

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2517/OF1
2.	Proposed Development:	CONVERSION OF FORMER ELECTRICAL WHOLESALERS & OFFICES TO FORM 6 PRIVATE RESIDENTIAL ACCOMMODATION UNITS (USE CLASS A3), 6 SHORT LET HOTEL/SERVICED APARTMENTS (USE CLASS C1) INCLUDING INTERNAL ALTERATIONS; REPLACEMENT WINDOWS; REINSTATEMENT OF WINDOW & DOOR OPENINGS IN REAR COURTYARD ELEVATION; REPAIR/REPLACEMENT OF ROOF; INSTALLATION OF CYCLE STAND
3.	Location:	51 DUKE STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, 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 51 Duke Street, a former warehouse and offices situated within Whitehaven's Conservation Area. The building has been vacant for a number of years.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the change of use of the property and conversion to form 6 private</p>

residential accommodation units (use class A3) and 6 short let hotel/serviced apartments (use class C1). The proposal includes internal alterations, the replacement of the windows, the reinstatement of the window and door openings in the rear courtyard elevation, the repair of the roof, removal of the rear chimney stack and the installation of a cycle stand.

Car parking has not been provided for the development, however the Applicant proposes to include 3 motorcycle parking spaces and 6 cycle spaces.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Whitehaven Town Council – No objections.

Conservation Officer – No objections, however requested that the glazing bar profiles are either 12mm or 14mm in combination with a lambs-tongue moulding profile. Also requested that the chimney to the rear be retained.

Cumbria Highways – No objections as it is considered that the proposal will not have a material effect on the existing highway conditions.

Local Lead Flood Authority – No objections as it is considered that the proposal will not increase flood risk on the site or elsewhere.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 15 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 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 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

The emerging Copeland Local Plan 2017-2035 is currently 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 properties within the defined settlement boundaries. The policies seek to direct most development into Whitehaven which is designated as Copeland's Principal Town.

Policies DM12 and DM22 seek to ensure that new residential properties meet the minimum acceptable standards whilst including suitable access and parking arrangements. Policies ENV4 and DM27 protect the local heritage assets including the Conservation Area.

Principle of development

The conversion of the building to residential use is acceptable in principle as it is located within the

defined settlement limits for Whitehaven and would result in the re-use of an existing building. Furthermore, there are other residential properties on Duke Street therefore the use for residential purposes will be compatible with its surroundings. Bringing vacant buildings back into use is supported throughout national and local planning policy and the provision of residential flats and services apartments will increase the housing supply for Copeland in a town centre location within the Borough's Principal Town of Whitehaven.

On this basis, it is considered that the development satisfies policies ST1, ST2, SS3, DM12 and DM13 of the Copeland Local Plan.

The Effect on the Conservation Area and Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Section 72 of the 1990 Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

Paragraph 192 of the National Planning Policy Framework (NPPF) states that "In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation..."

NPPF para. 193 states, in the case of designated heritage assets, "great weight should be given to the asset's conservation", irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 196).

Paragraph 197 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Referring to assets in a conservation area, NPPF para. 201 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 195) or less-than-substantial harm (under paragraph 196). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 200).

The building is located within the Whitehaven Conservation Area and is attached to and adjacent to Listed Buildings. The change of use proposal includes a number of minor external alterations, most of which will be on the rear of the building. The Conservation Officer welcomes the proposals to give the building a new use and praised the commitment in the design, access and heritage statement to

retain and reuse the internal features of interest where possible.

Externally, there will be some impact of the proposals on the Conservation Area and also the settings of the neighbouring listed buildings, including Somerset House next door (which is grade II*).

At the rear, the rationalisation of the fenestration and insertion of doors is sympathetically detailed and is necessary to facilitate the use proposed.

The proposed windows will feature a slim profile, will be of a Conservation style and therefore are unlikely to have a harmful impact on the character of the surrounding area. The details of the window profiles can be controlled through the use of an appropriately worded planning condition on any decision notice.

