

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2368/0F1
2.	Proposed Development:	CHANGE OF USE AND ALTERATIONS FROM A FINANCIAL AND PROFESSIONAL USE TO A LICENCED RESTAURANT AND CAFE (USE CLASS E) AND EXTENSION OF THE FLAT ROOF AND BALUSTRADE TO THE REAR
3.	Location:	6 AND 7 TANGIER 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>INTRODUCTION</p> <p>This application relates to 6-7 Tangier Street. The building is part of a terrace with the Gaiety Cinema adjoining the southern elevation, a retail store to the north and Tangier Street to the west. There is a yard area to the east of the building.</p> <p>The building is situated within the Whitehaven Conservation Area.</p>

PROPOSAL

This application seeks full planning permission for the change of use and alterations from Class E(c(i)) (financial and professional) to E(b) (Licensed Restaurant and Café) and extension of the flat roof and balustrade to the rear.

The works required are as follows:

External:

- Addition of single storey rear flat roofed extension with balustrade to cover the gap between 6 and 7 Tangier Street.

Internal:

- Internal walls to provide additional toilet;
- Internal walls to provide stores;
- Addition of internal door between properties.

RELEVANT PLANNING APPLICATION HISTORY

Change of use of first floor to three bedroomed flat, approved in February 1988 (application reference 4/87/1262/0 relates);

New shop front, approved in May 1994 (application reference 4/94/0161/1 relates);

Change of use from A1 to A3, approved in July 2004 (application reference 4/04/2147/0 relates);

Illuminated advert sign, approved in February 2005 (application reference 4/04/2889/0 relates);

Illuminated external projecting sign, approved in April 2005 (application reference 4/05/2174/0 relates);

Installation of door, approved in March 2012 (application reference 4/12/2054/0F1 relates);

Change of use from retail to financial services, approved in August 2012 (application reference 4/12/2289/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

Description: This pair of buildings dates from the latter half of the 19th century and is a



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replacement of an earlier building, developed as part of the row of building on the east side of Tangier Street (which was originally called Tangier Row) in the late 17th century.

Conclusion: No objection

Assessment:

Externally, little change is proposed. Signage is to be handled separately, and to the rear, the addition of the balustrade appears unlikely to entail more than negligible harm to the appearance of the conservation area, given the seclusion of the location. I would suggest staining the balustrade in a dark colour, such as brown, so that it blends in with the buildings, rather than leaving it as bright, unfinished timber.

Internally, the changes also appear minimal, with the opening up of a new doorway in the central passage wall, and addition of some internal cells for storage and WC.

The proposed use appears to be consistent with the conservation of the building.

Environmental Health

Environmental Health have no objections to the above proposal, subject to comments below.

The converted use of an empty town centre premises is to be welcomed, and the change of use fits in with the area's character.

If approved, the food safety and premises licencing requirements of the new food premises may be dealt with through separate inspection regimes provided by the Food Safety Act 1990 and associated regulations, and the Licensing Act 2003 respectively.

The cooking arrangements remain within the existing takeaway food premises at 7 Tangier Street and this currently has a very good food hygiene rating.

It is noted that the kitchen extract ducting is sited on the rear elevation of 6 Tangier Street. There is a residential flat above 6 Tangier Street that is accessed at the rear first floor level, and a separate entry door to the upper floor/s of 7 Tangier Street which is presumed is used as storage space and not for residential purposes.

A non-slip pedestrian access should be provided to each first floor entrance, and adequate external lighting provided.

A barrier around the kitchen extract ducting should also be provided.

The following planning conditions are requested –

- Construction Working Hours

Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: In the interests of the amenities of surrounding occupiers during the demolition and construction of the development.

- Hours open to Customers

No customers shall remain on the premises outside the hours of:

Café / Restaurant 09.00 – 23.00 Monday to Friday

09.00 – 23.55 Saturday

09.00 – 23.00 Sunday / Bank Holiday

Takeaway 18.00 – 23.00 Monday to Friday

18.00 – 23.55 Saturday

18.00 – 23.00 Sunday / Bank Holiday

Reason: To safeguard the amenity of nearby occupiers

Cumbria 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.

Public Representation

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

No comments have been received as part 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



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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 ER8 – Whitehaven Town Centre

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

Policy DM29 – Advertisements

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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

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

Strategic Policy R3PU: Whitehaven Town Centre

Strategic Policy BE1PU – Heritage Assts

Policy BE2PU – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy 2023 (NPPF)

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

ASSESSMENT

Principle of Development

Policies SS4 and DM21 of the CS and R1PU and R3PU of the ELP seek to promote the vibrance and vitality of Whitehaven's town centre.

The building which falls within the town centre was previously in use as a "cash for clothes" hub, falling under the use class relating to financial institutions. The change to a café/restaurant would not constitute a material change of use as both are considered to fall within Class E of the Use Classes Order.

Environmental Health have suggested conditions in order to ensure that the hours of construction and customer opening times are restricted to respect the amenity of the surrounding area.

On this basis, the use is considered to be acceptable and likely to support the Council's ambitions within the CS and ELP for an active and varied town centre.

Impact on 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*



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	<p><i>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’.</i></p> <p>Section 72 requires that: ‘<i>special attention shall be paid to the desirability of preserving or enhancing the character or appearance’</i> of a conservation area.</p> <p>The proposed alterations are modest and require the addition of a small extension between the two properties at the rear of the building. The Conservation Officer suggested that this is likely to create “negligible harm” to the Conservation Area and that the balustrade will be in keeping with the existing.</p> <p>The proposals allow for the continued use of the units and it is considered that they are justified on design and heritage grounds.</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 existing character of the Whitehaven Conservation Area.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The alterations will create a positive benefit to the building, ensuring its continued use in the future and respecting the existing character and appearance of the Whitehaven Conservation Area. It is an appropriate town centre use.</p> <p>No objections have been received to the application from statutory consultees or neighbouring properties.</p> <p>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.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. 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>

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 6th December 2023;

Site Location Plan and Block Plan, scales 1:1250 and 1:100, drawing number 23/0391/01, received 6th December 2023;

Proposed Ground Floor Plan, scale 1:50, drawing number 23/0391/05, received 6th December 2023;

Proposed Roof Plan, scale 1:50, drawing number 23/0391/06, received 6th December 2023;

Proposed Front and Rear Elevations, scale 1:50, drawing number 23/0391/08, received 6th December 2023;

Proposed Block Plan, scale 1:100, drawing number 23/0391/09, received 6th December 2023;

Design and Access Statement, written by Geoffrey Wallace, received 6th December 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.

3. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00 and;

- Saturday 08.00 – 13.00

No works must be undertaken on Sundays or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason

In the interests of the amenities of surrounding occupiers during the demolition and construction of the development and in accordance with Policy ST1 of the Copeland Local Plan.

4. No customers shall remain on the premises outside the hours of:

Café / Restaurant 09.00 – 23.00 Monday to Friday



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09.00 – 23.55 Saturday
09.00 – 23.00 Sunday / Bank Holiday

Reason

To safeguard the amenity of nearby occupiers in accordance with Policy ST1 of the Copeland Local Plan.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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 : 13/02/2024

Authorising Officer: N.J. Hayhurst

Date : 16/02/2024

Dedicated responses to:- N/A