

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2485/0F1
2.	Proposed Development:	CONSTRUCTION OF A MEANS OF VEHICULAR ACCESS AND ENGINEERING OPERATIONS TO SURFACE THE SITE FOR USE AS A PAY AND DISPLAY CAR PARK
3.	Location:	2 SENHOUSE 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
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: SITE AND LOCATION <p>This application relates to an area of land that covers approximately 440 square metres, adjacent to 3 Senhouse Street in Whitehaven. The parcel of land is surrounded by other buildings including a terrace of retail shops and flats above to the south west, the Waverley Hotel to the north west and the Senhouse Centre to the north east. There is an existing car park on the opposite side of the road.</p>	

Prior to an application for demolition in 2014 the application site housed a night club. Since demolition the land has been vacant.

The site is located within the Whitehaven Conservation Area and lies adjacent to the Grade II Listed Waverley Hotel.

PROPOSAL

Planning permission is sought for the use of the land as a pay and display car park. It will contain 20 car parking spaces, one of which will be for disabled use. It is also proposed to install one double electric charging point and one pay and display meter as part of this application.

The car park will be accessed from Senhouse Street and the spaces are to be arranged in rows around the perimeter of the site which will allow sufficient circulation space in the centre. No boundary treatments have been proposed.

RELEVANT PLANNING APPLICATION HISTORY

Demolition of existing licensed building including managers flat, construction of 9 no. flats and 1 no. dwelling house, approved in March 2015 (application reference 4/14/2528/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

1st Response

The Council raised concerns with regards to the access (entry/exit) due to its location and that there are already two pay and display car parks with entry/exit on the same narrow street.

2nd Response

No negative objections or comments were raised in respect of the applications listed.

Highways Authority

1st Response

Please could the applicant submit the following additional information:

- Visibility splays of 60m by 2.4m by 60m for the site access onto the public highway
- Confirmation the electric charging facility will not obstruct any of the proposed spaces or become an obstacle for vehicles manoeuvring within the site
- A swept-path diagram showing vehicles will be able to manoeuvre in and out of the spaces furthest from the road. Given their proximity to the boundary wall, I have concerns of access to these spaces being compromised.

Upon receipt of further information, I will be better placed to make my final response.

2nd Response

Please could the visibility splay demonstrating the North-East splay be extended to show the full 60m? I appreciate the South-West splay is toward the junction therefore the 27.4m splay is acceptable.

3rd Response

I can confirm that following the submission of Drawing Number 3613/2D showing visibility splays of 43m measured 2m into the site from the highway edge and up to 1m into the carriageway, the Local Highway Authority raise no objections to this proposal.

I would recommend the following conditions are included with any permission you might grant:

1. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.

2. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety.

Local Lead Flood Authority

No objections subject to the following condition:

Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational

thereafter.

Reason: In the interests of highway safety and environmental management.

Conservation Officer

1st Response

- Is the electric charging point shown correctly? It appears to be located where vehicles will be driving. Should there be multiple charge points mounted at the perimeter of the site, e.g. on the adjoining walls, or freestanding?
- I'm aware this is a temporary proposal, but has future expansion of electric charging infrastructure been considered, such as increases to the power supply or numbers of charge points?
- A specification and depiction of the charge point should be provided, such as a product sheet.
- Where will cabling be run? Are penetrations in fabric (or other works) to wall to rear of Waverley Hotel needed (this is part of the curtilage of a listed building)?
- Where is the pay-and-display meter to be located?
- Is it viable to get some kind of landscape or boundary at the site frontage to improve its appearance?
 - Given the current appearance of the site, the scheme as proposed is likely to be acceptable, however, opportunities should be sought for new development within conservation areas that enhances or better reveals their significance (NPPF. 206), so it would be useful to know if edge detailing could be considered here to improve as opposed to simply maintain the site appearance.

2nd Response

In my previous consultation response, I raised some questions, and updated information has been received.

Is the electric charging point shown correctly? It appears to be located where vehicles will be driving. Should there be multiple charge points mounted at the perimeter of the site, e.g. on the adjoining walls, or freestanding?

- A single electric charging point is presently proposed. The location of this has been updated to show that it will be mounted on the adjoining wall of Number 3.

