



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2225/0F1
2.	Proposed Development:	PRIOR APPROVAL APPLICATION FOR PROPOSED CHANGE OF USE FROM COMMERCIAL TO DWELLINGS (7 APARTMENTS)
3.	Location:	HSBC BANK, OFFICES & PREMISES TO FIRST FLOOR, 69 LOWTHER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - 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:	<p>SITE LOCATION</p> <p>This application relates to the HSBC Bank situated at 69 Lowther Street in Whitehaven. The building is mid terraced and sited on one of the main shopping streets in the town centre. There are commercial buildings surrounding the property with Lowther Street running to the southwest.</p> <p>It is situated within the Whitehaven Conservation Area.</p>

PROPOSAL

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

The building does not require any structural alterations, however the internals will be altered to provide 7 apartments, each with one bedroom.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation and Design Officer

1st Response

Conclusion: Request further information

Assessment:

I have no objection to the principle of this change of use.

There are no external changes proposed, and so no impact on the character or appearance of the conservation area, or of the settings of any nearby heritage assets.

There may be some impact on the interior of the building. As a non-designated heritage asset, this should be taken into consideration.

Before I can give definitive feedback, I request a set of photos of the interior that show the spaces and any features or surfaces they may retain that could be said to contribute to the building's significance. This might, for example, include staircases, doors, fireplaces, panelling and shutters, cornicing etc.

2nd Response

Conclusion: No objection

Assessment:

Since my last consultation response, I have had an opportunity to visit the building and see the interior in the company of the agent.

There are a number of characterful and attractive features remaining, some of which I have documented below in an appendix. I was informed that the intention is to maintain these wherever possible, and I am reassured that the impact on the significance of this non-designated heritage asset will be harmed at an acceptably low level by conversion, and the benefits of doing so clearly outweigh this potential harm as the building is in fairly poor



Cumberland Council

condition, particularly at the upper floor, and would benefit from conversion.

Highways and Local Lead Flood Authority

Cumberland 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 in principle to the proposed development, but would like the following points addressed before we can send our final response.

- As the property is changing from HSBC Bank to 7 1 bedroom apartments the LHA would like a plan showing what parking arrangements have been considered, 1 parking space per apartment is required as set in the Cumbria Development Design Guide (CDDG).
- The LLFA would like to see a on-site drainage plan and a proposed drainage plan this should include the hard standing area to the rear of the property.

In light to the above comments additional details are required from the applicant.

Upon receipt of the amended plans I shall be better placed to provide full response.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 6 no. properties.

No responses have been received as a result of these advertisements.

RELEVANT LEGISLATION:

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

National Planning Policy Framework (NPPF)

ASSESSMENT

The proposal is for the conversion of an existing bank (Use Class E) for use as a residential dwelling (Use Class C). Under Class MA of the General Permitted Development Rights 2015, this development can be completed under Permitted Development provided that the works meet a number of criteria and the Local Planning Authority receive a Prior Approval application.

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

In respect of the provisions of MA. –

The development consists of a change of use of a building falling within Class E (Commercial, business and service) of Schedule 2 of the Use Class Order to a use falling within Class C3 (dwellinghouse) of Schedule 1 of that Order.

In respect of the provisions of MA.1. (1) –

- The building has been vacant for at least 3 months immediately prior to application (HSBC closed in June 2022);
- The building was used commercially for a continuous period of at least 2 years;
- The cumulative floor space does not exceed 1500 square metres;
- The building has no statutory designation, nor is it within the curtilage of one or designated area;
- There is no agricultural tenancy;

In respect of the provisions of MA.1. (2) –

The use class falls within (a)(ii) Class A2 (financial and commercial).

In respect of the conditions of MA.2. to determine if prior approval will be required –

(a) Transport impacts of the development

The application site lies within the town centre boundary and benefits from a wide range of public transport options within vicinity. Whilst there is no off street parking proposed – the previous use as a bank was likely to have created some vehicle movements and the change of use to flats is unlikely to materially increase this. Furthermore, the town centre location of the building allows for active and sustainable travel options as well as ample public parking within the vicinity. There is a large yard to the rear that could be formalized as parking.

