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## **Application by I Park Smart Ltd**

**For planning permission to construct a means of vehicular access, engineering operations to surface the site and use it as a pay and display car park**

**At**

**2 Senhouse Street, Whitehaven CA28 7ES**

## **Supporting Documentation and Checklist**

### **Application No 4/22/2485/0F1**

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1.0 General Introduction

1.1 This document is attached to and forms part of a formal application.

2.0 Brief Description of the proposed development.

2.1 The application seeks permission to construct a means of vehicular access, engineering operations to surface the site and use it as a pay and display car park.

3.0 Summary of Revisions

3.1 The Highway and Conservation Officers have commented on the application. These are discussed below.

3.2 03 March 2023. The County Council have made further comments and these are discussed in 5.13-5.17 below.

**3.3 21 March 2023**

**Amended to show revised visibility splay requirement. See paragraph 5.17 below.**

4.0 Conditions

If, during the course of the application, it becomes necessary to discuss conditions they will be discussed here.

Recommended by	Condition	Applicant response

5.0 Consultation Responses

Consultee	Comment	Applicant response
Highways	Visibility splays of 60m by 2.4m by 60m for the site access onto the public highway	Visibility of 60 * 2.4 * 60m cannot be achieved. This is discussed below.
	Confirmation the electric charging	The electric charging facility was shown incorrectly. It has been

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	facility will not obstruct any of the proposed spaces or become an obstacle for vehicles manoeuvring within the site	corrected. It will not obstruct any parking space.
	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.	The end spaces have been deleted. Swept paths for the first two and last two are submitted.
Conservation Officer	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?	At present there is one double charger and this was shown incorrectly. It has now been corrected.  Power will be from the street and ducting can be laid along the length of the car park so that more points can be added in the future. However, it is important to remember that electric charging will only be practical if the necessary power is available, and sometimes, it isn't.
	I'm aware this is a temporary proposal, but has future expansion of electric	See above

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	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.	Details included
No decision has been made in respect of the precise equipment to be installed.		
		
Typical National Trust charging point		

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Charging point in the car park to the north

Electric vehicle charging points in lawful car parks can be Permitted Development (Part 2 Class D or Class E)

Class D – electrical outlet for recharging vehicles

Permitted development

D. The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

Development not permitted

D.1 Development is not permitted by Class D if the outlet and its casing would—

- (a) exceed 0.2 cubic metres;
- (b) face onto and be within 2 metres of a highway;
- (c) be within a site designated as a scheduled monument; or
- (d) be within the curtilage of a listed building.

Conditions

D.2 Development is permitted by Class D subject to the conditions that when no longer needed as a charging point for electric vehicles—

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- (a) the development is removed as soon as reasonably practicable; and
- (b) the wall on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

**Class E – electrical upstand for recharging vehicles**

**Permitted development**

E. The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

**Development not permitted**

E.1 Development is not permitted by Class E if the upstand and the outlet would—

- (a) in relation to an upstand and outlet—
  - (i)
  - (ii) in any other case, exceed 2.3 metres in height from the level of the surface used for the parking of vehicles;
- (b) be within 2 metres of a highway;
- (c) be within a site designated as a scheduled monument;
- (d) be within the curtilage of a listed building; or
- (e) result in more than 1 upstand being provided for each parking space.

**Conditions**

E.2 Development is permitted by Class E subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—

- (a) the development is removed as soon as reasonably practicable; and
- (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.


	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	The applicant does not have any legal interests in the adjacent buildings. Cabling will run from the street into the site.
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	listed building)?	
	Where is the pay-and-display meter to be located?	Amended plan submitted
		
Ticket machine in Lorton road car park, Cockermouth, operated by the applicant.		
	Is it viable to get some kind of landscape or boundary at the site frontage to improve its appearance?	The dilemma is that it is in the interests of road safety for users to be able to see into the car park, but it is appreciated why an enclosure is desirable. The Council is invited to impose a condition requiring a 1m high wall. Any higher and there will be a conflict with the already limited visibility splays.
	Given the current appearance of the site, the scheme as proposed is likely to be acceptable, however, opportunities should	See above.

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	<p>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.</p>	
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## Validity of Validation Checklist

### NPPG includes

#### Local information requirements

##### What is the Government's policy on local information requirements?

The Government's policy on local information requirements can be found in the National Planning Policy Framework. Local planning authorities should take a proportionate approach to the information requested in support of planning applications.

See related policy.

Paragraph: 038 Reference ID: 14-038-20140306

Revision date: 06 03 2014

##### Can local planning authorities request information that must be provided with a planning application?

A local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than 2 years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list.

Paragraph: 039 Reference ID: 14-039-20140306

Revision date: 06 03 2014

##### Can local planning authorities request any information from its local list?

The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location.

