



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No: | 4/20/2453/OF1 |
| 2. | Proposed Development: | CONVERSION AND CHANGE OF USE OF THE FIRST AND SECOND FLOORS INTO 2 NO. ONE BEDROOMED APARTMENTS (USE CLASS C3) |
| 3. | Location: | 49 KING STREET, WHITEHAVEN |
| 4. | Parish: | Whitehaven |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change |
| 6. | Publicity Representations &Policy | Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report |
| 7. | Report: | <p>SITE AND LOCATION</p> <p>This application relates to 49 King Street, a mid-terraced property which is situated within the town centre of Whitehaven. It comprises 3 floors with accesses to the front and rear.</p> <p>The application relates to the upper two floors which have been partially utilized as a warehouse. The ground floor will be retained as retail unit and does not form part of the application.</p> <p>The site lies within the Whitehaven Conservation Area.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the conversion of the upper floors of the property to form two one</p> |

bedroomed apartments. Each apartment will include a kitchen, living space, bedroom and bathroom as well as its own rear entrance point. A new access is to be created to serve one of the units with the other served by an existing access.

The proposals include the replacement of 3 windows to the rear and 4 windows on the front.

A rear lean to is to be removed with the space created being used as a bin store.

Parking has not been specified for the development which will rely on the existing parking within the town centre.

RELEVANT PLANNING APPLICATION HISTORY

New shop front, approved in 2000 (application reference 4/00/0369/0 relates);

Fascia and projecting signs, approved in 2000 (application reference 4/00/0370/0 relates).

CONSULTATION RESPONSES

Whitehaven Town Council – No objections.

Cumbria County Highways – No objections.

Local Lead Flood Authority – Consider that the EA should be consulted on the application as it is within Flood Zone 3.

Environment Agency – No objections, subject to conditions ensuring that the development is carried out in accordance with the FRA and that the mitigation measures are implemented prior to occupation.

Flood and Coastal Defence Engineer - The site is in Flood Zone 3, but in an area benefitting from defences. The development is for work to the first and second floors, so above flood levels, although access will still be at ground level. There will be no increase in surface water following development. Therefore, I have no objection to the proposed development.

Conservation Officer – Although the proposal is welcomed, the windows should be finished in timber in accordance with the Copeland Conservation Area Design Guide. Further to the Agent's request for the use of uPVC sliding sash windows, the Officer confirmed that these would not be appropriate in this location. The Agent subsequently requested the use of double glazed timber windows which the Conservation Officer was happy to consider. The Agent requested that the window details are conditioned as they are yet to appoint a Contractor. The Officer agreed that this was a suitable way to progress.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 5 no. properties.

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

PLANNING POLICIES

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 SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM13 – Conversions of Buildings to Residential Use within Settlement Limits

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework 2019 (NPPF)

Conservation Area Design Guide SPD December 2017 (CADG)

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

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been 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

Policy context

Planning policies ST1 and DM13 seek to encourage the re-development of the town centre allowing for a mixed use and the conversion of properties within the settlement limits. Policies DM12 and DM22 seek to ensure that new residential properties meet the minimum acceptable standards whilst including a suitable access and parking. Policies ENV4 and DM27 seek to protect the local heritage assets including the Conservation Area. Policies ENV1 and DM24 seek to ensure that development does not increase the flood risk either on site or elsewhere.

Principle of development

The conversion of the upper floors of the building to residential use is acceptable in principle as it is located within the defined settlement limits for Whitehaven which is listed as the Principal Town within the Borough. It would result in the re-use of the upper floors of an existing building within the town centre. Bringing vacant buildings back into use is supported throughout national and local planning policy and the provision of 2 flats will add to the housing supply for the Borough.

On this basis, it is considered that the principle of development is acceptable in compliance with policies ST1, ST2, SS3, DM12 and DM13 of the Copeland Local Plan.

External alterations

The proposal includes the addition of a new external door, so that each flat has it a separate access. The position of the new door is considered to be acceptable and is unlikely to create an impact on the surrounding properties. It can be accessed from Strand Street where there are many accesses to the rear of properties that front onto King Street.

Three windows to the rear and four on the front elevation are proposed to be replaced as part of the proposal. The application initially included the change to uPVC frames, however the Conservation Officer resisted this request due to the effect on the Conservation Area, especially in this prominent position within the town centre. Further to discussions, it was agreed that there may be scope for the windows to be slim line double glazed, but that the frames should be of a timber construction. The Agent agreed to this and the full details of the windows will be provided at a later date. In order to ensure that the replacement windows are satisfactory, it is considered prudent to include a suitably worded planning condition to any approval to ensure that full details are provided and approved, prior to their installation.

