

Local Plan Policy TCN11 – Primary Frontages

Relaxing the Restrictions on Uses Permitted on King Street, Whitehaven

Responses to Public Consultation

Introduction

Currently, policy TCN11 in the Adopted Local Plan 2001-2016 restricts the uses permitted in King Street to A1 (Shops) because this area is designated as primary frontage. The full text of the policy is:

Policy TCN11: Primary Frontages

A Primary Frontages Area is designated in Whitehaven Town Centre as shown on the Proposals Map Inset within which continuous retail frontages will be sought and only retail outlets (Class A1) will be permitted in groundfloor premises.

Due to the effects of the economic downturn and the increasing popularity of internet shopping, units are becoming vacant along King Street and creating a less vibrant environment for shoppers and visitors. Allowing different uses to open in King Street could potentially solve this problem but may change the character of this area in the long term.

The LDF Working Party considered a report on the matter on 21st March 2011 that suggested a relaxation of the policy. Before making a recommendation to Council on the matter, the Working Party members requested a round of consultation to include all Council Members, County Ward Members, King Street business operators and other organisations representing Whitehaven town centre businesses on this proposal. Over 130 questionnaires were sent out at the end of May. This document summarises the 34 responses we received in the 6 week period to 8th July.

Summary of Responses

The following summarises the responses we received. The full breakdown of respondents' preferences and their comments can be found in Appendix 1.

Question 1 — Should the uses on King Street be extended to include A1 (shops) and A2 (financial and professional services), extended to include A1 and A3 (restaurants and cafes) or extended to include A1, A2 and A3 uses?

It is clear that most respondents are in favour of including both A2 and A3 uses on King Street. There were comments regarding the quality of businesses and the need to stop any more charity shops from opening in this area. The planning system can only control the use classes that are permitted, not the particular types of business within those use classes or the perceived 'quality' of the business.

Question 2 – If agreed should the changes apply to the whole of King Street or just the north end?

Most respondents were keen that the whole of King Street be subject to the relaxation of policy. Again the comment was made regarding the number of charity shops in the street – this is not something that can be controlled through planning policies.

Question 3 – Should any flexibility only apply to units that have been vacant and actively marketed for a significant length of time?

Almost all respondents were keen that the flexibility should apply to all units as they become vacant.

Question 4 – If the uses were extended to include A2/A3, should this only be for a period of time?

Question 5 – If yes, what is the appropriate length of time for a temporary A2 or A3 use?

The vast majority of respondents were of the opinion that there should not be a time limit on the relaxation of policy. Two of the respondents felt that it should be relaxed for 2 years followed by a review and two more felt that it should be relaxed for 5 years.

Question 6 – Should the level of A2 and A3 uses on King Street be limited?

The majority of respondents felt that it would not be appropriate to limit the number of A2 and A3 uses. However, there were a couple of comments relating to protecting the street as a retail destination.

Question 7 – Should the number of A2 and A3 (i.e. non retail) units next door to one another be controlled?

Most respondents were not concerned about the number of non-A1 uses next to one another. However, 8 respondents did not think that it would be appropriate to have more than two together.

Other considerations highlighted by the consultation:

Concern about off-licences being allowed to open up on King Street – this is an A1 use and is therefore permitted already.

Consideration must be given to storage of bins – priority for A3 uses to premises with yard storage.

In A3 premises ventilation may be required to control cooking odours. Lower cost systems will use external ducting which will impact negatively on the appearance of the area.

Proposal for revised text in the Local Plan document

In the light of the feedback we have received, we are preparing a revision to the policy wording and explanatory text for policy TCN11 in the Copeland Local Plan 2001-2016. If approved by Council this will form part of the development plan until the policies in the Copeland Local Plan are replaced by the Copeland Local Development Framework (LDF). The text will also be incorporated within the relevant Development Management Policy within the LDF where it will be subject to wider consultation and then independent examination in public.

Whilst the feedback received indicated a strong desire from stakeholders that the policy is relaxed completely, allowing permission for A2 and A3 uses on the whole of King Street, the Council is

mindful that this could have a long term effect on the valued retail character of King Street and would prefer, at this stage, to allow A2 and A3 uses to be permitted but subject to some limited control measures. Therefore the proposed text is as follows:

'The most intensive area of shopping use in Whitehaven Town Centre is along King Street, between Market Place and Duke Street and this is identified on the Proposals Map as the Primary Frontages Area. Here, retailing is the predominant use but the Council will consider permitting changes of use to A2 and A3 due to relaxation of policy 'TCN11 – Primary Frontages. (This change was subject to stakeholder consultation in summer 2011.)

'TCN11 – Primary Frontages

A Primary Frontages Area is designated in Whitehaven Town Centre as shown on the Proposals Map Inset within which continuous frontages will be sought and ordinarily only retail outlets (Class A1) will be permitted in groundfloor premises. However, where a unit has been vacant and evidence can be provided showing that it has been marketed for A1 use, at a reasonable price, for at least 6 months, the Council will consider permitting change of use to financial and professional services (Class A2) or restaurants and cafes (Class A3). The Council would expect that no more than two consecutive non retail uses are permitted within this Primary Frontages area and that non-retail uses make up no more than 25% of the frontage lengths of King Street, in each of its two sections either side of Lowther Street. Special consideration will also be given to minimising the impact of the waste storage and ventilation systems associated with A3 uses on the character of King Street.'

