

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2462/OF1
2.	<b>Proposed Development:</b>	CONVERT 7 BEDROOM HOUSE & GROUND FLOOR RETAIL AREA TO RETAIL ON GROUND FLOOR; 1 BEDROOM FLAT ON FIRST FLOOR; 1 BEDROOM FLAT ON SECOND FLOOR & A STUDIO FLAT IN LOFT (RESUBMISSION)
3.	<b>Location:</b>	28 DUKE 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>This application relates to 28 Duke Street, a mid-terraced property situated within Whitehaven's Conservation Area. The property was previously used as a shop on the ground floor with a residential dwelling on the upper floors.</p> <p>The building is sited within a terrace of other retail properties and lies opposite St Nicholas Church. Duke Street runs to the south.</p> <b>PROPOSAL</b>  <p>Planning Permission is sought for the conversion of the property to create 2 no. one bedroomed flats on the first and second floors and a studio flat within the attic space. The retail space will be retained</p>	

on the ground floor.

External alterations include:

- An increase in the size of the existing roof light on the front elevation;
- The addition of an entrance door on the front elevation;
- Repairs to the retail shop front window.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications on the site.

### **CONSULTATION RESPONSES**

#### Whitehaven Town Council

No objections.

#### Conservation Officer

##### *1<sup>st</sup> response*

This application is a resubmission of one made previously, which was withdrawn due to fundamental problems with the supporting documents.

I was previously supportive of the principle of this proposal and remain so. The updated drawings provide a more accurate representation of the existing building.

The following details are still needed. I would be happy to see these submitted before this application is determined, or via a condition, as preferred.

- Details should be supplied of the replacement front door(s).
- A details sheet should be provided on the new rooflights. This should be of a conservation type, mounted flush with the roof surface.

##### *2<sup>nd</sup> response*

Most recently, I requested details of the replacement front door(s) and new rooflights, and in response the elevation drawing has been revised with a note on u-values and glazed units. This isn't quite what I was after, so I suggest in the absence of more expansive specifications – given that this is an unlisted building in a poor state – that the following conditions be added to any approval:

- Replacement front doors will be of timber construction
- Replacement roof lights will be mounted flush to the roof surface and framed in a dark colour.

#### Housing and Inclusion

No comments.

#### Cumbria Highways

Bearing in mind the existing use of the premises, the proposal will not lead to an increase in vehicular traffic to and from the site. I can therefore confirm that the Highway Authority has no objection to the proposal.

It should be noted that there are no parking permits being issued to businesses or residents of new developments.

#### Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 4 no. properties.

No correspondence has been received in relation to the advertisements.

### **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 SS3 – Housing Needs, Mix and Affordability

Policy ENV4 – Heritage Assets

#### Development Management Policies (DMP)

Policy DM6A – Managing Non-Retail Development in Town Centres  
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 2021 (NPPF)  
Copeland Borough-Wide Housing Needs Survey 2020  
Copeland Strategic Housing Market Assessment 2021  
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 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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 R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy  
Strategic Policy R2PU: Hierarchy of Town Centres  
Strategic Policy R3PU: Whitehaven Town Centre  
Policy R9PU: Non-Retail Development in Town Centres  
Strategic Policy H1PU: Improving the Housing Offer  
Policy H6PU: New Housing Development

Policy H13PU: Conversion and sub-division of buildings to residential uses including large HMO's  
Strategic Policy BE1PU: Heritage Assets  
Policy BE2PU: Designated Heritage Assets  
Policy BE5PU: Shopfronts  
Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

### Principle of development

Policies ST1 and ST2 of the CS and policies DS3PU of the ELP promote the regeneration of Copeland's Principal town whilst ensuring economic viability. Policy ER8 and DM6A of the CS and R1PU and R3PU of the ELP seek to manage 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 of the CS and H6PU of the ELP promote housing within Whitehaven and Policy DM13 of the CS and H13PU of the ELP support the conversion of buildings to residential use within the existing settlement boundaries.

The retention of the ground floor as retail is welcomed – this is the preferable use due to the location of the building within Whitehaven's town centre.

The conversion of the upper floors of this building to residential use 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. Bringing vacant buildings back into use is supported throughout national and local planning policy and the provision of a residential flats will help to increase the housing supply for Copeland, within the town centre of Whitehaven. The location lends itself to sustainable living, with all day to day services available within walking distance.

Policy DM13 of the Copeland Local Plan seeks to ensure that any conversions can provide adequate standards of living without the need for significant alterations and additions to the property. Furthermore, any works to be undertaken should maintain the character of the building and adequate amenity space should be provided. The building will be converted without any significant external alterations and will not be subject to any extensions increasing the footprint. The overall character of the terraced property will be maintained and the finish will reflect the surrounding dwellings. Whilst no amenity space has been provided, this is typical of town centre flats and it is considered that there is ample open space within walking distance within Whitehaven.

