

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2017/0F1
2.	Proposed Development:	CONVERSION OF A FORMER PUBLIC HOUSE TO PROVIDE THREE DOMESTIC DWELLINGS
3.	Location:	FORMER KINGS ARMS, 25 MAIN STREET, HENSINGHAM
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: INTRODUCTION <p>This application relates to the former public house known as the Kings Arms, situated at 25 Main Street, Hensingham. There are residential properties to the north and west, with Church Lane to the east and Main Street to the south.</p> <p>The building is situated within the Hensingham Conservation Area.</p> PROPOSAL	

This application seeks full planning permission for the change of use and conversion of the building to residential use as 3 dwellings. The properties will comprise the following:

Unit 1 – 2 bedrooms, lounge, kitchen, bathroom and yard on one floor.

Unit 2 – 2 bedrooms, kitchen/living room and bathroom on one floor.

Unit 3 – 2 bedrooms, kitchen, living room, bathroom, WC, workshop and yard over 3 levels.

The frontage and external appearance of the property will stay the same, with off street parking available for 2 vehicles. The existing entrance will be utilized on Church Street, with an internal staircase leading to the upper units.

The conversion potentially includes the replacement of some windows and external doors, however these details were not available at the time of the application.

RELEVANT PLANNING APPLICATION HISTORY

Alterations to second floor bedrooms to create a bedsit, approved in January 2007 (application reference 4/06/2869/0 relates);

Conversion of public house to 3 no. flats, approved in December 2010 (application reference 4/10/2410/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Highways Authority

No comments.

Conservation Officer

1st Response

Conclusion: Request further information

Assessment:

- This proposal can be expected to give this public house a viable use and prevent it from falling into further dilapidation.
- Details of new windows and external doors should be included within the application file.

2nd Response

Conclusion: No objection (condition suggested)



Cumberland Council

Assessment:

- Details of new windows and external doors should be submitted and approved prior to their installation in the building in order that their impact on the character and appearance of the conservation area can be preserved or enhanced.

Local Lead Flood Authority

No comments.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 5 no. properties.

One letter of objection has been received stating concerns regarding the lack of off street parking.

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 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 ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

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

Cumbria Development Design Guide

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.

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.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change



Cumberland Council

- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Policy DS6PU - Design and Development Standards
- Strategic Policy R4PU: The Key Service Centres
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Strategic Policy BE1PU – Heritage Assts
- Policy BE2PU – Designated Heritage Assets
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of Development

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policy SS1 and policy H1PU of the ELP. These policies seek to promote sustainable development to meet the needs and aspirations of the boroughs housing market, as well as having consideration for the requirements of smaller settlements within the borough which respect their scale and function.

The building is existing and located within the development boundary for Whitehaven. The town is classed under Policy ST2 as Copeland's Principal Town where the conversion of existing buildings to residential use is acceptable within the confines of the settlement boundary.

The building is surrounded by other residential dwellings and within walking distance of services required for day to day living and therefore is considered to be an appropriate use in this location.

Loss of the community facility

Policies SS4 and DM24 of the CS and Policy R4PU of the ELP seek to resist the change of use of a community facility where there is evidence that there is a demand for that facility that

is unlikely to be met elsewhere. The Hensingham area of Whitehaven has the provision of other existing drinking establishments including The Ribton, The Globe Inn and the Sun Inn, which all lie within 150 metres of the site. This is likely to fulfill the needs of local residents.

The Kings Arms has been closed for a number of years. The outbreak of Covid in the UK in 2020 has made the retention of public houses very challenging and it is understood that many are no longer sustainable. The Agent has stated that the Kings Arms is no longer viable.

On this basis, the loss of the community facility is acceptable and the proposal complies with policies SS4 and DM24 of the Copeland Local Plan and policy R4PU of the ELP.

Design

Policies DM10 of the CS and DS6PU of the ELP promote good design and the aspiration that new dwellings will respond positively to their surroundings.

Minor external alterations are required for the conversion to three properties, with the potential replacement of some windows and doors. The Agent has stated that this will be on a like for like basis, however no details have been received. All alterations will retain the character of the property and there will be little difference in the external appearance. Internally, 3 two bedrooomed properties will be created, each with sufficient private facilities for everyday living.

On this basis, the living standards are deemed to be acceptable for each property and the design overall is considered to comply with Policies DM10 of the CS and DS6PU of the ELP.

Effect on the Conservation Area

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.

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 exterior of the building is proposed to stay the same, with the only external alterations being the potential replacement of the windows and doors on a like for like basis. The Agent for the application stated that the windows are currently UPVC. Whilst this is not in keeping with the Conservation Area, it is likely that this is a previous alteration, completed without the



Cumberland Council

	<p>benefit of Planning Permission. The Conservation Officer sees a chance for betterment for the building, with the installation of windows more suitable for the surrounding Conservation Area. The Agent was unable to provide details of any replacement windows during the course of the application and therefore it was agreed that a suitably worded planning condition could be added to any approval to allow this detail to be agreed at a later stage.</p> <p>Whilst the windows are UPVC and not in keeping with the heritage of the area, the situation has been the same for a number of years and it is considered that the proposal will not worsen the existing appearance of the building. It is therefore considered that the proposal has a neutral effect on the Conservation Area, with the chance for betterment should the windows be replaced.</p> <p>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.</p> <p><u>Parking Provision</u></p> <p>The building currently utilizes on street parking on Church Lane with public parking available locally within Hensingham. In relation to the previous use as a public house, the use as three residential dwellings is expected to reduce vehicle movements on and around the site, therefore creating a less intensive usage. Furthermore, the site is located on a regular bus use with cycling and walking opportunities widely available to nearby local services.</p> <p>Overall, it is considered that the proposal complies with Policy DM22 of the Copeland Local Plan and Policy CO7PU of the ELP and will provide an accessible development.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The concerns received from the neighbouring dwelling have been addressed within the report. No objections have been received from statutory consultees.</p> <p>The loss of the community facility is acceptable as there are other provisions in the vicinity. This affords neutral weight in the planning balance.</p> <p>The principle of residential development in this location is acceptable as the site lies within the settlement boundary of the Principal Town of Whitehaven. As the provision of dwellings within sustainable locations is encouraged by existing planning policy this is given significant weight.</p> <p>There are no issues raised relating to parking and the impact on the character and appearance of the Conservation Area is considered to be neutral.</p> <p>On balance this is considered to be an acceptable form of sustainable development.</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 18th January 2023; Site Block Plan, scale 1:500, drawing number DS/PD/P/3/22, received 18th January 2023; Proposed Floor Plans, scale 1:50, drawing number DS/PD/P/1/22, received 18th January 2023; Design and Access Statement, written by David Shankland, received 18th January 2023.</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> <p>Prior to the replacement of any windows or external doors, full details and specifications of the replacements must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and retained as such at all times thereafter.</p> <p>Reason</p> <p>In order to ensure that there is not a negative effect on the surrounding Conservation Area and in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.</p> <p>Statement</p> <p>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.</p>
----	---



**Cumberland
Council**

Case Officer: Sarah Papaleo	Date : 08/08/2023
Authorising Officer: N.J. Hayhurst	Date : 10/08/2023
Dedicated responses to:- N/A	