



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2139/0F1
2.	Proposed Development:	INSTALLATION OF NEW WINDOWS & DOORS TO PRINCIPAL ELEVATION, ERECTION OF FIRST FLOOR SIDE EXTENSION WITH REAR DORMER ALONG WITH INTERNAL ALTERATIONS (DEMOLITION WORKS AND NEW CONSTRUCTION) TO FACILITATE CHANGE OF USE OF BUILDING TO FORM 6 FLATS - REVISION TO SCHEME APPROVED UNDER REFERENCE 4/19/2115/0F1
3.	Location:	3 CATHERINE STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Listed Building - Listed Building, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations & Policy	See report.
7.	Report: Site and Location: <p>The application site comprises the now vacant former Whitehaven Medical Centre, 3 Catherine Street, Whitehaven.</p> <p>The property comprises a principally two-storey building that is attached to the rear of but is internally subdivided from 80 Lowther Street.</p> <p>The property is finished externally with a combination of textured render finishes with surrounding details to the windows under a combination of dual pitched hipped and gabled roof structures finished externally with slate. The property has timber windows and doors.</p> <p>The property is a Grade II Listed Building and is located within the Whitehaven Town Centre Conservation Area.</p>	

The property has a limited curtilage and does not benefit from off highway parking.

Proposal:

Full Planning Permission is sought for the alteration and extension of the property to enable the creation of 6no. apartments.

The Full Planning Application is a revision of Full Planning Application Ref. 4/19/2115/0F1 which could not be implemented due the scheme failing to comply with Building Regulations requirements.

The physical development proposed principally comprises:

External:

- The erection of a first floor level extension above the existing single story element of the building under a combination of dual pitched roof structures tying into the existing roof structure. Extensions are to be finished externally with roughcast render to the elevations and slate to the roof structures. Timber sash windows with ashlar windows surrounds are proposed.
- Replacement of existing entrance doors to southeast elevation with a new door in revised location and timber sash window with ashlar window surround.
- Replacement and creation of addition windows.

Internal:

- Ground floor - Removal of various existing internal partitions; erection of various new internal partitions; replacement and realignment of existing staircase; and, installation of staircases to first floor and basement.
- First Floor - Removal of various existing internal partitions and erection of various new internal partitions. The timber panelling and fireplace to the southwestern element of the building are to be retained.

No off highway parking is proposed.

It is proposed to dispose of foul and surface water to the public main.

The proposals have been amended during the course of the application to in response to confirmation of the ownership of elements of the Application Site and the comments of consultees and Officers.

Consultee:	Nature of Response:
Town Council	1 st October 2021

		No objections.
	Cumbria County Council – Highways and LLFA	<p><i>13th May 2021</i></p> <p>I can confirm that the Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood Risk on the site or elsewhere and subject to previous conditions being included in any notice of consent you may grant.</p> <p><i>20th September 2021</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.</p>
	United Utilities	No response received.
	The Coal Authority	<p><i>19th April 2021</i></p> <p>The submission to which this consultation relates falls on our exemptions list, you are therefore advised to consult the Coal Authority guidance (provided to all LPAs on 18/12/2020) on this issue and to include the necessary notes/advice on any consent granted.</p> <p><i>10th September 2021</i></p> <p>The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.</p>
	Copeland Borough Council – Conservation Officer	<p><i>11th May 2021</i></p> <p>Assessment: This is close to being a recommendation to refuse as there's a significant amount wrong with the application, however, I think it can be addressed by updating documents and adding new ones, and finding alternative design choices or better justifying those that have been made.</p> <p><input type="checkbox"/> No details have been included on windows or internal and external doors.</p>

- ☐ Hipped roofs don't look correct. These should be gabled.
- ☐ Entrance detailing is awkward. I appreciate there is a wall on the inside, and that this arrangement is an attempt create a window from the existing door opening that lines up with the window above, however the appearance is not good. The window in the new room (oddly labelled "Waiting") is jammed right up against the new hall wall, which will create an odd appearance and leave no room for a curtain rod. The proposed hallway also seems very cramped, being the same width as the door.
- ☐ This proposal entails removing an internal staircase, but no suggestion of what impact if any this might have on the significance of the building, either from the loss of the staircase itself or the change to the building's circulation.
- ☐ The proposed and existing rear elevation drawings appear to be identical, which makes it impossible to comment on the changes there.
- ☐ The proposed and existing side elevation drawings appear to be drawn wrongly, with the final single storey volume absent and the current two storey hipped volume drawn as though it's the end of the building, both before and after the work.
- ☐ The existing front elevation drawing appears to be drawn incorrectly, with the current single-storey end volume shown as two storey and the proposed cellar windows already in place.
- ☐ The cellar windows themselves look awkward and I question whether the benefit in terms of light and ventilation will really be satisfactory. The following image of a property on Queen Street gives an example of how such windows might be better detailed:



