

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2272/0F1
2.	Proposed Development:	PROPOSED CAR WASH AND VALETING FACILITY INCLUDING RETENTION OF EXISTING CABIN BUILDING ON EXISTING GARAGE AND CAR SALES SITE
3.	Location:	LAND BETWEEN ASDA AND VETERINARY SURGERY (KNOWN AS CHURCH CAR SALES), PRESTON STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	Report:	<p>Site and Location:</p> <p>The Application Site comprises a 0.053ha parcel of hard surfaced land located on Preston Street, Whitehaven.</p> <p>The parcel of land is currently occupied by Church Car Sales.</p> <p>The parcel of land is enclosed by Asda to the south and west, West Lakeland Veterinary Group to the north and Preston Street to the east.</p> <p>An existing access exists from Preston Street.</p> <p>The property is located in Flood Zone 1.</p> <p>Relevant Planning Application History:</p> <p>App. Ref. 4/14/2073/0F1 - Change of use from waste land to second hand car lot – Approved subject to one planning condition:</p>

1. *The permission shall expire on 30 April 2017. At or before the expiration of this period the use of the site as a car lot shall cease and the land restored in accordance with a scheme which has been previously submitted to and approved in writing by the Local Planning Authority unless prior written approval of the Local Planning Authority has been obtained for its continued use.*

The business continues to operate in non-compliance with the requirements of the planning condition.

Proposals:

This application seeks Full Planning Permission for use of the site as a car wash.

The physical works proposed include the following:

- Creation of new in and out access;
- Erection of clear plastic screen;
- Siting of welfare cabin; and,
- Creation of 4no. car parking spaces.

The Applicant has confirmed that the operation will include the use of pressure washing equipment and vacuums.

The proposed operating hours comprise:

Mon – Sat: 09:00-18:00.

Sun: 10:00-16:00.

It proposed to dispose of surface water to soakaway and foul water from the wash area to an interceptor and then onto the mains drains.

Consultee:	Nature of Response:
Town Council	No objections or negative comments.
Cumberland Council – Highways and LLFA	<p>Response 1</p> <p>The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection principle to the proposed development, Although we have no objection the LHA and LLFA would like the following points addressed:</p> <ul style="list-style-type: none"> • The LLFA require a detailed drainage plan showing existing surface and foul sewer networks and how the proposed drainage from the development site will connect into these systems, its worth noting that a possible interceptor may be required to remove any oils,dirt and other contaminants if the proposal is to connect to



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		<p>an existing sewer system.</p> <ul style="list-style-type: none"> • The LHA require a detailed plan showing visibility splays in both directions providing clear visibility of 60 metres measured 2.4 metres down the centre of the access and egress road to the nearside channel line of the carriageway edge of the county highway. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.05m thereafter. <p>Response 2</p> <p>The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant:</p> <ol style="list-style-type: none"> 1. Submission and approval of details surface water drainage scheme. 2. Delivery of visibility splays. 	
	<p>Environmental Health</p>	<p>Response 1</p> <p>In principle, there are no objections to this proposed development from Environmental Health though there are several matters to raise.</p> <p>It is understood that there is no mains water supply to the site at present. This, in itself, would not necessarily prevent the development from proceeding but it does mean that sufficient portable water supplies would have to be brought on to site to serve both the car wash business and for staff welfare use. Alternatively the mains water may be reinstated if the applicant were to contact United Utilities.</p> <p>Effluent from the car wash would contain detergents, vehicle oils, grease and fluids, and is not ordinarily suitable to discharge to a surface water sewer. The effluent should be discharged to a foul or combined sewer and may require a trade effluent consent from United Utilities.</p> <p>There may be exceptions to this rule where discharge to surface water is required, though in such a case, an environmental permit may be required from the Environment Agency, see</p>	

<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit> There should be hard surfaces to the car wash facility that will allow for run-off drainage.

In terms of staff welfare, staff should have access to adequate toilet and hand washing facilities, which includes a toilet, washbasin with running hot and cold water, soap and hand-drying options (paper towels or hand dryers). At least one such toilet is required for the proposed 5 x number of staff, and while a flushing toilet with mains connection is preferable, an alternative like a portable chemical toilet with built-in water and drainage tank is acceptable if mains connection is unavailable.

Staff welfare facilities should also include the provision of a secure area to store clothing and to dry wet clothing, and a rest area where workers can eat, drink and rest. Further information is available from the HSE website.

The proposed hours of opening are seen as reasonable. It would be helpful if the applicant could confirm the noise rating of the car wash compressor unit. It is also noted that the proposed car wash area is quite close to the public footpath alongside. Environmental Health would like to see a Perspex screen provided on the boundary of the premises so that water spray from the car washing does not affect pedestrians passing close by. The LHA may have a further view on this.

