

Christopher Kendall
Town Planning Consultant

2 York Cottages, Elm Grove Road, Cobham, Surrey, KT11 3HG

Application by I Park Smart Ltd

**Under S73 of the Town and Country Planning Act 1990 (as
amended) in respect of**

**DEMOLITION AND USE OF SITE AS A TEMPORARY CAR
PARK**

At

**MARK HOUSE/THE PARK, STRAND STREET/DUKE STREET,
WHITEHAVEN**

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STREET/DUKE STREET, WHITEHAVEN



1.0 Introduction

- 1.1 Planning permission for the demolition of the Mark House building and use of land as a car park was granted on the 16 March 2016 (4/15/2526/0F1).
- 1.2 Condition 1 stated;
1. The demolition shall take place within 12 months from the date of this consent. The use of the land as a car park hereby permitted shall be for a limited period of 12 months from the date of the first use of the land as a car park. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use shall be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the local Planning Authority.
- 1.3 The effect of that permission was that the demolition had to take place before the 16 March 2017.
- 1.4 However, the demolition could not take place until condition 2 had been complied with;
2. No demolition of the building known as the Park (outlined in red on the attached plans) shall take place until a scheme has been submitted to and approved by the Local Planning Authority indicating how the facade shall be stabilised, protected and maintained during demolition of the adjoining parts of the building.
- 1.5 An application was submitted to vary the permission. Although it was not specifically stated, it is assumed that this was treated as an application under S73 of the Act. If so, a S73 application gives rise to a completely new permission.
- 1.6 The permission was granted on 30 May 2017 (4/17/2152/OG1). A revised condition 1 required;
1. The demolition shall take place within 9 months from the date of this consent. The use of the land as a car park hereby permitted shall be for a limited period of 12 months from the date of the first use of the land as a car park. At the end of this period the use shall cease. All materials and equipment brought onto the land in connection with the use shall be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the local Planning Authority.
- 1.7 This meant that demolition had to be carried out by the 30 May 2018.

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- 1.8 Conditions 3 and 4 required the submission of details.

3. Notwithstanding the details submitted with the application none of the land shall be used as a car park until a fence, wall or means of enclosure has been erected around the perimeter of the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority following demolition and prior to the first use of the land as a car park. Development shall be carried out in accordance with the approved details and the boundary treatment shall be retained at all times thereafter.

Reason

To ensure a satisfactory form of boundary treatment that preserves the character and appearance of this part of the Conservation Area.

4. Prior to the first use of the land as a car park the site shall be surfaced and laid out in accordance with a scheme that has been submitted to and approved in writing by the local Planning Authority. The layout shall include provision for accessible users. Development shall be carried out in accordance with the approved details and the approved surface shall be maintained at all times thereafter.

Reason

for the avoidance of doubt and to ensure a satisfactory standard of external appearance that preserves the character of the Conservation Area.

- 1.9 Condition 3 was approved on the 16 April 2018 and Condition 4 on the 20 September 2018.
- 1.10 The use as a car park commenced on the 15 December 2018 and should, therefore, have ceased on the 14 December 2019.
- 1.11 However, a further S73 application was submitted in September 2019 and approved on the 23 October 2019 (reference 4/19/2309/0BI).
- 1.12 Condition 1 required;

1. The use of the land as a car park hereby permitted shall be discontinued on the 6th June 2021. At the end of this period all materials and equipment brought onto the land in connection with the use as a car park shall be removed and the land restored in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason

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The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the future development of the land for alternative uses in accordance with the provisions of the adopted Local Plan.

- 1.13 A further application as submitted in April 2021 and approved on the 14 June 2021. (4/21/2179/0F1). Condition 1 stated;

1. The use of the land as a car park hereby permitted shall be discontinued on the 6th June 2023. At the end of this period all materials and equipment brought onto the land in connection with the use as a car park shall be removed and the land restored in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason

The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the future development of the land for alternative uses in accordance with the provisions of the adopted Local Plan.

- 1.14 The most recent application was approved on the 5 April 2023 (4/23/2039/0B1).

