

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2039/0B1
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 1 OF PLANNING APPLICATION 4/21/2179/0F1 TO PERMIT CONTINUATION OF USE OF TEMPORARY CAR PARK
3.	<b>Location:</b>	SITE OF MARK HOUSE, STRAND STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <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 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> <b>Recent Planning Application History:</b>  <p>4/11/2386/0C1 - Conservation area consent for demolition of office block, night club building &amp; partial demolition of Victorian Bath House (in conjunction with app. - Approve Conservation Area Consent (within 3yrs).</p>	



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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.

4/21/2179/0F1 – Variation of Condition 1 of Planning Approval 4/19/2309/0B1 to permit continuation of use of temporary car park for two additional years – Approve.

### Proposal:

This application seeks to vary Planning Condition 1 attached to Planning Application Reference 4/21/2179/0F1 to permit the continued use of the temporary car park for an additional period of two years.

Consultee:	Nature of Response:
Town Council	No objections/comments.
Cumbria County Council – Highways and LLFA	Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and 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.
Copeland Borough Council – Conservation Officer	I don't have any comments to make on this application.

### Neighbour Responses:

The application has been advertised by way of a planning application site notice, press notice and neighbour notification letters issued to 11no. neighbouring properties.

One representation has been received in support. The representation states the following:

“As a town resident I think that parking should be free in this car park for those with Town Parking Permits.

The parking for residents in town has gotten more worse over the years especially when old buildings like the YWCA at the end of New Lowther Street are being turned into flats

with no dedicated parking for its new occupants that in that case increased the number of cars in the area to approx at least a further 8 cars to battle for the sparse parking as it is."

**Development Plan:**

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

Policy ER8 – Whitehaven Town Centre

Policy T1 – Improving Accessibility and Transport

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM27 – Built Heritage and Archaeology

Emerging Copeland Local Plan 2021-2038 (ELP):

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.

Policy DS1PU - Presumption in favour of Sustainable Development



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Policy DS2PU - Reducing the impacts of development on Climate Change  
Policy DS3PU - Settlement Hierarchy  
Policy DS4PU - Settlement Boundaries  
Policy DS6PU - Design and Development Standards  
Policy DS7PU: Hard and Soft Landscaping  
Policy DS8PU - Reducing Flood Risk  
Policy DS9PU - Sustainable Drainage  
Policy DS10PU - Soils, Contamination and Land Stability  
Policy DS11PU - Protecting Air Quality  
Strategic Policy E1PU: Economic Growth  
Strategic Policy E6PU: Opportunity Sites  
Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy  
Strategic Policy R3PU: Whitehaven Town Centre  
Policy R9PU: Non-Retail Development in Town Centres  
Policy SC1PU - Health and Wellbeing  
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic  
Policy N3PU - Biodiversity Net Gain  
Policy N5PU - Protection of Water Resources  
Policy N9PU - Green Infrastructure  
Strategic Policy BE1PU: Heritage Assets  
Policy BE2PU: Designated Heritage Assets  
Policy CO4PU - Sustainable Travel  
Policy CO5PU - Transport Hierarchy  
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
National Design Guide (NDG).  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).  
Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).

### **Assessment:**

Planning Application Ref. 4/21/2179/0F1 approved the variation of Planning Condition 1 of planning permission reference 4/19/2179/0B1 to permit use of the land as a car park until the 6<sup>th</sup> June 2023 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.

Planning Application Ref. 4/21/2219/0F1 remains an extant planning permission that can be the subject of variation.

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 of the CS and an Opportunity Site in Strategic Policy E6PU of the ELP.

Economic development and regeneration is unlikely to be delivered in the short term with the form of any redevelopment impacted by the uncertainty resulting from the pandemic and current general economic uncertainty. 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 Conservation Area (WCA). 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 will occur, to ensure that a scheme of development is progressed and to ensure that the pursuit of redevelopment is not prejudiced or delayed by the economic benefits resulting from the use for vehicle parking.

The anticipated timescales for the commencement of redevelopment is unlikely to be within 18-24 month given the current stage in the design process. The contract between the landowner and 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 continuing use. As such, no ecological impacts will occur and a biodiversity net gain is not required.

#### *Reconciliation of Planning Conditions*

Planning Conditions - 4/19/2309/0B1	Comments
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	Revise to permit an additional period of 24 months.  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

	<p>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>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 Copeland Local Plan 2013-2028 (Adopted December 2013) and Emerging Copeland Local Plan 2021-2038 (ELP).</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 27<sup>th</sup> April 2017; Site Plan – Drawing No. 3457/2 received 10<sup>th</sup> September 2018; and, Enclosure Specification received 23<sup>rd</sup> 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>No revision required.</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</p>		



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	<p>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 Conservation Area and setting of the listed building 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.	<b>Recommendation:</b> Approve	
9.	<b>Conditions:</b>  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.  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 Copeland Local Plan 2013-2028 (Adopted December 2013) and Emerging Copeland Local Plan 2021-2038 (ELP).  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:-  Location Plan – Drawing No. 15-C-14273/4 received 27 <sup>th</sup> April 2017; Site Plan – Drawing No. 3457/2 received 10 <sup>th</sup> September 2018; and, Enclosure Specification received 23 <sup>rd</sup> August 2018.  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.	
<b>Case Officer:</b> Chris Harrison		<b>Date :</b> 05.04.2023
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 05.04.2023
<b>Dedicated responses to:-</b> N/A		