

**CUMBERLAND COUNCIL**  
**CONSULTATION RESPONSE**

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**Proposal:** Change of use from former betting shop to tanning salon

**Address:** Unit 3, Lowther Buildings, Whitehaven

**Reference:** 4/23/2256/OF1

**Date:** 19/10/23

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**Description:** This is one ground floor unit in the Lowther Buildings, a relatively modern late-20<sup>th</sup> century building built to replace the Oddfellows Hall, which had occupied the site since the 19<sup>th</sup> century.

**Conclusion: Request further information**

**Assessment:** I am supportive of the proposal to bring this unit back into use. However, I query whether the best interior layout is out that places a wall across most of the inside of the shop front window.s

Would it be viable to omit the Bed 1 cubicle? This would free up the rather cramped looking waiting area just inside the door.

Alternatively, if the number of cubicles is necessary, would it be viable to move the row of bed cubicles rearwards by a metre or so, into the space currently occupied by a couple of chairs, and by reducing the length of each cubicle slightly to free up sufficient space at the front for waiting?

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**Relevant Policies and Guidance:**

Section 72 of the 1990 Act states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206)

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202).

The former Copeland Borough Council's Local Plan contains a number of relevant policies:

- Local Plan Policy ST1C(ii) highlights the importance of protecting, enhancing and restoring the Borough's cultural and heritage features and their settings.
- ST1D emphasises the council's commitment to creating and retaining quality places.
- ENV4A stresses the importance of protecting listed buildings, conservation areas and other features considered to be of historic, archaeological or cultural value.
- ENV4B outlines support for heritage-led regeneration, ensuring assets are put to appropriate, viable and sustainable uses.
- DM13D outlines the need, in converting non-residential buildings within settlement limits, or in subdividing large residential buildings within settlement limits, for conversion works to conserve the character of the building.
- DM27A outlines support in principle for developments that "protect, conserve and where possible enhance the historic, cultural and architectural character of the borough's historic sites and their settings".
- DM27C outlines the restriction in principle of development within conservation areas to that which preserves or enhances the character or appearance of the area.

The Conservation Area Design Guide is a supplementary planning document adopted in 2017 that is a material consideration in the determination of planning applications within conservation areas in the legacy Copeland area. It is therefore applicable to this application.

Sammy Woodford

Conservation and Design Officer