



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2017/0F1
2.	<b>Proposed Development:</b>	USE OF LAND FOR STORAGE AND MAINTENANCE OF VESSELS AND ASSOCIATED WORKS, TOGETHER WITH STORAGE OF MARINA AND BOATYARD EQUIPMENT
3.	<b>Location:</b>	THE BOAT SHED, NORTH SHORE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, 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>	<p><b>Site and Location:</b></p> <p>This application relates to a prominent site located to the north of Whitehaven Harbour. The Application Site is bounded by Whitehaven Marina and Boat Yard to the west and a public highway and a Tesco supermarket to the east.</p> <p>The Application Site is located adjacent to the Whitehaven Conservation Area.</p> <p>The Application Site is currently vacant land.</p> <p><b>Recent Planning Application History:</b></p> <p>4/16/2018/0F1 - CHANGE OF USE OF VACANT LAND TO SURFACE LEVEL CAR PARK (TEMPORARY USE) - Approved</p> <p>4/16/2156/0F1 - VARIATION OF CONDITION 6 (LIGHTING AND PAY AND DISPLAY MACHINES) OF PLANNING APPROVAL 4/16/2018/0F1 – Approved.</p>

4/19/2199/0B1 - USE OF LAND AS A CAR PARK - VARIATION OF CONDITIONS 1 (TIMESCALE), 2 (LIST OF APPROVED PLANS), 3 (ROADS & FOOTPATHS), 4 (SURFACE WATER DRAINAGE), 5 – Withdrawn.

4/23/2289/0E1 - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED USE OR DEVELOPMENT - USE OF LAND FOR THE STORAGE OF BOATS. – Withdrawn.

**Proposal:**

This application seeks Full Planning Permission for the use of the Application Site for the storage and maintenance of vessels and associated works, together with storage of marina and boatyard equipment.

Access to the Application Site is via the existing Whitehaven Marina and Boat Yard to which the proposed development is an extension and with which it shares a boundary.

<b>Consultee:</b>	<b>Nature of Response:</b>
Town Council	A Councillor asked what was Cumberland Council’s intention for the land as they were under the impression the land had been earmarked for something else.
Cumbria County Council – Highways and LLFA	<p><i>12<sup>th</sup> February 2024</i></p> <p>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 in principal to the proposed development. Although we have no objections in principle, we as the LHA and LLFA would like the following point addressed before a final response can be submitted to the Local planning Authority.</p> <ul style="list-style-type: none"> <li>• It states within the application that the sites surface water will drained via an existing watercourse the LLFA would like to see a detailed plan showing how the development site connects to this watercourse and its location in relation to the development site. In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response, <p><i>14<sup>th</sup> March 2024</i></p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference,</p> </li></ul>



**Cumberland  
Council**

	<p>the LHA and LLFA welcome the amendment to the application form which has addressed the point raised on our previous response, therefore 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>
United Utilities	<p><b>DRAINAGE</b></p> <p>Land drainage or subsoil drainage water must not be connected into the public sewer system either directly or by way of private drainage pipes. Should the Council be minded to grant approval for this scheme, the applicant should be aware that we will not accept land drainage in any subsequent application(s) for a sewer connection and/or adoption.</p> <p>We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.</p> <p>National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:</p> <ol style="list-style-type: none"><li>1. into the ground (infiltration).</li><li>2. to a surface water body.</li><li>3. to a surface water sewer, highway drain, or another drainage system.</li><li>4. to a combined sewer.</li></ol> <p>The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.</p> <p>In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public</p>

		<p>sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.</p> <p><b>UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE</b></p> <p>It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.</p> <p>It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.</p> <p>Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix. Section 4.0 'Contacts'</p>
	<p>Environmental Health</p>	<p><i>1<sup>st</sup> February 2024</i></p> <p>Further to the above planning application.</p> <p>From an Environmental Health perspective, the most notable consideration is that of the site's past rich industrial use.</p> <p>At various points in time, the site has seen use as shipbuilding yards, a lifeboat house, a grain / oats mill, the North Shore works of Smiths (printing and packaging) with gas works, coke ovens and branch rail lines all close by.</p> <p>Consequently, the site is marked on Council records as being land that is potentially contaminated.</p> <p>It is understood that the site was cleared in the 1960s and later developed in the 1990s / onwards to its current form, with some recent use as boat storage.</p> <p>A site visit has confirmed that the site has already been fenced off and incorporated into the existing boat yard premises that lies immediately adjacent.</p> <p>A stockpile of top soil / vegetation remains now sits in the northern end of</p>



**Cumberland  
Council**

		<p>the site, after recent work to take off the surface layer.</p> <p>In theory, this material could contain trace contaminants related to the site's above history.</p> <p>Environmental Health recognise that the site's proposed use is consistent with modern past use as a commercial boat yard and does not object to the planning application in principle.</p> <p>However, some staining of sub-soil from fuel oils was noted on the scraped area and it is unclear from the planning submission how any polluted surface water run-off from the site may be dealt with (a possible pollutant pathway would be to nearby highway gullies and thence to the surface water sewer system or run-off to the harbour).</p> <p>A suitable clean cover system may be required to the site to mitigate against this and to provide a low permeability barrier to infiltration.</p> <p>The stockpile of cleared top soil and vegetation should also be checked to ensure it is non-hazardous and go to an appropriate waste stream.</p> <p><i>20<sup>th</sup> March 2024</i></p> <p>The surface layer of vegetation was cleared and the soil underneath only amounted to 20m<sup>3</sup>, which was to remain in situ on site for re-use.</p> <p>The darkened patch of soil was identified as a patch of unused silica blasting material and is to be removed off site to an appropriate waste stream.</p> <p>Given the site's past use as a commercial boat storage yard, the proposed use is consistent with this.</p> <p>I would classify the site as low risk in terms of land contamination with a low likelihood of harm to receptors.</p> <p>Sensible management of the land and the work carried out upon it is incumbent on the owners to oversee.</p>
Natural England		No comments received.
Environment Agency		No comments received.
<b>Neighbour Responses:</b>		
<p>The application has been advertised by way of a planning application site notice and neighbour notification letters issued to 1no. neighbouring property.</p> <p>No representations have been received.</p>		

