

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2398/0F1
2.	<b>Proposed Development:</b>	CONVERSION INTO SINGLE LUXURY DWELLING
3.	<b>Location:</b>	FORMER METHODIST CHURCH, 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, Coal - Development Referral Area - Data Subject to Change
6.	<b>Publicity Representations &amp; Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>The Application Site comprises the former Methodist Church, Lowther Street, Whitehaven.</p> <p>The building is currently vacant/derelict.</p> <p>The building is Grade II Listed. The listing entry of the building states the following:</p> <p><i>LOWTHER STREET 1. 1814 (North East Side) II GV Methodist Church and Sunday School NX9718 SE 5/190</i></p> <p><i>2. 1877 by T L Banks. Pink sandstone in crazy-paving pattern with ashlar dressings, slated roofs. Late C13 Gothic style with plate tracery Cruciform with wide apse and prominent south-west tower. Smaller meeting-room and custodian's flat included behind.</i></p> <p><i>Interior has a deep gallery all round, with Tudor arcading to rail, resting on sandstone piers which rise to support a stone upper arcade. Capitals carved with foliage and angel heads. Organ in central east gallery. Raised pulpit probably later. Wall inserted below west gallery. At rear the Sunday School building, now used as a concert hall, in plain coursed sandstone with some ornament to windows.</i></p>	

*Listing NGR: NX9752018038*

The building is located within the Whitehaven Conservation Area and comprises part of the setting of a number of other listed buildings.

The building is located in Flood Zone 1.

**Proposal:**

Full Planning Permission is sought for the conversion of the building into 1no. dwelling.

The proposed dwelling incorporates the following:

- Ground Floor - a large open plan kitchen/living/dining space; entrance halls, gym, lounge, bathroom, pool, sauna and storage/plant areas.
- First Floor – 4no bedrooms, bathroom and sitting area.

It is proposed to remove the existing first floor installed in the 1980's and install a metal grid floor, with bedrooms sitting on a raised timber deck fully filled with insulation and fire boarded.

No ceilings are proposed to the first-floor rooms, with internal windows proposed to allow views through the building.

Textured stone tile cladding is proposed to the stud walls.

Glass balustrades are proposed to the first floor.

A large glass partition is proposed at ground floor to subdivide the space.

The external walls will be lined with a non-hydraulic hemp-lime plaster.

Limited alterations are proposed to the exterior of the building. It is proposed to restore all external windows and doors including the removal of the polycarbonate window coverings.

It is proposed to complete localised repair works to areas of the roof structure where this is required and to replace the element of the roof that has collapsed.

The proposals have been amended during the course of the application to respond to the comments of the Conservation Officer and Historic Buildings and Places.

Consultee:	Nature of Response:
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Town Council	No comments.
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	Highways and LLFA	<p><i>6<sup>th</sup> March 2023</i></p> <p>No objection to the proposed development (in the red-line boundary) 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.</p> <p>Satisfied that the proposal will have suitable building drainage included in the design to prevent surface water running onto the highway, and since the footprint and impermeable surfaces are unchanged from the existing, should be no net impact.</p> <p>Note that there appears to be an indication of four car parking spaces on the southwest side of the building on the private land on the far side of the footway. It is not clear from the application who owns this land (it is shown as outside the red-line boundary), but it also appears not to be highway. The LHA would not support parking here as it involves unauthorised and possibly dangerous crossing of the footway and reversing out onto the highway. Any further plans supporting an application on this site should clarify the status of this land and should be notified that the LHA would not support parking at this location.</p> <p>The redevelopment will involve considerable trades vehicles, deliveries, scaffolding, demolition and other activities, all in a very constrained and busy highway location for vehicles and pedestrians. Propose that a Construction (and demolition) Traffic Management Plan is secured by planning condition.</p> <p><i>22<sup>nd</sup> June 2023</i></p> <p>The additional submitted material from June 2023 does not relate to the highway nor LLFA matters therefore offer no further comment at this stage.</p>
	Copeland Borough Council – Conservation Officer	<p><i>27<sup>th</sup> October 2022</i></p> <ul style="list-style-type: none"> <li>Internally, modifications are fairly minimal, consisting of insertion of partitions and some reordering of features. With conversions of this sort, insertion of a suspended floor is often the most major intervention, however there is no need for that as a floor was inserted some decades ago.</li> <li>Removal of the 1980s staircase in the ground floor appears supportable. Although an attractive example, it is not particularly notable.</li> <li>Removal and addition of various partitions in the ground floor would</li> </ul>

