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**Application by I Park Smart Ltd**

**Under S73 of the Town and Country Planning Act 1990 (as  
amended) in respect of**

**DEMOLITION AND USE OF SITE AS A TEMPORARY CAR  
PARK**

**At**

**MARK HOUSE/THE PARK, STRAND STREET/DUKE STREET,  
WHITEHAVEN**

**Application No; TA/2019/786**

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## **1.0 Introduction**

1.1 Planning permission for the demolition of the Mark House building and use of land as a car park was granted on the 16 March 2016 (4/15/2526/0F1).

1.2 Condition 1 stated;

1. The demolition shall take place within 12 months from the date of this consent. The use of the land as a car park hereby permitted shall be for a limited period of 12 months from the date of the first use of the land as a car park. 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.

1.3 The effect of that permission was that the demolition had to take place before the 16 March 2017.

1.4 However, the demolition could not take place until condition 2 had been complied with;

2. No demolition of the building known as the Park (outlined in red on the attached plans) shall take place until a scheme has been submitted to and approved by the Local Planning Authority indicating how the facade shall be stabilised, protected and maintained during demolition of the adjoining parts of the building.

1.5 An application was submitted to vary the permission. Although it was not specifically stated, it is assumed that this was treated as an application under S73 of the Act. If so, a S73 application gives rise to a completely new permission.

1.6 The permission was granted on 30 May 2017 (4/17/2152/OG1). A revised condition 1 required;

1. The demolition shall take place within 9 months from the date of this consent. The use of the land as a car park hereby permitted shall be for a limited period of 12 months from the date of the first use of the land as a car park. 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.

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1.7 This meant that demolition had to be carried out by the 30 May 2018.

1.8 Conditions 3 and 4 required the submission of details.

3. Notwithstanding the details submitted with the application none of the land shall be used as a car park until a fence, wall or means of enclosure has been erected around the perimeter of the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority following demolition and prior to the first use of the land as a car park. Development shall be carried out in accordance with the approved details and the boundary treatment shall be retained at all times thereafter.

Reason

To ensure a satisfactory form of boundary treatment that preserves the character and appearance of this part of the Conservation Area.

4. Prior to the first use of the land as a car park the site shall be surfaced and laid out in accordance with a scheme that has been submitted to and approved in writing by the local Planning Authority. The layout shall include provision for accessible users. Development shall be carried out in accordance with the approved details and the approved surface shall be maintained at all times thereafter.

Reason

for the avoidance of doubt and to ensure a satisfactory standard of external appearance that preserves the character of the Conservation Area.

1.9 Condition 3 was approved on the 16 April 2018 and Condition 4 on the 20 September 2018.

1.10 The use as a car park commenced on the 15 December 2018 and should, therefore, have ceased on the 14 December 2019.

1.11 However, a further S73 application was submitted in September 2019 and approved on the 23 October 2019 (reference 4/19/2309/0BI).

1.12 Condition 1 required;

1. The use of the land as a car park hereby permitted shall be discontinued on the 6<sup>th</sup> 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.

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## 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 adopted Local Plan.

### 2.0 Current Situation

2.1 A redevelopment scheme has not yet been formulated.

2.2 The Covid pandemic which started in February / March 2020 and is ongoing has had a serious effect on the construction industry and is likely to have permanent effects on shopping and working patterns.

2.3 The temporary condition was imposed because;

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.

2.4 The owners are actively pursuing the redevelopment of the site, but as explained above, the pandemic has made it very difficult to determine what form of redevelopment will be viable. Once a developer is found, a scheme formulated, planning permission granted, contracts let etc the car park operator is contractually required to vacate the site. The use of the land as a car park is not perceived as the long term solution, but it is a beneficial interim use which provides a facility for users of the town centre and keeps the site in a reasonable state of repair.

### 3.0 Planning Policy

3.1 The Copeland Local Plan 2013-2028 includes;

Policy ER8 – Whitehaven Town Centre

In Whitehaven town centre, development will be encouraged which:

A Responds to and consolidates the status of Whitehaven as the first and most complete post-mediaeval planned town in the country

B Improves the links and re-establishes the connectivity between the town centre and the Harbour

C Enhances the retail function of ground floor premises (see also Policies DM6A and DM7 and the designation of a Retail “Primary Frontages Area” – Policy DM6B)

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D Diversifies the 'offer' within the town centre, and improves the evening and night time economy

E Improves Whitehaven's tourism offer, particularly in relation to serviced accommodation, improved visitor facilities and access to the coast

F Enhances the key gateway sites and approaches into the town, wherever practicable providing car parking for both the development itself and the town centre

G Creates a series of new and improved public spaces to establish stronger visual links and better access between the town centre and Harbour

H Improves the integration of new and existing development into the urban grain

I Maintains high standards of design consistent with the setting of a Conservation Area of national significance

J Diversifies the range of residential accommodation in the town centre, including the conversion and re-use of vacant floors over shops

K Improves the integration and prestige of public transport in the town centre

L Improves the range of activities available to local residents and visitors

**M Incorporates strategic redevelopment schemes in relation to Policy ST3 and improvements to the public realm and traffic environments**

The Whitehaven Town Centre boundary will be redrawn to reflect the anticipated growth and development within the area.

Any development proposed in Whitehaven Town Centre should also accord with Policies DM6 and DM7.

A new Supplementary Planning Document (SPD) is being prepared to provide design guidance for new development in the town centre and harbourside areas.

The site is identified as key redevelopment site;

Strategic Regeneration Priority Sites The following key gateway and harbourside sites in Whitehaven town centre are identified as a strategic portfolio of Regeneration Priority Sites

(previous Local Plan site identification numbering in brackets):

□ Mark House, the former Victorian public baths and the John Paul Jones Pub, Strand Street (WTC2)

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Policy ST3 states;

Policy ST3 – Strategic Development Priorities

In pursuit of economic regeneration and growth to fulfil strategic objectives for Copeland and West Cumbria, the following locations are priorities for development:

A The site at Moorside selected in National Policy Statement 1-EN6 as the location for a nuclear power station

B Regeneration sites in south and central Whitehaven – the town centre and harbourside, Pow Beck Valley, Coastal Fringe and the South Whitehaven Housing Market Renewal Area

C Town centre renewal in Cleator Moor, Egremont and Millom

D The sites prioritised for development in the Energy Coast Master Plan (see Chapter 8: Localities for details)

Other sites that may emerge, which reflect the above priorities and/or other Core Strategy or agreed sub-regional growth objectives, will be similarly supported.

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3.0 The Application

3.1 This S73 application seeks a new permission. Although in practical terms it is not necessary to do so, it is accepted that the Council will wish to grant a temporary permission.

3.2 There is absolutely no doubt that the preferred option for this site is redevelopment with a high quality building. However, that cannot happen until a developer is found and a scheme designed and planning permission obtained. Until then the site will remain either as a car park, which is a beneficial use, or vacant, which benefits nothing. However, preventing use as a car park is not going to bring forward the redevelopment.

3.3 The Council is therefore requested to issue a new permission with conditions as follows;

The use of the land as a car park hereby permitted shall be for a limited period of 2 years from the date of this permission. At the end of this period the use shall cease.

OR

The use of the land as a car park hereby permitted shall be discontinued on the ..... 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.

As well as;

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 27th April 2017;

Site Plan- Drawing No. 3457/2 received 10th September 2018; and,

Enclosure Specification received 23rd August 2018.

Christopher C Kendall

Dip TP MRTPI

16 April 2021

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## Appendix

### List of Submitted Documents

Number	Description	Date Submitted	Comment
20210416	Application statement	16 April 2021	

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