

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2221/0F1
2.	Proposed Development:	ALTERATION AND CONVERSION OF THE VACANT BUS DEPOT INTO THE CHARITY HEADQUARTERS FOR SOUND WAVE INCLUDING THE INSTALLATION OF SOLAR PANELS ON THE ROOF. USES INCLUDE A PERFORMANCE SPACE, RECORDING STUDIO AND LIVE LOUNGE, WHERE YOUNG PEOPLE CAN LEARN, EXPERIMENT AND MAKE MUSIC
3.	Location:	FORMER BUS STATION & GARAGES, BRANSTY ROW & WELLINGTON ROW, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION	The application site relates to part of the former bus station and garage which is located between Bransty Row and Wellington Row. The former warehouse is vacant and lies adjacent to a bike repair shop and the recent 'bus station' redevelopment and car park. Residential properties are also located in close proximity to the building, with Wellington Row elevated above the banking to the rear of the site. The nearest residential property lies

immediately opposite the site on Bransty Row. Tesco supermarket, a petrol station and an associated car park also lie opposite.

The site in combination with the Bus Station form a key gateway into the town centre and it is situated within the Whitehaven Conservation Area.

The site also includes an area of derelict land which lies to the rear of the Bus Station and is accessed off Wellington Row.

PROPOSAL

Planning Permission is sought for various alterations to allow the refurbishment and conversion of the building to form the charity headquarters for Sound Wave.

The external alterations include the installation of a replacement roof with insulated metal panels, the renovation of the brick frontage, an increase in the openings which are to be fitted with glazing and the installation of white render on the side elevation facing the car park.

Internally, the space will be divided into smaller spaces using shipping containers around the perimeter. It will include a lobby, open area with a raised stage, workshop rooms, WCs and storerooms on the ground floor. Staff accommodation is to be created at first floor level and will comprise office, storage space, a kitchen, a WC and a mezzanine.

The submitted plans show a backlit signage panel to the front elevation which will be subject to a separate advertisement consent application.

The proposal also includes the installation of solar panels on the roof of the building. The development is to be served by a new car park which is to be created on the derelict land to the south of the site. This will provide 24 spaces and will be served by an access onto Wellington Row.

The proposed use will house the headquarters of the local charity Sound Wave and will provide a performance space, recording studio and live lounge where young people can learn, experiment, and make music.

The application is accompanied by the following information:-

- Site Location Plan
- Elevations
- Floor Plans
- Roof Plans
- Sections
- Demolition Plans
- Design, Access and Heritage Statement



Cumberland Council

- Noise Impact Assessment
- Solar specifications
- Signage Elevation.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for the comprehensive redevelopment of the vacant former Whitehaven bus station site into an innovative and business start-up incubator hub with conference (ref: 4/18/2292/0F1);

CONSULTATION RESPONSES

Whitehaven Town Council

Initial consultation - The Councillors fully supported this application due to the regeneration of a derelict area and the opportunity it will provide for young people to become involved in music.

Highways and Lead Local Flood Authority

Initially noted no objection in principle but requested additional information regarding pedestrian links and drainage.

No objections, subject to the inclusion of conditions relating to inward opening doors, surface water drainage details to be provided along with the visibility splays.

Environmental Health

The Environmental Health team have no objections to the proposal subject to the suggested conditions noted below.

The site occupies the former bus depot and a dye works and could be termed as being potentially contaminated land as designated by Part 2A Environmental Protection Act 1990. Previous ground investigation works, and risk assessments of any contaminants found have been carried out prior to already completed recent redevelopment of part of the site. These documents are not specifically referenced in this application, so it is advised that they are checked and written confirmation provided that their findings and recommendations are noted and are relevant to this application.

Given that the development is commercial and that hard tarmac / concrete surfaces will be in place throughout the site, the risk to the end users may not be high in any case.

The noise assessment is noted, and no specific noise conditions are requested, though the recommendations of the noise assessment should be fully implemented. The hours of use of the facility would be suggested as a planning condition.

Measures to mitigate any noise / dust emissions during the demolition and construction works

are also suggested.

Conservation and Design Officer

No objection.

