



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2174/OF1
2.	<b>Proposed Development:</b>	PRIOR APPROVAL FOR CHANGE OF USE FROM B1(a) OFFICES TO C3 RESIDENTIAL AT FIRST AND SECOND FLOOR LEVELS TO PROVIDE EIGHT SELF CONTAINED FLATS
3.	<b>Location:</b>	70 LOWTHER STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC; Adverts - ASC; Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>The application relates to 70 Lowther Street, Whitehaven.</p> <p>The application site is located on the north side of Lowther Street within an area of mixed uses including commercial and residential.</p> <p>The site comprises of a three-storey building which was previously occupied by the Post Office at ground floor level with BBC Radio Cumbria office at first floor and Whitehaven Offices at second floor. The first and second floor levels have been used as offices before 29<sup>th</sup> May 2013.</p> <p>The site is located within a Conservation Area but it's not listed.</p>	

**Proposal:**

This application comprises an application to determine if prior approval is required for the proposed change of use from B1(a) offices to C3 dwellinghouses under the provisions of Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed dwellinghouses relate to the first floor and second floor levels to provide 8x self-contained flats at 70 Lowther Street, Whitehaven.

**Consultation Responses:**Consultees

Whitehaven Town Council – No comments received.

Highway Authority – No objections.

Lead Local Flood Authority – No objections.

Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 3 no. properties.

No objections have been received as a result of this consultation.

**Relevant Legislation:**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015).

National Planning Policy Framework (NPPF)

**Assessment:**

The provision of Schedule 2, Part 3, Class O of the GPDO 2015 are considered in turn below:

In respect of the provisions of O. –

The proposed comprises the change of use of a building from a use falling within Class B1 (a) (offices) to a use falling within Class C3 (dwellinghouses).

The works will provide 8x self-contained flats.

In respect of the provisions of O.1 -

(b) The building was used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order on and before 29th May 2013;

(d) The site is not part of a safety hazard area;

(e) The site is not part of a military explosives storage area;

(f) The building is not listed building or within the curtilage of a listed building;

(g) The site is not a scheduled monument.

In respect of the relevant provisions of O.2 (1) -

#### Transport and highways impacts of the development

The application site lies within the town centre boundary and benefits from good public transport within vicinity. It is considered that the residential units will not result in a significant impact on the highway network, compared to the existing office use and therefore it will not cause a detrimental impact on safety and capacity of the surround highway network.

The Highway Authority were consulted as part of the application and they noted despite there being no attached vehicle parking within the curtilage of the proposed development, it is located within the town centre with good transport links and car parks are available in close vicinity. The Highway Authority therefore confirmed they had no objection to the proposed development as it is not considered that the proposal will not have a material effect on existing highway conditions.

On this basis, the creation of 8 residential dwellings is considered to be acceptable in terms of the potential transport and highway impacts and the town centre location will encourage sustainable travel. Prior approval is therefore not required in relation to transport and highways.

#### Contamination risks on the site

The site is located within an existing building which is not considered to be contaminated. In addition, no ground works are proposed and as such the proposal is not anticipated to cause concern or issues in relation to contamination.

On this basis, it is considered that prior approval is not required in relation to contamination risk.

#### Flooding risks on the site

The application site is located within Flood Zone 1, which has a low probability of flooding. In addition, the proposed change of use relates to the first and second floor level reducing flood

risk further.

The application has been submitted with the Environment Agency report, which states the flood risk from rivers, the sea and surface water are very low. In addition, the Lead Local Flood Authority confirmed they have no objections to the proposal, as it will not increase the flood risk on the site or elsewhere.

On this basis, the proposal is acceptable in terms of flood risk and prior approval is not considered necessary.

#### Impacts of noise from commercial premises on the intended occupiers of the development

The impact of noise has been considered as part of the application and details of the building sound construction has been provided. The existing solid timber floors provide an existing degree of soundproofing and the proposal includes additional soundproofing vertically between the ground floor commercial unit.

On this basis, the noise impact from commercial premises on the residential occupiers is considered to be minimal and mitigated with appropriate soundproofing measures. Prior approval is therefore not required in relation to noise.

#### The provision of adequate natural light in all habitable rooms of the dwelling/houses

The proposed studio flats benefit from adequate natural light as the large windows on the front elevation of the building are south-west facing. In addition, two of the flats are double aspect further increasing natural light for these properties.

On this basis, the provision of natural light within the dwelling is acceptable and prior approval is not required.

#### The provision of Paragraph W (prior approval)

The application complies with the Paragraph W procedure for applications for Prior Approval under Part 3.

In respect of the relevant provisions of O.2 (2) -

Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date. This can be ensured by the use of a planning condition.

#### Conclusion

The requirements of the provisions of Schedule 2, Part 3, Class O of the GPDO 2015 and the

	<p>provisions of paragraph W prior approval procedure are achieved.</p> <p>It was considered that prior approval is not required in relation to the transport and highway impacts of the development, the contamination risks, the flooding risks, the impacts of noise from commercial premises on future occupiers and the provision of adequate natural light in all habitable rooms of the dwellinghouses.</p> <p>No objections have been received as part of the consultation period.</p> <p>The proposed change of use to provide additional residential dwellings within Whitehaven town centre is appropriate and adds to housing delivery to meet Local Plan objectives and also supports sustainable development in accordance with the NPPF.</p> <p>Development under Class O is permitted, subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.</p>
8.	<p><b>Recommendation:</b></p> <p>Prior approval not required.</p>
9.	<p><b>Conditions:</b></p> <p>This notice indicates that the proposed Development would comply with condition O.2(1) of Schedule 2 Part 3 Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)</p> <p>It is a requirement of condition O.2(2) of the GPDO that the Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.</p> <p>It is a requirement of condition W.12 of the GPDO that the Development shall be carried out in accordance with the information that the developer provided to the Local Planning Authority, unless the Local planning authority and the developer agree otherwise in writing. For the avoidance of doubt, the details reviewed by the Local Planning Authority are as follows:</p> <p>Location Plan, scale 1:1250, received 22<sup>nd</sup> April 2021;  Existing Drawings, scale 1:100, drawing no. SL /SU – 100, received 22<sup>nd</sup> April 2021;  Proposed Drawings, scale 1:100, drawing no. SL /PA – 100, received 22<sup>nd</sup> April 2021;  Supporting Statement, received 22<sup>nd</sup> April 2021.</p> <p>Reason:</p> <p>To ensure that all works are properly implemented and retained.</p> <p><b>Statement:</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by</p>

	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.	
<b>Case Officer: C. Unsworth</b>		<b>Date : 15/06/2021</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 17/06/2021</b>
<b>Dedicated responses to:- N/A</b>		