



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2207/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM SHOP AND PRINTWORKS TO 3 BEDROOMED APARTMENT AND PRINTWORKS
3.	<b>Location:</b>	76-77 LOWTHER STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Development Referral Area - 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>This application relates to 76/77 Lowther Street, a mid terraced property situated within the centre of Whitehaven. The ground floor of the building is utilized by a printing shop with the first floor occupied as residential flats.</p> <p>The building is Grade II Listed and falls within the Whitehaven Conservation Area.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought for the conversion of part of the ground floor shop and offices to form</p>	

a 3 bedroomed flat. The print works and workshop will be retained on the south eastern side of the property with the flat occupying the north western section. The flat will comprise 3 bedrooms, a bathroom, living room and kitchen. There will be a main entrance to the front of the property and a fire exit to the rear.

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

This application has been submitted in tandem with a Listed Building Consent for the same works (Application 4/21/2206/OL1 refers).

#### **RELEVANT PLANNING APPLICATION HISTORY**

4/03/0890/0 - Non-illuminated shop signs – approved.

4/03/0966/0 - Listed Building Consent for internal alterations to existing office accommodation – approved.

4/15/2069/OL1 - Listed Building Consent for replacement front windows (total of 10) – approved.

4/12/2051/OF1 – Change of use 1st and 2nd floors from offices to flats – approved.

4/14/2150/OL1 - Listed Building Consent for replacement windows – approved.

4/15/2200/OL1 - Listed Building Consent for changes to rear elevation (extractor fan outlet (x2), gas flue (x2), satellite dish (x2), gas supply pipe (x2) & waste pipe – approved.

4/15/2230/OL1 - Listed Building Consent for conversion of 1st and 2nd floors into two flats – approved.

4/18/2217/OL1 - Listed Building Consent for replacement of front windows (10 windows in total on 1st and 2nd floors) – approved.

4/20/2436/OL1 - Listed Building Consent for conversion into two flats including internal alterations; replacement windows; new rear external doors; new doorway – approved.

4/20/2437/OF1 - conversion into two flats including internal alterations; replacement windows; new rear external doors; new doorway to workshop – approved.

#### **CONSULTATION RESPONSES**

Whitehaven Town Council – No objections.

The Coal Authority – No objections.

Conservation Officer – Building was grade II listed in 1972. This was originally constructed (as the numbers suggest) as two separate properties sometime between 1735 and 1790. The buildings were extensively rebuilt at some point after 1968. Although I've not had sight of documents relating to the rebuild, evidence suggests it shortly post-dated the listing.

No objections, but requested details of the replacement windows. Further to the receipt of their

details, raised no concerns and supported the scheme.

#### Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 7 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 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 development

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 ensure that new residential properties meet the minimum acceptable standards whilst including a suitable access and parking. Policies ENV4 and DM27 protect the local heritage assets including the Conservation Area and Listed Buildings.

The conversion of part of the ground floor of the building to form a residential unit 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. Ensuring the longevity of use for buildings is supported throughout national and local planning policy and the provision of a flat will increase the housing supply for Copeland within the town centre and 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 Listed Building

The building is located within the Whitehaven Conservation Area and is Grade II Listed. The change of use proposals do not include any external alterations other than the replacement of the windows on the Lowther Street elevation. The original plans submitted did not include any details of the windows therefore the Conservation Officer requested more information. Upon submission of the details of the windows which are to be sash and case with spiral balances and solid glazing bars, the Officer raised no further objections and was happy to support the application.

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 buildings previous use as a printworks and shop would have generated frequent car and pedestrian movements to and from the property. The use of half of the building as a residential property will arguably create a less intensive use for the site, lessening the activity on and around the site with the utilization of town centre parking and sustainable transport methods which are widely available within Whitehaven. Furthermore, all services and amenities are available within walking distance of the building therefore a car is not necessary in this location. Overall, it is unlikely that

	<p>there will be a material impact on the surrounding highway situation.</p> <p>The proposals therefore align with Policy DM22 of the Copeland Local Plan relating to accessible developments.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This proposal will diversify the existing use of the building and provide a viable use. The external alterations will result in enhancement to the character and appearance of the building and this part of the Conservation Area. A residential use is appropriate in this town centre location.</p> <p>There have been no objections to the proposal.</p> <p>Overall, following the receipt of further information, it is considered that the proposal accords with the policies set out within the Copeland Local Plan and the guidance set out in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <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> </li> <li> <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>Site Location Plan, scale 1:1250, received 7<sup>th</sup> May 2021;  Site Plan, scale 1:500, received 7<sup>th</sup> May 2021;  Floor Plan as existing, scale 1:50, drawing number PP/1, received 7<sup>th</sup> May 2021;  Floor Plan as proposed, scale 1:50, drawing number PP/2, received 7<sup>th</sup> May 2021;  Existing and Proposed part elevations, scale 1:50, drawing number PP/3, received 7<sup>th</sup> May 2021;  Heritage, Design and Access Statement, dated May 2021, received 7<sup>th</sup> May 2021;  Window details pages 1-4, produced by West Port, received 19<sup>th</sup> July 2021.</p> <p>Reason</p> </li> </ol>

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.

### **Informative**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on

the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://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 : 09/08/2021**

**Authorising Officer: N.J. Hayhurst**

**Date : 11/08/2021**

**Dedicated responses to:- N/A**