Prior approval is therefore not required in relation to transport and highways.

(b) Contamination risk in relation to the building

There are no known contamination risks on the site and the previous use is unlikely to have given rise to contamination.

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

(c) Flood risk in relation to the building

The site is within flood zone 1 which has a low probability of flooding therefore does not



Cumberland Council

pose a flood risk, Whilst the Local Lead Flood Authority have requested a drainage plan, this is not considered to be necessary as the works will be internal only, therefore not increasing the risk of surface water run-off.

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

(d) Impact of noise from commercial premises on the intended occupiers of the development

There are no noise concerns associated with the development. The site lies within the town centre and has commercial uses adjacent to it;

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

(e) The impact on the conservation area

The property is located within the Conservation Area. As there will be no external alterations, there will be a neutral effect on the local character. Whilst the Conservation Officer was able to negotiate the retention of some traditional features inside the property, the building is not listed, therefore this does not form part of the application.

On this basis, prior approval is not required relation to the impact on the conservation area.

(f) Adequate natural light in all habitable rooms

Each room will be served by windows providing access to natural light and therefore the provision of natural light within the dwelling is acceptable and prior approval is not required.

(g) The impact on intended occupiers

The proposal is located within Whitehaven town centre and therefore the proposal does not relate to an area which is important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) Loss of Services

The proposal does not involve the loss of a registered nursery or health centre;

(i) Fire risk and safety impacts

The submitted application form confirms the proposed development will not result in a building that contains one or more dwellinghouses and is not more than 18 metres in height. On this basis, prior approval is not required.

In respect of the provisions of MA.2. -

(3) the application is made after August 2021;

(4) An application has been submitted in accordance with the provisions of paragraph W (prior approval) of Part 3.

(5) Development under Class MA 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.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse. This is confirmed by the application form and can be ensured by the use of a planning condition.

In respect of the provisions of MA.3. -

This is not applicable as the proposal does not exceed what is referred to in paragraph MA.2(2)(i).

Conclusion

The requirements of the provisions of Schedule 2, Part 3, Class MA of the GPDO 2015 and the provisions of paragraph W prior approval procedure are achieved.

It was considered that prior approval is not required in relation to the transport impacts of the development, the contamination risks, the flooding risks, the impacts of noise from commercial premises on future occupiers, the impact on the conservation area, the provision of adequate natural light in all habitable rooms of the dwellinghouses, impact on the intended occupiers, loss of services or fire risk.

No objections have been received as part of the consultation period.

The proposed change of use to provide an additional residential dwelling within Whitehaven town centre is appropriate and supports sustainable development in accordance with the Local Plan and the NPPF.



**Cumberland
Council**

	<p>Development under Class MA 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>On the basis of the above, no objections are raised to the application and planning permission is not considered to be required as the proposal meets the criteria for prior notification approval.</p>
8.	<p>Recommendation:</p> <p>Prior Approval Not Required</p>
9.	<p>Conditions and Reasons</p> <p>1. It is a requirement of condition MA.2(5) of the GPDO that the Development under Class MA 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>2. It is a requirement of condition MA.2(6) of the GPDO that the Development under Class MA is permitted subject to the condition that the building permitted to be used as a dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.</p> <p>3. It is a requirement under the procedure for prior approval under Part 3, condition W.12 of the GPDO where prior approval is not required, development must 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> <ul style="list-style-type: none">- Application Form, received 27th July 2023;- Existing and Proposed Floor Plans, received 27th July 2023;- Existing and Proposed Elevations, Rev C, received on 07th August 2023. <p>Reason</p> <p>To ensure that all works are properly implemented and retained.</p> <p>Informative</p> <p>A separate planning application is required for all external alterations to the building. External alterations do not form part of the prior approval application.</p>

	<p>Statement:</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>
Case Officer: Sarah Papaleo	Date : 28/09/2023
Authorising Officer: N.J. Hayhurst	Date : 02/10/2023
Dedicated responses to:- N/A	