

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/20/2405/OF1
2.	<b>Proposed Development:</b>	INTERNAL ALTERATIONS AND COSMETIC REFURBISHMENT; NEW SLIDING DOORS TO REAR
3.	<b>Location:</b>	THE WATERFRONT, WEST STRAND, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts,</p> <p>Conservation Area - Conservation Area,</p> <p>Flood Area - Flood Zone 2, Flood Area - Flood Zone 3,</p> <p>Listed Building - Listed Building,</p> <p>Coal - Standing Advice - Data Subject To Change</p>
6.	<b>Publicity Representations &amp;Policy</b>	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p><b>Report:</b></p> <p><b>SITE AND LOCATION</b></p> <p>This application relates to The Waterfront, a detached property currently used as a pub, situated at Whitehaven Harbour. The property is a Grade II listed building and situated within the Whitehaven Conservation Area.</p> <p>This proposal has been submitted in tandem with Listed Building Consent for the same works (application reference 4/20/2406/OL1 relates).</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for various works related to the refurbishment of the property. These</p>	

comprise the following:

- Insertion of doors to rear elevation (single-storey extension)
- Removal/making good external vent (single-storey extension)
- Addition of railings to rear wall

General internal refurbishments are also planned which do not require Planning Permission. The works refer only to the ground floor and the property which will remain in use as a public house.

### **RELEVANT PLANNING APPLICATION HISTORY**

Listed Building Consent for alterations to provide new accessible WC in bar area and convert existing W.C to kitchen store, approved in June 2012 (application reference 4/12/2233/0L1 relates).

### **CONSULTATION RESPONSES**

Town Council – No objections

Conservation Officer – From the information supplied, it does not sound as though the proposals will entail unjustifiable harm to the significance of the building or its setting, or the character and appearance of the conservation area, and have the potential to bring improvements while putting this building back into use.

However, for the sake of clarity, I do just have a few questions and requests:

- The proposed railings at the rear are situated on top of a small wall, however the photos appear to show this wall already topped with a timber fence, although this is not shown in the elevation drawing. Is the railing proposed as a replacement for the fence, or does it apply to a different wall?
- A railing with finials and a more traditional appearance would be preferable. Technical detail of the proposed railings, such as a product sheet, should be supplied. Copeland's Conservation Area Design Guide recommends avoiding galvanised mild steel and instead specifying cast iron, wrought iron or spheroidal graphite iron.
- Regarding the rear doors, hardwood would be preferred to aluminium. Technical detail of the doors should be supplied.
- As I am unable to undertake a site visit, it would be helpful to have internal photographs supplied to aid understanding of the changes taking place.

Following my previous consultation response, the agent has provided updated information that

addresses my questions. This consists of:

- Clarification of the rear/fence wall arrangement in drawings
- Slight revision of fence design (ball finials added – fleur finials held to be possible safety risk given use)
- Hardwood specified for rear doors, along with.
- Internal photos supplied.

From this, I believe the proposal will be to the benefit of the character and appearance of the conservation area, and to the building, which it will help bring back into use.

Flood and Coastal Defence Engineer - The location is, according to mapping, partially Flood Zone 3a, partially Flood Zone 2 and partially benefitting from defences. There has been very little included about flood risk, which is actually within the Heritage Impact Assessment and Design and Access Statement. From my perspective, the development does not increase flood risk elsewhere, but the installation of the new sliding doors means that the structure will be more susceptible to the ingress of flood water should it occur. Therefore the sliding doors should be flood resistant.

The Agent confirmed that the new opening will be fitted with sliding windows with a cill height of 350mm which will present no increase to flooding. The Flood and Coastal Defence Engineer asked for data as to how the proposal will compare with the modelled flood levels. There were difficulties in obtaining this information due to the Covid 19 pandemic and therefore it was agreed that a condition be utilised to ensure that the cill height of the new windows is no lower than the threshold to all entry doors at ground floor level.

Copeland Disability Forum – Asked for clarification on the following:-

1] Can the Applicant give assurances and clarify that the door to the proposed outside drinking/eating area is level access and gives suitable turning space for people with disabilities, including wheelchair users ? We understand that there will be steps from the outside area to exit, however, the less mobile and wheelchair users can easily exit the premises via the main entrance if access to the outside area is level.

2] We note new “booths” are planned for the inside which is fixed seating and table. We agree with this in principle but would ask that the table end is fitted so a wheelchair user can get the knees under the table, i.e. there is an overhang at the table ends. So a wheelchair user could comfortably sit at the table to eat, if they cannot transfer to the bench seat. ?

Confirmation was received from the Agent that the new opening will be fitted with sliding windows with a cill height of approximately 350mm, the access to the building will not be altered. Furthermore, proposed booths will overhang to allow wheelchair users comfortable access to these tables. This was considered to be acceptable and no further objections were received.

Environmental Health – No objections to the proposal but specified that the opening hours of the outside space should be as agreed under the License, until 21:30 between April and September and 21:00 for all other months.

Public Representation

The application has been advertised by way of a site notice and consultation letter issued to 16 no. neighbouring properties.

No consultation responses have been received as a result of this advertisement.