- The building appears highly suitable to conversion, and the use to be a good match to the existing fabric.
- The building is a non-designated heritage asset, with low significance in and of itself, however it forms part of the whole composition of early 20th century industrial heritage that is the Bus Station and makes a positive impression on the character and appearance of the conservation area.
- This impression could be improved as the building is not in good condition. Sensitive conversion is therefore an opportunity to accord with NPPF paragraph 206.
- The proposal makes limited change to the external appearance as a whole but improves a number of details that should collectively improve this gateway into town considerably.
- The internal changes appear flexible, characterful and manage to preserve the open character of the existing space.

I am supportive of the proposal. I am not able to find information about the proposed colour of the curtain wall glazing to the frontage, or of the colour of the main sign, or the brightness and colour of the back lighting.

Although I anticipate these will be chosen to suit the context of the Bus Station, I request the use of a condition, to be submitted and discharged prior to the installation of the curtain wall and signage that details the colours to be used, and the brightness of the light.

Additional comments following alteration to the proposed solar panels location;

- The proposed solar panels to the roof are unlikely to be visible from the surrounding areas of the conservation area, except from the embankment above, looking down, which is mostly inaccessible and at the top consists of private gardens with screening. I anticipate negligible impact from this, and also note that the industrial style of the buildings would more sympathetically suit solar panels than many other more polite or traditional building styles.
- I do not anticipate any impact on the character or appearance of the conservation area from the revised car park arrangement.
- The internal alterations appear to be of neutral impact on the significance of the building.

Historic Environment Officer

While the area was a focus for late-18th and 19th century industrial activity and nearby archaeological investigations have revealed buried industrial remains surviving below ground,



Cumberland Council

the proposed scheme requires limited ground disturbance and is unlikely to have a significance impact upon archaeological assets. I therefore confirm that I have no objections to the application and that I do not wish to make any recommendations.

Public Representations

The application has been advertised by way of press notice, site notice and neighbour notification letters to 21 properties.

17 support letters were received which noted the following points:

- Benefit the town and surrounding areas, especially for young aspiring musicians who have to currently travel significant distances for a similar service;
- Redevelopment of a vacant building;
- Demand in Whitehaven for the community facility;
- Community asset for creative people throughout West Cumbria;
- It will help encourage more live music creativity;
- Give new life to a derelict building;
- Diversify Cumbria's offer as an economy and place to live/work;
- Opportunity to reinforce the importance of the arts within Cumbria;
- Although some spaces already provide great opportunities in the area, this will have the massive advantage of being accessible by public transport unlike most other venues;
- Personal experience and positive impact of having access to spaces like the proposal;
- It will provide a safe space for the youth to apply themselves productively;
- Fantastic idea led by great people;
- This will be a real benefit to the town and shows tremendous support for the creative/arts sector which is unrepresented in Whitehaven.

1 letter of concern was also received which raised comments regarding noise already created from nearby businesses.

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 ST3 – Strategic Development Priorities

Policy ER4 – Land and Premises for Economic Development

Policy ER5 – Improving the Quality of Employment Space

Policy ER6 – Location of Employment

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service area: Roles and Functions

Policy ER8 – Whitehaven Town Centre

Policy ER11 – Developing Enterprise and Skills

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk



**Cumberland
Council**

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (2021)

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA)

Conservation Area Design Guide SPD (2017).

Shopfront Design Guide SPD (2021).

Cumbria Development Design Guide.

Emerging Copeland Local Plan 2021-2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains 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 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.

The following policies are relevant to this proposal:

Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Policy DS9PU: Sustainable Drainage

Policy E1PU: Economic Growth

Policy E2PU: Location of Employment

Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Policy R2PU: Hierarchy of Town Centres

Policy R3PU: Whitehaven Town Centre

Policy R9PU: Non-Retail Development in Town Centres

Policy SC2PU: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC5PU: Community and Cultural Facilities

Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE4PU: Non- Designated Heritage Assets

Policy BE5PU: Shopfronts

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

The key issues raised by this proposed are the principle of development, its design and the impacts on the heritage assets, the impact on residential amenity, accessibility and parking, drainage, flood risk and land contamination.