The SHMA shows a need for flats within suitable locations within Copeland with the Borough-wide Housing Needs Survey stating that there are very few one bedroomed properties available and there is a need for starter homes for younger people.

On this basis, it is considered that the development satisfies policies ST1, ST2, SS3, DM12 and DM13

of the Copeland Local Plan and policies DS3PU, R1PU, R3PU, H6PU and H13PU of the emerging local plan.

#### Access and Parking

Policy DM22 of the CS and CO7PU of the ELP seek to ensure that new developments are accessible and do not create a material change to the existing road network.

The building is located within the town centre of Whitehaven within an easy walking distance to a range of services. On street parking provision is also available within the general vicinity. It is hoped that the location of the flats would mean that occupants would not require a car, however Cumbria Highways confirmed that there is unlikely to be a material effect on the existing highway conditions and raised no objections.

The location within the town centre means that cycling and walking are suitable means of accessing the employment, leisure and retail facilities and there is both rail and bus options close to the site which provide sustainable transport options.

The proposals therefore align with policies within the local plan and emerging local plan relating to accessible developments.

#### Impact on the Conservation Area

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP protect the Borough's heritage assets including the Conservation Area, weighing up the harm caused by development against the likely positive outcomes created.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of a Conservation Area.

The external alterations are modest, and comprise the creation of a door within the front elevation at ground floor level to provide access to the flats in the upper levels, the increase in scale of the rooflight and the refurbishment of the retail shop window. The Conservation Officer has confirmed that the alterations are acceptable, but that further details will be required to give specifications of the specific materials and details of these features in order that they will be suitable for the

	<p>Conservation Area. These details can be secured by planning conditions to ensure that these details are submitted and approved in writing, prior to the components being used on the building.</p> <p>Based on the information provided, all of the alterations will ensure that the character and appearance of the building is retained and this preserves the character of this part of the Conservation Area.</p> <p>Overall, the proposed alterations will comply with policies ENV4 and DM27 of the Copeland Local Plan and BE1PU and BE2PU of the emerging local plan, respecting the character of the Whitehaven Conservation Area.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The regeneration of the vacant building is welcomed and the proposed use of residential flats and the retention of the retail frontage is acceptable within Copeland's Principal Town.</p> <p>Any increase in traffic will not significantly affect the safety of the road network and sustainable transport options are available within the vicinity of the site.</p> <p>The external works proposed are modest and will ensure that the building retains its character and there will not be a negative effect on Whitehaven's Conservation Area.</p> <p>There have been no objections to the proposal</p> <p>Overall, it is considered that the proposal accords with the policies set out within the Copeland Local Plan, the ELP and national guidance and therefore should be approved.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  Reason  To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</li> <li>2. Permission shall relate to the following plans and documents as received on the respective</li> </ol>

dates and development shall be carried out in accordance with them: -

Application form, received 23<sup>rd</sup> November 2022;  
Site Location Plan, scale 1:500, drawing number A0.1, received 23<sup>rd</sup> November 2022;  
Block Plan, scale 1:200, drawing number A0.2, received 23<sup>rd</sup> November 2022;  
Proposed Ground Floor Plan, scale 1:200, drawing number A0.4, received 23<sup>rd</sup> November 2022;  
Existing and Proposed Ground Floor Plans, scale 1:100, drawing number A1.0, received 23<sup>rd</sup> November 2022;  
Existing and Proposed First Floor Plans, scale 1:100, drawing number A1.1, received 23<sup>rd</sup> November 2022;  
Existing and Proposed Second Floor Plans, scale 1:100, drawing number A1.2, received 23<sup>rd</sup> November 2022;  
Existing and Proposed Attic Floor Plans, scale 1:100, drawing number A1.3, received 23<sup>rd</sup> November 2022;  
Existing and Proposed Front Elevations, scale 1:100, drawing number A3.0, received 20<sup>th</sup> December 2022;  
Design and Access Statement, received 23<sup>rd</sup> November 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.

3. Prior to its installation on the development hereby approved details and a full specification for the rooflight must be submitted to and approved in writing by the Local Planning Authority. The rooflight must be mounted flush to the roof surface and framed in a dark colour. Development must be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

To safeguard the appearance of the Conservation Area and in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

4. The replacement front doors must be of a timber construction in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority prior to its installation. Development must be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

In order to retain the character of the Conservation Area and in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

**Informative**

It should be noted that there are no parking permits being issued to businesses or residents of new 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 : 17/01/2023**

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

**Date : 18/01/2023**

**Dedicated responses to:-**