		<p>appear to entail a negligible level of harm, on account of somewhat subdividing what was designed as a largely open space, however the removal of the enlarged foyer wall offsets this. The proposals affect a part of the church that is largely stripped of features, and are reversible in any case.</p> <ul style="list-style-type: none"><li>• I would anticipate that the partial opening up of the 1980s inserted first floor would have a beneficial impact on the significance of the building, but re-establishing a visual connection across the full original height of the interior, from ground floor to roof, across a width about equal to the now lost galleries.</li><li>• The insertion of the partitions to the upper floor to create rooms can be considered less-than-substantial harm, which I would view as justified in the course of providing the building with a viable new use. These are to be 2.4m high. The interior photo supplied, and the sectional drawing, suggest that the wall will almost entirely hide these windows from within the nave.<ul style="list-style-type: none"><li>○ Have any internal configurations, or ways of detailing the wall, been considered that would retain more of a view of these windows from the nave? At present, they will be almost only visible from within the bedrooms.</li></ul></li><li>• The level of harm here would appear to be less-than-substantial, however for demolition of sections of a listed building within a conservation area, and in close proximity to other listed buildings, the detail isn't sufficient.<ul style="list-style-type: none"><li>○ Sections of the building complex to be demolished should be indicated on a demolition plan. The heritage statement describes these (lecture hall, vestries, kitchen, caretaker's flat) but it is not clear from the drawings where these elements are located.</li><li>○ I would also like a demolition statement including. The fabric to be demolished is enclosed by other buildings, some of which are listed.</li></ul></li></ul> <p>Summary</p> <ul style="list-style-type: none"><li>• I am supportive of the proposal to give this building a viable new use.</li><li>• I have a few questions about detail and approach, and would be grateful if the following could be answered or added to the application file:<ul style="list-style-type: none"><li>○ Demolition plan</li><li>○ Demolition statement</li><li>○ Detail section through swimming pool showing dimensions and construction</li><li>○ Comment on possible alternative detailing of bedroom partition wall so as to allow views of stained glass to be</li></ul></li></ul>
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		<p>retained across nave</p> <ul style="list-style-type: none"> <li>○ Are the bedrooms open-topped and separated from the rest of the house only by partitions, or do they have ceilings? The plan indicates a ceiling at 2.4m, but how will intersect the window reveals, which appear to extend higher?</li> <li>○ Will the suspended floor will require any strengthening to allow it to be used as the upper floor of a house, with a section being removed.</li> <li>○ Comment on whether the stained glass requires any repair or replacement?</li> <li>○ Are the windows going to be secondary glazed?</li> <li>○ Are there any remaining features such as memorials, furniture etc. that need taking into consideration?</li> <li>○ How will the servicing be handled, inc. sprinkler system, pool extraction, mechanical ventilation for gym and sauna, plant room? Will new insertions through the fabric be required? I note the proposed plant room is only as wide as a doorway. Will this be big enough for a suitably sized boiler?</li> <li>○ Am I right in thinking bedrooms 2, 3 and 4 lack bathroom access? Bedroom 1 has an en suite, but 2-4 appear to require a trip across the upper floor, down a spiral staircase, across the entrance hall, past the games area, the dining area and kitchen, out and across an entrance hall, and then finally into a bathroom in the north corner of the ground floor.</li> <li>○ How high is the glass wall bisecting the first floor void carried?</li> <li>○ Is any internal wall insulation proposed?</li> <li>○ Is there any work proposed to external paving and surfaces?</li> <li>○ Are any external doors and windows required? If so, details should be included.