In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the

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Town and Country Planning (Development Management Procedure) (England) (Order) 2015.

Paragraph: 040 Reference ID: 14-040-20140306

Revision date: 06 03 2014

<b>Name of Local Authority</b>	Copeland Borough Council
<b>Date of publication of validation checklist</b>	There does not appear to be a local validation list
<b>Evidence of consultation</b>	Not online

#### Validation Checklist.

Item	Required	Provided
Identification whether this is a major application	No	Yes
Form	Yes	Yes
Fee	Yes	Yes
Certificate	Yes	Yes
Location plan	Yes	Yes
Design and Access Statement	No	No
Site plan	Yes	Yes
Existing and proposed floor plans	No	No
Existing and proposed elevations	No	No
Existing and proposed site sections	No	No
Roof plans	No	No
Affordable housing statement	No	No
Biodiversity report	No	No
Flood risk assessment	No	No
Foul and surface water assessment	No	No
Heritage statement – archaeology	No	No
Heritage statement – listed buildings	Yes	Yes
Heritage statement – conservation areas	Yes	Yes
Land contamination assessment	No	No

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Lighting assessment	No	No
Noise impact assessment	No	No
Open space assessment	No	No
Structural survey	No	No
Planning Statement	No	Yes
Town Centre Use Impact Assessment	No	No
Transport Assessment	No	No
Tree survey	No	No
Site waste management	No	No
Photographs etc	No	Yes
Planning obligations	No	No

#### **Major Application**

A major development is defined as;

“major development” means development involving any one or more of the following—

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where—

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

**This is not a major application**

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**A1. Application Forms**

Yes

**A2. Application Fee**

Yes

**A3. Ownership Certificate / Agricultural Holdings Certificate**

Yes

Notice served on

Nicholas Twinn & Bethany Twinn  
35 Springfield Avenue  
Whitehaven  
CA286TT

**A4. Location Plan**



Yes

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**A5. Design and Access Statement**