Principle of Development

Policy ST1 supports diversity in jobs, especially that which creates and attracts business.

Policy ST2 identifies Whitehaven as the Principal Service Centre, which will comprise the focus for the largest scale development, regeneration and important development opportunities. Draft Policy DS3PU of the Emerging Local Plan also identifies Whitehaven as the Principal Town in the Settlement Hierarchy which will continue to be the primary focus for new development in the borough.

Policy ST3 outlines that sites within central Whitehaven and the town centre are priorities in the pursuit of economic regeneration and growth.

Policy ER7 and draft Policies E2PU and R2PU reinforce the role of Whitehaven as the Principal Town through the promotion of a flexible, mixed-use approach, the improvement of strategic and local accessibility, and supporting its continued growth.

Policy ER8 and draft Policy R3PU encourage development in the defined Whitehaven Town Centre including that which: responds to and consolidates the status of Whitehaven as the first and most complete post mediaeval planned town in the country; improves the links and



Cumberland Council

re-establishes the connectivity between the town centre and harbour; diversifies the 'offer' within the town; maintains high standards of design consistent with the setting of a Conservation Area of national significance; and, improves the range of activities available to local residents and visitors.

Policy ER11 develops enterprise and skills, working with local people to enhance inward investment, encouraging start-ups and focussing employment in Whitehaven. Draft Policy E1PU also promotes economic growth through diverse range of economic opportunities.

Draft Policy R9PU supports non-retail development in defined Town Centres that will encourage community, social, leisure, entertainment and arts so long as they make a positive contribution to the vitality, viability and diversity of town centres.

In addition, Policies SS4 and DM21 allow for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities. Draft Policy SC2PU and SC5PU support proposals for new community facilities including places for arts, subject to the location within the settlement hierarchy, prioritising brownfield sites and other matters which are considered below.

The application relates to a vacant, derelict building which is located within the Principal Service Centre of Whitehaven and the defined Whitehaven Town Centre boundary.

The proposed charity headquarters will diversify the economy and creative skills in Whitehaven and the creative performance space and workshops will provide Whitehaven and the wider area with a new community facility. The principle of community services and provisions is strongly supported in the Copeland Local Plan through strategic Policy SS4 and Development Management Policy DM21 and the application has received large amount of support from the public consultation.

On the basis of the above, the principle of development is considered to be acceptable within the town centre location. Overall, the proposal complies with the aims and objectives of the NPPF as well as the relevant policies of the adopted Copeland Local Plan.

Design and Impact on Heritage Assets

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings, conversation areas and their settings and strengthening the distinctive character of the boroughs settlements through high quality urban design that respects this character. Draft Policy BE1PU and BE2PU support the preservation and enhancement of the character and appearance of a Conservation Area.

Policy DM10 expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness. Draft Policy DS6PU also set out Design and Development Standards.

Draft Policy BE4PU seeks to protect non-designated heritage assets and their setting from harm or loss.

The Conservation Area Design Guide and the Shopfront Design Guide are material considerations in the determination of planning applications within conservation areas and affecting shopfronts. Both are therefore applicable to this application. In addition, draft Policy BE6PU also sets out design standards for façade treatments within the Conservation Area.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance' of a conservation area.*

Paragraphs 194 – 208 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

The application site is located within the northern boundary of Whitehaven Conservation Area and is not within the setting of any listed buildings. The building is a non-designated heritage asset, with low significance in and of itself, however it forms part of the whole composition of early 20th century industrial heritage that is the Bus Station and makes a positive impression on the character and appearance of the conservation area.

Given the proposal will retain and renovate the existing building and upgrade the façade and roof, the proposal is considered to maintain the character of the building and the wider area. Although to ensure the glazed curtain wall is acceptable, a condition is proposed to ensure that these details are submitted and agreed prior to the installation.



Cumberland Council

The Conservation Officer considered that the proposal would make limited changes to the external appearance as a whole but improves a number of details that should collectively improve this gateway into town considerably.

The backlit signage panel to the front elevation will be subject to a separate advertisement consent application which will address the Conservation Officers comments regarding this issue.