</li> </ul> <p><i>21<sup>st</sup> March 2023</i></p> <p>In my previous response, I requested information on the following:</p> <ul style="list-style-type: none"> <li>• <i>Demolition plan</i> <ul style="list-style-type: none"> <li>○ This has been submitted, showing the removal of the 1980s staircase added when the suspended floor was put in, and the removal of the step up to the former altar in the apse. This also shows the columns that will be removed where the section of suspended floor is being removed, although the section of floor being removed should probably be shown itself.</li> </ul> </li> <li>• <i>Demolition statement</i> <ul style="list-style-type: none"> <li>○ A note on demolition has been added to a response letter to the application's first round of consultation responses.</li> </ul> </li> </ul>
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		<ul style="list-style-type: none"> <li>• <i>Detail section through swimming pool showing dimensions and construction</i> <ul style="list-style-type: none"> <li>○ The section drawing has been extended to show the swimming pool and hot tub and their construction.</li> <li>○ The circulation gap between the hot tub and the wall seems rather narrow, ~1000mm? This doesn't affect my view on the conservation/design overall, but may need adjusting in future.</li> </ul> </li> <li>• <i>Comment on possible alternative detailing of bedroom partition wall so as to allow views of stained glass to be retained across nave</i> <ul style="list-style-type: none"> <li>○ Internal windows have been added to the bedroom partitions.</li> <li>○ Although a rather strange arrangement, this is a rather strange building and would certainly help.</li> <li>○ I'm happy to view this is a reasonable mitigation to walling them off.</li> </ul> </li> <li>• <i>Are the bedrooms open-topped and separated from the rest of the house only by partitions, or do they have ceilings? The plan indicates a ceiling at 2.4m, but how will intersect the window reveals, which appear to extend higher?</i> <ul style="list-style-type: none"> <li>○ The walls have been increased in height, and it's confirmed that they are open-topped.</li> <li>○ If it is proposed during subsequent works to remove any of the windows, further LBC may be needed, so the Planning Authority should be contacted prior to that eventuality.</li> </ul> </li> <li>• <i>Will the suspended floor will require any strengthening to allow it to be used as the upper floor of a house, with a section being removed.</i> <ul style="list-style-type: none"> <li>○ It is intended to make use of the existing columns and steel to support the remaining section of the floor.</li> </ul> </li> <li>• <i>Comment on whether the stained glass requires any repair or replacement?</i> <ul style="list-style-type: none"> <li>○ Not known yet. LBC may be needed in future if works proposed, so LPA contacted.</li> </ul> </li> <li>• <i>Are the windows going to be secondary glazed?</i> <ul style="list-style-type: none"> <li>○ Secondary glazing is proposed</li> </ul> </li> <li>• <i>Are there any remaining features such as memorials, furniture etc. that need taking into consideration?</i> <ul style="list-style-type: none"> <li>○ There is little remaining internally. Having had a chance to visit the building, I can confirm that good quality fixtures and fittings were absent.</li> </ul> </li> <li>• <i>How will the servicing be handled, inc. sprinkler system, pool extraction, mechanical ventilation for gym and sauna, plant room? Will new insertions through the fabric be required? I note the proposed plant room is only as wide as a doorway. Will this be big enough for a suitably sized boiler?</i> <ul style="list-style-type: none"> <li>○ Service runs for sprinklers, heating etc. will be surface</li> </ul> </li> </ul>