No

**B. Information required for Outline Planning Applications**

Not an outline application

**C. Information required for Full Planning Applications**

**C1. Site plan**



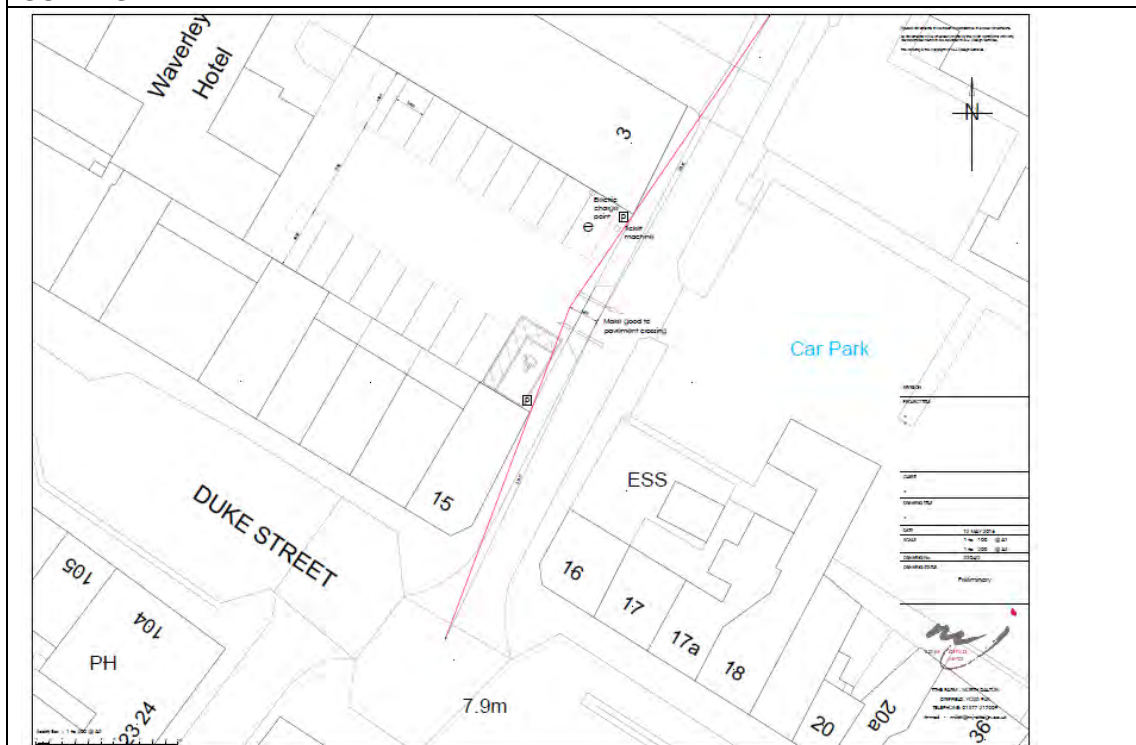
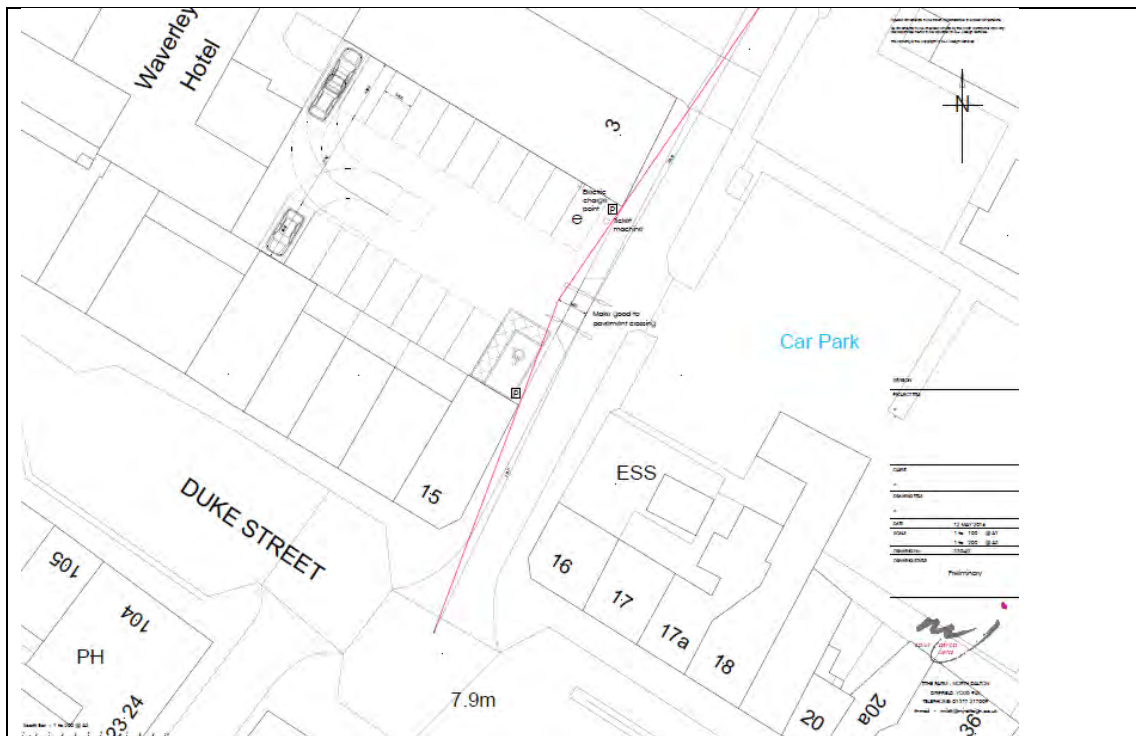
**SUPERSEDED**