The proposed solar panel details were amended to locate them onto the new roof rather than on the raised banking to the rear of the building and this is considered to be acceptable. They are unlikely to be visible from the surrounding areas of the conservation area, except from the embankment above, looking down, which is mostly inaccessible and at the top consists of private gardens with screening. The Conservation Officer anticipates negligible impact from this, and also note that the industrial style of the buildings would more sympathetically suit solar panels than many other more polite or traditional building styles.

The Conservation Officer supports the proposal and in applying the tests of the LBCA, the proposal would result in the enhancement of the Conservation Area. Utilising the terminology of the NPPF, the impacts would be negligible and great weight should be given to the public benefit and overall enhancement of the character and appearance of the Conservation Area.

On this basis, subject to the inclusion of the planning conditions, the proposal is considered to comply with Policies ENV4, DM10 and DM27 and the Conservation Area Design Guide and the Shopfront Design Guide.

Impact of Development on Residential Amenity

Policy ST1 safeguards good levels of residential amenity and Draft Policy R9PU supports non-retail development in town centres so long as the proposal does not harm the character and amenity of the town centre and the town centre residents.

The application relates to a mixed-use area within Whitehaven Town Centre and therefore the potential impact or disturbance on neighbouring amenity is not considered to be unacceptable.

A Noise Impact Assessment has been submitted in support of the application and Environmental Health raised no objections to the development. The proposed building sound insulation and opening hours can be secured by the use of planning conditions and no significant concerns were raised as part of the neighbour consultation. The only concerns related to the existing noise produced by a nearby business and the potential impact on the music production. These concerns have been passed onto the applicant for their information.

In addition, to protect amenity during the proposed works, a demolition plan and construction hours can be secured by the use of planning conditions.

The external plant is to be confirmed and therefore in the interest of amenity, these details are to be submitted and agreed with the Local Planning Authority and this can be secured by the use of a planning condition.

On this basis, subject to the inclusion of the planning conditions, the proposal will not cause an unacceptable harm on residential amenity in accordance with Policy ST1 and draft Policy R9PU.

Accessibility, Highway Safety and Parking

Policy DM22 requires development proposals to be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet adopted car parking standards. Emerging Policy CO7PU also seeks to ensure that developments provide adequate parking in accordance with Cumbria Development Design Guide.

Draft Policy SC2PU and SC5PU also require that adequate parking is provided and that the development can be accessible by sustainable transport modes where possible.

The application site lies within the town centre boundary which benefits from good public transport within vicinity. The proposal will also create a new car park with 24 spaces.

The Highway Authority confirmed that they have no objections to the application, subject to the inclusion of conditions relating to drainage, visibility splays for the parking area and inward opening doors.

Following discussions the applicant has agreed to the use of a condition to secure the visibility splays for the new parking area and also the installation of the parking area.

On this basis, the proposal is considered to satisfy Policy DM22 and the Cumbria Development Design Guide.

Flood Risk and Drainage

Policy ENV1 sets out an approach to ensure that new build development is not prejudiced by flood risk. Any risk should be managed appropriately. Policy DM24 seeks to ensure that new development is not at unacceptable risk of flooding and appropriate mitigation measures should be provided where necessary.

DM11 seeks to ensure surface water is managed appropriately and therefore the applicant has agreed to the pre-commencement condition to ensure that all surface water details are



Cumberland Council

agreed.

The application site is located within Flood Zone 1, which has a low probability of flooding, and the application relates to an existing building.

As the surface water drainage details are yet to be confirmed the inclusion of a pre-commencement condition is appropriate to secure an appropriate scheme.

On this basis, subject to the inclusion of a planning condition, the proposed flood risk and drainage is considered to be acceptable in accordance with Policies ENV1, DM11 and DM24.

Land contamination

The NPPF under paragraph 183 requires sites to be suitable for their proposed use taking into account ground conditions and any risks arising from land instability and contamination, including any proposals for mitigation and remediation.

The site occupies the former bus depot and a dye works, and therefore could be termed as being potentially contaminated land as designated by Part 2A Environmental Protection Act 1990.