Conclusion:

At present it's not possible for me to draw firm conclusions on this because of incompleteness and the inaccuracy of the drawings.

This consultation response covers points that are obviously questionable, but I would need to have another look at the proposals when further and corrected details are in.

15th September 2021

Following my earlier consultation response, revisions and additions have been supplied. These address almost all of my earlier concerns, including the lack of justification for relocating the internal staircase, the inconsistencies in the drawings, and certain aspects of the detailing that appeared awkward.

The only remaining point is that use of 24mm glazed units in windows tends to introduce a chunkiness that is at odds with the character of the building. I believe the current windows are single-glazed (although clearly also not of any great significance).

Generally, we would request SG be replaced either with new SG (optionally in combination with secondary glazing) or 12mm heritage style glazed units. In the case of using the slim DG units, we tend to request solid glazing bars and individual glazed units to avoid introducing black edges and gaskets around the sight lines, although here I note the proposal does not feature glazing bars, and has a one-over-one arrangement.

- ☐ I'd be grateful for comment on whether single-glazing would be preferable in comparison with 12mm heritage units, from the perspective of the applicant and agent (either should be viable here).
- ☐ I would also request the use of slate rather than slate-effect tile for roofing.

1st October 2021

Thank you for the revised details, showing the building with an alternative eaves detail that omits the bargeboards and substitutes the white uPVC soffit for a Cedar board alternative that I would view as a better response to the following legislation, policy and guidance.

Neighbour Responses:

The application has been advertised by way of a planning application site notice, press notice and notification letter sent to 1no. neighbouring property.

One written representation has been received questioning the ownership of the ramp serving the property and the ability to provide refuse storage etc. given the surrounding land is in the

ownership and control of a third party.

Development plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Policy TSP8 – Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan (ECLP).

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

The principle of the proposed development and use has been established under Full Planning Application Ref. 4/19/2115/0F1.

Housing Need and Housing Mix

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2014 Update (SHMA).

The proposed is a small scale development comprising 6no. apartments.

The development will contribute towards meeting the small annualised need for such development in the Whitehaven HMA.

The development falls below the threshold for the provision of affordable housing.

Design and Heritage

A limited Heritage Statement has been prepared in support of this planning application.

The property is a Grade II Listed Building, as the property comprised part of the Grade II Listed 80 Lowther Street, Whitehaven at the time of listing. The building has subsequently been the subject of subdivision from 80 Lowther Street and unsympathetic extension and internal alterations to create a medical surgery.

The building is located within the Whitehaven Town Centre Conservation Area.

The significance of the building is primarily derived from the developed form and relationship of the southwestern most part of the building to 80 Lowther Street and the original internal features that remain. The single storey element to the northeast most part of the building is a recent addition of

similar design/construction to the remainder of the building; however, by virtue of its scale and form, it does not make a positive contribution to its significance. The introduction of a first floor level extension will improve the overall visual appearance and balance of the building and the conservation area through the introduction of increased height along the façade and the termination with a dual pitched gable consistent with the significant elements of the existing building. The dual pitched gabled addition to the northwest elevation is a less successful addition; however, its impacts are lessened by its scale, location and relationship to the existing complex forms to the remainder of this elevation.

The property has various rendered finishes to the elevations, including roughcast render and incised stucco. Incised stucco would be the preferable finishes to the proposed extension being part of a Georgian terrace; however, the making of a joint with the roughcast of the adjoining building would not be desirable and so the proposed use of roughcast is considered acceptable.

The proposed windows and doors are consistent in design and form to those within the existing building.