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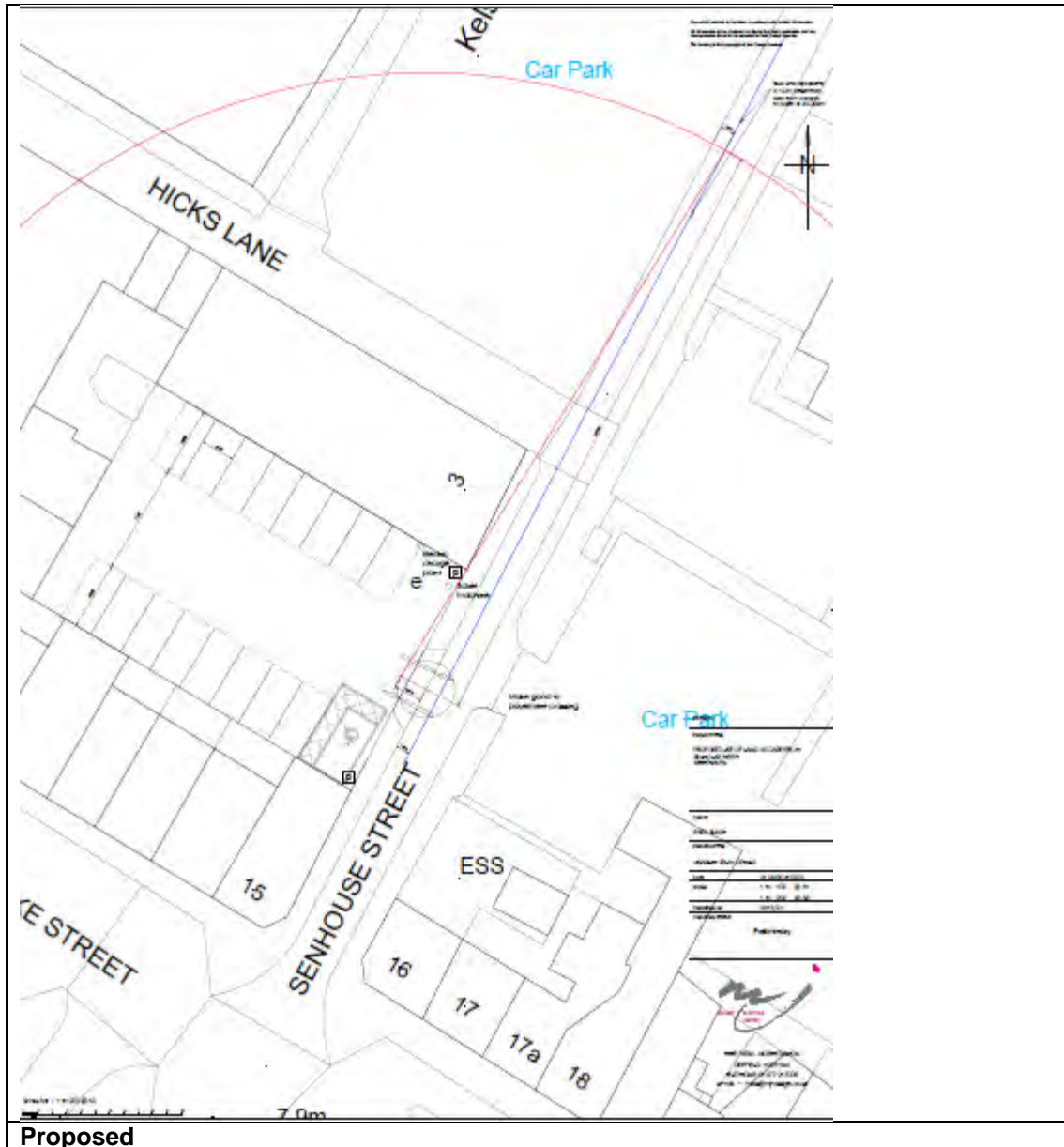


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		Proposed including tracking	
Yes			

C2. Existing and proposed floor plans			
Existing	No	Proposed	No

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<b>C3. Existing and proposed elevations</b>			
Existing	No	Proposed	No

<b>C4. Existing and proposed site sections and finished floor and site levels</b>			
Existing	No	Proposed	No

<b>C5. Roof plans</b>			
Existing	No	Proposed	No

<b>F Affordable Housing Statement</b>	
Not a residential application	

<b>G Biodiversity and/or Geological Survey and Report</b>	
Not applicable	

<b>H Flood Risk Assessment</b>	
	
Not required – not in a flood risk area.	

<b>I Foul and Surface Water Assessment</b>	
No foul drainage	
Surface water to connect to surface water sewer in Senhouse Street.	

<b>J Heritage Statement</b>	
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<b>A. Archaeology</b>	
Not applicable	

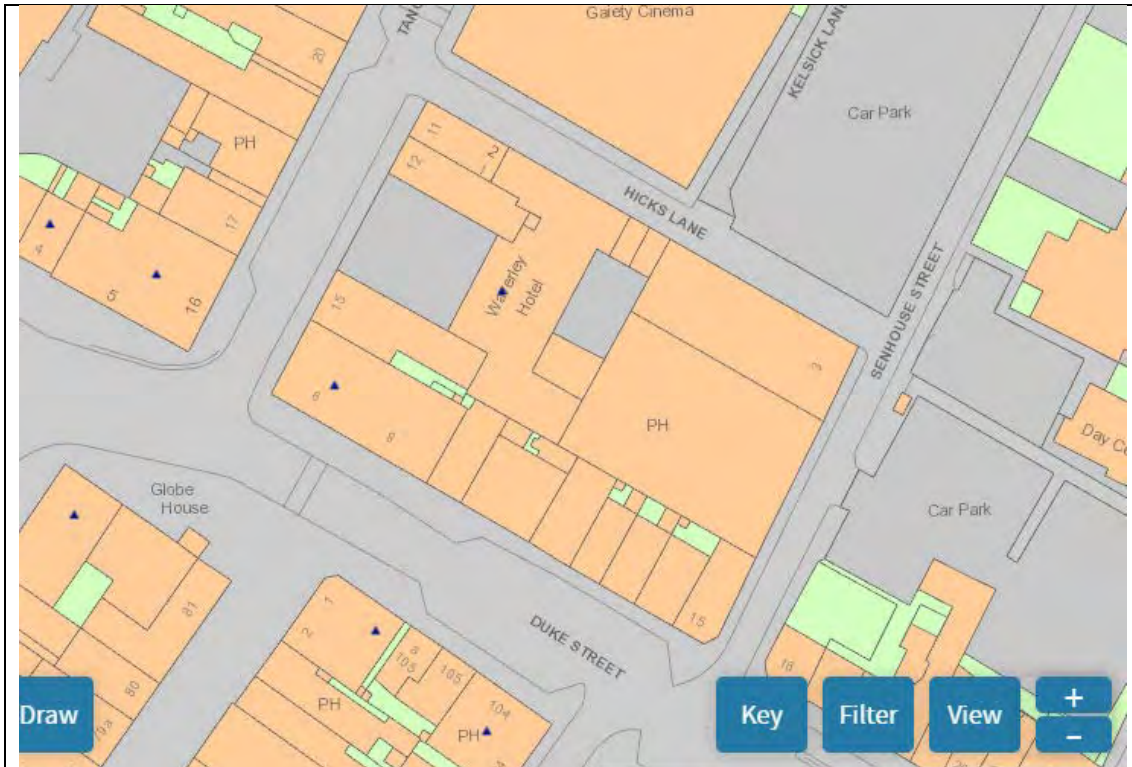
<b>B. Listed Buildings</b>	
S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a LPA to have regard to the effect of development on the setting of a listed building. The Historic England website has been checked.	