I'm aware this is a temporary proposal, but has future expansion of electric charging infrastructure been considered, such as increases to the power supply or numbers of charge points?

- Ducting will be laid for possible future expansion of charging points, subject to demand and power supply.

A specification and depiction of the charge point should be provided, such as a product sheet.

- A decision hasn't been taken about specific products, however an image is shown for illustration, showing a freestanding unit similar to a parking meter.

Where will cabling be run? Are penetrations in fabric (or other works) to wall to rear of Waverley Hotel needed (this is part of the curtilage of a listed building)?

- Power is to be supplied from the street.

Where is the pay-and-display meter to be located?

- The amended plan shows the ticket machine located in the east corner of the site, to the right of the entrance. An illustrative photo is also included.

Is it viable to get some kind of landscape or boundary at the site frontage to improve its appearance?

- The agent suggests use of a boundary wall to the site frontage up to 1m high to permit the visibility splays

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:

- When the demolition took place on the site, an adjacent building was damaged;
- Health and safety of the surrounding area;
- Control of traffic and pedestrians;
- Flooding within the site;
- Maintenance of the adjoining buildings;
- Liability of contractors to adjacent buildings;
- The site should be used for housing;
- Environmental damage from waste;
- The street is already busy due to the existing car parks and being used as a rat run;
- Safety of pedestrians and other road users.

No further comments, however request a pre-commencement condition for a boundary wall.

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

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 the 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 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 DM26 – Landscaping

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)

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The Policies relevant to this application are as follows:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy E1PU: Economic Growth

Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R3PU: Whitehaven Town Centre

Strategic Policy R4PU: The Key Service Centres

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of Development

This application relates to a town centre site that has been vacant since the demolition of the former nightclub in 2014. Within Policy ST2 of the CS and DS3PU of the ELP, Whitehaven is designated as Copeland's Principal Town where the majority of the Borough's development should take place. Furthermore, Policy ST1 of the CS and R4PU of the ELP encourages the re-use of brownfield land wherever possible.

The site will provide additional parking provision for the town centre and is in a location that is convenient for access to the existing facilities within the town centre, 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 the use and the preference for housing on the site, the town centre location opposite another car park is considered to be a suitable siting for a further car park.

No time limit has been specified for the use by the Applicant. In order that the redevelopment of the site is not precluded in the future, a time limit of 5 years is considered to be reasonable, with the opportunity for the Applicant to extend this time frame if and when the permission runs out.

On this basis, the principle of the car park is considered to be acceptable when considered against policies ST1 and ST2 of the CS and policies DS1PU, DS3PU and R4PU of the ELP.



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Effect on the Conservation Area

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP 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 CS and DS6PU of the ELP require 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 proposal is unlikely to create any harm to the setting of the Grade II Listed Waverley Hotel. The car park will be located to the rear of the building, therefore will not be seen from the main public viewpoint of the building on Tangier Street. Furthermore, the site has been vacant further to demolition in 2014 and therefore any use is considered to provide betterment.

Whilst it is not considered that the proposal enhances the Conservation Area, it is also unlikely that any harm will be created. The Conservation Officer raised various questions with regards to the potential of further charging points for electric vehicles, the specification of the charging points and pay meters and the boundary treatments. Further to additional information being submitted, the Conservation Officer was satisfied that the proposal would have a neutral effect on the Conservation Area and requested that information be submitted, prior to the first use of the car park to agree the boundary treatment for the frontage onto Senhouse Street. This information can be approved by way of a suitably worded planning condition.

A restriction on the time limit for the car park will also help to limit its long term impact.

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 CS and policies BE1PU, BE2PU and DS6PU of the ELP.

Highway Safety

Policy DM22 of the CS and CO7PU of the ELP require 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 Senhouse Street which is consistent with the previous use as a nightclub.

Cumbria Highways raised concerns that additional information was required for a full response to the application including visibility splays in both directions of 2.4m x 60m, the confirmation that the electric charging facility would not obstruct any spaces or maneuvering areas and a swept path diagram to show how cars can occupy the spaces furthest from the road. On receipt of further plans to show the required information, the Highways department requested that the splays extend to the full 60m in the north east direction. It was accepted that the splay to the south west could only extend to 27.4m due to the junction with Duke Street.

