

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2114/OF1
2.	Proposed Development:	PROPOSED USE OF LAND AS 24 HOUR CAR PARK (INTERIM USE)
3.	Location:	SITE OF FORMER MAGISTRATES COURT, CATHERINE STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to an area of land that covers an area of approximately 0.13 hectares and fronts onto Catherine Street in Whitehaven. The site is bound by residential dwellings to the south west, the Police Station to the north west and The Salvation Army to the north east.</p> <p>The site was previously occupied by the old Magistrates Court prior to its demolition in 2021.</p>

PROPOSAL

Planning permission is sought for the use of the land as a temporary 24 hour car park. It will contain 35 car parking spaces with a 5m high lighting column for an ANPR camera and pay machine in the north-west corner of the site. The surface will be unmade and self-draining.

The car park will be accessed from Catherine Street. It is planned to install a 0.6m high timber post and rail fence to form a defined boundary on its north-east and south-east edges. The existing faced blockwork walls are to be retained on the north-west and south-west boundaries.

RELEVANT PLANNING APPLICATION HISTORY

Application for planning permission for demolition and site clearance in a Conservation Area, approved in November 2021, application reference 4/21/2412/0F1 relates.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

United Utilities

1st response

No objections but request that a full surface water drainage plan is submitted prior to the commencement of the development.

2nd response

If the planning authority is happy to not include drainage conditions based on the information within the document mentioned below, United Utilities would hold no issue in this instance.

Cumbria Highways

1st response

Within the submitted documents for application 4/22/2114/0F1 no plan has been submitted showing visibility splays for the existing access. The LHA require a plan providing clear visibility splays of 60 metres measured at 2.4 metres down the centre of the access road to the nearside channel line of the carriageway edge. If the visibility splay of 60 metres cannot be achieved then a speed survey

will need to be carried out to determine the 85%tile speed which may reduce the visibility splay distance required. A new access within the centre of the site should be considered as visibility splay distances would increase and would remove the existing access which is too close, by current standards, to the existing Doctors Surgery access. These standards can be found in the Cumbria Development Design guide.

2nd response

No I agree that the existing car park only served the magistrates court but the adjacent car park entrance that serves the social club also hosted vehicles from the doctors surgery, I believe, was mainly staff. Since my last response I have found out that the doctor`s surgery is now closed.

I agree the proposal of a new entrance is not needed as long as the applicant can provide Visibility splays to meet standards set out in the Cumbria development design guide as the application is to increase the amount of traffic movement from 18 to 35. This is nearly double the vehicles that previously used this site.

3rd response

Thanks for the correspondence from the agent. Reading through the response it is apparent that the applicant is wanting to use the existing access. At this stage the applicant should provide a plan demonstrating visibility splays as existing, and a further plan showing what the benefit would be by removing the car parking bays. Once we have received these plans the LHA would be in a better place to answer the query raised by the agent.

4th response

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and all new documentation showing visibility splays in each direction. Although the south westerly splay cannot meet the 60m requirement, we as LHA are content that 42m is adequate as there is no way to improve this distance and it has always been this way in the past when the site was used as the old magistrates court.

I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Local Lead Flood Authority

1st response

It is stated within the heritage design and access statement that the car park will remain in its

current form and surface water will be self draining. Prior to demolition of the magistrates court building the access and car park at the rear was surfaced in bituminous material and would have had suitable drainage to remove surface water from the area. Investigations need to be carried out within the site to determine if any drains within the site are still active, as with the ground being unmade, this may create blockages within the surface water system.

Although it states the site is self draining the applicant has to make sure that surface water runoff during flooding events does not encroach onto the highway nor cause flooding within the surrounding area.

Upon receipt of the above information I will be better placed to form a further response.

2nd response

LLFA are content with the proposed. Any changes to the ground that may affect the highway or surrounding areas in the future will be dealt with by the applicant.

Conservation Officer

No objections.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 9 properties.

1 letter of objection has been received raising the following concerns:

- The proposal does not contribute to the Conservation Area;
- There is enough parking in Whitehaven without this site;
- The area is residential and the car park has the potential for noise;
- The street is used as a rat run and the car park will add to the traffic;
- The application does not state an end date so may become permanent.

One neutral comment was received from The Salvation Army requesting that the site boundary is respected and allows access to the back of the Salvation Army Hall.

PLANNING POLICIES

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 ST2 – Spatial Development Strategy
- Policy ST3 – Strategic Development Priorities
- Policy SS4 – Community and Cultural Facilities and Services
- Policy ENV1 – Flood Risk and Risk Management
- Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place
- Policy DM21 – Protecting Community Facilities
- Policy DM22 – Accessible Developments
- Policy DM24 – Development Proposals and Flood Risk
- Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

- National Planning Policy Framework 2021 (NPPF)
- National Design Guide (NDG)
- Cumbria Development Design Guide (CDDG)
- Conservation Area Design Guide SPD December 2017 (CADG)
- Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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

Principle of development

This application relates to a town centre site that has been vacant since the demolition of the Former Magistrates Court in 2021. Within Policy ST2 of the Copeland Local Plan, Whitehaven is designated as Copeland's Principal Town where the majority of the Borough's development should take place. Furthermore, Policy ST1 encourages the re-use of brownfield land wherever possible.

