

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2138/0B1
2.	Proposed Development:	VARIATION OF CONDITION 1 OF PLANNING APPLICATION 4/23/2039/0B1 TO PERMIT CONTINUATION OF TEMPORARY CAR PARK
3.	Location:	SITE OF MARK HOUSE, STRAND 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 Flood Zones 2 and 3 (part)
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 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>	

The Application Site is currently in use as a temporary car park.

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 1 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.

4/23/2039/0B1 - Variation of condition 1 of planning application 4/21/2179/0f1 to permit continuation of use of temporary car park – Approve.

Proposal:

This application seeks to vary Planning Condition 1 attached to Planning Application Reference 4/23/2039/0F1 to permit the continued use of the temporary car park for an additional period of three years.

Consultee:	Nature of Response:
Town Council	No objections/comments.
Cumberland Council – Highways and LLFA	No objection to the variation of condition 1 of planning application 4/23/2039/0B1.
Copeland Borough Council – Conservation Officer	No comments.

Neighbour Responses:

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

No representations have been received.

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 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 2021-2039 (LP):

Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2013-2028.

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping Strategic

Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy DS9: Protecting Air Quality

Strategic Policy E1: Economic Growth

Strategic Policy E6: Opportunity Sites

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy

Strategic Policy R3: Whitehaven Town Centre

Policy R9: Non-Retail Development in Town Centres

Strategic Policy SC1: Health and Wellbeing

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain
Policy N5: Protection of Water Resources
Strategic Policy N9: Green Infrastructure
Strategic Policy BE1: Heritage Assets
Policy BE2: Designated Heritage Assets
Policy BE4: Non-Designated Heritage Assets
Strategic Policy CO2: Priority for improving transport networks within Copeland Strategic
Policy CO3: Priorities for improving transport links to and from Copeland Strategic Policy
CO4: Sustainable Travel
Policy CO7: Parking Standards

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).

Assessment:

Principle

Planning Application Ref. 4/23/2039/0B1 approved the variation of Planning Condition 1 of planning permission reference 4 4/21/2179/0F1 to permit use of the land as a car park until the 6th June 2025 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. 4/23/2039/0B1 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 identified as an Employment Opportunity Site in Strategic Policy E6: Opportunity Sites of the LP.

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 landowner has confirmed that the use as a car park remains a temporary proposal and

that the medium/longer term plan is to redevelop the site and there are various opportunities being considered at present. The landowner is part of the Whitehaven Town Centre Regeneration Board which identifies the area as a key location in a wider Masterplan for Whitehaven. The landowner has confirmed that the temporary use as a carpark in no way reduces their impetus or desire to actively redevelop the site.

The landowner has confirmed that to reflect their continued intention to develop the site, any lease agreed regardless of term, has a rolling 3-month landlord break option included to allow possession to be regained when a scheme is to be delivered and that the operator fully understands the risk involved.

The duration of any temporary planning permission should be limited to the anticipated timescale for commencement of the redevelopment 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 24 - 36 months given the lack of any concrete proposals at present.

Heritage Impacts

The Application Site is located within the Whitehaven Town Centre 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 and non-designated heritage asset in the proximity of the Application Site.

The continued use of the site as a temporary car park would have a neutral impact upon the impact upon the significance of the WCA and settling of the listed building in the proximity of the Application Site from the existing baseline use/condition. The mothballing of the site would have a similar or potentially greater negative impact.

Ecology

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.

As a variation of an existing planning permission, the delivery of biodiversity net gain is not required.

Flood Risk

The Application Site was located in Flood Zone 1; however, following the recent revisions to the flood risk mapping by the Environment Agency, the Application Site is now partially

located within Flood Zone 2/3. The Application Site is identified as being at risk from surface water flooding.

The proposed development comprises a material change of use; therefore, the sequential test is not applicable.

The proposed development comprises a less vulnerable use; therefore, the exception test is not applicable.

The Standing Advice from the Environment Agency is applicable.

A Site Specific Flood Risk Assessment has not been submitted in support of the planning application; however, given the nature of the use, potential flood mitigation and resilience measures are not reasonably applicable. The payment meters are located in the Flood Zone 1. Opportunities exist to exit the site on foot via areas in Flood Zone 1. There will be no change to existing land levels; therefore, there will be no increase in flood risk on or off site. The development will reasonably be safe for its lifetime.

Cumberland Council LLFA have raised no objections.

Highways

Cumberland Council Highways have been consulted and have confirmed no objection to the continued use of the land.

Reconciliation of Planning Conditions

Planning Conditions - 4/23/2309/0B1	Comments
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.	Revise to permit an additional period of 36 months.
Reason	1. The use of the land as a car park hereby permitted shall be discontinued on the 6th June 2028. 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.
The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the future development of the	Reason The use hereby approved is not



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land for alternative uses in accordance with the provisions of the adopted Local Plan.	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>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>	No revision required.	
<p>Planning Balance</p> <p>The principle of the development is established and the extension of the period of use by 36 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 WCA and settling of the listed building and non-designated heritage asset in the proximity of the Application Site. The continued use of the site as a temporary car park would have a neutral impact upon the impact upon the significance of the WCA and settling of the listed building in the proximity of the Application Site from the existing baseline use/condition. The mothballing of the site would have a similar or potentially greater negative impact.</p>		

	Subject to the planning condition proposed limiting the period of use, the positive impacts of the development outweigh the harms; therefore, the planning balance weighs in favour of the development.
8.	Recommendation: Approve amendment of condition
9.	Conditions: <ol style="list-style-type: none"> <p>The use of the land as a car park hereby permitted shall be discontinued on the 6th June 2028. 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 Copeland Local Plan 2021-2039.</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>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>Biodiversity Net Gain – Exemption</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <ol style="list-style-type: none"> a Biodiversity Gain Plan has been submitted to the local planning authority, and the local planning authority has approved the plan.



	<p>The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.</p> <p>Applicable exemptions:</p> <ul style="list-style-type: none">- Section 73 planning permission where the original permission which the Section 73 relates to was granted before 12 February 2024. <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: C. Harrison	Date : 02.06.2025
Authorising Officer: N.J. Hayhurst	Date : 02.06.2025
Dedicated responses to:- N/A	