The removal of the roof stack was queried by the Conservation Officer who stated a preference for its retention. This was agreed by the Applicant, provided that, upon inspection, it proves to be structurally sound. Although it would be preferable for the chimney to be retained, should it be lost it is considered to be of minor harm to the Conservation Area given its location on the rear of the building, especially when considered against the benefits of the building being brought back into use.

The Conservation Officer stated support for the repainting of the building and considers that the existing scheme is not optimal for the building. The Applicant intends to use neutral, earthy and pastel colours, as set out in the Copeland Conservation Design Guide.

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 Provision

The buildings previous use as a workshop and offices would have resulted in frequent car and pedestrian movements to and from the property. The use for residential purposes will arguably create a less intensive use for the site, lessening the activity on and around the site. Although no off street parking has been proposed for the building, the site is within easy walking distance to the town centre with all of the services required for everyday life and good transport links to other areas in Cumbria. As a result, it is considered that occupants of the flats and apartments would not potentially require the use of a car, however if parking was required, there are various public car parking options within the town centre that could be utilized.

The proposal includes spaces for 3 motorcycles and 6 pedal cycles with the addition of bike stands to the rear. This is encouraged in order to create a less reliant use on the car.

The Highway Authority have not raised any concerns with the proposals as submitted.

	<p>The proposals therefore align with Policy DM22 of the Copeland Local Plan relating to accessible developments.</p> <p><u>Planning Balance and Conclusions</u></p> <p>There have been no objections to the proposal. The re-use of an existing empty property is encouraged and it is considered that the provision of flats and serviced apartments will help to address an identified need for more dwellings within Copeland, contributing to the 5 year land supply. The proposed external alterations are minor and will not result in any harm to the character and appearance of the Conservation Area. There is potential for some harm to be caused should the chimney stack require removal, but this harm is minor and it is considered that the benefits of converting and reusing the building outweigh any potential harm.</p> <p>The scheme is supported by the Conservation Officer who considers that the scheme has been carefully considered by the Applicant and is welcomed.</p> <p>The lack of car parking provision to serve the units is not considered to be of sufficient weight to oppose the scheme, especially as the site lies within close proximity to the town centre which has a number of public car parks and also sustainable transport options.</p> <p>Overall, it is considered that the proposal accords with the policies set out within the Copeland Local Plan and therefore should be approved.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none"> 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>Site Location Plan, scale 1:1250, drawing number A098, received 23rd December 2020; Site Block Plan, scale 1:500, drawing number A099A, received 23rd December 2020; Existing Ground Floor Level, scale 1:100, drawing number A100, received 23rd December 2020; Existing First Floor Level, scale 1:100, drawing number A101, received 23rd December 2020;</p>

Proposed Ground Floor Level, scale 1:50, drawing number A200A, received 23rd December 2020;
Proposed First Floor Level, scale 1:50, drawing number A201B, received 23rd December 2020;
Existing and Proposed Elevations, scale 1:100, drawing number A205, received 23rd December 2020;
Conservation Open in Entrance Doorset Lambs Tongue Glazing Bar Options, produced by Mumford and Wood, received 23rd December 2020;
Typical Entrance Door Panel, received 23rd December 2020;
Cycle Rack Specification, received 23rd December 2020;
Design, Access and Heritage Statement, written by Cubic Heritage and Design, received 23rd December 2020.

Reason

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.

3. Any replacement windows must be of timber construction, have a profile of either 12mm or 14mm with a lamb tongue moulding profile and a painted finished in accordance with the details set out in the Conservation Open in Entrance Doorset Lambs Tongue Glazing Bar Options, produced by Mumford and Wood, submitted on 23rd December 2020. The windows must be retained as such at all times thereafter.

Reason

In order to protect the character of the Conservation Area in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

Informative

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.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

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.

Case Officer: Sarah Papaleo	Date : 19/03/2021
Authorising Officer: N.J. Hayhurst	Date : 23/03/2021
Dedicated responses to:- N/A	