

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2168/0F1
2.	Proposed Development:	ALTERATIONS TO EXISTING SHOP FRONT TO PROVIDE NEW ACCESS TO SELF CONTAINED FLAT ON FIRST FLOOR & PARTIAL CHANGE OF USE OF FIRST FLOOR TO BE USED IN CONNECTION WITH COMMERCIAL USE AT GROUND FLOOR
3.	Location:	22 MARKET PLACE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	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.	Publicity Representations &Policy	See Report
7.	Report: INTRODUCTION <p>This application relates to 22 Market Place, a terraced property comprising a commercial use on the ground floor and a residential flat on the first floor.</p> <p>Market Place lies within the town centre of Whitehaven and is surrounded by other commercial properties.</p> <p>The property is situated within the Whitehaven Conservation Area.</p> PROPOSAL <p>This application seeks full planning permission for alterations to the existing shop front to provide a new access to the self-contained flat on the first floor and partial change of use of</p>	

the first floor to be used in connection with the commercial use at ground floor level.

The shop front will have an additional door added to the left hand side pane of glass. The first floor will have a stud wall added to the rear to create a storage area associated with the business. The rest of the flat will remain as residential use.

RELEVANT PLANNING APPLICATION HISTORY

New shop front, new window and self-contained flat over café, approved in July 1993 (application reference 4/93/0380/0 relates);

Change of use from restaurant to restaurant/bar, approved in January 2019 (application reference 4/18/2487/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No response received.

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

Conclusion: No objection

Assessment:

- The proposal calls for the insertion of an additional door to the left of the existing door, in order to link into a new staircase for accessing the upper floor from outside.
- The internal works are likely of low impact to this non-designated heritage asset and consist of the addition of the staircase and some stud walls and doors.
- Externally, the new door will slightly compromise the appearance of the shop front by cluttering it and making it less clear where the entrance to the public space is.
- However, given that the existing shop front is not significant, and the need to provide external access to the upper floor, I would view this minor level of harm justified.
- The proposed elevation drawing shows the new door as matching the existing door and shop front in terms of the glazing heights matching. This will maintain the lines of



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the existing shop front somewhat.

- Therefore, given a design of timber door that matches what's shown on the as proposed drawing, and the existing shop front in terms of colour, I have no objection.
- I would suggest use of a timber that will be durable. Tanalised soft wood is prone to start rotting after a few years externally.

National Amenities Society

No response received.

Public Representation

The application has been advertised by way of a site and press notice and individual neighbour notification letters issued to 2 no. properties.

No response has 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 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 ENV1 – Flood Risk and Risk Management

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 (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 28th 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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Strategic Policy BE1PU – Heritage Assts

Policy BE2PU – Designated Heritage Assets



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Other Material Planning Considerations

National Planning Policy 2023 (NPPF)

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

Conservation Area Design Guide (SPD)

ASSESSMENT

Impact on 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. 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 external alterations are modest and are required in order to allow a separate access to the flat above. The door will be situated within the existing opening and would be reversible should that ever be required. The shop front will be retained for use by the retail unit on the ground floor. In principle, the external alteration is acceptable to allow for the split use of the property.

The character of the Conservation Area is unlikely to be significantly affected. The existing shop front is of little historical value and the Conservation Officer considers that the minor harm created is justifiable.

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.

Flood Risk

Policies ENV1 and DM24 of the CS and DS8PU of the ELP seek to reduce flood risk on site or elsewhere. The site is located within Flood Zones 2 and 3 and therefore the application was submitted with the Environment Agency's minor extensions form. The Applicant has indicated that there will be no change to the existing situation and therefore no change to the

	<p>existing flood risk.</p> <p>On this basis, the proposal is considered to comply with the policies within the existing and emerging local plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>No objections have been received to the application from either statutory or neighbouring consultees. The alterations will create a positive benefit to the building, ensuring its use in the future and respecting the character of the Whitehaven Conservation Area.</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> <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 May 2024; Site Location Plan, proposed plans and elevations, scales 1:1250, 1:100 and 1:50, drawing number DWG02, received 13th May 2024; Flood Risk Form, received 13th May 2024; Heritage Statement, written by JTS Architectural Services Ltd, received 13th May 2024; Design and Access Statement, written by JTS Architectural Services Ltd, received 13th 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>



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3. The additional door must be constructed from timber and retained as such at all times.

Reason

In order to maintain a traditional appearance within the 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: S. Papaleo

Date : 02/07/2024

Authorising Officer: N.J. Hayhurst

Date : 02/07/2024

Dedicated responses to:- N/A