

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2098/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF FORMER PUBLIC HOUSE/MANAGERS ACCOMMODATION TO USE CLASS E INCLUDING INTERNAL ALTERATIONS AND EXTERNAL REFURBISHMENT (LISTED BUILDING)
3.	<b>Location:</b>	28 LOWTHER STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>Introduction</b>  <p>This application relates to the former public house known as The Pack Horse, situated at 28 Lowther Street in Whitehaven. The building is mid terraced and located within the town centre on one of the busiest shopping streets in Whitehaven.</p> <p>The building is Grade II Listed, situated adjacent to several Grade II Listed Buildings and within the Whitehaven Conservation Area.</p>	

## Proposal

This application seeks full planning permission for the conversion of the building to provide commercial offices.

The proposal includes the following external works:

- The removal and replacement of all existing sliding sash windows on a like for like basis;
- Front door repairs;
- Repairs to the roof slate, lead soakers and rainwater goods;
- Full redecoration.

This application is submitted in tandem with an application for Listed Building Consent which includes the required internal works (application reference 4/24/2097/0L1 relates).

## Relevant Planning Application History

Satellite dish, approved in October 1991 (application reference 4/91/0788/0 relates);

Externally illuminated signs, approved in May 2000 (application reference 4/00/0257/0 relates);

Listed Building Consent for externally illuminated signs, approved in May 2000 (application reference 4/00/0258/0 relates).

## Consultation Responses

### Whitehaven Town Council

No objections.

### Highways and Local Lead Flood Authority

No response received.

### Conservation Officer

*1<sup>st</sup> response*

**Description:** 28 Lowther Street is a former public house located in Whitehaven conservation area. The date is given as 19<sup>th</sup> century in the list description, although it appears very similar in plan form as the building shown on the 1790 map of Whitehaven, so was perhaps rebuilt.

**Conclusion:** Request further information and design detail revision

### **Assessment:**

- This work is largely repair and maintenance of a building that obviously needs it,



## Cumberland Council

although involves some alterations.

- I inspected the property and noted that some glazing appears to be historic, hand-made glass. The location of this should be known and those windows should be retained if possible. Obviously, a balanced judgement would be in order, however, if substantial historic glass survives in the frontage and the windows are also repairable, that would be the best practice option, so that should be known prior to approving replacement of all windows.
- The Conservation Area Design Guide urges use of cast iron rain water goods in conservation areas. If the existing goods have been swapped for uPVC at some point in the past without benefit of consent, the opportunity should be taken now to revert to cast iron.
- Though the insertion of the timber stud partition in the ground floor front room will change the proportions of that room, I did not observe any significance surfaces or detailing when I visited, and this change is easily reversible.
- The insertion at first floor of a timber stud partition wall to create an enclosed escape route would have neutral impact on the significance of the building.
- The removal of a section of lath and plaster partition wall at top floor level will entail some harm to the significance of the building. I would view this as being of negligible level, and justified by providing a more useful interior layout that assists in securing the building's viable use.
- The internal doors did not appear to be of significance, so their replacement would have no impact.

### **Summary:**

I am supportive of this proposal, which will give this neglected heritage asset a valuable and viable new use.

I request clarification on which historic glass survives and whether it is therefore viable to retain certain windows and merely refurbish them. This information could be submitted with the application prior to determination, or alternatively, I would be happy with that information being supplied via a condition to be discharged prior to the removal of the windows.

I request use of cast iron instead of uPVC, unless the uPVC was previously consented, for rain water goods in order to abide by the guidance given in the Conservation Area Design Guide

### *2<sup>nd</sup> response*

**Description:** 28 Lowther Street is a former public house located in Whitehaven conservation area. The date is given as 19<sup>th</sup> century in the list description, although it appears very similar

in plan form as the building shown on the 1790 map of Whitehaven, so was perhaps rebuilt.

**Conclusion: No objection**

**Assessment:**

Previously, I requested two further pieces of information:

- clarification on which historic glass survives and whether it is therefore viable to retain certain windows and merely refurbish them.
- Use of cast iron instead of uPVC, unless the uPVC was previously consented, for rain water goods in order to abide by the guidance given in the Conservation Area Design Guide

Subsequently, clarification has been received that it is proposed to replace existing uPVC guttering to the rear of the building with replacement in uPVC, however in an imitation cast iron style. As this is an improvement, and is limited to the rear of the building, I am not averse to the proposal.