**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 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 (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 T1 – Improving Accessibility and Transport

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM27 – Built Heritage and Archaeology

**Emerging Copeland Local Plan 2021-2038 (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



## Cumberland Council

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 will close on the 28<sup>th</sup> March 2024.

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.

Policy DS1PU - Presumption in favour of Sustainable Development

Policy DS2PU - Reducing the impacts of development on Climate Change

Policy DS3PU - Settlement Hierarchy

Policy DS4PU - Settlement Boundaries

Policy DS6PU - Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Policy DS8PU - Reducing Flood Risk

Policy DS9PU - Sustainable Drainage

Policy DS10PU - Soils, Contamination and Land Stability

Policy DS11PU - Protecting Air Quality

Strategic Policy E1PU: Economic Growth

Strategic Policy E6PU: Opportunity Sites

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

Strategic Policy R3PU: Whitehaven Town Centre

Policy R9PU: Non-Retail Development in Town Centres

Policy SC1PU - Health and Wellbeing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N3PU - Biodiversity Net Gain

Policy N5PU - Protection of Water Resources

Policy N9PU - Green Infrastructure

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

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).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).

### **Assessment:**

#### Principle

The Application Site is located within the Principal Service Centre of Whitehaven.

The Application Site is delineated as an Employment Opportunity Site in Saved Policy EMP3 of the CS and an Opportunity Site in Strategic Policy E6PU of the ELP.

Economic development and regeneration is unlikely to be delivered in the short term with the form of any redevelopment impacted by the uncertainty resulting from the pandemic and current general economic uncertainty. Accordingly, the use of the Application Site for the storage and maintenance of vessels and associated works, together with storage of marina and boatyard equipment would comprise a pragmatic use delivering economic benefits to Whitehaven as proposals and plans for longer term economic development and regeneration are progressed towards delivery.

The Applicant has confirmed that a five year contract for use of the land has been agreed with the landowner.

A temporary planning permission is supported by the Applicant.

The temporary planning permission is aligned with the contract with the landowner, which reflects anticipated timescales for the progression of proposals to comprehensively redevelop the land.





## Cumberland Council

The temporary planning permission will encourage that a scheme of redevelopment is progressed and will ensure that the pursuit of redevelopment is not prejudiced or delayed by long terms economic benefits to the landowner resulting from the proposed use.

### Heritage

The Application Site is located adjacent to the Whitehaven Town Centre Conservation Area (WCA).

In its current condition and use, the Application Site has a negative impact upon the setting of the WCA.

The proposed development would not result in materially greater impacts/harm than currently occur or would occur if the land was to remain unmanaged.

### Ecology

The Application Site is not of ecological interest given its current use/condition etc..

No physical development is proposed to facilitate the use of land. As such, no ecological impacts are likely to result

As the proposals comprise a minor development, delivery of a biodiversity net gain is not required.

### Amenity

Given the form and nature of the proposed development i.e. extension of existing use, adverse impacts upon the residential and general amenity will not result.

### Highways

Cumberland Council Highways have been consulted and confirmed no objections to the development from a highway capacity or safety perspective.

### Drainage

No positive drainage works are proposed to facilitate the development. It is proposed that surface water will continue to infiltrate to ground as per the existing situation.

### Contamination

Environmental Health initially raised concerns in relation to the development; however, following discussion with the Applicant has confirmed no objections to the development from a land contamination or use perspective.

### **Planning Balance**

As a temporary use, the principle of the development would not conflict with the delivery of the employment generating development and would provide a pragmatic intervening use the land.

	The development would not result in unacceptable impacts in relation to heritage, ecology, highway safety, amenity, drainage and public health subject to the planning conditions proposed.
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1. The use of the land hereby approved shall be discontinued on the 1<sup>st</sup> April 2029. At the end of this period all materials and equipment brought onto the land in connection with the approved use shall be removed and the land restored in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>The use hereby approved is not suitable as a permanent form of development. A temporary planning permission is required to safeguard the future development of the land for alternative uses in accordance with the provisions of Saved Policy EMP3 of the Copeland Local Plan 2001-2016 and Strategic Policy E6PU of the Copeland Local Plan 2021-2038.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Application Form</p> <p>Location Plan – Site Address: The Boat Shet, North Shore, Whitehaven – Ref. PP-12727001v1</p> <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <p>3. The use hereby approved shall be limited to the storage and maintenance of watercraft and waterbourne vessels and the storage of equipment used in connection with the operations Whitehaven Marina Ltd and for no other purpose.</p> <p>Reason</p> <p>To prevent the introduction of uses that would cause unacceptable impacts upon</p>



## Cumberland Council

character and amenity of the locality in accordance with the provisions of Policy ST1, Policy ENV4, Policy DM10 and Policy DM27 of the Copeland Local Plan 2013-2028.

### 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:** Chris Harrison

**Date :** 20.03.2024

**Authorising Officer:** N.J. Hayhurst

**Date :** 20/03/2024

**Dedicated responses to:-** N/A