combined sewers across the Copeland area and would encourage the developer to connect the existing car park surface water drain to the proposed new surface water system, which then would outfall into Irish Sea.</p>	

		<p>□ Within the proposed plan Drawing Number WL-1654-051 C4, three roadside gullies have been identified one of which connects to the proposed new surface water system the other two either side of the access to the car park do not seem to connect to either the surface water system or the combined system, the LLFA would like to see these two gullies connected to the proposed surface water system.</p> <p>□ As stated on Drawing Number WL-1654-051 C4, The proposed surface water system will outfall into the Irish Sea exact location to be identified at a later stage, As the proposed surface water system has one road side gully included and potentially having additional two, plus surface water from the car park, the LLFA recommend a treatment plant/interceptor at the last manhole before its outfall into the Irish Sea.</p> <p>In light to the above comments additional details are required from the applicant.</p> <p>Upon receipt of the amended plans I shall be better placed to provide full response.</p> <p>June 2024</p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the additional supporting information submitted to the LPA in May 2024 for 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.</p>	
	National Amenities Society	No consultation response received.	
	Rights of Way Officer	No consultation response received.	
	<b>Neighbour Responses:</b>		
	<p>The application has been advertised by way of a planning application site notice and press notice.</p> <p>No representations have been received.</p>		



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**Development Plan:**

**Copeland Local Plan 2013-2028 (Adopted December 2013):**

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

Policy ER8 – Whitehaven Town Centre

Policy ER10 – Renaissance through Tourism

Policy SS4 – Community and Cultural Facilities and Services

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV2 – Coastal Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP):

Policy DM6A – Managing Non-Retail Development in Town Centres

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM27 – Built Heritage and Archaeology

**Copeland Local Plan 2001-2016 (LP):**

Saved Policy TSP8 - Parking Requirements

**Emerging Copeland Local Plan 2017 - 2038 (ELP):**

	<p>Cumberland Council are continuing the preparation and progression to adoption of the ELP.</p> <p>The Local Plan Examination Hearing Sessions were completed in March 2023.</p> <p>The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.</p> <p>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.</p> <p>A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> March 2024. The Planning Inspectors Report is awaited.</p> <p>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.</p> <p>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. Now that 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.</p> <p>Policy DS1PU - Presumption in favour of Sustainable Development</p> <p>Policy DS2PU - Reducing the impacts of development on Climate Change</p> <p>Policy DS3PU - Settlement Hierarchy</p> <p>Policy DS4PU - Settlement Boundaries</p> <p>Strategic Policy DS5PU: Planning Obligations</p> <p>Policy DS6PU - Design and Development Standards</p> <p>Policy DS7PU - Hard and Soft Landscaping</p> <p>Policy DS8PU - Reducing Flood Risk</p> <p>Policy DS9PU - Sustainable Drainage</p> <p>Policy DS10PU - Soils, Contamination and Land Stability</p> <p>Policy DS11PU - Protecting Air Quality</p> <p>Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy</p> <p>Strategic Policy R2PU: Hierarchy of Town Centres</p>
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Strategic Policy R3PU: Whitehaven Town Centre  
Policy R9PU: Non-Retail Development in Town Centres  
Strategic Policy T1PU: Tourism Development  
Policy T2PU: Coastal Development along the Developed Coast  
Policy SC1PU - Health and Wellbeing  
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic  
Policy N3PU - Biodiversity Net Gain  
Strategic Policy N4PU: Marine Planning  
Policy N5PU - Protection of Water Resources  
Policy N9PU - Green Infrastructure  
Strategic Policy BE1PU: Heritage Assets  
Policy BE2PU: Designated Heritage Assets  
Strategic Policy CO2PU: Priority for improving Transport networks within Copeland  
Policy CO4PU - Sustainable Travel  
Policy CO5PU - Transport Hierarchy  
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBA).  
Conservation Area Design Guide SPD December 2017 (CADG).  
Cumbria Development Design Guide (CDDG).

**Assessment:**

**Principle**

The proposals effectively comprise a revision of the scheme approved under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1; therefore, the principle of the development has been established.

The proposed development includes the redevelopment of the existing car park to incorporate, cycle hoops, lighting and cctv provision, bin store, storage container units and lpg compound.

The proposed excludes the provision of a retail building.

The slipway and building approved under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1 are approaching completion.

The development approved under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1 as amended by the current proposals will continue to improve the tourism offer including serviced accommodation and increase the range of activities available to local residents and visitors. The additional serviced accommodation will result in additional spend and thus improve the evening and night-time economy within Whitehaven.

### **Design and Heritage**

The development approved under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1 is unashamedly contemporary. Directly comparable development does not exist in Whitehaven.