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 a negative effect on the existing movement patterns in the area. The splay was not achievable at 60m, therefore the Highways Officer agreed that 2m x 43m with up to 1m into the carriageway to the east would be sufficient for the development.

No further objections were received subject to planning conditions to prevent surface water running onto the highway and the surfacing of the access drive in a cement bound material.

One space has been provided for use by disabled users. This is considered to be acceptable due to the small scale of the car park. It is proposed that a planning condition is used to ensure that this space is constructed and maintained to ensure full accessibility to the car park.

Whilst an objection has been received with regards to pedestrian and highway safety and the road already being congested, the Highway Authority have not raised these concerns with regards to highway safety and therefore this is considered to be satisfactory in this location.

Overall, it is considered that the proposal does not have a material effect on the existing transport network and is therefore compliant with Policy DM22 of the CS and Policy CO7PU of the ELP.

Drainage

Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP 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 be surfaced in tarmac. Whilst this is considered to be acceptable for this use, no details of proposed drainage have been provided. These details are required to be submitted and approved, prior to the commencement of works on site in order to ensure that there are no surface water issues created either onsite or in the surrounding area.

With no objections raised from statutory consultees, the proposal will comply with Policies ENV1 and DM24 of the CS and Policies DS8PU and DS9PU of the ELP to reduce flooding.

Boundary treatments

Policy DM26 of the CS and Policy DS7PU of the ELP require that all proposals are assessed on their potential impact on the landscape.

No boundary treatments have been proposed by the Applicant and the Conservation Officer raised the frontage with Senhouse Street as particularly important given the location within the Conservation Area. The Agent for the application has stated that the Applicant is happy to provide a boundary treatment up to 1m in height in order to protect the visibility splay. No details of this have been received and in order to ensure that the treatment is suitable for this site, it is proposed to secure these details by way of a planning condition which requires them to be submitted and approved prior to their installation on the site.

Other Considerations

An objection was received from a neighbouring property with regards to damage to adjacent properties from previous development. Whilst this is regrettable, this cannot be considered as part of this planning application and is a private legal matter.

PLANNING BALANCE

Overall this is considered to be an appropriate form of development on an existing brownfield site within the Conservation Area. It will provide a modest increase in the provision of public car parking within the town centre and is conveniently located to allow easy access to the town centre services and facilities.

The impact on the Conservation Area is considered to be neutral and any impact will be limited by the temporary nature of the proposal. Given the location of the site within the town

	<p>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 all concerns from statutory consultees have been satisfied.</p> <p>The proposal complies with Local and National Planning Policies and therefore should be approved.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>The use hereby permitted shall be for a limited period of 5 years from the date it is first brought into use. 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.</p> <p>Reason</p> <p>The development was submitted as an interim use and the site is likely to be redeveloped in the future in accordance with Policy ST1 of the Copeland Local Plan.</p> <p>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>Application form, received 15th December 2022; Site Location Plan, scale 1:1250, drawing number 3613/1B, received 21st March 2023; Supporting Documentation and Checklist, written by Christopher Kendall, received 21st March 2023;</p>



Cumberland Council

Vehicle Tracking, scale 1:250, drawing number 29684/100A, received 16th March 2023;
Visibility Splays, scale 1:100, drawing number 3613/2D, received 21st March 2023.

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.

Pre-commencement Conditions

4. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

5. Full details of the surface water drainage system must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Prior to Use Conditions

5. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use.

Reason

In the interests of highway safety and Policy DM22 of the Copeland Local Plan.

7. Prior to the first use of the development hereby approved, full details of the boundary treatments must be submitted to and approved in writing by the Local Planning Authority. Any approved scheme must be fully completed prior to the first use of the

car park and so maintained as such at all times thereafter.

Reason

To ensure the boundary treatments are suitable for the use and maintain the character of the Conservation Area and in accordance with Policies ENV4, DM26 and DM27 of the Copeland Local Plan.

Other Conditions

8. Prior to the first operation of the site as a car park, the accessible parking bay must be marked out and available for use in accordance with the details set out in the Cumbria Design Guide. The accessible bay 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.

9. 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



**Cumberland
Council**

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 : 17/05/2023

Authorising Officer: N.J. Hayhurst

Date : 18/05/2023

Dedicated responses to:-