

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2293/OF1
2.	Proposed Development:	CONVERSION OF FIRST AND SECOND FLOORS FROM FORMER OFFICES INTO FOUR RESIDENTIAL APARTMENTS
3.	Location:	34 LOWTHER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, 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: SITE AND LOCATION <p>This application relates to the first and second floors of 34 Lowther Street, Whitehaven which lies within the designated Conservation Area and on one of the main shopping streets within Whitehaven town centre.</p> <p>The third floor was converted from office space to a residential use in 2019 and the ground floor is currently occupied by Costa Coffee.</p> PROPOSAL <p>Planning Permission is sought for the conversion of the first and second floors from former offices into 2 x one bedroomed and 2 x two bedroomed flats. No external alterations are required as part of</p>	

the proposed conversion.

RELEVANT PLANNING APPLICATION HISTORY

Change of use to retail unit and amendments to external windows, approved in June 2002 (application reference 4/02/0543/0 relates);

Reinstatement of living accommodation on third floor; including external alterations to reinstate original windows on upper floor, approved in October 2019 (application reference 4/19/2291/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Cumbria Highways and Local Lead Flood Authority

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I 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.

It is noted that there is no onsite parking provision for this building currently, a point your Authority may wish to consider when determining this application, however this has always been the case and given its current usage this proposal is unlikely to adversely impact on the on-street parking situation overall. Please do note that residential/on-street parking permits are no longer issued to new developments and therefore the residents will be responsible for their own parking.

Conservation Officer

This proposal does not appear to entail any external alterations, and only minor internal reordering. Given that this will provide the central floors of this non-designated heritage asset with a viable use, with minimal impact on the asset or the character and appearance of the conservation area, I do not have any objection.

Environment Agency

We have received consultation on the above application. We will not be providing bespoke comment. The site is located in Flood Zone 2 and Flood Risk Standing Advice should be applied.

Flood and Coastal Defence Engineer - CBC

This site is in Flood Zone 2, but as the development is for the first and second floors, with no works taking place on the ground floor, there isn't really anything for me to comment on.

It would be advisable for the residents of the flats to sign up to Flood Alerts / Warnings from the

Environment Agency.

Strategic Housing - CBC

This is an application to develop current unused office space above a coffee shop on Lowther Street into 2 x 2-bedroom apartments and 2 x 1 bed apartments.

We are supportive of this conversion as it makes use of currently empty space and will offer market accommodation in the town centre where there is a lack of good quality, reasonably priced housing. We are aware that there is a need for this type of accommodation to attract young professionals working in the area, as well as key workers moving from abroad and medical students.

Attracting people to live in the town centre supports the night-time economy and living in the centre encourages people to walk and use public transport more than their own vehicles, supporting our corporate climate change aims.

Our housing needs survey and report from 2020 reported single adults and couples with no children as the largest demographic in the Whitehaven Town parish, though 2- and 3-bedroom properties were in most demand; demand for flats was higher than for other parishes and the borough, at 20% of respondents, supporting the need for such accommodation.

Overall, we are supportive of this application and would hope that if successful it brings further interest in developing empty above shop accommodation.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 no. properties.

No consultation responses have been received in response to 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 ER8 – Whitehaven Town Centre

Policy SS1 – Improving the Housing Offer

Policy ENV1 – Flood Risk and Risk Management
Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM6A – Managing Non-Retail Development in Town Centres
Policy DM12 – Standards for New Residential Developments
Policy DM13 – Conversions of Buildings to Residential Use within Settlement Limits
Policy DM22 – Accessible Developments
Policy DM24 – Development Proposals and Flood Risk
Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)
Conservation Area Design Guide SPD December 2017 (CADG)
Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)
Copeland Housing Strategy 2019
Copeland Borough-Wide Housing Needs Survey 2020
Copeland Strategic Housing Market Assessment 2019

Emerging Copeland Local Plan (ELP)

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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development
Strategic Policy DS3PU: Settlement Hierarchy
Strategic Policy DS4PU: Settlement Boundaries
Policy DS6PU: Design and Development Standards
Strategic Policy H1PU: Improving the Housing Offer
Policy H6PU: New Housing Development
Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of Development

Policies ST1 and ST2 promote the regeneration of Copeland's Principal town whilst ensuring economic viability. Policy ER8 and DM6A seek to manage the development within the town centre in order to ensure that inappropriate uses are not introduced. These policies also seek to encourage a mixed use provided it will not undermine the retail function of the main shopping areas of Whitehaven. Policy SS1 promotes housing within Whitehaven and policy DM13 supports the conversion of buildings to residential use within the existing settlement boundaries.