In conclusion, Environmental Health would not object to this development but offers the following conditions to any approval granted:

- Drainage Prior to the commencement of works details for the separate foul and surface water drainage systems shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any premises hereby approved. Reason: To ensure a satisfactory standard of surface water and foul drainage.
- Car Wash Management Plan No building or use hereby permitted shall be occupied or use commenced until a car wash management plan setting out how the facility will be managed, including the avoidance of loss of amenity to pedestrians from water spray and to neighbours from excessive noise disturbance and the provision of staff welfare facilities, has been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car wash management plan for the lifetime of the development. Reason: To ensure the safe operation of the approved car wash facility.



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		<p>Response 2</p> <p>The proposed 2 m high Perspex screen is acceptable to Environmental Health. The proposed site welfare facilities are basic though are acceptable. Portable heating may be required during wet / cold weather for staff use so that a reasonable temperature is provided within the site welfare cabin and that wet clothes can be dried. Note that the enforcing authority for this proposed premises would be the HSE.</p> <p>In principle, the revised drainage arrangements for the car wash effluent are also acceptable with a drain interceptor being provided before discharge to a combined public sewer. However United Utilities advice on this matter would be required.</p>	
	United Utilities	<p>Response 1</p> <p>Following our review of the submitted Drainage Strategy Ref: 613 - 01002, Rev 02 Dated July 2025 we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. The drainage plan should show the ultimate connection to the UU sewer and a indicative flow rate for the increase in flow. Should planning permission be granted we request the imposition of a planning condition requiring the submission and approval of a detailed drainage scheme.</p> <p>Advice is provided in relation to the management and maintenance of SuDS, United Utilities assets and water efficiency in new development.</p> <p>Response 2</p> <p>Following our review of the submitted Drainage Strategy Ref: 613 04001, Rev 01 Dated 10/25 , we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. The drainage plan should show the ultimate connection to the UU sewer. The applicants cover letter states no ACO drains will be used on site however they are shown on the plan. Should planning permission be granted we request the imposition of a planning condition requiring the submission and approval of a detailed drainage scheme.</p> <p>Advice is provided in relation to the management and maintenance of SuDS, United Utilities assets and water efficiency in new development.</p>	

Neighbour Responses:

The development has been advertised by way of a planning application site notice and notification letter sent to neighbouring properties.

Two representations have been received from one party:

One:

I've occupied this site church cars for over 12 years .my concerns are based on considerable experience. getting on and off this piece of ground is not easy. it's a very busy road. To drive off here and go right I have to wait for traffic to clear on both sides this takes generally takes two or three minutes and longer at peak time .not so bad if I'm simply going left but again it's very rare that I can just pull straight ..a car wash que would have considerable difficulty getting across both lanes of traffic and would take to long for waiting customers coming in to the wash. ...also with the increased traffic that the new Aldi will bring will make it worse. nobody will let you go they would rather drive around you that flash you out this has been a constant problem..

Two:

As previously discussed the road is to busy for a car wash qué especially since the new Aldi will be adjacent.creating more traffic and a proposed cycle lane going right up Preston street I've surveyed 1100 cars and hour going past church cars on any given weekday more on weekend .pulling off this site can take 5 or more minutes to get out into traffic ..a busy car wash qué would have boiled up off traffic past Asda I have considerable experience of this as I've occupied this site for 12 years

Planning Policy:

Planning law requires that 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 local development plan documents continue to apply to the geographic area of their sovereign Councils only.



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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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy DS9: Protecting Air Quality

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

Policy E7: Safeguarding of Employment Sites

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

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).

Assessment:

Principle

Policy DS1 of the LP identifies Whitehaven as the Principal Town.

Policy DS2 of the LP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate

otherwise.

Policy EC2 of the LP supports the employment development proposals where they provide the type and scale of development that is appropriate for its settlement as identified in the table below; and, are located on allocated employment sites or existing employment land either through the reuse or redevelopment of existing premises and where appropriate intensification of use.

Hierarchy of Settlement	Appropriate Type and Scale of Development
Principal Town	<p>A range of employment types including:</p> <ul style="list-style-type: none">• Expansion of existing businesses• New start-ups and incubator facilities• Digital businesses• Improvements and expansion of the existing tourism offer• Creation of new tourism opportunities

The Application Site is currently occupied by a second hand vehicle sales business in breach of planning condition. The land is located adjacent to but is not within an allocated opportunity site.

The Application Site is located within a predominantly commercial/retail area.

The proposed comprises a small scale start up business, which is appropriate to the location.

Design and Heritage

The Application Site comprises a 0.053ha parcel of hard surfaced land which does not contribute positively to the character of the streetscape or locality.