It is also clarified that all existing sliding sash windows will be repaired, so the question about identification of historic glass is no longer relevant.

Public Representation

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

No responses have been received with respect to 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 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



## Cumberland Council

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 ER4 – Land and Premises for Economic Development

Policy ER5 – Improving the Quality of Employment Space

Policy ER6 – Location of Employment

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV4 – Heritage Assets

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

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 ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> March 2024. The Planning Inspectors Report is 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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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 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)

Conservation Area Design Guide

### **Assessment**

#### Principle of Development

The principle of commercial development to support the local economy is supported in the Copeland Local Plan as set out in 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 growing economy with a range of locations suitable for offices.

The building is existing and located within the town centre of Whitehaven which is classed under Policy ST2 as the Borough's Principal Town. Policy ST2 sets out that the conversion of existing buildings to commercial use is acceptable within the confines of the settlement boundary.

The building is situated on a street where there are a mix of uses, including commercial and residential and within walking distance of services and various transport options. The



## Cumberland Council

commercial use proposed is therefore is considered to be an appropriate in this location.

### Loss of the Community Facility

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. The Pack Horse has been closed as a Public House since 2022 and Whitehaven has a range of alternative drinking establishments in close proximity including The Strand, The Yellow Earl and The Whittington Cat. These premises are likely to fulfill the needs of local residents, therefore the permanent loss of The Pack Horse is considered to be acceptable.

The outbreak of Covid in the UK in 2020 has made the retention of public houses very difficult and it is understood that many are no longer sustainable.

On this basis, the loss of the community facility is 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 development will respond positively to its surroundings.

Minimal external alterations are proposed, all of which will reflect the current design and character of the area. The proposed development will give the building a new purpose and allow for its redevelopment and significant external improvements.

On this basis, the proposal overall is considered to comply with Policies DM10 and DM13 of the CS and DS6PU of the ELP.

### Impact on the Listed Building and 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 exterior of the building will not materially change. The Conservation Officer requested

that the historic glass in the windows be retained where possible and cast iron be used for rainwater goods. Following additional information, it was confirmed that the windows would be repaired with the glass left intact and that whilst the rainwater goods would be UPVC, these would be on the rear of the building and in an imitation cast iron design. The Conservation Officer welcomes the reinstatement and upgrade of this building and it is likely that there will be a positive improvement to this part of the Conservation Area and retention of the character of the Listed Building.

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.

#### Parking

The building currently relies on existing on street parking on Lowther Street with public parking available elsewhere within Whitehaven town centre. These are considered to be sufficient to serve the proposed commercial use. Furthermore, the site is located on a regular bus route.

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.

#### Impacts on Residential Amenity

Lowther Street currently comprises a range of mixed uses typical of a town centre location. It is likely that the use of the building for offices would create a less intensive use than as a public house with less chance of amenity issues resulting from noise or anti-social behaviour.

#### Planning Balance and Conclusions

The principle of commercial 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 process where the provision of economic growth within sustainable locations is encouraged.

The loss of the community facility is acceptable as there are other provisions within the vicinity of the site. This affords neutral weight to the application.

There are no issues raised relating to parking and no impact on the Listed Building or Conservation Area. The re-use of the building into a viable use is considered to carry significant weight within the planning balance.

No objections have been received to the proposal, with support for the re-use of the building from statutory consultees.

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.





## Cumberland Council

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 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>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: -</p> <p>Application form, received 27th March 2024;</p> <p>Site Location Plan, scale 1:1250, drawing number 24/02/1055-01, received 27th March 2024;</p> <p>Site Plan, scale 1:200, drawing number 24/02/1055-02, received 27th March 2024;</p> <p>Proposed Basement Plan, scale 1:50, drawing number 24/02/1055-07, received 27th March 2024;</p> <p>Proposed Ground Floor Plan, scale 1:50, drawing number 24/02/1055-08, received 27th March 2024;</p> <p>Proposed First Floor Plan, scale 1:50, drawing number 24/02/1055-09, received 27th March 2024;</p> <p>Proposed Second Floor Plan, scale 1:50, drawing number 24/02/1055-10, received 27th March 2024;</p> <p>Heritage Statement, reference 24/02/1055-HS, received 14th May 2024.</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>

	<b>Statement</b>  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.	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 05/06/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 06/06/2024</b>
<b>Dedicated responses to:- N/A</b>		