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The Waverley Hotel to the rear of the site is Grade II.

TANGIER STREET 1. 1814 Waverley Hotel NX 9718 SW 6/183 II 2. Imposing 3-storeyed Victorian hotel, stuccoed, with cornice bands and basement, and top cornice on brackets. 5 dormers with open pediment/gables. Centre door way up 3 steps in pilastered doorcase, with wide pediment on ornamented brackets. 2 sash windows at each side in plain frames with similar pediments, and sills on brackets. 1st floor has 5 sash windows with Composite pilaster- jambs and panelled lintels. Top floor has 5 sash windows on moulded frames. Adjoins the rear of No 6 Duke Street.

Whittles Furniture Store (8 Duke Street) is also Grade II  
DUKE STREET (North East Side) Whittle's Furniture Store

GV

II Dated 1889. Stuccoed, 3 storeys. Paired pilasters at ends, set in 3 tiers - Tuscan, Corinthian, and Tuscan. Ground floor has shop fronts. 1st floor has 5 windows (some 6-light cross type, others 2-light sashes, 3 with broken pediments). Top floor has 5 sashes with plain pediments. The 2nd bay is emphasised by a top dormer with scrolled pediment, pilasters and wings, and 1st floor by a swag on the pediment.

Nos 4, 5, the Co-operative Store, Whittle's Furniture Store, The Globe Hotel Nos 105 and 105A form a group.