Previous ground investigation works and risk assessments have been carried out on the car park area as part of the recent 'bus station' redevelopment and these findings are noted. Given that the development is commercial and that hard tarmac / concrete surfaces will be in place throughout the site, the risks to future users are considered to be low. No further intrusive investigations were considered necessary, although as with any development site, if any contamination is exposed, it will need to be examined and assessed by a suitably qualified environmental consultant.

In addition, the applicant has confirmed that there is no proposal to break the existing hard standing of the building and therefore contamination is unlikely to be an issue. Environmental Health recommended a standard condition if unexpected contamination is found and this is considered to be acceptable.

Planning Balance

The application seeks planning permission for various alterations to refurbish the building and convert the vacant bus depot into the charity headquarters for Sound Wave.

The principle of the development is supported by Policies ST1, ST2, ST3, ER7, ER8, ER11, SS4, DM21 and the NPPF subject to site specific matters.

The proposal is considered to diversify the creative industry economy and provide a sustainable community space for music and arts within Whitehaven Town Centre. The

	<p>renovations and proposed design are considered to be suitable for the proposed use while respecting the character of the Conservation Area.</p> <p>In applying the tests of the LBCA, the proposal will enhance the non-designated heritage asset and Conservation Area in this location and collectively improve this gateway into town considerably. The public benefits are considered to outweigh any potential harm and so satisfy the tests of the LBCA. Great weight should be given to the economic and social public benefit and overall preservation and enhancement of the character and appearance of the Conservation Area.</p> <p>No significant issues are arising in respect of neighbouring amenity, accessibility, highway safety, parking, flood risk, drainage and land contamination subject to the planning conditions proposed.</p> <p>On balance, subject to the inclusion of planning conditions, the proposal represents an acceptable form of development which accord with the relevant provisions of the adopted Local Plan, the Emerging Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></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: - <ul style="list-style-type: none"> - Application Form, received 1st August 2023; - Site Location Plan, scale 1:500, drawing ref 9370-BA-XX-XX-DR-A-01001-P01, received 1st August 2023;



Cumberland Council

- Existing Site Plan, scale 1:200, drawing ref 9370-BUT-XX-XX-DR-A-01002-P03, received 1st August 2023;
- Proposed Site Plan, scale 1:200, drawing ref 9370-BUT-XX-XX-DR-A-04001-P03, received 31st August 2023;
- Existing Ground Floor Plan, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-01003-P03, received 1st August 2023;
- Existing Roof Plan, scale 1:50, drawing ref 9370-BUT-XX-RF-DR-A-01004-P03, received 1st August 2023;
- Existing North Elevation, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-02001-P03, received 1st August 2023;
- Existing West and South Elevation, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-02002-P03, received 1st August 2023;
- Proposed Ground Floor Plan, scale 1:50, drawing ref 9370-BUT-XX-GF-DR-A-04002-P05, received 1st August 2023;
- Proposed First Floor Plan, scale 1:50, drawing ref 9370-BUT-XX-1F-DR-A-04003-P04, received 1st August 2023;
- Proposed North Elevation, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-05002-P03, received 1st August 2023;
- Proposed West and South Elevation, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-05001-P03, received 1st August 2023;
- Proposed Roof Plan, scale 1:50, drawing ref 9370-BUT-XX-RF-DR-A-04004-P04, received 31st August 2023;
- Existing Section 1 and 2, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-03001-P03, received 1st August 2023;
- Existing Section 3 and 4, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-03002-P03, received 1st August 2023;
- Proposed Section 1 and 2 scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-06001-P03, received 1st August 2023;
- Proposed Section 2 and 3, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-06002-P04, received 31st August 2023;
- Ground Floor Demolition Plan, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-01005-P03, received 1st August 2023;
- Roof Demolition Plan, scale 1:50, drawing ref 9370-BUT-XX-RF-DR-A-01006-P03, received 1st August 2023;
- North Elevation Demolition Plan, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-02003-P03, received 1st August 2023;
- West and South Elevation Demolition Plan, scale 1:50, drawing ref 9370-BUT-XX-XX-DR-A-02004-P03, received 1st August 2023;
- Design, Access and Heritage Statement, dated August 2023, received 1st August 2023;
- Noise Impact Assessment, dated 18 July 2023, received 1st August 2023;
- JA Solar specification data sheet - JAM72S30 525-550/MR/1500V, received 31st August 2023;
- Signage Elevation, scale 1:20, drawing ref 9370-BUT-XX-XX-DR-A-05003-P02,

received 24th August 2023;

- Proposed Car Park Plan, scale 1:100, drawing ref 9370-BUT-ZZ-GF-DR-A-04005-P02, received 24th August 2023.

