



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/26/2108/0F1
2.	<b>Proposed Development:</b>	RETENTION OF EXISTING STORE AND INSTALLATION OF NEW GARDEN STORE WITH TRELLIS SCREENING
3.	<b>Location:</b>	BECK BOTTOM COMMUNITY GARDEN, RIBTON MOOR SIDE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way, Main River Consultation Area - Main River Consultation Area
6.	<b>Publicity Representations &amp;Policy</b>	See Report.
7.	<b>Report:</b>	<p><b>Site and Location</b></p> <p>The application relates to Beck Bottom Community Garden, located within the Hensingham area of Whitehaven.</p> <p>The site is bound by Main Street, the B5295 to the south, Springfield Grove and the Hillcrest housing estate to the west and a woodland area to the east.</p> <p>The site benefits from an established garden store with green roof previously approved under application reference 4/23/2038/0F1, and a number of paths and green spaces. It is located on a raised area of ground and comprises garden flower beds supported by retaining walls.</p> <p>There is also a Public Right of Way No. 431025 running adjacent to the site.</p> <p><b>Proposal</b></p> <p>Planning Permission is sought for the retention of the existing store previously approved under application reference 4/23/2038/0F1 and the erection of a new store which is to be</p>

screened by a section of trellis that is to be installed adjacent to the store.

The new building will measure 2.062m wide x 1.994m in length. It is of metal pre-fabricated construction, green in colour, with a flat roof and overall height of 2.143m.

The structure will be clad with a 1.8m x 1.8m trellis that is 0.35m thick which replicates the details of the previous scheme approved under 4/23/2038/0F1, to screen the development from the roadside.

### **Relevant Planning History**

4/23/2038/0F1 - GARDEN STORE WITH GREEN ROOF (3M IN LENGTH X 2.1M WIDE X 2.1M HIGH) AND TRELLIS CLADDING TO OBSCURE BUILDING. RAINWATER HARVESTING FACILITY – Approved

### **Consultation Responses**

#### Whitehaven Town Council

No objections.

#### Cumberland Council Ecologist

Confirms the development is exempt from BNG.

### **Breeding Birds**

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

### **Small Mammals**

- All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of small mammals and should adopt the following precautionary method of works:
- All work must take place during daylight hours.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.



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- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

### Cumberland Council Footpath Officer

No comments received.

### Public Representations

The application has been advertised by way of site notice and 4 no. neighbour consultation letters – 1 letter of support has been received which states the following:

- A valuable community resource, not only allowing the group to care for a previously neglected area, but also enabling them to provide valuable social interaction with members of the local community who may otherwise feel isolated.

### **Planning Policies**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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### **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 2021 - 2039 (LP):**

Cumberland Council continued the preparation of the Local Plan as commenced by Copeland Borough Council. The Local Plan 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.

The policies relevant to this application are as follows:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

DS4: Design and Development Standards

Policy SC1: Health and Welbeing

Policy SC5: Community and Cultural Facilities

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO6: Countryside Access

#### Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Wildlife and Countryside Act 1981

The Conservation of Habitats and Species Regulations 2017 (CHSR)

#### **Assessment**

The key issues raised by this proposal are the principle of development, its scale, design and visual impact, residential amenity, impact on the public right of way and Biodiversity Net Gain.

#### Principle of Development

Policy DS1 of the Local Plan identifies Whitehaven as the Principal Town.

Policy DS2 of the Local Plan 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.

Hensingham is identified under Strategic Policy DS2 as being within the Settlement Boundary of the Principal Town of Whitehaven.

The Local Plan supports development within the settlement boundary where it accords with the Development Plan unless material considerations indicate otherwise.

On this basis, the principle of development is considered acceptable and complies with Policies DS1 and DS2 of the Copeland Local Plan.

#### Scale, Design and Visual Impact

Policy DS4 of the Copeland Local Plan seeks to create high quality developments which respond positively to the character of the site and the wider setting and states that all new development should maintain high levels of amenity.

Section 12 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place.



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Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The proposed storage building will be suitably located on an elevated level area of ground above the existing flower beds to the south of the site. The proposed scale of the existing and proposed new buildings are modest, and their design will meet the functional needs of the established Beck Bottom Community Garden Group, while maintaining the character of the area.

As the proposal is small scale, it is unlikely to be excessively prominent within the locality and the visual impact will be reduced by the green colouring of the building and also the proposed screening provided by the wooden trellis cladding. The installation of the trellis screening can be adequately secured by the use of a planning condition.

On this basis, the impact of the proposal is considered to be limited and would accord with the requirements of Policies DS4 and H14 of the Copeland Local Plan and the NPPF guidance.

