

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2355/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF DWELLING HOUSE (C3) TO HOLIDAY LET
3.	<b>Location:</b>	8 CORKICKLE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, 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>	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to 8 Corkickle, an end of terraced property within Whitehaven. The property is bound by 7 Corkickle, individual flats to the side, 8a Corkickle, a 2-bed holiday let to the rear and a side road to the south-east side boundary.</p> <p>The site benefits from a large garden to the front of the property, separated by the Front Corkickle road and a rear courtyard garden. The property has one garage to the rear and is it accessed off the side road.</p>

The property is Grade II listed and it falls within Whitehaven Corkickle Conservation Area.

## **PROPOSAL**

Planning Permission is sought for the change of use from the dwellinghouse (C3) to a holiday let (sui generis).

The property benefits from 8 bedrooms with 3 bathrooms, spread across 4 floors with a large kitchen diner, separate dining room, lounge and utility room. Storage space is available in the basement. The property will accommodate a total of 17 adults.

The property has one car parking spaces in a garage to the rear of the property. There is space for additional parking on the side road. Furthermore, it is the applicant's intention to lease 2 car parking spaces in the nearby Morrisons car park for use by guests staying in the property.

It is proposed that a secure covered cycle shelter be provided in the rear courtyard which can accommodate 4 cycles. Bins are also to be stored within the rear courtyard.

There will be no internal or external alterations included with this application.

The application is supported by:

- Site Location Plan
- Covering Letter
- Floor Plans
- Guest Rental Agreement
- Noise Management Plan.

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for:

- ALTERATIONS TO EXISTING DWELLING TO CREATE FLAT AND THREE GARAGES (ref: 4/07/2116/0);
- HOMELESS HOSTEL FOR YOUNG MOTHERS AND WOMEN 16-25, YEARS (ref: 4/02/0309/0).

Listed Building Consent has previously been granted for:

- CONVERSION OF FORMER LIVING ACCOMMODATION TO FLAT AND 3 NO. GARAGES (ref: 4/07/2150/0);
- VARIOUS RETROSPECTIVE WORKS (ref: 4/13/2059/0L1);
- VARIOUS RETROSPECTIVE WORKS (ref: 4/13/2169/0L1);
- CLADDING OF SINGLE GLAZED WOODEN DORMER WINDOW (ref: 4/13/2345/0L1);



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- LISTED BUILDING CONSENT FOR INSTALLATION OF MULTIFUEL BURNER IN DOWNSTAIRS RECEPTION ROOM (ref: 4/15/2077/0L1).

### **CONSULTATION RESPONSES**

#### Whitehaven Town Council

The Town Council wanted to know full occupancy numbers, the parking and access details and if additional parking would be made available.

These requested details have been sent to the Town Council for their information.

No further comments have been received.

#### Highway Authority and Lead Local Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development 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.

#### Conservation and Design Officer

No objection.

There are no physical changes proposed to the building in this application, other than the general repair and maintenance owing to the building's former condition.

I do not consider the proposal to entail any impact on the building's significance, or on the character and appearance of the conservation area, or on the settings of nearby heritage assets.

#### Environmental Health

Initial consultation:

There are no objections to this proposal from Environmental Health, though the potential for future noise disturbance issues from a regular throughput of sizeable groups of guests at the property is a concern.

As such, Environmental Health request the following condition be imposed if approval is granted to this application:

- Noise Management Plan

No building or use hereby permitted shall be occupied or the use commenced until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall include undertakings and procedures for: (i) The name/s of an (on-site) supervisor/s responsible for the behaviour of guests and for liaison with local residents and this Council; 2 (ii) The control and use of outside areas; (iii) The

control of noise breakout from within the building; (iv) Access and egress to and from the property by guests including arrangements for vehicle parking; (v) Recording of complaints and response to those complaints; (vi) The annual review of the Noise Management Plan and, if necessary, the submission and approval in writing by the Local Planning Authority of any revised Noise Management Plan; (vii) Any other matters that are reasonably required by the Local Planning Authority. Reason: To safeguard the amenity of nearby residents and the area generally.

Final consultation:

The submitted Noise Management Plan is satisfactory and discharges the condition on the planning application.

#### Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 11 no. properties.

No objections have been received as part of the consultation.

### **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 ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions



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Policy ER10 – Renaissance through Tourism

Policy ENV4 – Heritage Assets

### Development Management Policies (DMP)

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

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

Conservation Area 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 DS3PU - Settlement Hierarchy

Strategic Policy DS4PU - Settlement Boundaries

Policy DS6PU - Design and Development Standards

Strategic Policy T1PU - Tourism Development

Strategic Policy BE1PU - Heritage Assets

Policy BE2PU - Designated Heritage Assets

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

The key issues raised by this proposal are the principle of development, the potential impacts on residential amenity, its scale, design and potential impact on the heritage assets and highways safety.

### Principle of Development

This application relates to a proposed holiday let within the settlement boundary of Whitehaven. Whitehaven is the Principal Town where expansion of tourism is supported.

Policies ER10 and DM9 of the Copeland Local Plan seek to encourage holiday accommodation within sustainable locations within the Borough and subject to policies protecting the environment and neighbouring amenity. Policy T1PU from the Emerging Local Plan also supports tourism development in line with the settlement hierarchy.

On this basis, the principle of development is therefore considered to be acceptable, and the extension satisfies Policies ST2, ER10 and DM9 of the Local Plan and the NPPF guidance.

### Residential Amenity

Policy ST1, Policy DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The use as a single holiday let is likely to be of a similar nature to its use as a private dwelling with one group occupying the property at any one time.

The internal layout has been arranged so that the main social space comprising the lounge and kitchen are positioned away from the party wall boundary which will minimise disturbance to adjoining occupiers.