- 1.15 Condition 1 required;

1. The use of the land as a car park hereby permitted shall be discontinued on the 6th June 2025. At the end of this period all materials and equipment brought onto the land in connection with the use as a car park shall be removed and the land restored in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

- 1.16 The reason for the condition was;

The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the future development of the land for alternative uses in accordance with the provisions of the Copeland Local Plan 2013-2028 (Adopted December 2013) and Emerging Copeland Local Plan 2021-2038 (ELP).

- 1.17 Although not part of the application site, permission has recently been granted for the demolition of the former John Paul Jones public house (4/24/2401/0F1)

2.0 Current Situation

- 2.1 A redevelopment scheme has not yet been formulated.

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- 2.2 The Covid pandemic which started in February / March 2020 had a serious effect on the construction industry and on shopping and working patterns. Shopping and working patterns have changed, probably permanently.
- 2.3 The first temporary condition was imposed because;
- The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the future development of the land for alternative uses in accordance with the provisions of the adopted Local Plan.
- 2.4 The most recent one is slightly different;
- The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the future development of the land for alternative uses in accordance with the provisions of the Copeland Local Plan 2013-2028 (Adopted December 2013) and Emerging Copeland Local Plan 2021-2038 (ELP).
- 2.5 The owners are still actively pursuing the redevelopment of the site, but as explained above, the pandemic has made it very difficult to determine what form of redevelopment will be viable. Once a developer is found, a scheme formulated, planning permission granted, contracts let etc the car park operator is contractually required to vacate the site. The use of the land as a car park is not perceived as the long term solution, but it is a beneficial interim use which provides a facility for users of the town centre and keeps the site in a reasonable state of repair.
- 3.0 Planning Policy
- 3.1 The Copeland Local Plan 2021-2039 includes;
- R3
- Development that supports the role of Whitehaven Town Centre as the Principal Town will be encouraged and supported where it:
- Appropriately reflects the Whitehaven Town Centre boundary and Primary Shopping Area in line with the approach set out in Policy R648
 - Accords with the Whitehaven Town Centre and Harbourside Supplementary Planning Document or any document that supersedes it;
 - Encourages evening and night time uses that contribute to the vibrancy, inclusiveness and economic vitality of the centre;
 - Provides commercial office space in Whitehaven;

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- Builds upon the leisure offer to maximise the location of Whitehaven as a destination within the Lake District Coastal Area;
- Provides improvements to public realm, shop front aesthetics, linkages and signage;
- Improves the historic attributes where appropriate;
- Improves pedestrian movement, connectivity and safety throughout the town centre and in particular from King Street to the harbour areas;
- Provides retail, leisure and main town centre frontage along the harbour;
- Provides improved and new public green space and landscaping;
- Enhances the gateway sites and approaches into the town centre;
- Diversifies the range of residential accommodation in the town centre, including the re-use of vacant floors over shops;
- Maintains high standards of design that conserves and enhances elements contributing to the significance of Whitehaven Town Centre and High Street Conservation Area, including principles set out within the Conservation Area Appraisal and Conservation Area Management Plan;
- Strengthens the historic attributes of the town centre;
- Incorporates the strategic redevelopment schemes set out in the Whitehaven Masterplan

Development on Opportunity and regeneration sites will be encouraged where proposals meet the requirements of the sequential test and impact threshold.

3.2 Policy E6 deals with opportunity sites;

Strategic Policy E6: Opportunity Sites

The Council will support the development and/or redevelopment of Opportunity Sites in and on the edge of the towns of Whitehaven, Cleator Moor, Egremont and Millom as the focus to help regenerate these towns. The list of Opportunity Sites and their preferred uses is shown in Appendix C.

A Masterplan will be required for larger Opportunity Sites to ensure a holistic development is brought forward.

Development on Opportunity Sites within town centre boundaries must take the opportunities available to enhance the street scene and improve the vitality and viability of the centre.

3.3 The site is identified as an Opportunity Site;

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OWH11 Mark House & Park Nightclub Whitehaven

0.25ha

All town centre uses. Preference for uses that generate activity and footfall for the town centre/harbourside C, E, F and Sui Generis (town centre appropriate) uses*

3.4 Policy CO7 deals with car parking;

Policy CO7: Parking Standards

Proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.