The proposed change of use of the first and second floors at 34 Lowther Street to form four residential flats is acceptable in principle as it will provide a viable use to the upper floors of the building which is situated within the town centre boundary. It would consolidate the use of the third floor which was converted to residential use in 2019. The retention of a commercial use on the ground floor will provide an appropriate mixed use of the premises.

Policy DM13 requires that suitable standards for living are created, including adequate internal space and exclusive use of a kitchen and bathroom facility. External amenity space should be provided and the character of the building and surrounding residential amenity retained. The proposal complies with these criteria with the exception of the provision of external amenity space for the flats. However, due to the location of the site within the town centre there are a number of public open spaces within close walking distances which would provide some amenity.

Overall, it is considered that the application complies with policies ST1, ST2, ER8, DM6a and DM13 of the Copeland Local Plan.

Highways and Parking

The change of use application does not specify an area for off street parking, however the Cumbria Highway Authority has raised no objection to this proposal as it is located within the town centre where there is sufficient available parking and good access to other sustainable transport options. On this basis it is considered that the proposal will not have a material impact on the existing highway conditions.

Flood Risk

The proposal is located within Flood Zone 2, however due to the conversion being of the upper floors only, risk of flooding is minimal. The Environment Agency requested that standing advice be applied and the Flood and Coastal Defence Engineer has suggested that the occupiers sign up to Flood Alerts / Warnings from the Environment Agency.

Impact on Heritage Asset

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings.. Section 72 of the LBCA

	<p>requires that in considering whether to grant planning permission for development which affects a conservation area, the Local Planning Authority shall pay “special attention... to the desirability of preserving or enhancing the character of appearance” of the conservation area.</p> <p>Paragraphs 189 – 208 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as a conservation area, great weight should be given to the conservation of the asset’s significance; however, less than significant harm should be weighed against the public benefits of a development.</p> <p>The site lies within the Whitehaven Conservation Area. The proposed conversion does not require any alterations to the exterior of the building. On this basis there will be a neutral impact on the heritage asset and character of the surrounding area. No objections were raised by the Council’s Conservation Officer.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Overall, the creation of residential flats on the upper floors within the town centre of Whitehaven is considered to be sustainable a sustainable form of development which will provide a viable use to the upper floors of this prominent building. The conversion will not have any adverse impact on the surrounding Conservation Area as there are no external alterations proposed.</p> <p>There are no issues relating to parking and flood risk.</p> <p>Overall the proposal is considered to be an acceptable form of development for this town centre location which accords with the policies within the Copeland Local Plan.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</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: -

Site Location Plan, scale 1:1250, drawing number 213 01004 01, received 12th July 2022;
Block Plan, scale 1:100, drawing number 213 01005 01, received 12th July 2022;
Proposed First Floor Plan, scale 1:50, drawing number 213 04101 01, received 12th July 2022;
Proposed Second Floor Plan, scale 1:50, drawing number 213 04102 01, received 12th July 2022;
Flood Risk Assessment, written by Richard J Lindsay, received 12th July 2022;
Design and Access Statement, written by Richard J Lindsay, received 12th July 2022.

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.

Informative

Development must be carried out in accordance with the standing advice provided by the Environment Agency and retained as such at all times thereafter.

Standing advice can be found - <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#standing-advice-for-vulnerable-developments>

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 : 22/08/2022

Authorising Officer: N.J. Hayhurst

Date : 05/09/2022

Dedicated responses to:- N/A