The overall development continues to comprise a cluster with the main building largely hiding the other structures between it and the land mass and walls to the rear. The group remains well related and have a clear visual hierarchy, with the main building overseeing and providing managed access to the remainder of the development. The main building, parking and storage remain visually linked through their external finishes and forms.

There remains no perimeter security; therefore the development will be publicly permeable; however, given the proposed use and resulting continual occupation, this is not likely to be problematic.

Taken on balance and with reference to the development approved under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1 it is considered that the proposed developments have a neutral impact overall on the character and appearance of the conservation area and surrounding assets.

### **Highway Safety, Parking and Access**

The Site comprises an existing vehicle parking area and is accessible via an un-adopted highway.

The proposals increase the number of parking spaces above that approved under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1.

The development will continue to result in the net loss of existing public parking spaces within the vicinity of the harbour. As a percentage of the existing spaces in the area, the loss is limited; therefore, the impacts would not be significant.

Cycle parking provision remains proposed.





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	<p>In the context of the existing use, the development will not result in a material increase in the use of the existing highway. The width of the highway is sufficient to permit access and turning by vehicles with trailers and refuse vehicles.</p> <p>The development will not impact upon any public rights of way. The wider approved development has the potential to impede access to the existing footways during construction. A planning condition is proposed to secure details of any required closures or diversion as part of a Construction Environmental Management Plan secured under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1.</p> <p>Cumberland Council – Highways has raised no objection.</p> <p><b>Flood Risk and Drainage</b></p> <p>It is proposed to dispose of surface water from the car park via the existing drainage connection to the public mains as per the existing arrangement. Part of the drainage from the highway is to discharge to the sea.</p> <p>Following engagement with the Cumberland Council – LLFA revisions have been made so that the gully drains discharging to the sea include pollution control measures.</p> <p>A maintenance and management regime has been submitted.</p> <p>Cumberland Council – LLFA have confirmed no objection.</p> <p><b>Ecology</b></p> <p>No additional ecological impacts will result beyond the approved development.</p> <p>Given the extant planning permissions under application references: 4/19/2016/0F1, 4/20/2180/0B1 and 4/21/2163/0B1, biodiversity net gain is not justified.</p> <p><b>The Planning Balance</b></p> <p>The proposals are considered to accord with the provisions of the Development Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p>

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Planning Application Form

Site Location Plan - Drawing No. L(00)001 – Rev. A

Existing Site Plan - Car Park - Drawing No. L(00)002

Proposed External Works – Car Park – Drawing No. L(00)162 Rev. 05

Proposed Drainage General Arrangement – Drawing No. WL\_1654\_051 Rev. C5

Micro Drainage Calculations - File 25.02.21 The Edge

1654 – The Coastal Activity Centre – Surface Drainage Systems Design Features and Maintenance Schedule

Biobrane™ Drain Guard – Specification Details

Typical Drainage Details Sheet 1 of 2 – Drawing No. WL\_1654\_052 Rev. C3

Typical Drainage Details Sheet 2 of 2 – Drawing No. WL\_1654\_053 Rev. C1

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.

Prior to Occupation Conditions

3. Prior to the first occupation of the development hereby approved the parking layout and turning space shall be constructed, marked out and made available for use and shall be retained as such thereafter.

Reason

To ensure a minimum standard of parking provision and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.



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4. Prior to the first occupation of the development hereby approved the surface water drainage infrastructure hereby approved shall be completed in accordance with the approved details and brought into operational use.

The surface water drainage infrastructure shall be maintained and managed in accordance with the approved details for the lifetime of the development.

### Reason

For the avoidance of doubt and to secure an appropriate form of drainage in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

### Other Conditions

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the development being brought into use.

Any vegetation which is removed, dies, becomes severely damaged or diseased within five years of their planting shall be replaced in the next planting season with vegetation of similar size and species to those originally approved.

### Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

6. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

### Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

7. 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 within 14 days to the local planning authority and once the local planning authority has identified the part of the

site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the local planning authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the local planning authority.

#### Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

8. The parking spaces, refuse store and storage containers hereby approved shall be used solely for the benefit of the occupants and visitors of the coastal activity centre located within the area identified in blue on Site Location Plan - Drawing No. L(00)001 Rev. A and for no other purpose.

#### Reason

To ensure a minimum standard of parking provision and to prevent the introduction of unacceptable uses in accordance with the provisions of Policy ST1 and Policy T1 of the Copeland Local Plan 2013-2021.

#### 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](http://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



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	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.	
<b>Case Officer:</b> Chris Harrison		<b>Date :</b> 03.07.2024
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 03.07.2024
<b>Dedicated responses to:-</b> N/A		