

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2282/OF1
2.	<b>Proposed Development:</b>	CHANGE USE OF BUILDING FROM STORAGE TO RETAIL (SALE OF FISHING EQUIPMENT)
3.	<b>Location:</b>	GROUND FLOOR WORKSHOP, FISH HANDLING HALL, NORTH SHORE
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, 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>This application relates to the ground floor workshop at the Fish Handling Centre which is located on the North Shore at Whitehaven. The site benefits from an existing access from the harbour and parking located to the rear of the building. The site is also located adjacent to the Whitehaven Conservation Area and the listed harbour wall.</p>  <b>PROPOSAL</b>  <p>Planning permission is sought for the change of use of the existing ground floor storage area, associated with the Fish Handling Hall, to form a retail area for the sale of fishing equipment and bait.</p> <p>No external alterations to the building are proposed. The associated signage for the business will be assessed separately.</p>	

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been several previous planning applications relating to works at the fish-handling centre.

## **CONSULTATION RESPONSES**

Whitehaven Town Council – No objections.

Highway Authority – No objections.

Lead Local Flood Authority – No objections.

Environmental Health – No comments received.

### Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 12 properties.

Three letters of objection have been received to the initial proposal, which raised the following concerns:

- There is already an established local fishing business within close proximity that provides equipment and bait for the local fisherman;
- The needs of people fishing in the Whitehaven area are already catered for;
- The town is not big enough for two shops and could lead to both closing down;
- Increased traffic in a restricted area.

Twelve letters of support have been received to the proposal, which included the following:

- Supporting small businesses;
- Great shop for the local harbour, fishermen and tourism;
- Great addition to the fishing town in a brilliant location;
- Increased footfall in the town and along the harbour to help the economy grow;
- Additional facilities for the harbour and the fishing community.

## **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 ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER8 – Whitehaven Town Centre

Policy SS4 Community and Cultural Facilities and Services

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

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**

The key issues raised by this proposal are the principle of the change of use, its scale and design, the potential impacts of residential amenity, highway safety and the adjacent conservation area.

Principle of the change of use

Policy SS4 of the Copeland Local Plan seeks to encourage the provision of good quality services and facilities, which meet the needs of local communities. The proposal is for the change of use of a storage area inside the existing fish handling building to form a shop for the sale of fishing equipment. Whitehaven is designated as the Principal Town within Policy ST2 of the Copeland Local Plan where the retention and expansion of businesses is encouraged. It is therefore considered that

the loss of storage area will not have a negative impact and the shop will enhance retail offers within this part of the town.

Policies ER7 and ER8 reflect Whitehaven's role as the Principal settlement within the Borough and encourage retail uses and a diversification of uses within the town centre. Whilst the site lies adjacent to the town centre boundary it is modest in scale and its use reflects the leisure uses that take place around the harbour.

Three letters of objection were received as part of the application consultation, which raised concerns regarding the existing fishing business and the needs already being met. However, business competition is not a material planning consideration and cannot be taken into account in the assessment of this application.

On this basis, the principle of the development is therefore considered to be acceptable and the change of use satisfies Policies ST2, ER7, ER8 and SS4 of the Local Plan and the NPPF guidance.

#### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and seek to ensure developments are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The proposed change of use from storage to retail is considered to be modest in scale. No external alterations are proposed as the existing access from the harbour will be used. The applicant also provided details of the proposed shop sign which is considered to be modest in scale and acceptable in terms of design. This falls to be considered under the Advertisement Regulations.

On this basis, the proposal is considered to meet Policies ST1, DM10 and the NPPF guidance.

#### Impact on Residential Amenity

Policy DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

The proposal will be located within an existing fish handling centre and there will be no external alterations or additional windows included in the proposal. The closest residential property is approximately 200 metres away and therefore given the existing use of the building and the significant separation distances, it is considered that there is unlikely to be a negative effect on any neighbouring amenity within the locality.

It is proposed that the opening times of the proposed shop are controlled by means of a planning condition. This will help to minimise impact on the amenities of the occupiers of surrounding dwellings.

On this basis, the proposal is considered to comply with Policy DM10 and the NPPF guidance.

#### Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking.

	<p>Despite one objection letter highlighting concerns for increased traffic, the Highway Authority raised no objection to the proposed development as it is considered that the proposal will not have a material effect on existing highway conditions. The site access and off-street parking will remain unchanged to the rear of the building and therefore the change of use would not have a detrimental effect on the existing highway conditions.</p> <p>On this basis, the proposal is considered to meet Policy DM22 and standards set out in the Cumbria Development Design Guide.</p> <p><u>Conservation Area</u></p> <p>The site is located adjacent to the Whitehaven Conservation Area and lies in close proximity to the harbour wall which is a listed structure. The only external alteration proposed is the installation of signage, which will be assessed separately as to whether it requires advertisement consent.</p> <p>The proposal will be visible from a small section of the Conservation Area, although it will be modest in scale and it will be viewed in the context of the existing building. This will minimise the impact of the development.</p> <p>Overall, it is considered that the proposal meets the requirements of the Conservation Policies within the Copeland Local Plan and will create less than substantial harm to the surrounding Conservation Area.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposal seeks to change of use of a storage area within an existing fish handling building to form a shop for the sale of fishing equipment. The application is suitably located along the harbour and current Local Plan policies and Government guidance encourage the expansion of existing commercial properties.</p> <p>The proposed use is considered to be a compatible use for this part of the town and will not have any significant impacts on residential amenity, highway safety or the character and appearance of the adjacent Conservation Area.</p> <p>On balance, the proposal is considered to be an acceptable form of development which accords with the guidance set out in the NPPF and the adopted Local Plan.</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>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li> </ol> <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>2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:2500, received 16<sup>th</sup> June 2021;  Site Plan, scale 1:500, received 16<sup>th</sup> June 2021;  Supporting Letter, received 16<sup>th</sup> June 2021;  Shop Signage, received 10<sup>th</sup> August 2021.</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>3. The retail unit hereby approved shall only open to the public between the hours of Monday to Sunday 07:00 to 21:00.</p> <p>Reason</p> <p>In the interest of neighbouring amenity.</p> <p><b>Statement</b></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>
<b>Case Officer: C. Unsworth</b>	<b>Date : 11/08/2021</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 11/08/2021</b>
<b>Dedicated responses to:- 3 Objectors and 12 Supporters</b>	