**PLANNING POLICY**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

**Development Plan**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Policy DM27 – Built Heritage and Archaeology

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Conservation Area Design Guide SPD December 2017 (CADG)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but 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 National Planning Policy Framework.

## ASSESSMENT

### Principle of the development

Policy ST1 of the Copeland Local Plan seeks to encourage the retention and improvement of local businesses. The public house is situated on the harbour front in an important location for tourism and local use. The proposed alterations are minor, but will allow the outside space to be utilized. This feature is important for businesses during the Covid 19 Pandemic, in order to allow customers to sit outside according with lockdown measures. It will also enhance facilities for customers beyond the pandemic which will help to make the business viable in the long term.

On this basis the principle of the development is considered to be acceptable subject to consideration against the criteria set out below.

### Effect on the neighbouring properties

The Waterfront is situated on the Harbour front with a restaurant to the west, a car park to the south and a block of 14 flats to the east. The outside area will be at the rear of the property within close proximity (approximately 4.5m) to the block of flats. Although these flats are close by, the residents are used to living next to a pub and are situated on a street that already contains various commercial properties. It is considered that, subject to good management and the restriction of the opening hours of the outside space, there will be limited impact on these properties. Furthermore, no objections have been raised from the residents of the flats to the proposals.

Any noise disturbance can be dealt with under the license that is in place for the property. It is considered prudent to add a condition to control the opening hours of the outside space in order to ensure that there is no noise disturbance late at night and also provide consistency with the existing premises licence.

### Effect on the Heritage asset and Conservation Area

Policies ENV4 and DM27 of the Copeland Local Plan relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the local plan requires good design.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of a conservation area.

The alterations at the rear of the building can only be viewed from Quay Street car park and will have no effect on the Harbour front or Conservation Area.

On the basis that the alterations will provide betterment for the building and its use in the long term and will not create harm to the character or appearance of the Conservation Area, it is considered that the proposal complies with policies ENV4, DM10 and DM27 of the Copeland Local Plan.

#### Flood Risk

The Flood and Coastal Defence Engineer raised concerns with regards to the cill height of the new windows and requested modelled flood information in order to demonstrate the suitability of the proposal. Due to the Covid 19 pandemic and the difficulty of having a team attend a site visit to take spot levels, this information could not be provided. It was therefore agreed that a planning condition could be utilized to ensure that the cill height to the new windows will be no lower than the threshold to all entry doors at ground level, which are existing. This therefore means that the flood risk to the property is not increased and mitigation has been put in place.

It is considered that with the inclusion of the proposed flood resistance measures, the proposal complies with policies ENV1 and DM24 of the Copeland Local Plan in relation to flood risk.

#### Accessibility Issues

The Copeland Disability Forum asked for clarification on several issues. In response to these issues confirmation was received from the Agent that the new opening will be fitted with sliding windows with a cill height of approximately 350mm, and that the access to the building will not be altered. Furthermore, proposed booths will overhang to allow wheelchair users comfortable access to these tables. This information satisfies the requirements of the Copeland Disability Forum and will ensure that the building provides suitable access arrangements for all users.

#### Conclusion and Planning Balance

No objections have been received to the proposal.

The proposed works will allow the building to be refurbished and brought back into use. There will be minimal impact on the character and appearance of the Conservation Area. Issues relating to flood risk and accessibility have been resolved as part of the planning application process.

The opening hours of the outdoor seating area can be adequately controlled by a suitably worded condition to ensure that there is minimal loss of amenity to the surrounding properties.

The application is considered to be in accordance with the requirements of the Copeland Local Plan and the other material planning considerations and is considered to be an acceptable form of development.

8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li data-bbox="183 394 1498 657"> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li data-bbox="183 699 1498 1245"> <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>Site Location Plan, existing elevation and existing floor plan, scales 1:1000 and 1:50, drawing number PL01 A, received 12<sup>th</sup> November 2020; Proposed Block Plan, proposed elevation and proposed floor plan, scales 1:500 and 1:50, drawing number PL02 A, received 12<sup>th</sup> November 2020; Heritage Impact Assessment, Design and Access Statement and Flood Risk Assessment, received 12<sup>th</sup> October 2020.</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> </li> <li data-bbox="183 1287 1498 1591"> <p>3. No outdoor seating area associated with the public house known as The Waterfront hereby approved must be used after the hours of 21:30 during the months of April to September and 21:00 between the months of October to March on any day.</p> <p>Reason</p> <p>For the avoidance of doubt and to protect the amenity of the occupiers of the residential units within the locality, in accordance with Policy ST1 of the Copeland Local Plan.</p> </li> <li data-bbox="183 1633 1498 1812"> <p>4. The cill height of any new windows on the ground floor must be no lower than the threshold to and existing entry doors at ground level and must not be below 350mm from ground floor level. The windows must be retained as such at all times thereafter.</p> <p>Reason</p> </li> </ol>

	<p>To ensure satisfactory mitigation from flood risk on the site, in accordance with policies ENV1 and DM24 of the Copeland Local Plan.</p> <p><b>Informative</b></p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p> <p><b>Statement</b></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>
<b>Case Officer: Sarah Papaleo</b>	<b>Date : 31/03/2021</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 16/04/2021</b>
<b>Dedicated responses to:- N/A</b>	