Appendix 1 – Details of Consultation Responses

Question 1 – Should the uses on King Street:

Remain as A1 (Shops) uses only?	Be extended to include A1 (shops) and A2 (financial and professional services) uses only?	Be extended to include A1 (shops) and A3 (restaurants and cafés) uses only?	Be extended to include A1, A2 and A3 uses?
1	5	4	22

Total responses to this question: 32

Other issues raised in further comments made:

Need to be a high standard of business – cheap and cheerful can become tarnished very quickly.

Allowing betting shops on King Street will further devalue it.

Not to include any more charity shops.

There is already a variety of cafes.

Attracting additional traders to the town will impact on existing traders positively.

The time limit for opening hours should be considered to avoid cafes and restaurants acting as a takeaway after 11pm.

The existing policy is unsustainable when combined with empty rate policy and will have a rapid effect upon values and investment going forward.

Conversion of upper floors to housing is also to be encouraged.

Question 2 – If agreed should the changes apply to:

The whole of King Street?	The north end of King Street (i.e. between Lowther Street and Duke Street).
23	9

Total responses to this question: 32

Other issues raised in further comments made:

The prime retail section has always been the southern section of King Street.

Usually north end is a lot quieter than the south end and a lot of shops are smaller at the south end.

It may be prudent to have a restriction on the number of units subject to relaxed restrictions in the southern portion of King Street (see question 6.)

Too many charity shops in the north end of King Street.

South end already has a mix of A1 and A3.

The North end of King Street has always suffered from lack of footfall.

Question 3 – Should any flexibility only apply to units that have been vacant and actively marketed for a significant length of time?

Yes – only for units that have been vacant for at least 2 years.	Yes – only for units that have been vacant for at least 3 years.	No – it should apply for any unit that becomes vacant.
2	0	29

Total responses to this question: 31

Other issues raised in further comments made:

Need maximum flexibility to keep occupancy levels up.

The market dictates what potential occupiers are willing to pay for a unit and this in turn is based upon what level of customer activity an occupier expects from the relevant location.

Empty shops don't look good but retail outlets and cafes are better than charity shops.

There is no benefit in limiting flexibility.

Question 4 – If the uses were extended to include A2/A3, should this only be for a period of time?

Yes	No
4	26

Total number of responses: 30

Other issues raised in further comments made:

Occupiers will not commit capital on fitting out and establish a business if there is a risk of temporary occupation only.

It may prevent businesses taking up units if they think it is only for a temporary period.

Most tenancies are for 5+ years.

Suggest the position is reviewed after 2 years.

We want businesses to be permanent and not short term.

A temporary period would allow for adjustments if the economic situation were to improve.

Question 5 – If yes, what is the appropriate length of time for a temporary A2 or A3 use?

2 years	3 years	5 years	Other (please specify)
2	0	2	0

Total number of responses: 4

Other issues raised in further comments made:

No further comments made.

Question 6 – Should the level of A2 and A3 uses on King Street be limited?

Yes – they should represent no more than 10% of shop fronts.	Yes – they should represent no more than 20% of shop fronts.	Yes – they should represent no more than 30% of shop fronts.	No – the level of A2 and/or A3 uses should not be limited.
2	5	3	20

Total responses to this question: 30

Other issues raised in further comments made:

But we do need to see more variety - i.e. May we have some more shops selling formal clothing - not casual wear?

Would this be legal - restraint of trade?

The market will speak for itself

Still need to protect retail destination.

The main use must remain retail

Any occupancy of vacant property must be encouraged.

Question 7 – Should the number of A2 and A3 (i.e. non retail) units next door to one another be controlled?

Yes – there should be no more than 2 consecutive non retail uses together.	No – there should be no restriction on the concentration of non retail uses.	Other – Please specify.
8	20	3

Total responses to this question: 31

Other issues raised in further comments made:

If it means losing an outlet then let us be imaginative and realistic.

Look what happens in other areas.

The market will decide for itself.

Each to be considered on merit with a 'good estate management policy'

No - one big problem in Whitehaven is too much of the same businesses side by side or directly opposite one another.

Other issues raised in 'Final Comments'.

'King Street needs a facelift along continental lines'

'We need a policy that uses Whitehaven's many splendid buildings.'

'Potential investors or retailers looking at Whitehaven would not be impressed with betting shops etc. on King Street.'

'Re A3 - I accept that if a restaurant [opens up] they should be allowed to apply for an alcohol licence.'

'A2 and A3 uses now often generate more footfall than some retailers - they also invest large sums of money on their shop fit and employ locals.'

'A4 and A5 uses should also be considered.'

'Because we are a small town with all these regulations and restrictions, we will always be a small town.'

'I am glad however to see that no pubs or clubs are being considered. I would also like this to extend to off-licence premises.'

'Although I would prefer King St completely retail I consider any open facility to be better than vacant shops.'

'Shops that cannot be used should have their windows decorated to at least look as if they are in use.'

'Tiffen & Co have marketed a number of units on King Street for a significant time period, for example 4 years. Demand has been forthcoming in particular from A2.'

'CDF would be looking to make sure that any permission granted would ensure that access complied with the Equality Act.'

'Full consideration must be given to refuse storage, maybe a screened central area or priority for A3 use to premises with yard storage.'

'Ventilation extract may be required to control cooking odours. Lower cost systems will use external ducting - not all premises may be suitable for this and there could be an impact on the appearance of the area.'

Development of possible services in the towncentre is beneficial to older people who make up a large percentage of town centre residents.