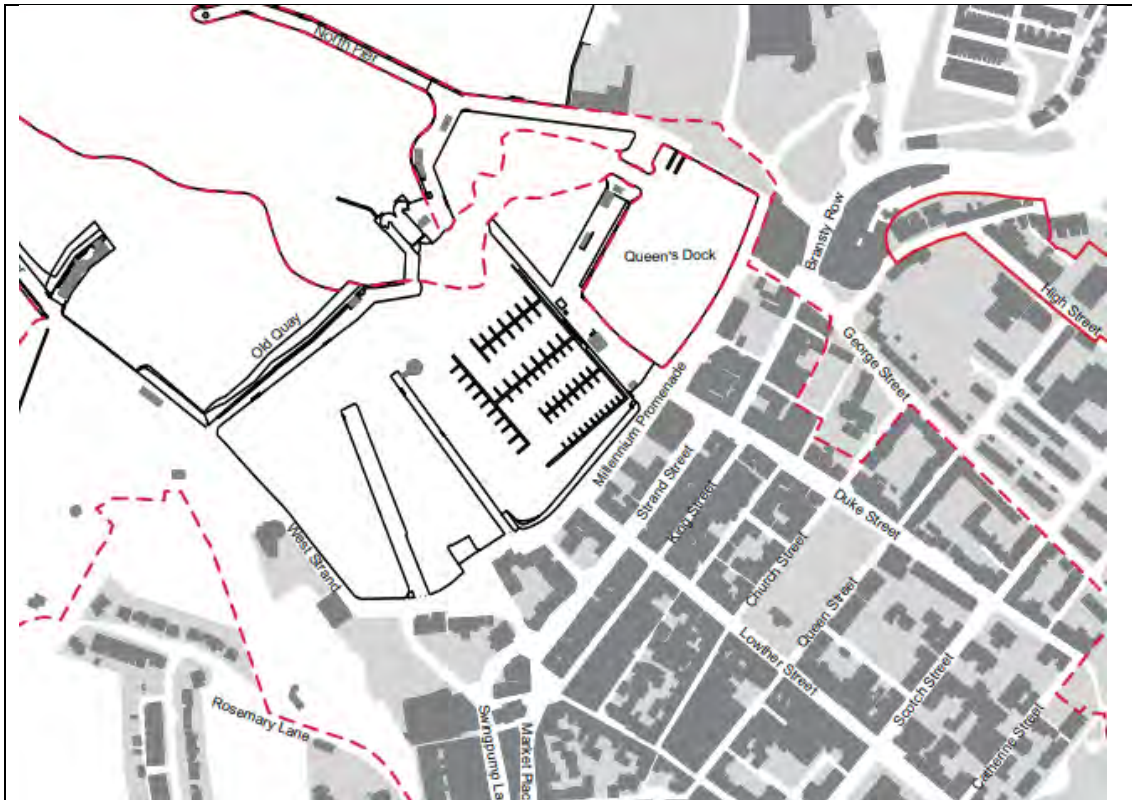
### C. Conservation Areas

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The site is in the Town Centre Conservation Area

#### **K Land Contamination Assessment**

Not applicable

#### **L Lighting Assessment**

Not applicable.

#### **M Noise Impact Assessment**

Not close to any noise sources	Not a significant generator of noise
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NPPF includes

187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

A car park will not affect the operation of existing businesses in the area.

#### **N Open Space Assessment**

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<b>A. <u>Loss of existing open space or built sports facilities</u></b>
Does not result in loss of open space

<b>B. <u>Open space required as part of new development for other purposes</u></b>
Not a residential application

<b>O      <u>Structural Survey</u></b>
Not applicable

<b>Planning Statement</b>
No – see Design and Access Statement

- 1.0 Introduction
- 1.1 The Planning Statement discusses the application under the following headings;
  - 2.0 Descriptive
  - 3.0 Development Plan
  - 4.0 National Planning Policies
  - 5.0 Discussion
- 2.0 Descriptive
  - 2.1 The application site is on the west side of Senhouse Street.
  - 2.2 The site has an area of 440 sq m.
  - 2.3 The site was previously occupied by a pub/night club, Captain Sennys which has now been demolished.
  - 2.4 On the 31 March 2015 permission was granted for;
 

DEMOLITION OF EXISTING LICENSED BUILDING, INCLUDING MANAGERS FLAT; CONSTRUCTION OF 9 NO. FLATS AND 1 NO. DWELLING HOUSE

4/14/2S28/0F1

It should be noted that the County Council objected due to the lack of parking. Any proposed on-site parking provision would have not been able to provide the visibility which the Council now require.
  - 2.5 The building has been demolished, which was sufficient to initiate the development, and there were no conditions precedent. It is therefore likely that the permission is still active.
  - 2.6 The applicants propose to clear and level the site, surface it with tarmac, mark it out and use it as pay and display car park.

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3.0 Development Plan

3.1 The development plan is the Copeland Local Plan (2013).

3.2 The site is within the Whitehaven development limit. There is no special notation;



3.3 Policy DM22 states;

Policy DM22 – Accessible Developments

The Council will require development proposals to be accessible to all users and accord with the following principles:

A The layout of the development responds positively to existing movement patterns in the area by providing or contributing towards:

- i) Permeable and legible layouts which are convenient for access into and through the site for pedestrians, cyclists and disabled people
- ii) Access for public transport
- iii) Access for emergency and service vehicles

B Incorporate innovative approaches to managing vehicular access and parking with:

- i) Standards incorporated into the design of the development which manage traffic access and speeds without excessive engineering measures

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ii) Incorporate car parking, through a variety of on street and off street arrangements which avoid vehicles dominating the street scene, whilst meeting adopted car parking standards which reflect the needs of the Borough in its rural context

Where necessary the potential transport implications of development will be required to be supported by a Transport Assessment and a Travel Plan to manage any significant transport implications.

3.4 Policy ENV4 deals with Heritage Assets

The Council's policy is to maximise the value of the Borough's heritage assets by:

A Protecting listed buildings, conservation areas and other townscape and rural features considered to be of historic, archaeological or cultural value

B Supporting proposals for heritage led regeneration, ensuring that any listed buildings or other heritage assets are put to an appropriate, viable and sustainable use

C Strengthening the distinctive character of the Borough's settlements, through the application of high quality urban design and architecture that respects this character and enhances the settings of listed buildings

Policy DM27 supports this policy, setting out the Council's approach to development which affects built heritage and archaeology.