### Residential Amenity

Policy DS4 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

Given the character and nature of the site and its separation distance to the nearest residential properties the proposed garden stores are unlikely to give rise to any disturbance in the area. In addition, there have been no objections received in response to the application.

The site was also subject to a previous application for the garden store that currently exists on site under application reference 4/23/2038/0F1. Condition number 1 stipulated on this permission only expressly authorised the structure to remain on site for a period of 3 years. This application seeks to extend this timescale given the success of the Community Garden.

Given that there have been no complaints received in relation to the existing structure, it is considered acceptable to renew and extend the timescale for a further 5 years. This will allow both structures to be covered by one planning permission. The permission will therefore expire 5 years from the date of granting this permission and can be controlled by an appropriately worded planning condition.

On this basis, the proposal is considered to comply with Policy H14 of the Local Plan and provisions of the NPPF.

### Community Benefits

Policy SC1 of the Local Plan supports development which promotes health and well being.

Policy SC5 promotes development that provides community facilities.

The Community Garden is a local facility that provides local benefits to health and well being and also facilities available to the community.

### Impact on Public Right of Way

Existing Public Rights of Way are protected by law and therefore do not need Policy protection, however Strategic Policy CO6 and The Countryside and Rights of Way Act 2000 seeks to exercise statutory rights of access. On this basis, as the Public Right of Way 416062 runs parallel to the development site, consideration must be given to the potential impacts on both the physical and amenity aspects of the footpath.

The two stores will be visible from the Public Right of Way although they are modest in scale and their impact will be minimised by suitable screening. As such there will be no detrimental impact on the amenity of users of the Public Right of Way. The site visit confirmed that the PROW runs along the bottom path of the park and therefore it will not be directly adjacent to the stores. On this basis, it will not significantly harm the physical footpath.

No comments were received from The Countryside Access Footpaths Officer in response to the application.

The proposal is considered to satisfy Policy CO6 of the Local Plan and the guidance set out in the NPPF.

#### Biodiversity Net Gain

Policy N1 outlines how the Council will protect and enhance the biodiversity and geodiversity within the Borough and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development is de minimis. This has been confirmed by the Councils Ecologist.

On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

#### Planning Balance and Conclusion

The proposed additional storage building and trellis screening are of an appropriate scale and



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	<p>design to provide additional functional on-site storage for the established Beck Bottom community garden.</p> <p>It is not considered that it will have a detrimental impact on the amenities of the surrounding area or to the users of the adjoining public right of way.</p> <p>The retention of the existing structure approved under application reference 4/23/2038/OF1 for a further temporary time period is also considered to be acceptable. This will be seen and associated with the new store proposed.</p> <p>The existing facility is an existing asset to the community and the benefits of the proposal are considered to outweigh any minimal harm that would result.</p> <p>However, due to the design of the stores which are of a temporary nature it is considered appropriate to limit the permission to a 5 year period to retain control of the long-term use of the site in the interest of visual amenity.</p> <p>On this basis, it is considered that the proposal complies with the policies of the Copeland Local Plan in this regard.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. The store hereby permitted and the development approved under application reference 4/23/2038/OF1 shall remain on site simultaneously for a limited period of five years from the date of this decision.</li></ol> <p>At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the development shall be removed from the site on or before this date and the land restored to its former condition.</p> <p>Reason</p> <p>The development hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.</p> <ol style="list-style-type: none"><li>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: -</li></ol>

- Application Form, received 7<sup>th</sup> April 2026;
- Site Location Plan, scale 1:1250, received 7<sup>th</sup> April 2026;
- Site Layout Plan, scale 1:1250, received 7<sup>th</sup> April 2026;
- Site Block Plan, scale 1:500, received 7<sup>th</sup> April 2026;
- Garden Store Details, received 7<sup>th</sup> April 2026;
- Garden Store Brochure, received 7<sup>th</sup> April 2026;
- Trellis Details, received 7<sup>th</sup> April 2026;
- BNG Exemption Statement, received 9<sup>th</sup> April 2026;

#### 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. Prior to the first use of the new storage building hereby approved, the wooden trellis cladding must be installed in accordance with the 'Trellis Drawing' submitted to the Local Planning Authority on 27<sup>th</sup> February 2023 and must be retained thereafter.

#### Reason

To ensure suitable screening is provided in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

#### **Informative Notes**

##### **Development Low Risk Area – Standing Advice – Mining Remediation Authority**

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

##### **Biodiversity Net Gain – Exemption**



## Cumberland Council

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 because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption: De Minimis

### 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: Demi Crawford**

**Date : 01/06/2026**

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

**Date : 02/06/2026**

**Dedicated responses to:-**