Development will be supported where it accords with the Whitehaven Parking Strategy or any document that supersedes it. Proposals that provide new or improved park and ride facilities for local employment and development sites will be supported where they will provide demonstrable benefits and are situated in appropriate locations.

It is understood that The Whitehaven Parking Strategy is not currently being used as a development management tool.

4.0 The Application

4.1 This S73 application seeks a new permission. Although in practical terms it is not necessary to do so, it is accepted that the Council will wish to grant a temporary permission.

4.2 There is absolutely no doubt that the preferred option for this site is redevelopment with a high quality building. However, that cannot happen until a developer is found and a scheme designed and planning permission obtained. Until then the site will remain either as a car park, which is a beneficial use, or vacant, which benefits nothing. However, preventing use as a car park is not going to bring forward the redevelopment.

4.3 The Council is therefore requested to issue a new permission with conditions as follows;

The use of the land as a car park hereby permitted shall be for a limited period of 3 years from the date of this permission. At the end of this period the use shall cease.

OR

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The use of the land as a car park hereby permitted shall be discontinued on the At the end of this period all materials and equipment brought onto the land in connection with the use as a car park shall be removed and the land restored in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

As well as;

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:-

Location Plan- Drawing No. 15-C-14273/4 received 27th April 2017;

Site Plan- Drawing No. 3457/2 received 10th September 2018; and,

Enclosure Specification received 23rd August 2018.

Christopher C Kendall

Dip TP MRTPI

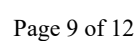
07 April 2025

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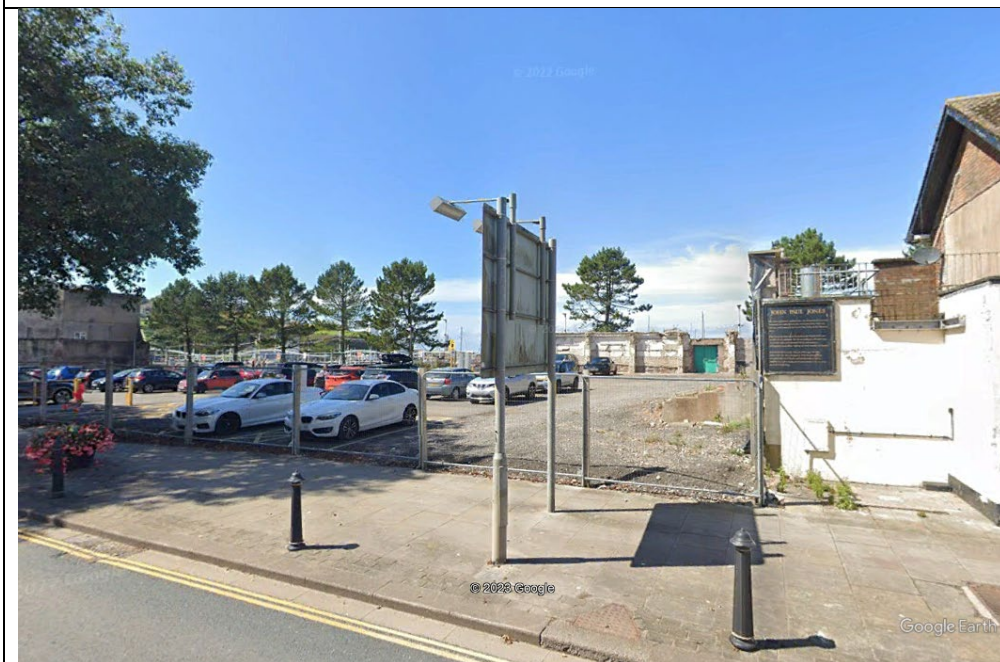




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Appendix 2

List of Submitted Documents

| Number | Description | Date Submitted | Comment |
|----------|-----------------------|----------------|---------|
| 20250407 | Application statement | 7 April 2025 | |

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