Concerns regarding the potential noise and disruption with the proposed use were considered and therefore the application is supported by a Guest Rental Agreement and a Noise Management Plan to secure suitable mitigation and monitoring measures. Environmental Health were satisfied with the Noise Management Plan.

In addition, to further protect the residential amenity of the adjoining occupiers of 7 Corkickle, the applicant intends to install noise detectors so that in the unlikely event that noise levels



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exceed a certain level, contact is automatically made to the monitoring company which would result in attendance on site to manage the disturbance. Should a call out be required a sum would be deducted from the deposit to act as a deterrent.

In addition, the management and waste collection by a private waste collection, Biffa is considered to be appropriate for the proposed use.

The property relates to an end of terraced property within Whitehaven and given the details set out above, it is not considered that the proposal will significantly harm neighbouring amenity. Planning condition is proposed to ensure the use and noise management operate in accordance with the submitted details.

On balance, the proposal is considered to comply with Policy DM10 and the NPPF guidance.

#### Scale, Design and the Impact on the Heritage Assets

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seek to ensure developments are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings. Draft Policy DS6PU also set out Design and Development Standards.

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings. Draft Policy BE1PU and BE2PU support the preservation and enhancement of the character and appearance of a Conservation Area.

The Listed Building and Conservation Areas Act 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) of the LBCA requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority 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 of the LBCA requires that in considering whether to grant planning permission for development which affects a conservation area, the Local Planning Authority shall pay "special attention... to the desirability of preserving or enhancing the character of appearance" of the conservation area.

Paragraphs 195 – 214 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as a conservation area, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public

benefits of a development.

The application is a Grade II listed building located within Whitehaven Corkickle Conservation Area.

The Conservation Officer raised no objections to the proposal as there are no physical changes proposed to the building in this application, other than the general repair and maintenance owing to the building's former condition. The works have been sensitively carried out to ensure that the character and appearance of the building is retained and the viable use of the building secured.

In addition, given the existing use as a dwellinghouse, the scale of the proposed self-catered holiday let use is considered to be appropriate, with sufficient facilities available for the use. The existing layout of the building is to be retained and there have been no structural alterations required to create the proposed use (hence no Listed Building Consent is required).

On this basis, the change of use to a holiday-let is unlikely to entail any impact on the building's significance, or on the character and appearance of the conservation area, or on the settings of nearby heritage assets. The proposal is therefore considered to comply with Policies DM10, DM27 and the NPPF guidance.

#### Highway Safety

Policy DM22 requires development proposals to be accessible to all users; respond positively to existing movement patterns in the area; and incorporate parking provision to meet adopted car parking standards.

The property has one car parking spaces within the rear garage and it is possible to park on the adjoining side road. It is sustainably located within close proximity to the town centre and benefits from good public transport within vicinity and therefore the accessibility is considered to be acceptable. Guests are likely to arrive both by car and public transport. Notwithstanding this, the applicant intends to lease two parking spaces within the Morrisons car park for use by visitors.

The Highway Authority raised no objections as it is considered that the change of use will not have a material effect on existing highway conditions.

Bicycle racks for 4 bikes are proposed to the rear of the property and the situation allows for easy access to services for day to day living via bicycle, foot or public transport.

On balance, given the proximity to the town centre location, the proposed change of use is considered to satisfy Policy DM22 and the Cumbria Development Design Guide.

#### Planning Balance and Conclusion





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	<p>The proposal seeks to change the use of an existing dwelling to a holiday let (sui generis use). The building is sustainably located within the settlement boundary for Whitehaven. Both the current and emerging Local Plan policies support the development of tourist accommodation within Whitehaven and therefore the principle of the use is acceptable.</p> <p>The proposed use is compatible with adjoining properties, and it will not have any adverse impacts on residential amenity. The property is to be appropriately managed, and it will not harm the heritage assets. In addition, appropriate levels of car and cycle parking are to be provided.</p> <p>No objections have been received from the Highway Authority, the Conservation Officer and Environmental Health Officer based on the submitted details. On this basis, subject to the inclusion of planning conditions to ensure the development operates in accordance with the submitted plans, Noise Management Plan and Rental Agreement, the proposal is considered to be acceptable form of development.</p> <p>On balance, the change of use accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li data-bbox="161 1261 1453 1406">1. The use hereby permitted must commence before the expiration of three years from the date of this permission.  Reason  To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</li><li data-bbox="161 1592 1410 1944">2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-  Application Form, received 28<sup>th</sup> November 2023; Site Location Plan, scale 1:1250, received 28<sup>th</sup> November 2023; Floor Plan, received 28<sup>th</sup> November 2023; Covering Letter, received 28<sup>th</sup> November 2023; Guest Rental Agreement, received 16<sup>th</sup> January 2024; Noise Management Plan, received 16<sup>th</sup> January 2024.  Reason</li></ol>

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.

3. Prior to the first use of the property hereby permitted the noise mitigation measures shall be installed as set out in the approved 'Noise Management Plan' received by the Local Planning Authority on 16<sup>th</sup> January 2024. Once installed these measures shall be retained and the development shall be operated in accordance with the approved Noise Management Plan at all times thereafter.

Reason

To safeguard the amenity of nearby residents and the area generally in accordance with Policy DM10 of the Copeland Local Plan.

4. The holiday let use hereby permitted must operate in accordance with the details set out in the 'Guest Rental Agreement' received by the Local Planning Authority on 16<sup>th</sup> January 2024 and be maintained thereafter.

Reason

To safeguard neighbouring amenity in accordance with Policy DM10 of the Copeland Local Plan.

### **Informative Note**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also 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.



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<b>Case Officer: C. Wootton</b>	<b>Date : 07/02/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 09/02/2024</b>
<b>Dedicated responses to:- N/A</b>	