

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2345/0F1
2.	Proposed Development:	CHANGE OF USE TO RESIDENTIAL PROPERTY
3.	Location:	154 QUEEN STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, 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>INTRODUCTION</p> <p>This application relates to 154 Queen Street in Whitehaven. There are residential properties within the immediate locality with Queen Street running to the north of the property.</p> <p>The building is Grade II Listed and situated within the Whitehaven Conservation Area.</p> <p>PROPOSAL</p> <p>This application seeks full planning permission for the change of use of the building from part retail and part residential to a single residential property.</p> <p>No alterations internally are proposed other than decoration. Externally the only change is the removal of the metal security gratings in the windows.</p>

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the property.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

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 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 Officer

No objections.

- The proposals for change of use are accompanied by internal redecoration.
- I am satisfied that the proposal overall is beneficial to the significance of the building by approving its appearance and allowing its significance to be better appreciated.
- The character and appearance of the conservation area, and the settings of nearby heritage assets, is likely to be harmed by the loss of street vitality that accompanies the loss of a shop, however, the external appearance of the building is little changed, and what change there is likely to be beneficial (e.g. removal of the metal security gratings in the windows). I therefore consider this small level of harm justified.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 3 no. properties.

No responses have been received as a result of these 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

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



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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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

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:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Policy DS6PU - Design and Development Standards
- Strategic Policy R4PU: The Key Service Centres
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Strategic Policy BE1PU – Heritage Assts
- Policy BE2PU – Designated Heritage Assets
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure.

Other Material Planning Considerations

National Planning Policy 2023 (NPPF)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

ASSESSMENT

Principle of Development

The principle of new housing is supported in the Copeland Local Plan though strategic policies ST1 and ST2 along with policy SS1 and policy H1PU of the ELP. These policies seek to promote sustainable development to meet the needs and aspirations of the boroughs housing market, as well as having consideration for the requirements of smaller settlements



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within the borough which respect their scale and function.

The building is existing and located within the development boundary for Whitehaven. The town is classed under Policy ST2 as Copeland's Principal Town where the conversion of existing buildings to residential use is acceptable within the confines of the settlement boundary.

The building is surrounded by other residential dwellings and within walking distance of services required for day to day living and therefore is considered to be an appropriate use in this location.

Loss of the Retail Use

Policies SS4 and DM24 of the CS and Policy R4PU of the ELP seek to resist the change of use of a community facility where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere. Whilst it is not clear what the retail function of 154 Queen Street was, the property is located within very close distance to King Street – the main retail area for Whitehaven. This is likely to fulfill the needs of local residents, therefore the permanent loss of this building as retail will be acceptable.

There are a number of vacant retail units within the town centre so the loss of this modest unit is unlikely to diminish its vitality or viability. The premises fall outside the designated town centre boundary.

On this basis, the loss of the retail use is considered to be acceptable and the proposal complies with policies SS4 and DM24 of the Copeland Local Plan and policy R4PU of the ELP.

Design

Policies DM10 of the CS and DS6PU of the ELP promote good design and the aspiration that new dwellings will respond positively to their surroundings.

No internal or external alterations are proposed, aside from internal painting and the removal of the metal security gratings in the windows. The living standards achieved from the change of use are satisfactory and the building is suitable to be used as a single residential property.

On this basis, the proposal is considered to comply with Policies DM10 of the CS and DS6PU of the ELP.

Effect on the Heritage Assets

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. Furthermore, they aim to protect Listed Buildings. Policy DM10 of the CS and DS6PU of the ELP require 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 exterior of the building is proposed to stay the same with the removal of the metal security gratings on the windows being seen as a positive alteration. The Conservation Officer considers that there will be slight harm to the streets vitality from the loss of the shop, however this is justified for the longevity of use of the building.

It is therefore considered that the proposal has a neutral effect on the Listed Building and Conservation Area.

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 Listed Building and Whitehaven Conservation Area.

Parking

Whilst the building does not benefit from any off street parking, the site is located within the town centre where various parking options and public transport options are available. Local services are within easy walking distance.

Overall, it is considered that the proposal complies with Policy DM22 of the Copeland Local Plan and Policy CO7PU of the ELP and will provide an accessible development.

Planning Balance and Conclusion

No objections have been received to the application.

The loss of the retail function is acceptable as there are other provisions in the vicinity. This affords neutral weight in the planning balance.

The principle of residential development in this location complies with planning policy due to its situation within the settlement boundary for the Principal Town of Whitehaven. This carries great weight within the planning balance where residential development within a sustainable location is encouraged.

There are no issues raised relating to parking and no impact on the Listed Building or surrounding Conservation Area.

On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.



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8.	Recommendation: Approve (commence within 3 years)	
9.	Conditions: 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. 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: - Application Form, received 21 st November 2023; Location Plan, Existing and Proposed Floor Plans, scales 1:1250 and 1:100, drawing number 23.22.01, received 7 th November 2023; Design and Access and Heritage Statement, received 22 nd November 2023. 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. 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 : 16/01/2024
Authorising Officer: N.J. Hayhurst		Date : 16/01/2024
Dedicated responses to:- N/A		