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		<p>mounted in either copper or iron where possible.</p> <ul style="list-style-type: none"> <li>○ SVPs to be boxed in and isolated.</li> <li>○ Plant space is plentiful for suitable boilers.</li> </ul> <ul style="list-style-type: none"> <li>• <i>Am I right in thinking bedrooms 2, 3 and 4 lack bathroom access? Bedroom 1 has an en suite, but 2-4 appear to require a trip across the upper floor, down a spiral staircase, across the entrance hall, past the games area, the dining area and kitchen, out and across an entrance hall, and then finally into a bathroom in the north corner of the ground floor.</i> <ul style="list-style-type: none"> <li>○ The first floor plan has been revised so this en suite is now a bathroom accessible to the landing.</li> </ul> </li> <li>• <i>How high is the glass wall bisecting the first floor void carried?</i> <ul style="list-style-type: none"> <li>○ The intention is to carry this the full height of the space, in a style similar to the 19<sup>th</sup> century industrial style used at The Compound in Birmingham.</li> <li>○ <b>I suggest the use of a condition to detail this partition, which could be discharged prior to its installation.</b></li> </ul> </li> <li>• <i>Is any internal wall insulation proposed?</i> <ul style="list-style-type: none"> <li>○ Internal wall insulation is proposed, consisting of a 50mm air gap and 100mm of studwork filled with PIR.</li> <li>○ There is a risk of this preventing the wall breathing, particularly as they are in places highly permeable sandstone. The rear side of the insulation could get very cold and condensation form behind it.</li> <li>○ Has a more typical solid-wall insulation solution been considered that would minimise this risk? For example sheep's wool against the masonry (paster removed) with wood fibre board over that and an insulated lime plaster coat on top? Due to the increased thickness of the walls, in places special detailing might be needed such as at window reveals. The reveals will need insulating too to prevent very considerable cold bridging and accompanying black mould. A thinner insulation material might be necessary in such places.</li> <li>○ <b>I'd suggest that detail drawings of an insulation strategy should be agreed and discharged prior to the commencement of the work.</b></li> </ul> </li> <li>• <i>Is there any work proposed to external paving and surfaces?</i> <ul style="list-style-type: none"> <li>○ No work is proposed externally other than repair and maintenance.</li> </ul> </li> <li>• <i>Are any external doors and windows required? If so, details should be included.</i> <ul style="list-style-type: none"> <li>○ See above.</li> </ul> </li> </ul> <p>27<sup>th</sup> June 2023</p>
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		<p>Since my previous consultation response, updated information has been received clarifying that secondary glazing will be provided to the internal windows, but details of this and restoration will be submitted in a separate listed building consent application.</p> <ul style="list-style-type: none"> <li>Where secondary glazing can be unobtrusively fitted without the need to, for example, damage shutters or other joinery, it is typically not necessary to secure listed building consent.</li> </ul> <p>Internal lining will be done in non-hydraulic hemp lime plaster. This is good practice, although as before I request the use of a condition to specify it in more detail prior to its installation.</p> <p>Some annotations have been added to the plans and sections, and a label corrected.</p> <p>Please refer to my previous request for a condition requiring detail of the full height partition separating the nave from the foyer. A drawing would probably be the best way of providing this information.</p>
	The Coal Authority	<p>No objection to the application despite the lack of a Coal Mining Risk Assessment.</p> <p>This is on the basis that the proposal would primarily entail the change of use of an existing building.</p> <p>Whilst a pool is to be created at ground floor level within the building, these works would take place outside the Development High Risk area.</p>
	Historic England	Do not wish to offer any comments.
	Cumbria County Council – Historic Environment Officer	<p>In the event planning consent is granted, it is recommended that the church is recorded prior to any alteration work commencing.</p> <p>This recording should be in accordance with a Level 3 Survey as described by Historic England Understanding Historic Buildings A Guide to Good Recording Practice, 2016.</p> <p>Advise that this be secured by attaching a planning condition.</p> <p>A suggested wording for the planning condition was provided.</p>
	Historic Buildings and Places	Commend the response to the revisions made by your Conservation Officer, Sammy Woodford and have no further independent representations to make.