The site will provide well needed parking for the town centre and is in a location that is accessible for those using retail shopping and employment within Whitehaven. The land is currently vacant and the use as a car park will allow for its utilization. Despite an objection raising concerns with regards to potential noise nuisance for the surrounding properties, the site previously had some car parking and is located within the town centre and therefore is considered to be an acceptable use.

No time limit has been specified for the use by the Applicant, other than to state that it is an "interim" measure. In order that the site can be fully maximized in the future, a time limit of 5 years is considered to be sufficient, with the opportunity for the Applicant to extend this time frame when the permission runs out if required.

On this basis, the principle of the car park is considered to be acceptable when considered against policies ST1 and ST2 of the Copeland Local Plan.

Effect on the Conservation Area

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.

Whilst it is not considered that the proposal enhances the Conservation Area, it is also unlikely that any harm will be created. The lighting column for the ANPR camera and ticket machine has been positioned in the north west section of the site, close to the adjoining police station. It is unlikely that

it will be seen from the surrounding areas and will only be visible when on site. No details have been provided for the lighting column, therefore, a planning condition is proposed to ensure that this information is provided, prior to the first use of the car park.

The Conservation Officer has raised no objections to the proposal.

Overall, there is likely to be a neutral effect on the Conservation Area and therefore the proposal is considered to comply with Policies ENV4, DM10 and DM27 of the Copeland Local Plan.

Highway Safety

Policy DM22 of the Copeland Local Plan requires that developments respond positively to existing movement patterns and incorporate convenient access for pedestrians, cyclists and disabled people.

The application was submitted showing a single access onto Catherine Street which is consistent with the previous use as a Magistrates Court.

Cumbria Highways raised concerns that visibility splays had not been provided by the Applicant and that if splays of 2.4m x 60m were not possible, a speed survey should be undertaken to identify the visibility requirements.

Following the submission of a plan to show 2.4m x 60m to the east and 2.4m x 42m to the west, Cumbria Highways were satisfied that the development will be acceptable and, due to the previous use, it is considered that the access will not have an adverse impact on the existing movement patterns in the area.

The plans submitted do not show any spaces specifically allocated for disabled users. It is therefore considered prudent to include a suitably worded planning condition to ensure that spaces are provided, in accordance with the standards set out within the Cumbria Design Guide.

Overall, the proposal does not have a material effect on the existing transport network and is therefore compliant with Policy DM22 of the Copeland Local Plan.

Drainage

Policies ENV1 and DM24 of the Local Plan seek to ensure that new development does not create any flooding issues on site or within the surrounding area.

The Applicant stated that the ground will remain as it is existing – unmade and permeable, therefore the car park will not have a material effect on drainage. This was considered to be satisfactory to both the local LLFA and United Utilities.

With no objections raised from statutory consultees, the proposal will comply with Policies ENV1 and

	<p>DM24 of the Copeland Local Plan to reduce flooding.</p> <p><u>Boundary treatments</u></p> <p>The Applicant has confirmed that the boundaries to the north west and south west will remain as existing. A modest 0.6m timber and pole fence will be sited on the north east and south east boundaries in order to ensure that there is a clear divide between public and private land.</p> <p>A response was received from the Salvation Army who occupy a Hall adjoining the site requesting that access is ensured to the rear of the building once the development is completed. The Agent for the application confirmed that there is a clear gap between the site boundary and the Salvation Army building and that the new fencing will not intrude on any other land ownership.</p> <p>PLANNING BALANCE AND CONCLUSION</p> <p>Overall, this is considered to be an appropriate form of development within the town centre and will add to parking provision in a relatively central area. Given the location of the site within the town centre and its potential for future regeneration, it is considered appropriate to limit the length of any planning permission to a temporary 5 year period. This will ensure that it does not preclude its future development.</p> <p>All concerns raised by the objector have been fully considered and addressed and there have been no objections from statutory consultees.</p> <p>The proposal complies with Local and National Planning Policies and therefore is supported.</p>
8.	<p>Recommendation: Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <li data-bbox="183 1444 1463 1629">1. The use of the land as a car park hereby permitted shall be discontinued on the 30th June 2027. 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</p>

the provisions of the adopted Local Plan

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: -

Site Location Plan, scale 1:1250, drawing number 21/08/1000 – 01, received 3rd March 2022;
Site Plan, scale 1:500, drawing number 21/08/1000 – 02a), received May 2022;
Heritage, Design and Access Statement, drawing number 21/08/1000 – DAS, received 3rd March 2022;
Boundary Fence Detail, scale 1:20, drawing number 21/08/1000 – 05, received April 2022.

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 operation of the site as a car park, accessible parking bays must be marked out and available for use in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The accessible bays must be maintained at all times whilst the land is used as a car park.

Reason

To ensure that adequate provision is made for all users in accordance with the adopted car parking guidelines and in accordance with Policy DM22 of the Copeland Local Plan.

4. Full details of the proposed lighting column, ticket machine and ANPR camera to be installed must be submitted to and approved in writing by the Local Planning Authority before the car park becomes operational. Development must be carried out in accordance with the approved details and must be maintained as such at all times thereafter.

Reason

To maintain the visual appearance of the land in accordance with Policy DM10 of the Copeland Local Plan.

5. There must be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and in accordance with Policy DM22 of the Copeland Local Plan.

Informative

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.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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: Sarah Papaleo

Date : 07/06/2022

Authorising Officer: N.J. Hayhurst

Date : 10/06/2022

Dedicated responses to:-