On approval of the window specification, it is considered that the proposal will meet with the details

set out in Policy DM10 of the Copeland Local Plan.

The Impact on the Conservation Area

The building is located within the Whitehaven Conservation Area and in a prominent part of the town centre. The change of use proposals include modest alterations to the external features of the building which are considered to protect the traditional character and appearance of the building and this part of the Conservation Area.

The application includes the demolition of a small lean to at the rear of the property to allow for an external bin store to be created. The proposed demolition is small in scale and does not require planning permission. It is largely dilapidated and in a poor structural condition and as such is not considered to be of historical interest.

It is considered that the proposals comply with Policies ENV4 and DM27 of the Copeland Local Plan relating to the local heritage assets and Policy DM10 in relation to design.

Access and parking

The previous use of the building as a commercial property would have resulted in frequent car and pedestrian movements to and from the property. The use of the upper floors as two residential flats is unlikely to significantly increase activity to the premises. Although no car parking is allocated to serve the flats, as the building is located within the town centre, it is considered that there are suitable parking solutions and sustainable transport options for use by the occupiers. Cumbria Highways raised no objections to the proposals.

The proposals therefore align with Policy DM22 of the Copeland Local Plan relating to accessible developments.

Flood risk

The site lies within flood zone 3, therefore a Flood Risk Assessment was submitted as part of the application. The document concludes that flood proofing should be provided for the development, as appropriate, but as the change of use will be for the upper two floors, there is unlikely to be any risk of flooding. The proposal will also not increase the flood risk elsewhere. Due to the designation within flood zone 3, the Environment Agency were consulted and they advised that conditions should be added to any approval to ensure that flood mitigation measures were put in place, according to the submitted assessment prior to the first use of the properties.

Overall, the Applicant has demonstrated that the proposal complies with policies ENV1 and DM24 of the Copeland Local Plan relating to flood risk.

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| | <p><u>Conclusion</u></p> <p>There have been no objections to the proposal.</p> <p>Overall, it is considered that the proposal will preserve and enhance the character and appearance of the Conservation Area and accords with the policies set out within the Copeland Local Plan and therefore should be approved.</p> |
| 8. | <p>Recommendation:</p> <p>Approve (commence within 3 years)</p> |
| 9. | <p>Condition(s):</p> <ol style="list-style-type: none"> <p>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> <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, scale 1:500, drawing number 1123-001, received 9th November 2020; Proposed Front Elevation, scale 1:50, drawing number 1123-003, received 9th November 2020; Proposed Rear Elevation, scale 1:50, drawing number 1123-005, received 9th November 2020; Proposed Ground Floor Plan, scale 1:50, drawing number 1123-007, received 9th November 2020; Proposed First Floor Plan, scale 1:50, drawing number 1123-009, received 9th November 2020; Proposed Second Floor Plan, scale 1:50, drawing number 1123-011, received 9th November 2020; Design and Access Statement, written by HDP Associates Limited, received 9th November 2020; Flood Risk Assessment, written by Unda Consulting Limited, received 14th December 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> <p>The replacement windows must be of a timber construction and of a painted finish. Prior to their installation, full details of the new windows including specifications and cross sections must be submitted to and approved by the Local Planning Authority. The approved windows</p> |

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| | <p>must be installed prior to the first occupation of the apartments hereby approved and must be retained as such at all times thereafter</p> <p>Reason</p> <p>In order to ensure that there is limited effect on the surrounding Conservation Area in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.</p> <p>4. The development hereby approved must be carried out in accordance with the submitted flood risk assessment (ref. 90087-281020-Perriment-KingSt, dated November 2020, compiled by UNDA Consulting Limited) and the following mitigation measures it details:</p> <p><input type="checkbox"/> Physical design measures (Section 6.2)</p> <p>These mitigation measures must be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above must be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason</p> <p>To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.</p> <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> | |
| <p>Case Officer: Sarah Papaleo</p> | <p>Date : 28/01/2021</p> | |
| <p>Authorising Officer: N.J. Hayhurst</p> | <p>Date : 29/01/2021</p> | |
| <p>Dedicated responses to:- N/A</p> | | |