The proposed development including the screen and building whilst utilitarian in appearance and the proposed activity including the presence of vehicles would have a combination of positive and neutral impacts upon the character of the streetscape or locality.

Highways/Parking

Cumberland Council Highways have been consulted in relation to the development and have confirmed no objections subject to the imposition of a planning condition to secure the delivery of the required visibility splays.

The development includes sufficient vehicle parking to serve the scale of development proposed.

Flood Risk



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The Application Site is located in Flood Zone 1.

It proposed to dispose of surface water to soakaway and foul water from the wash area to an interceptor and then onto the mains drains.

Whilst no objections have been raised by Environmental Health, United Utilities and the LLFA, it has been confirmed that insufficient information has been submitted to approve as submitted and that a suspensive planning condition is required to secure submission and approval of a detailed foul water and surface water drainage scheme prior to the commencement of the development.

Biodiversity Net Gain

The Application Site does not include linear or watercourse habitats. The development will not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat; therefore, the development falls below the biodiversity net gain threshold and a ten percent biodiversity net gain is not required to be delivered.

Ecology

Given the nature of the development proposed, no adverse impact on protected or priority species will result.

Amenity

Given the scale, form and layout of the development no adverse impacts upon existing or approved dwellings would result through loss of light, overshadowing or overbearing.

The development will result in additional activity and noise from the operation of pressure washing equipment and vacuum equipment. Similar activities exist within the locality. The hours of operation are Mon – Sat: 09:00-18:00 and Sun: 10:00-16:00 and will be controlled by planning condition. Environmental Health have raised no objection.

Construction Management

A planning condition is proposed in relation to construction working hours to prevent unacceptable impacts on amenity and the operation of the highway network during the construction works.

Environmental Health has confirmed no objections.

A planning condition is proposed to secure controls in the event that unexpected contamination is identified.

Planning Balance

	<p>The principle of the development is acceptable.</p> <p>The proposed development including the screen and building, whilst utilitarian in appearance, and the proposed activity including the presence of vehicles would have a combination of positive and neutral impacts upon the character of the streetscape or locality.</p> <p>The development is acceptable in respect of highways, ecology, drainage and amenity subject to the planning conditions proposed.</p> <p>In overall terms, it is considered that the benefits of the development outweigh the harms, when assessed against the policies of the Development Plan and NPPF when taken as a whole.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>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.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:</p> <p>Planning Application Form Location Plan - Drawing No. 613 01001 Rev. 02 Block Plan – Drawing No. 613 01003 Rev. 02 Proposed Site Layout – Drawing No. 613 04001 Rev. 01 Proposed Screen Detail – Drawing No. 613 04001 Rev. 01 Proposed Staff Welfare Facility – Drawing No. 613 04002 Rev. 01</p> <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p>



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Pre-Commencement Planning Conditions

Highways

3. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any 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 grow 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. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and shall not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety in accordance with the provisions of Policy C07 of the Copeland Local Plan 2021-2039.

Drainage

4. Notwithstanding the submitted details, prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
- (v) A maintenance schedule (identifying the responsible parties); and,
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall be in accordance with the National Standards for Sustainable

Drainage Systems (2025) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy DS7 of the Copeland Local Plan 2021-2039.

Pre-Occupation

5. The development hereby approved shall not be brought into use until the following works have been undertaken and completed in accordance with the approved plans/details:

- Access detailed on Drawing No. 613 04001 Rev. 01
- Proposed Screen detailed on Drawing No. 613 04001 Rev. 01
- Drainage Scheme secured by Planning Condition 4

Reason

To ensure the provision of high quality design, suitable means of access, suitable welfare facilities and to prevent conflict with the use of the adjacent public highway in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

Other Planning Conditions

6. No external lighting shall be installed unless or until a scheme of external lighting has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the intensity of illumination and predicted lighting spill contours.

All external lighting shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Reason

To protect residential amenity, to ensure high quality design and to protect the environment from light pollution in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.



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Hours of Use

7. The development hereby approved shall not be used otherwise than between:

Monday to Saturday - 09:00 to 18:00

Sunday - 10:00 to 16:00

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework.

Construction Management

8. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

08.00 - 18.00 Monday to Friday; and

08.00 - 13.00 on Saturdays;

unless otherwise agreed in writing with the Local Planning Authority.

In particular, no work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework.

Contamination

9. 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 DS8 of the Copeland Local Plan 2021-2039.

Informatives

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun as the proposals comprises development that does not impact a priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat; and,
- 5 metres of on-site linear habitats such as hedgerows.

Highways

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges> Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Development Low Risk Area - Standing Advice

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.



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Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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. Harrison

Date : 18.02.2026

Authorising Officer: N.J. Hayhurst

Date : 18.02.2026

Dedicated responses to:- N/A