## Cumberland Council

### Neighbour Responses:

The application has been advertised by way of a planning application site notice, press notice and notification letter sent to neighbouring properties.

No representations have been received.

### Planning Policy

Planning law requires that 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 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 (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

Policy ER8 – Whitehaven Town Centre

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP):

Policy DM6A – Managing Non-Retail Development in Town Centres

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM13 – Conversion of Buildings to Residential Use within Settlement Limits

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM27 – Built Heritage and Archaeology

Copeland Local Plan 2001-2016 (LP) Saved Policies:

Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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 stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Policy DS1PU - Presumption in favour of Sustainable Development

Policy DS2PU - Reducing the impacts of development on Climate Change

Policy DS3PU - Settlement Hierarchy



## Cumberland Council

Policy DS4PU - Settlement Boundaries  
Policy DS5PU - Planning Obligations  
Policy DS6PU - Design and Development Standards  
Policy DS8PU - Reducing Flood Risk  
Policy DS9PU - Sustainable Drainage  
Policy DS10PU - Soils, Contamination and Land Stability  
Policy DS11PU - Protecting Air Quality  
Strategic Policy R3PU: Whitehaven Town Centre  
Policy R9PU: Non-Retail Development in Town Centres  
Policy H1PU - Improving the Housing Offer  
Policy H2PU - Housing Requirement  
Policy H3PU - Housing delivery  
Policy H4PU - Distribution of Housing  
Policy H5PU - Housing Allocations  
Policy H6PU - New Housing Development  
Policy H7PU - Housing Density and Mix  
Policy H8PU - Affordable Housing  
Policy SC1PU - Health and Wellbeing  
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic  
Policy N3PU - Biodiversity Net Gain  
Policy N5PU - Protection of Water Resources  
Policy BE1PU - Heritage Assets  
Policy BE2PU - Designated Heritage Assets  
Policy CO4PU - Sustainable Travel  
Policy CO5PU - Transport Hierarchy  
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
National Design Guide (NDG).  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).  
Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)  
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (LBCA).

### **Assessment:**

#### Principle

The Principal Town of Whitehaven is a sustainable location for new residential development.

The proposed use comprises an appropriate town centre use that will diversify the offer within Whitehaven Town Centre.

The development is of a scale such that in combination with existing development, the impacts could be accommodated within the existing infrastructure capacity and unacceptable impacts to the character of the locality would not result.

#### Housing Need and Housing Mix

The proposed development comprises the creation of a large dwelling.

The development will contribute in a small way towards meeting the general need for housing within Whitehaven and the wider Borough.

The development falls below the threshold for the provision of affordable housing.

#### Design and Heritage

The Application Site is a Grade II Listed building located within the Whitehaven Town Centre Conservation Area.

A detailed Heritage Statement has been prepared in support of this planning application.

This listed building is in a very poor condition. It has been neglected for the past 27+ years and was in need of considerable repair work even then. There is no doubt that this is a Building At Risk.

Additions to the building are, in parts, in very poor condition but have little architectural merit.

Historic Buildings and Places and the Conservation Officer initially raised objections and sought revisions to the development on grounds of the lack of detailed justification for certain aspects of the development and lack of details; however, both now raise no objection following the receipt of additional information and justification and the imposition of planning conditions.

The significance of the building principally relates to the social history that the building represents, its developed form and its relationship to the surrounding listed buildings.

The proposed development retains the external form and materials of the building, with minor interventions to the later additions, the removal of the harmful window coverings and maintenance works.

Owed to the extensive previous internal alterations completed during its use as a place of worship and its subsequent period of dereliction, limited original fabric of significance remains to the interior of the building. The proposed internal alterations to the building are extensive; however, these principally relate to the removal/alteration of previous interventions and alterations to the additions to the building. Subject to planning conditions securing details of the certain interventions proposed, the resulting impact upon the significance of the building



## Cumberland Council

is either the lower end of harm or positive. The main interventions seek to ensure the overall volume of the building continues to the read and that views of the stained-glass windows are retained through the proposed room divisions.

The development would also deliver the benefit of returning the building to an active use and the economic benefits to the local economy.

The works are considered a modest intervention, involving the minimum of interference to the building's character which still retains original features and maintains its spiritual, architectural and historic significance.

The proposal will have not impact on the setting of the listed building or of any views of the building.

Planning conditions are proposed to secure details of specific interventions to ensure that these are appropriate.

In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Development Plan, it is considered that as proposed the development will result in impacts at the lower end of enhancement of the significance of the conservation area and Grade II Listed Building.

### Ecology and Arboriculture

The building by virtue of its age and construction is identified as a building with the potential for the presence of bats in the Bat Conservation Trust Bat Surveys Good Practice Guidelines; however, given the location of the building in an extremely exposed coastal position and the presence of extensive artificial sources of light, there is considered to be 'negligible' potential for roosting bats to utilise the building; therefore, a Bat Survey has not been requested.

Policy N3PU seeks that development achieve a biodiversity net gain of 10%.

