



The Market Hall
Market Place
Whitehaven
Cumbria CA28 7JG
Telephone 0300 373 3730
cumberland.gov.uk

Application to determine if prior approval is required for a proposed: Change of use from
Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)
Town and Country Planning (General Permitted Development) (England) Order 2015 (as
amended) - Schedule 2, Part 3, Class MA

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	
Suffix	
Property Name	Tangier Buildings
Address Line 1	Tangier Street
Address Line 2	
Address Line 3	Cumberland
Town/city	Whitehaven
Postcode	CA28 7UZ

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
297427	518414

Description

Applicant Details

Name/Company

Title

Mr

First name

Vlatko

Surname

Mahovic

Company Name

Address

Address line 1

The Walled Garden

Address line 2

Low Gill Ioning

Address line 3

Town/City

Gosforth

County

Country

Postcode

CA20 1AJ

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

***** REDACTED *****

Agent Details

Name/Company

Title

Mr

First name

Daniel

Surname

Kelso

Company Name

Architecture Unknown

Address

Address line 1

The Courtyard, Royal Mill

Address line 2

17 Redhill Street

Address line 3

Town/City

Manchester

County

Country

United Kingdom

Postcode

M4 5BA

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Eligibility

Permitted development rights are subject to conditions set by legislation to ensure that only appropriate proposals are eligible.

The need to apply to the Local Planning Authority to see if prior approval is required is one such condition.

The questions below will help determine if the proposals are eligible for this permitted development right.

The current building and site

Please note: Eligibility questions relating to the current building being vacant for 3 months, and it's floorspace not exceeding 1,500 square metres were removed after these limitations were lifted by government on 5 March 2024.

Has the use of the building, for a continuous period of at least 2 years immediately prior to the date of this application, been any of the following:

- For periods prior to 1 September 2020
 - Shops (Use Class A1);
 - Financial and professional services (Use Class A2);
 - Food and drink (Use Class A3)
 - Business (Use Class B1);
 - Medical or health services
 - Non-residential institutions (Use Class D1(a));
 - Crèche, day nursery or day centre
 - Non-residential institutions (Use Class D1(b));
 - Indoor and outdoor sports
 - Assembly and leisure (Use Class D2(e)), other than an indoor swimming pool or skating rink;
- For periods from 1 September 2020
 - Commercial, Business and Service (Use Class E)

☒ Yes

☐ No

Is any land covered by, or within the curtilage of, the building:

- in a site of special scientific interest;
- a listed building or land within its curtilage;
- a scheduled monument or land within its curtilage;
- a safety hazard area;
- a military explosives storage area;

Or, is the building:

- in an area of outstanding natural beauty;
- in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside;
- in the Broads;
- in a National Park;
- in a World Heritage Site

☐ Yes

☒ No

The proposed change of use

For applications, submitted before 1 August 2022, proposing a change of use to Dwellinghouses from Offices (Use Class B1(a)/E(g)(i)).

Is/Was there an Article 4 direction in place that has removed these specific permitted development rights?

☐ Yes

☒ No / Not relevant

Will all the proposed new dwellinghouses have gross internal floor areas of at least 37 square metres, and comply with the [nationally described space standard](#)?

☒ Yes

☐ No

Following the development, will every dwellinghouse in the building remain in use within Use Class C3 and for no other purpose, unless that purpose is ancillary to the primary use as a dwellinghouse?

☒ Yes

☐ No

Agricultural tenants

To be eligible for this permitted development right, all parties to any agricultural tenancy agreements that are currently in place need to provide consent.

This is to help ensure that agricultural tenants are not displaced to allow a change of use to be carried out.

Is any part of the land covered by or within the curtilage of the building to be demolished occupied under any agricultural tenancy agreements?

☐ Yes

☒ No

Fire Safety

Where the building (as proposed) exceeds certain limits, legislation has been put in place to ensure the adequate consideration of fire safety by the Local Authority (including its decision to grant prior approval) and other relevant parties.

Would the proposed development result in a building that contains two or more dwellinghouses, and is:

- 18 metres or more in height (as measured from ground level to the top floor surface of the top storey of the building); or
- contains 7 or more stories.