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.

3. The proposed building sound insulation of the development hereby permitted shall be carried out in accordance with the details set out in the Noise Impact Assessment received by the Local Planning Authority on 1st August 2023.

Reason

To ensure suitable amenity is retained in accordance with Policy DM10 of the Copeland Local Plan.

Pre-Commencement Conditions

4. Prior to the commencement of any development, full details of the surface water drainage scheme shall for the proposed roof to its outfall shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be implemented in accordance with the approved details and fully operational prior to the first use of the building and must be retained in perpetuity thereafter.

Reason

To ensure that suitable drainage is provided in accordance with Policy DM24 of the Copeland Local Plan.

5. Prior to the first use of the car park visibility splays providing clear visibility measured 2.4 metres down the centre of the Car park access road and the nearside channel line of the carriageway edge in both directions must be provided at the junction of the Car park access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any



Cumberland Council

Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

6. Prior to the commencement of any development, a Demolition Method Statement, including an asbestos survey and control measures for dust and other airborne pollutants, shall be submitted to and approved in writing by the Local Planning Authority. The works must carried out in accordance with the approved details.

Reason

In the interests of the amenities of the surrounding occupiers and of the safety of onsite workers.

Prior to the Installation

7. Prior to the installation of the curtain wall glazing, full details shall be submitted to and approved in writing by the Local Planning Authority. The development must carried out in accordance with the approved details and be maintained thereafter.

Reason

To ensure the development is acceptable in design in accordance with Policy DM10 and DM27 of the Copeland Local Plan.

8. Prior to the installation of the external plant, full details shall be submitted to and approved in writing by the Local Planning Authority. The development must carried out in accordance with the approved details and be maintained thereafter.

Reason

In order to protect neighbouring amenity in accordance with Policy DM10 of the Copeland Local Plan.

9. Prior to the installation of any external lighting on site, a detailed scheme and specifications shall be submitted to and approved in writing by the Local Planning Authority. Details of the lighting shall be in accordance with the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01/21 and shall be maintained as per the approved details at all times thereafter.

Reason

In order to protect occupiers of the surrounding residential properties and in the interests of visual amenity in accordance with Policy DM10 of the Copeland Local Plan.

Prior to First Use

10. The proposed parking shall be constructed and available for use prior to the first use of the car park hereby approved in accordance with the Proposed Car Park Plan, reference 9370-BUT-ZZ-GF-DR-A-04005-P02, received by the Local Planning Authority on 24th August 2023. The parking bays shall be marked out and spaces D1, D2 and D3 shall be suitable for disabled users.

Reason

To ensure satisfactory provision of parking is provided in accordance with Policy DM22 of the Copeland Local Plan.

Construction

11. During the construction phase, development shall take place during the following hours and at no other times whatsoever:



Cumberland Council

Monday to Friday – 08:00 – 18:00

Saturday – 08:00 – 13:00

Reason

In order to ensure a reasonable standard of amenity for the surrounding properties.

Other Conditions

Restricting Use

12. The use hereby approved shall only open between the hours of Monday to Friday 09:00 to 22:00, Saturday 09:00 to 22:30 and Sunday and Bank Holidays 10:00 to 17:00.

Reason

In the interest of neighbouring amenity.

Highways

13. Access Doors shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

Land Affected by contamination - Reporting of Unexpected Contamination

14. 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. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination are minimised to future users of the land and 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.

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: C. Wootton

Date : 31/10/2023

Authorising Officer: N.J. Hayhurst

Date : 08/11/2023

Dedicated responses to:- N/A