The Application Site comprising an existing building only is of limited to no ecological value and so no impact or gain is reasonably applicable.

### Highways Impacts

No off highway parking spaces are proposed to serve the development; however, given the location of the property within close proximity to the facilities and amenities within Whitehaven Town Centre, the availability of the sustainable transport modes within walking distance and the availability of public parking spaces within walking distance, on balance, the development is considered acceptable.

Highways have been consulted and raised no objection to the development subject to the imposition of a planning condition in relation to construction traffic management.

### Drainage

It is proposed to dispose of foul and surface water to the public main as per the existing situation.

Whilst this does not accord with the national drainage hierarchy, the arrangement is acceptable given the existing situation and that no net additional surface water flows will result.

### Residential Amenity

The interface separation distances between habitable room windows in the proposed dwellings and windows in existing dwellings fall below the distances contained within Policy DM12; however, given the existing interrelationship between the properties and the generally more intimate relationship between existing within the central areas of Whitehaven and the existing use rights for the building, the relationships are considered acceptable.

The property is located within the central area of Whitehaven where higher levels of general noise and activity exist. The property is located in proximity to an existing eating and drinking establishment. Vehicle parking areas are located to the rear. A number of other residential properties exist within the locality. Given the relationship between the respective properties and subject to appropriate management, adverse impacts upon the residential amenity of occupants will not occur.

A planning condition is proposed to limit hours of construction to prevent unacceptable impact upon the occupants of neighbouring and adjoining residential dwellings.

### Ground Conditions

The Coal Authority has been consulted and has raised no objections to the development.

### **Planning Balance**

The Application Site is located within the settlement boundary for Whitehaven which is a sustainable location for new housing development.

In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Development Plan, it is considered that the development proposed will result in some positive and some harmful impacts upon the fabric of the Grade II Listed Building. The development will bring an existing Building At Risk back into an optimum viable use will enhance the significance of the conservation area and Grade II Listed Building. In overall terms, it is considered that the development enhances the significance of the conservation area and Grade II Listed Building.

The development is acceptable in respect of highways, ecology, ground conditions and

	<p>amenity.</p> <p>In overall terms, it is considered that the proposals accord with the provisions of the adopted and emerging development plans when taken as a whole.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of 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  Site Location Plan – Scale 1:1250 – HM Land Registry CU131363  Proposed Site Plan – Drawing No. NB-006  Existing Floor Plans – Drawing No. NB-002  Existing Elevation Drawings – Drawing No. NB-001  Proposed Floor Plan – Drawing No. NB-003 Rev. B  Proposed Floor Plans With Beams - Drawing No. NB-003 Rev. C  Proposed Draft Section Through - Drawing No. NB-005 Rev. C  Proposed Demolition Plan – Drawing No. NB-007  Response to Consultation Rev. A – KLH Design received 6<sup>th</sup> June 2023</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> <p><u>Pre-Commencement Planning Conditions</u></p> <p>3. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:</p> <ul style="list-style-type: none"> <li>- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;</li> </ul>

- Cleaning of site entrances and the adjacent public highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway; and,
- Details of any proposed temporary access points (vehicular / pedestrian).

#### Reason

In the interests of highway safety and to ensure a minimum standard of access provision in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

#### Other Stage Planning Conditions

4. No works to the roof structure hereby approved shall commence unless and until a detailed schedule of these works has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

#### Reason

To protect and preserve the heritage asset in accordance with the provisions of Policy ENV4 and Policy DM27 of the Copeland Local Plan 2013-2028.

#### Other Planning Conditions

5. Construction works, including site preparation, earthworks, start-up of machinery, deliveries and unloading of equipment and materials shall not take place outside the hours of 08.00 - 18.00 Mondays to Fridays and 08.00 - 13.00 on Saturdays and at no time on Sundays, Public or Bank Holidays.

#### Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

#### **Informative**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites.





## Cumberland Council

Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required is submitted alongside any subsequent application for Building Regulations approval.

If any coal mining feature is unexpectedly encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### 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:** Chris Harrison

**Date :** 27.07.2023

**Authorising Officer:** N.J. Hayhurst

**Date :** 31.07.2023

**Dedicated responses to:-** N/A