

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2179/0F1
2.	Proposed Development:	VARIATION OF CONDITION 1 OF PLANNING APPROVAL 4/19/2309/0B1 TO PERMIT CONTINUATION OF USE OF TEMPORARY CAR PARK FOR TWO ADDITIONAL YEARS
3.	Location:	SITE OF MARK HOUSE, STRAND STREET, WHITHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC; Adverts - ASC; Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See Report.
7.	Report: Site and Location: <p>This application relates to a prominent site located to the southeast of Whitehaven Harbour.</p> <p>The Application Site is bounded by Millennium Promenade to the northwest; Duke Street to the northeast; Strand Street to the southwest; and, a collection of dwellings fronting Lowther Street to the southwest.</p> <p>The Application Site is located within the Whitehaven Conservation Area.</p> <p>The Application Site was previously occupied by the former swimming baths, which was last in use as a nightclub and the Mark House office building. The Mark House office building has been demolished; however, an element of the swimming baths building remains.</p> <p>The Application Site is currently in use as a temporary car park.</p>	

Recent Planning Application History:

4/11/2386/0C1 - Conservation area consent for demolition of office block, night club building & partial demolition of Victorian Bath House (in conjunction with app. - Approve Conservation Area Consent (within 3yrs).

4/15/2526/0F1 - Demolition and use of site as a temporary car park – Approve.

4/17/2152/0G1 - Variation of condition 1 of planning permission reference 4/15/2526/0F1 to extend the time period for the demolition of the Mark House building – Approve.

4/19/2309/0B1 – Variation of Planning Condition of Planning Permission 4/17/2152/0G1 to permit continuation of use of temporary car park – Approve.

Proposal:

This application seeks to vary Planning Condition 1 attached to Planning Application Reference 4/19/2309/0B1 to permit the continued use of the temporary car park for an additional period of two years.

Consultee:	Nature of Response:
Town Council	No comments.
Cumbria County Council – Highways and LLFA	<p>There have been a number of parking proposals around the town centre, mostly temporary, which individually would not have a significant impact on the more traffic sensitive routes but cumulatively could have an adverse effect.</p> <p>As your authority is aware a parking strategy has been developed which you may wish to align any decision of a temporary extension on the implementation of the studies recommendations, a point your authority should consider when approving this application.</p> <p>I can confirm that the Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood risk on the site or elsewhere.</p>
Copeland Borough Council –	This application seeks a two-year extension on the use of the site as a car park, which is currently due to cease on 6 th June 2021. It follows a similar application made in 2017 to extend the use of the car park by two years, following an initial

<p>Conservation Officer</p>	<p>application in late 2015 allowing it to be used for 12 months from the time it opened.</p> <p>A surface car park is not an ideal long-term use for this site, however I do not believe that continuing its use for another two years will negatively affect its chances for successful redevelopment.</p> <p>In continuing as is, there is no change and therefore no impact on the character and appearance of the conservation area or nearby heritage assets, so I have no objection to the proposal.</p>
<p>Neighbour Responses:</p>	
<p>The application has been advertised by way of a planning application site notice, press notice and neighbour notification letters issued to 11no. neighbouring properties.</p> <p>No formal representations have been received.</p>	
<p>Development Plan:</p>	
<p><u>Copeland Local Plan 2013-2028 (Adopted December 2013):</u></p>	
<p><u>Core Strategy (CS):</u></p>	
<p>Policy ST1 – Strategic Development Principles</p>	
<p>Policy ST2 – Spatial Development Strategy</p>	
<p>Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions</p>	
<p>Policy ER8 – Whitehaven Town Centre</p>	
<p>Policy T1 – Improving Accessibility and Transport</p>	
<p>Policy ENV3 – Biodiversity and Geodiversity</p>	
<p>Policy ENV4 – Heritage Assets</p>	
<p><u>Development Management Policies (DMP):</u></p>	
<p>Policy DM10 – Achieving Quality of Place</p>	
<p>Policy DM22 – Accessible Developments</p>	
<p>Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species</p>	
<p>Policy DM27 – Built Heritage and Archaeology</p>	
<p>Other Material Planning Considerations</p>	
<p>National Planning Policy Framework (NPPF).</p>	
<p>Planning Practice Guidance (PPG).</p>	
<p>National Design Guide (NDG).</p>	
<p>The Conservation of Habitats and Species Regulations 2017 (CHSR).</p>	

Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA).
Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 was recently 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:

Planning Application Ref. 4/19/2309/OB1 approved the variation of Planning Condition 1 of planning permission reference 4/17/2152/OG1 to permit use of the land as a car park until the 6th June 2021 and required that 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.

Whilst the operating period approved under Planning Application Ref. 4/19/2309/OB1 has now expired the requirement for reinstatement remains valid/live. The current application was submitted well in advance of the expiration of the operating period approved under Planning Application Ref. 4/19/2309/OB1.

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.

Economic development and regeneration is unlikely to be delivered in the short term. Accordingly, the use of the Application Site as a vehicle car park for a temporary period would comprise a useful and pragmatic use delivering economic benefits to Whitehaven as proposals and plans for longer term economic development and regeneration are progressed towards delivery.

The Application Site is located within the Whitehaven Town Centre Conservation Area (WCA) and comprises part of the setting of Listed Buildings. In its current condition and use as a temporary car park, the Application Site has a negative impact upon the significance of the WCA and settling of the listed building in the proximity of the Application Site. The resulting impacts cause less than significant harm.

The duration of any temporary planning permission should be limited to the anticipated timescale for

commencement of the redevelopment to minimise the time period for which the resulting impacts upon the WCA and setting of the Listed Buildings will occur, to ensure a scheme of development is progressed and to ensure that the pursuant of redevelopment is not prejudiced or delayed by the economic benefits resulting from the use for vehicle parking.

The landowner has confirmed anticipated timescales for the commencement of redevelopment is unlikely to be within 18-24 month given the current stage in the design process and that their contract with the car park operator secures the ability to terminate the use with one month of notice to enable commencement of any works as soon as this becomes possible.

The hard surfaced parking area the subject of the application is not of ecological interest given its nature and its existing use for vehicle parking.

Reconciliation of Planning Conditions

Planning Conditions - 4/19/2309/0B1	Comments
<p>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.</p> <p>Reason</p> <p>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.</p>	<p>Revise to permit an additional period of 24 months.</p> <p>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.</p> <p>Reason</p> <p>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.</p>
<p>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>	<p>No revision required.</p>

	<p>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.</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><i>Planning Balance</i></p> <p>The principle of the development is established and the extension of the period of use by 24 months would not conflict with the delivery of the employment generating development, given the length of the proposed use and would provide a pragmatic intervening use the land.</p> <p>In its current condition and use as a temporary car park, the Application Site has a negative impact upon the significance of the Whitehaven Town Centre Conservation Area and setting of the Listed Buildings in the proximity of the Application Site; however, given the temporary nature of the impacts, the economic benefits of the development are considered to outweigh the less than significant harm.</p>		
8.	<p>Recommendation:</p> <p>Approve</p>		
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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. <p>Reason</p>		

	<p>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.</p> <p>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> <p>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.</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>
Case Officer: Chris Harrison	Date : 14.06.2021
Authorising Officer: N.J. Hayhurst	Date : 14/06/2021
Dedicated responses to:- N/A	