
**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2256/0F1
2.	Proposed Development:	CHANGE OF USE FROM FORMER BETTING SHOP (SUI GENERIS) TO TANNING SALON (CLASS E5)
3.	Location:	UNIT 3, LOWTHER BUILDINGS, LOWTHER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, 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:	<p>SITE AND LOCATION</p> <p>This application relates to Unit 3 within the Lowther buildings on Lowther Street, located in the central shopping area of Whitehaven.</p> <p>The building is within a terrace with commercial properties on either side. Lowther Street runs to the north of the building.</p> <p>It building was previously in use as a betting shop (Sui Generis Use).</p>

The site is located within the Whitehaven Conservation area.

PROPOSAL

Planning Permission is sought for the change of use of the unit from a betting shop (Sui Generis) to a tanning salon (Use Class E).

The proposed use will employ two people full time and have the following opening hours:

Monday to Friday – 10:00 to 19:00

Saturday 10:00 – 19:00

Sunday/Bank Holidays – Closed

No external alterations are proposed with the internal changes comprising the installation of partitioned to create tanning bed areas and a lobby. The rear of the unit includes a WC and fire exit.

RELEVANT PLANNING APPLICATION HISTORY

Fascia Sign and Projecting Sign, approved in April 1992 (application reference 4/92/0292/0 relates);

Shop Front, approved in April 1992 (application reference 4/92/0291/1 relates);

Canopy over rear door, change of use for offices and training centre, approved in October 1998 (application reference 4/98/0670/1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

1st Response

Description: This is one ground floor unit in the Lowther Buildings, a relatively modern late-20th century building built to replace the Oddfellows Hall, which had occupied the site since the 19th century.

Conclusion: Request further information

Assessment: I am supportive of the proposal to bring this unit back into use. However, I query



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whether the best interior layout is one that places a wall across most of the inside of the shop front windows.

Would it be viable to omit the Bed 1 cubicle? This would free up the rather cramped looking waiting area just inside the door.

Alternatively, if the number of cubicles is necessary, would it be viable to move the row of bed cubicles rearwards by a metre or so, into the space currently occupied by a couple of chairs, and by reducing the length of each cubicle slightly to free up sufficient space at the front for waiting?

2nd Response

Description: This is one ground floor unit in the Lowther Buildings, a relatively modern late-20th century building built to replace the Oddfellows Hall, which had occupied the site since the 19th century.

Conclusion: Request further information (see point in bold)

Assessment: Feedback from the agent has confirmed that both the number and dimensions of the cubicles is the minimum to make the project viable, and that the floor plan needs an update to show that it is not possible to slide the row rearwards.

A mitigation method is suggested, being a window vinyl graphic that would obscure the view into the unit. Although not ideal, this seems to be a reasonable compromise, given an acceptable appearance.

I would be grateful if a visualisation of the proposed vinyl window graphic could be supplied, either with the application or via a condition to be discharged prior to its installation, in which case I have no objection to the approval of the application.

3rd Response

Description: This is one ground floor unit in the Lowther Buildings, a relatively modern late-20th century building built to replace the Oddfellows Hall, which had occupied the site since the 19th century.

Conclusion: No objection

Assessment: A visualisation of the proposed window graphic has been provided, being a copy of a version used in another branch in Penrith. The colours are perhaps a little garish, but generally the design of the transfer is quite subtle, and I'm not opposed to its use here to allow the interior partitioning of the unit to be obscured.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 4 no. properties. No representations have been received as part of the statutory notification period.

PLANNING POLICY

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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 ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk.

Policy DM27 – Built Heritage and Archaeology

Emerging Copeland Local Plan 2021-2038 (ELP)

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.



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The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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.

The policies relevant to this proposal are:

- Strategic Policy DS1PU: Presumption in favour of Sustainable Development
- Strategic Policy DS3PU: Settlement Hierarchy
- Policy DS6PU: Design and Development Standards
- Strategic Policy BE1PU – Heritage Assts
- Policy BE2PU – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2023

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

ASSESSMENT

Principle of the Development

Policies ST1 and ER7 within the CS and DS1PU of the ELP support the mixed use of buildings and the retention of services within the town centres, especially Whitehaven which is designated as Copeland's Principal Town where most of the Borough's development should be focussed.

This proposal allows for the Use Class E to be returned to the property which is in keeping with the commercial nature of the area. Furthermore, a currently vacant building will be

brought back into use as a result of this proposal and this is encouraged.

There are many salons within Whitehaven and this is considered to be an acceptable use for the town centre. The opening hours are suitable for a use of this nature and there is unlikely to be any significant effect on any surrounding residential properties.

The principle of the development is therefore supported.

The Effect on the Conservation Area

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the CS and DS6PU of the ELP requires good design.

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 proposed alterations are modest and confined to the interior of the building. No external alterations are proposed. The Conservation Officer questioned the cluttered effect of the tanning booths being so close to the front shop window and whether it was possible to omit one of the units or move everything further back in the store. This would improve the visual effect from the street and the view from the surrounding Conservation Area. In response to this request the Agent confirmed that the business required all of the booths in order to be viable and that there was not sufficient space to alter the layout. A compromise position was reached with the use of window vinyls to cover the shop front window. Following the receipt of a sample of the vinyl the Conservation Officer has confirmed that he is satisfied with the proposal.

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.

Planning Balance and Conclusion

The principle of the development within the town centre of the Borough's Principal Town is supported and will bring an empty unit back into use. This is considered to carry significant



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	<p>weight within the planning balance.</p> <p>Whilst the use of a window vinyl is a compromise, there will be no impact on the fabric of the building and the solution will help to minimise the visual impact of the development on the character and appearance of the Conservation Area. The impact is considered to be neutral and is outweighed by the benefit of bringing the unit back into a viable use.</p> <p>On balance, this 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>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"><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><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>Application Form, received 13th September 2023; Site Location Plan, scale 1:1250, received 13th September 2023; Existing and Proposed Floor Plans, scale 1:50, drawing number 001B, received 23rd November 2023; Window Vinyl sample, received 16th November 2023.</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>The tanning salon hereby approved must only be operated during the following hours:</p><p>Monday to Friday – 10:00 to 19:00 Saturday 10:00 – 19:00 Sunday/Bank Holidays – Closed</p>

Reason

In order to maintain the amenity for any surrounding residential properties and in accordance with Policy DM10 of the Copeland Local Plan.

4. Prior to the first use of the tanning salon hereby approved, the window vinyls must be installed in accordance with the approved details and retained as such at all times for the lifetime of the development.

Reason

In order to ensure that the appearance is in keeping with the surrounding Conservation Area and in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

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 : 23/11/2023

Authorising Officer: N.J. Hayhurst

Date : 27/11/2023

Dedicated responses to:- N/A