3.5 Policy DM27, referred to in ENV4, states

A Development proposals which protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites and their settings will be supported. This will be particularly relevant in the case of:

i) Scheduled Ancient Monuments

ii) Conservation Areas

iii) Listed Buildings and structures

iv) Non-listed buildings and structures or landscape features of local heritage and archaeological value

v) Surface and below ground archaeological deposits

B Development proposals which have a significant adverse effect on a Scheduled Ancient Monument or its wider site or setting will not be permitted

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C Development within Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the area and, where appropriate, views in and out of the area. The Council will pay particular attention to:

- i) How new development respects the character of existing architecture and any historical associations, landscape features, open spaces, trees, walls and quality of townscape
- ii) The impact of any proposed works to trees with regard to policy DM28
- iii) The design of any proposals for new or altered shopfronts and / or signage, which should be an integral part of the design and avoid the use of internally illuminated signage

D Development which affects Listed Buildings or their setting will only be permitted where it:

- i) Respects the architectural and historic character of the building
- ii) Avoids any substantial or total demolition, or any demolition that is not related to proposed development affecting the building
- iii) Does not have a significant adverse effect on the setting or important views of the building
- iv) Involves a change of use to all or part of the listed building which contributes to the conservation and overall economic viability of the building, and the use can be implemented without any adverse alterations to the building

E Any development proposal which is considered to affect an existing or potential site of archaeological importance will be required to be accompanied by an archaeological assessment. Where archaeological deposits are evident, below ground or on the surface, evidence should be recorded and where possible preserved in-situ. Proposals for development where archaeological interest has been established will not be approved until evidence has been provided that the risk of archaeological disturbance has been adequately investigated and has been minimised. Planning permission will not be granted if the impact on potential archaeology is unacceptable.

3.6 The Council is preparing a replacement Local Plan. This is currently at public examination.

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3.7 A study has been carried out into parking in Whitehaven. The status of this is not clear,. It is not listed in the Local Plan evidence base. It cannot be found on the Council website.

#### 4.0 National Planning Policies

##### 4.1 NPPF includes

###### 4. Decision-making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

#### 5.0 Discussion

5.1 Neither the applicants nor the current owners had any involvement with the previous application.

5.2 The owners purchased the site with the intention of using it as a car park for the adjacent Waverley Hotel, which they owned at the time. They no longer own the Waverley and wish to dispose of the site.

5.3 The applicants are specialists in providing and managing car parks.

5.4 The car parking study, despite questions over its status, identifies a need for further off-street parking in Whitehaven.

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- 5.5 Despite aspirations that visitors to town centres, whether shoppers or workers, will use public transport the reality is that town centres need convenient and attractive parking.
- 5.6 This site is currently vacant with no immediate prospect of redevelopment.
- 5.7 The condition detracts from the conservation area and the setting of the Waverley Hotel.
- 5.8 Whilst a full redevelopment may be the ideal solution for the site it has not happened since the permission was granted and in view of the current economic climate, is unlikely to be a realistic prospect for a considerable time.
- 5.9 The proposed car park would improve the appearance of the site, would represent a small but significant enhancement of the Conservation Area and setting of the Waverley hotel and would provide a facility for users of the town centre.
- 5.10 The County Council have requested the provision of 60\*2.4m\*60m visibility splays. The adjacent buildings prevent these being provided. The most which can be achieved is 27m to the north and 19m to the south. Senhouse Street is a narrow, single width cul de sac. There are parking restrictions on both sides. Traffic is light and vehicle speeds are low.



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- 5.11 The Councils are respectfully reminded of the advice in NPPF;  
 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.  
 Failure to achieve the desired visibility is not in itself an unacceptable impact. The decision maker needs to be able to demonstrate that there would actually be an unacceptable impact.
- 5.12 As previously pointed out, the County Council objected to the residential scheme because there was no off-street parking. At best the access to those parking spaces could only have achieved the same visibility as this application.
- 5.13 In a letter dated the 2 March 2023 the County Council said;  
 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.
- 5.14 It is simply impossible to provide a 2.4m \*60m splay to the north east. There is a building in the way. It is not owned by the applicant nor the land owner. Even if it was, it is a building in a Conservation Area and the Planning Authority would be likely to resist demolition.

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5.15 The same building restricts visibility at the junction of two roads and the car park access.