☐ Yes

☒ No

NOTE: More details on how to measure height and stories are available in paragraph (7) of [Article 9A of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and [the related government guidance](#).

Description of Proposed Works, Impacts and Risks

Proposed works

Please describe the proposed development including details of any dwellinghouses and other works proposed

Addition of 8 dwellinghouses (flats) to the first and second floor. Ground floor to remain as existing (commercial unit). No proposed works to external.

Please provide details on the provision of adequate natural light in all habitable rooms of the dwellinghouses

All habitable rooms within the dwellinghouses are provided with adequate natural light through existing window openings. No changes are proposed to the size or position of the existing windows. Each habitable room benefits from one or more windows, ensuring sufficient levels of natural light throughout the accommodation. Most windows are north-east facing.

What will be the net increase in dwellinghouses?

8

This figure should be the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses in the existing building prior to the development.

Impacts and risks

Please provide details of any transport and highways impacts and how these will be mitigated, particularly to ensure safe site access

The site is located within the vicinity of good public transport. There are two bus stops within a 1-minute walk. There is one bus stop opposite Operas Bingo (cumawjmg) and the other outside Tangier Street (cumawjmj) serving a number of bus routes including 29, 29A and 30. The site is also within a short walking distance of 4 minutes to Whitehaven Train Station.

The proposed residential units will not result in any significant increase impact on the highway network than the existing offices use. Hence it is not considered that the residential units would cause a detrimental impact on safety and capacity of the surrounding highway network.

Greggs Lane is a cul-de-sac which provides safe access from the main street for workers.

Please provide details of any contamination risks and how these will be mitigated

The subject site is not considered to be contaminated and no ground works are proposed.

Please provide details of any flooding risks and how these will be mitigated.

The site is located in 'Flood Zone 1' which has a low probability of flooding.

A flood risk assessment should accompany the application where the site:

- is in Flood Zones 2 or 3; or
- is in an area with critical drainage problems (such areas will have been notified to the Local Planning Authority by the Environment Agency).

[Check if your site location is in Flood Zone 2 or 3 online](#)

Check with your Local Planning Authority to see if your site is in an area with critical drainage problems.

Please provide details of the impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses and how these will be mitigated

The building is of sound construction with timber floors, which provide a base level of structural integrity. However, to enhance sound insulation, our proposal includes additional soundproofing measures between the commercial unit at ground floor level and the proposed residential flats above, as well as between each residential level.

The soundproofing specification will consist of the following: The void between existing joists filled with Rockwool ProRox RW5 acoustic slab insulation finished with Hush Panel 28 with edging details to manufacturer's details to improve both direct sound transfer and flanking sound.

Regarding fireproofing, we have assumed that the existing commercial units comply with current building regulations. This includes the installation of fire-rated plasterboard (commonly known as fireline plasterboard) on the underside of the ceiling, providing the required level of fire resistance in accordance with regulatory standards. To minimise disruption to the existing businesses, we are proposing that any required interventions or upgrades be carried out from above, rather than through the occupied spaces below.

If the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor. Please provide details of the impacts that the change of use will have on the character or sustainability of the conservation area and how these will be mitigated

The site is located within the Whitehaven Town Centre Conservation Area but there are no changes to the ground floor or externals.

If the building is located in an area currently in use for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

Please provide details of the impacts on intended occupiers of the development of the introduction of residential use in the area and how these will be mitigated

Not applicable

If the proposal involves the loss of services provided by a registered nursery, or a health centre. Please provide details of the impacts on the local provision of the type of services lost and how these will be mitigated

Not applicable

List of flats and other premises in the existing building

Please provide a list of all addresses of any flats and any other premises within the existing building

House name: Number: 1 Suffix: Address line 1: Tangier Buildings Address Line 2: Tangier Street Town/City: Whitehaven Postcode: CA28 7UZ
House name: Number: 6 Suffix: Address line 1: Tangier Buildings Address Line 2: George Street Town/City: Whitehaven Postcode: CA28 7EY
House name: Number: 118 Suffix: Address line 1: George Street Address Line 2: Town/City: Whitehaven Postcode: CA28 7EZ

Declaration

I/We hereby apply for Prior Approval: Change of use – commercial/business/service to dwellinghouses as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Daniel Kelso

Date

03/11/2025