

Green Swallow North Limited
Swallow Barn
Blindcrake
CA13 0QP

14 February 2025

Sarah Papaleo MRTPI
Cumberland Council
Whitehaven

Dear Sarah

Job No 1463
Change of Use - 71 LOWTHER STREET, WHITEHAVEN

Thank you for sharing the comments from David MacDonald Police Sergeant 154 on behalf of Cumbria Constabulary, we have commented below on this response.

Firstly and importantly, we would advise that a Licencing Application for the premises would not normally be submitted for a premises until a Change of Use application has been sought and approved by the LPA. As such we believe sequentially, we are following the correct procedures to this end. It is possible the Cumberland as Licensing Authority may place restrictions on the site / operations which are more onerous than any planning conditions placed on the site and this may address concerns by the Constabulary.

We have provided within the planning document floor plans of the proposed use, to provide some context to the number of building users (as requested), at this stage and based on floor area alone we anticipate the maximum capacity of the ground floor to be in the region of up to 140 people.

With regards to Policy DS4 we have attached an extract below and commented on the relevance of this.

Policy DS4: Design and Development Standards

The Council will expect all new development to meet high-quality design standards which contribute positively to the health and well-being of residents. This means that developments must:

- 1. a) Make use of existing buildings on site wherever practicable and deliverable, unless they have a negative impact upon the street scene; existing building re-use no external alterations therefore compliant with Policy***
- 2. b) Create and enhance locally distinctive places which are sympathetic to the surrounding context of the built, historic and natural environment and local landscape character; change of use application only thi sis not relevant***
- 3. c) Use good quality building materials that reflects local character and vernacular and are sourced locally where possible; change of use application only,y this is not relevant***
- 4. d) Incorporate high quality, inclusive and useful open spaces; existing building re-use no external alterations therefore compliant with Policy***
- 5. e) Create layouts that provide safe, accessible and convenient pedestrian and cycling routes that encourage walking and cycling based on Active Design principles and provide connections to existing walking and cycling routes where possible; change of use application only,y this is not relevant***

6. f) Not give rise to severe impacts on highway safety and/or a severe impact on the capacity of the highway network and allow for the safe access and manoeuvring of refuse and recycling vehicles. Should a development create such an impact then mitigation measures will be sought; **Town centre site no vehicular access this remains unaltered, this is not relevant**
 7. g) Take the needs of people with mental and physical disabilities into consideration, including through adopting dementia friendly principles; **change of use application only this is not relevant**
 8. h) Create opportunities that encourage social interaction; **change of use application only this is not relevant**
 9. i) Be built to an appropriate density that enables effective use of land, whilst maintaining high levels of amenity; **change of use application only this is not relevant**
 10. j) Be of flexible and adaptable design where appropriate; **change of use application only this is not relevant**
 11. k) Incorporate measures to design out crime and reduce the fear of crime, taking into consideration secured by design principles; **Existing building, external doors are retained, no new doorways, fire escapes are proposed for the site**
 12. l) Be laid out in a way that maximises solar gain to internal spaces to promote energy efficiency and sustainable solutions; **change of use application only this is not relevant to an existing ground floor plan**
 13. m) Uses appropriate levels and types of external lighting that does not create light pollution and helps maintain dark skies in line with up to date good lighting – **town centre – reliance on existing street lighting**
 14. n) Mitigates noise pollution through good layout, design and appropriate screening; **change of use application no external alterations – internal secondary glazing could be considered to reduce sound transmission if required**
 15. o) Addresses land contamination and land stability issues with appropriate remediation measures – **Does not apply**
 16. p) Include water efficiency measures such as rainwater recycling measures, green roofs and water butts where possible and appropriate; **does not apply**
- q) Ensure there is appropriate provision to allow residents to recycle household waste. **Does not apply**

Given the above commentary DS4 is not wholly relevant to this type of application.

We can confirm the town centre of Whitehaven needs significant investment and No 71 is an important building within the town. We have received support from the Town Council who recognise the importance of the site.

It is acknowledged that there is always a risk of anti-social behaviour as a direct result of an increased number of drinking establishments in the town centre. There are however far fewer than existing even ten years ago in Whitehaven and it is hoped bringing forward a high quality venue in itself will mitigate the impact on town centre. Certainly through licencing if appropriate the closings times can be reviewed and reduced and we are amenable to a conversation to this end. As part of the applicants commitment they would also join the Pubwatch scheme to become an active member.

In summary all of the concerns raised by the constabulary are real, tangible and factual and need consideration in the planning balance of determining this application. It remains that the building does require a new use and this is appropriate in terms of size and location within the town centre. There remains a second tier of scrutiny regarding hours of trade etc through the Licencing Act and we fully expect the Constabulary to have a contribution to be made at this relevant time and welcome a conversation over this to assist in mitigating their concerns.

If you have any further questions please come back to me.

S Woodall – RIBA
Director