Owed to the extensive internal alterations to create a medical surgery, limited original fabric of significance remains to the interior of the building with the exception of some Victorian iron fireplaces, some glazed cabinetry and wood panelling that survive in the eastern most element of the building. The proposed internal alterations to the building are extensive; however, principally relate to the removal/alteration of the interventions completed in the conversion to the medical surgery and so the resulting impact upon the significance of the building is limited. The Victorian iron fireplaces, some glazed cabinetry and wood panelling survive in the eastern most element of the building are to be retained with some alterations, albeit detailed specifications of the works to these areas have not been submitted and a planning condition is proposed to secure.

In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Development Plan, it is considered that as proposed the development will result in slight harm to the significance of the conservation area and Grade II Listed Building.

Ecology and Arboriculture

The building to which this application relates falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines; however, given the location of the building, the potential for the presence of bats is negligible and a Bat Survey not therefore requested.

Highways Impacts

No off highway parking spaces are proposed to serve the development; however, given the location of the property within close proximity to the facilities and amenities within Whitehaven Town Centre,

the availability of the sustainable transport modes within walking distance and the availability of public parking spaces within walking distance, on balance, the development is considered acceptable.

Cumbria County Council – Highways have been consulted and raised no objection to the development subject to the planning condition re. the opening of windows in relation to the highway applied to Full Planning Application Ref. 4/19/2115/0F1.

The proposed windows are not outwards opening; therefore, the proposed planning condition is not required.

Drainage

It is proposed to dispose of foul and surface water to the public main as per the existing situation.

Given the existing drainage discharge and as additional surface water flows will not result, this arrangement is acceptable.

Residential Amenity

The interface separation distances between habitable room windows in the proposed dwellings and existing dwellings fall below the distances contained within Policy DM12; however, given the existing interrelationship between the properties and the generally more intimate relationship between existing dwellings within the central areas of Whitehaven, the relationships are considered acceptable.

Three rooms within the development do not benefit from an outlook, facing onto a blank wall located in close proximity. The rooms will however benefit from some natural light penetration. Whilst this arrangement is not ideal, on balance given the use of the rooms i.e. study, second bedroom and a bathroom and that habitable rooms and other bedrooms within the apartments benefit from views and light, the arrangement is considered on balance acceptable.

The property is located within the central area of Whitehaven where higher levels of general noise and activity exist. The property is attached to the rear of the licenced WRLS Club. Access to the WRLS Club is principally via an entrance to Lowther Street; however, a vehicle parking area and secondary access are located to the rear. A number of other residential properties exist within the locality. Given the relationship between the respective properties and subject to appropriate management, adverse impacts upon the residential amenity of occupants should not occur.

Ground Conditions

The Coal Authority has been consulted and has raised no objections to the development as it considered that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient

	<p>for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.</p> <p><i>Planning Balance</i></p> <p>The principle of the proposed development has been established under Full Planning Application Ref. 4/19/2115/0F1.</p> <p>In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Development Plan, it is considered that as proposed the development will result in slight harm to the significance of the conservation area and Grade II Listed Building; however, it is considered that this slight harm would be outweighed by the resulting benefits of returning the building to an active use, the provision of additional housing and the associated economic benefits to the local economy.</p> <p>The development is acceptable in respect of highways, ecology, ground conditions and amenity.</p> <p>In overall terms, it is considered that the benefits of the development outweigh the harms, when assessed against the policies of the Development Plan and NPPF when taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <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>Planning Application Form received 24th August 2021 Existing Plans and Elevations – Scale 1:100 received 10th June 2021 Plans and Elevations as Proposed Rev. C – Scale 1:100 received 20th October 2021 Coal Mining Risk Assessment Ref. G19080 received 31st March 2021 Door Specifications received 3rd September 2021 Window Specifications received 3rd September 2021 as amended by email received 16th September</p>

confirming specification of 12mm heritage glazing units

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. Notwithstanding the submitted details, no superstructure shall be erected until samples and details of the slate to be used in the construction of the external surfaces of the new or replacement roof structures hereby approved have first been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

To ensure the development is of a high quality design and to protect and preserve the heritage asset in accordance with the requirements of Policy ENV4, Policy DM10 and Policy DM27 of the Copeland Local Plan 2013-2028.

4. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:
08.00 - 18.00 Monday to Friday; and
08.00 - 13.00 on Saturdays;
unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy ST1 of the Copeland Local Plan 2013-2028.

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

	<p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p>Case Officer: Chris Harrison</p>	<p>Date : 19.11.2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 23/11/2021</p>
<p>Dedicated responses to:- N/A</p>	