



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2258/0F1
2.	<b>Proposed Development:</b>	INTERNAL AND EXTERNAL ALTERATIONS TO EXISTING GROUND FLOOR COMMERCIAL UNIT
3.	<b>Location:</b>	49 KING STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, 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>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to the 49 King Street, a mid-terraced property which is situated within the town centre of Whitehaven. It comprises 3 floors and is accessed from both the front and rear.</p> <p>The application relates to the ground floor which is currently a vacant retail unit. The upper floors relate to residential flats and do not form part of the application.</p>

The site lies within the Whitehaven Conservation Area.

## **PROPOSAL**

Planning Permission is sought for internal and external alterations to the shop unit.

The external alterations will create a new access door on the front to provide a separate entrance to the proposed flats above. The alterations to the shop front also include repairs to the defective panelling to match the existing format.

The proposed new opening will measure 2.2m x 1.1m and the application notes that the new shopfront door will match the existing timber door, but no specific details have been submitted.

The internal changes include a new partition wall to separate the existing retail unit and the proposed new access corridor and flat entrance.

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been several previous planning applications at the property:

- FASCIA AND PROJECTING SIGNS (ref: 4/00/0370/0);
- NEW SHOP FRONT (ref: 4/00/0369/0);
- CONVERSION AND CHANGE OF USE OF THE FIRST AND SECOND FLOORS INTO 2 NO. ONE BEDROOMED APARTMENTS (USE CLASS C3) (ref: 4/20/2453/0F1).

## **CONSULTATION RESPONSES**

Whitehaven Town Council – No objections.

### Highways and LLFA

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.

### Conservation and Design Officer

Supportive with the general principle and welcome the building coming back into use. Requested additional details relating to the doors and outlined the shop front guidance.



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### Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 3 properties – No comments have been received.

### **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**

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 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 ER8 – Whitehaven Town Centre

Policy ENV4 – Heritage Assets

##### Development Management Policies (DMP)

Policy DM6B – Primary Retail Frontages

Policy DM10 – Achieving Quality of Place

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 (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):

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

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 following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy R1PU – Vitality and Viability of Town Centres and villages within the Hierarchy

Policy R3PU – Whitehaven Town Centre

Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its design and the



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potential impacts on heritage, highway safety and flood risk.

### Principle of development

The proposal is located Whitehaven Town Centre where Policy ST2 seeks to focus development and regeneration. Policy ER7 reflects Whitehaven's role as the Principal Town within the Borough which seeks to support growth and Policy ER8 encourages development which enhances the retail function of ground floor premises.

Given the location of the site within the centre of the Borough's Principal Town Centre, in principle, the Local Planning Authority supports the retention and enhancement of the retail offer on the high street. It will also provide a new access for the flats above while maintaining an adequate size shop unit.

The Local Planning Authority is also supportive of improved shop fronts and has an adopted Shop Front Design Guide to encourage appropriate and sympathetic alterations.

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

### Design and Impact on Heritage Assets

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings, conservation areas and their settings and strengthening the distinctive character of the boroughs settlements through high quality urban design that respects this character.

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 Conservation Area Design Guide and the Shopfront Design Guide are material considerations in the determination of this planning application which lies within the conservation area.

The Listed Building and Conservation Areas Act sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 72 of the LBCA 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.

Paragraphs 194 – 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.

The site is located within the centre of Whitehaven Conservation Area and the Conservation and Design Officer has confirmed that he is supportive of the principle of the proposal which is an opportunity to bring the building back into use while making improvements to the appearance of the frontage.

The existing shop front dates from around 2000 and is in poor condition. It does not inherently make a strong contribution to the character and appearance of the conservation area and therefore the addition of an access door to one side of the frontage is not considered to be harmful to the character and appearance of the conservation area and the setting. There is a precedent for this layout and the shop front has low sensitivity.

The proposed alterations are considered to be modest in scale and the proposed details and specifications of the doorway and surround can be secured by the use of a planning condition. This has been agreed with the agent and this will ensure that a suitable door design and materials are installed to improve its external aesthetic.

On balance, the Conservation Officer raised no objections to the proposal and therefore it is considered to meet Policy DM27(A) and DM27(C), thereby satisfying the duties set out in the LBCA.

#### Access and Highway Impacts

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The proposed new access door will be located to the left of the existing shop front and will not interfere with the existing shop doors. The Highway Authority has confirmed that they have no objection to the proposal as it is considered that it will not have a material effect on existing highway conditions.

Overall, the proposal is considered to be acceptable in terms of accessibility and highway impacts and satisfies Policy DM22 of the Copeland Local Plan.

#### Flood Risk

Policy DM24 seeks to protect developments from flood risk.

Given the proposal relates to an existing building, the internal and external shop front alterations are not considered to impact flood risk or create a more vulnerable development. The area benefits from existing flood defences and the Lead Local Flood Authority raised no objections and confirmed that the development will not increase flood risk on site or



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	<p>elsewhere.</p> <p>Overall, the proposal is acceptable in terms of Policy DM24 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposal seeks permission for internal and external alterations to and existing shop unit.</p> <p>The application is suitably located within Whitehaven Town Centre and the proposed new access door will provide a new access for the flats above while maintaining an adequate size shop unit at ground floor level.</p> <p>The new door and shop front alterations will also not have a significant impact on highway safety, flood risk or the 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> <p>1. The development hereby permitted must commence 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>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>Application Form, received 13<sup>th</sup> September 2023; Site Location Plan, scale 1:1250, drawing no. A0700-P1, received 13<sup>th</sup> September 2023; Existing and Proposed Floor Plans, scale 1:100, drawing no. A0800-P1, received 13<sup>th</sup> September 2023; Existing and Proposed Elevations, scale 1:100, drawing no. A01000-P1, received 13<sup>th</sup> September 2023.</p> <p>Reason</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.

3. Prior to installation, full details of the proposed new doorway and doors including specifications must be submitted and approved in writing by the Local Planning Authority. The approved doors must be installed in accordance with the approved details and must be maintained at all times thereafter.

**Reason**

In order to ensure that there is limited effect on the surrounding Conservation Area 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: C. Wootton**

**Date : 30/10/2023**

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

**Date : 08/11/2023**

**Dedicated responses to:- N/A**