

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2348/OF1
2.	Proposed Development:	RESURFACING OF FORECOURT PARKING AREA
3.	Location:	CHRISTIAN BRETHERN CHURCH, SANDHILLS LANE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area
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:	<p>SITE AND LOCATION</p> <p>This application relates to the parking area associated with the Christian Brethren Church, located on Sandhills Lane, Whitehaven. The parking area is sited to the south west of the church and lies within the Whitehaven Conservation Area.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the resurfacing of the existing forecourt parking area associated with the Christian Brethren Church.</p> <p>The area to be covered is 185 square metres and will be surfaced in tarmac with the removal of the existing stone flags.</p>

RELEVANT PLANNING APPLICATION HISTORY

Re-surfacing of forecourt, withdrawn in June 2014 (application reference 4/14/2171/0F1 relates).

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No objections

Conservation Officer – Raised no objections as there will only be slight justifiable harm to the Conservation Area.

Cumbria County Council Highways – No objections as it is considered that the proposal does not affect the highway.

Local Lead Flood Authority – No objections as it is considered that the proposal does not increase the flood

Public Representation

The application has been advertised by way of a site notice, press notice and consultation letter issued to one neighbouring property.

No consultation responses have been received as a result of this advertisement.

PLANNING POLICY

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

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Conservation Area Design Guide SPD December 2017 (CADG)

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

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 is currently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but 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 National Planning Policy Framework.

ASSESSMENT

Policies ENV4 and DM27 of the Copeland Local Plan relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the local plan requires good design.

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.

The proposed development was previously applied for in 2014, however was withdrawn by the Applicant as the Conservation Officer at the time favoured paving. The surface has become more uneven over the past 6 years and is now considered to be a safety hazard. The Church have provided information with regard to the general maintenance and repair costs associated with the Church and the long term maintenance plan required which will impact on the Church's financial situation for the future. They have also detailed that other paving solutions have been researched but the costs involved are excessive and unaffordable for the church. Although a paved surface would be preferable to the proposed tarmac, it is recognized that the cost is prohibitive for the church and

	<p>safety concerns require that the car park is resurfaced.</p> <p>The area proposed for resurfacing is set back from any main public rights of way and is only visible when viewed from the site itself. The Conservation Officer considers that the wider setting of the car park has had its historical character almost entirely eradicated over the last seventy years and, while he considers the replacement of the concrete paved surface with tarmac to entail slight harm – thereby not preserving or enhancing the character of the Conservation Area – he is of the view that this is justifiable bearing in mind the slightness of the harm involved and the fact that this will allow the Church to make better use of its limited funds for maintaining the building.</p> <p>The Cumbria Highways Authority and Local Lead Flood Authority have raised no objections to the proposal and consider that there would be no material effect on the highway or flood risk.</p> <p>No objections have been received to the proposal as a result of the public consultation.</p> <p><u>Conclusion</u></p> <p>Overall, although there will be slight harm to the Conservation Area due to the loss of the more traditional paving, it is considered that the loss is justifiable due to the economic constraints faced by the Applicant and the location of the proposal, hidden from public viewpoints. The resurfacing works will maintain safety and ensure that the car park can be used by the church in the long term.</p> <p>On balance, the application is considered to be in accordance with the requirements of the Copeland Local Plan and the other material planning considerations.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</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: - <p>Site Location Plan, scale 1:1250, received 9th September 2020; Block Plan, scale 1:500, received 9th September 2020;</p>

	<p>Planning Information, written by SRE Associates, dated August 2020, received 9th September 2020; Layout Plan, scale 1inch to 3m, received 9th September 2020.</p> <p>Reason</p> <p>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.</p> <p>Informative</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>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.</p>
Case Officer: Sarah Papaleo	Date : 20/10/2020
Authorising Officer: N.J. Hayhurst	Date : 04/11/2020
Dedicated responses to:- N/A	