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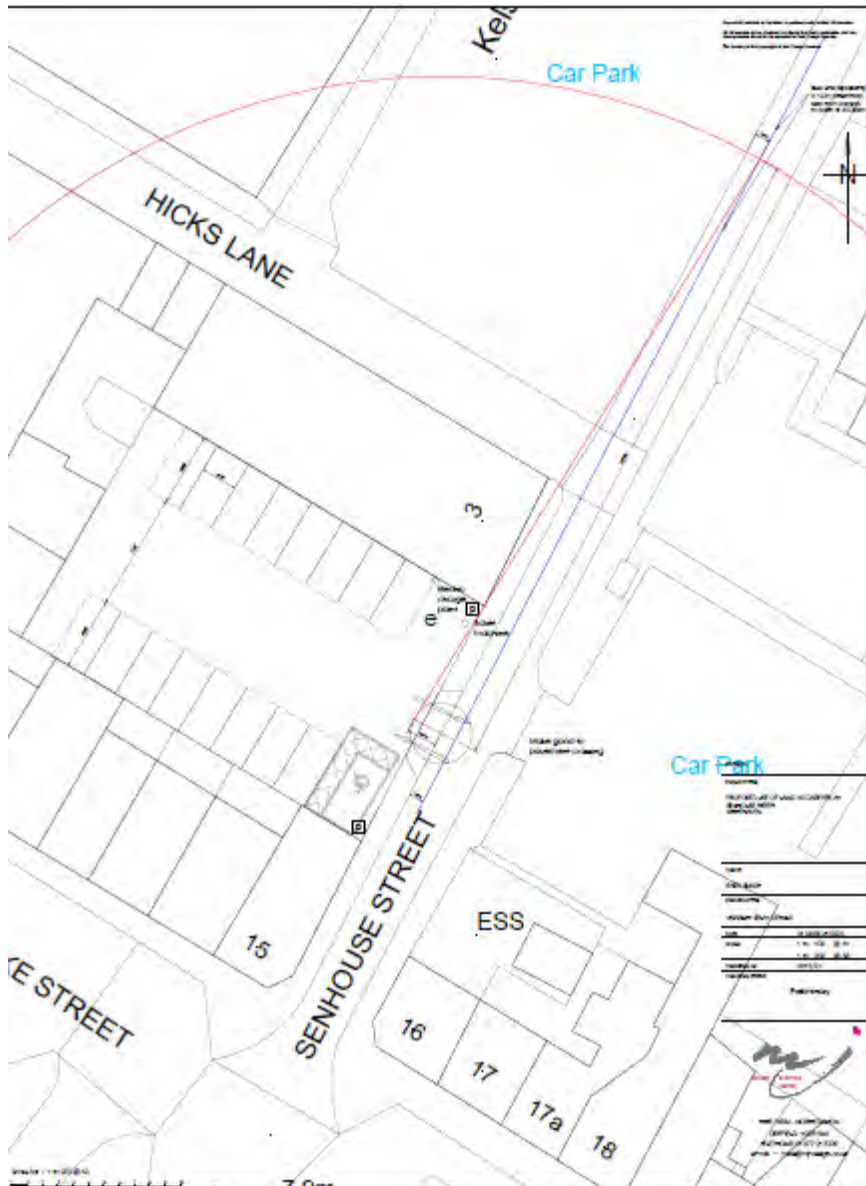
- 5.16 This statement explains why it is considered that the proposal is acceptable despite the fact that a splay of 2.4m \* 60m cannot be achieved towards the north east.
- 5.17 **The County Council have revised their requirement in respect of the visibility splay to the north east. They now require 2m \* 43m but with the 2m measured at 1m out from the kerb, to reflect that this is a single width road. The submitted drawing shows that this can be achieved.**

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5.18 The Council is therefore asked to approve the application.

<b>P</b>	<b>Town Centre Use Impact Assessment</b>
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The development will enhance the town centre by the provision of convenient parking for shoppers and persons employed in the town centre.
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<b>Q</b>	<b>Transport Assessment</b>
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Not applicable
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<b>R</b>	<b>Tree Survey/Assessment</b>
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<b>A. Tree Survey</b>	
Not applicable	

<b>S</b>	<b>Site Waste Management Plan</b>
Not applicable	



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The cleared site with the Waverley Hotel in the background.



Waverley Hotel

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Whittles Furniture



Car park between Senhouse Street and Church Street.

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Senhouse Street car park

#### Planning Obligations – Draft Heads of Terms

Not applicable

Christopher C Kendall  
Dip TP MRTPI

~~12 December 2022~~

~~10 February 2023~~

~~03 March 2023~~

**21 March 2023**

#### **Appendix**

#### **List of Submitted Documents**

<b><u>Number</u></b>	<b><u>Description</u></b>	<b><u>Submitted</u></b>	<b><u>Comment</u></b>
20230321	Application statement	21 March 2023	
3613-1b	1:1250 location plan	21 March 2023	
3613-2e	Site layout	21 March 2023	
	Tracking diagram	10 February 2023	

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