

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2135/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF PUBLIC HOUSE TO TWO RESIDENTIAL UNITS - ONE TO BE USED AS HMO
3.	<b>Location:</b>	KINGS ARMS HOTEL, 25 MAIN STREET, HENSINGHAM
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - 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>  <b>INTRODUCTION</b>  <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 Whitehaven Hensingham Conservation Area.</p> <b>PROPOSAL</b>  <p>This application seeks full planning permission for the change of use and conversion of the property to residential use as 2 separate dwellings, one of which is to be used as an HMO.</p>	

The properties will comprise the following:

- 3 bedroomed flat to include a living room, three en-suite bathrooms and a kitchen;
- 5 bedroomed HMO to include 3 with en-suite and two with a shared bathroom. Communal kitchen/living room on the ground floor.

Minor alterations are proposed to the exterior of the building and the existing entrance will be utilized on Church Street, with a staircase serving the upper unit.

Off street parking is available for 2 vehicles.

### **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);

Conversion of a former public house to provide three domestic dwellings, approved in August 2023 (application reference 4/23/2017/0F1 relates).

### **CONSULTATION RESPONSES**

#### Whitehaven Town Council

No objections.

#### Environment Agency

No objections.

#### Highways and Local Lead 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 Officer

*1<sup>st</sup> response*

Conclusion: Request further information Assessment:

- Elevation drawings and plans should be updated to clarify locations of soil pipes and rain water goods, both as existing and as proposed.
- Details of proposed windows and doors should be provided either through use of a condition



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or as part of the application. The Conservation Area Design Guide urges use of timber windows and doors in conservation areas, so this is the starting point unless it can be demonstrated that there is reason to depart from this, for instance a permission having previously been granted for plastic units.

- A selection of photos of the interior would be useful in allowing the impact on the significance of the building to be taken into consideration.

### *2<sup>nd</sup> response*

I think these SVPs and RWPs will be ok. They don't look great on the side elevation, but I guess they are necessary. It's certainly a better solution than the one that was installed at the start of the year.

Is there updated information about the windows? Perhaps it would be ok to allow decent plastic sliding sashes here, considering the existing windows are poor quality plastic. If they're happy to make use of a condition, I'd be fine with that.

I presume no photos of the interior have been provided, but there's probably nothing to see considering it was a pub for so long and that work was already underway earlier this year. As it's not listed, it's just a matter of curiosity, so no need to worry about those.

### *3<sup>rd</sup> response*

No objections.

### Public Representation

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

Two letters of objection have been received stating the following concerns:

- The application should be retrospective as it is available to rent;
- Drainage is a concern due to the extra bathrooms;
- The external alterations are not in keeping with the Conservation Area;
- There is not sufficient parking for the proposal;
- There is no benefit to locals.

### **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 DM14 – Residential Establishments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

#### **Emerging Copeland Local Plan (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and



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has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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
- 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
- Policy H13PU: Conversion and sub-division of buildings to residential uses including large HMO's
- Strategic Policy BE1PU – Heritage Assts
- Policy BE2PU – Designated Heritage Assets

- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy 2023 (NPPF)

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

Conservation Area Design Guide (SPD)

### **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, in principle, 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 further drinking establishments including The Ribton, The Globe Inn and the Sun Inn, all of which lie within 150 metres of the site. This is likely to fulfill the needs of local residents, therefore the permanent loss of The Kings Arms will be acceptable.

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 difficult 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.



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### 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.

Policy DM14 of the CS and H13PU of the ELP set the standards for acceptable HMO's.

Minor external alterations are required for the conversion to two properties, with the Agent confirming the replacement of two side doors only. All of the alterations proposed will retain the character of the property and there will be little difference in the external appearance. Internally, the properties created will each have 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 and DM14 of the CS and DS6PU and H13PU 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. Policy DM10 of the CS and DS6PU of the ELP requires good design.

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 will be altered marginally with the replacement of two side doors on a like for like basis. The Agent for the application stated that the windows which are currently UPVC and will be retained as existing. A condition is proposed to ensure that any replacement windows are agreed with the LPA prior to installation.

It is therefore considered that the proposal has a neutral effect on the Conservation Area.

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.

### Parking

The building currently utilizes on street parking on Church Lane with public parking available within Hensingham. In relation to the previous use as a public house, the use as two

	<p>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 route with cycling and walking opportunities widely available for 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</u></p> <p>The loss of the community facility is acceptable as there are other provisions in the vicinity. This affords neutral weight to the application.</p> <p>The principle of residential development in this location complies with planning policy due to its situation within the settlement boundary for the Principal Town of Whitehaven. This carries significant weight within the planning process where the provision of dwellings within sustainable locations is encouraged.</p> <p>There are no issues raised relating to parking and no impact on the character and appearance of the Conservation Area.</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>On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <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> <ol style="list-style-type: none"> <li>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: - Application form, received 24th April 2024; Site location plan and block plan, scales 1:1250 and 1:100, drawing number 5A,</li> </ol>



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received 24th April 2024;

Proposed Floor Plans, scale 1:100, drawing number 3A, received 24th April 2024;

Existing and Proposed Elevations, scale 1:100, drawing number 4B, received 7th June 2024;

Design, Access, Heritage and Loss of Amenity Statement, received 24th April 2024.

### Reason

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 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.

### Reason

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.

### 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: Sarah Papaleo**

**Date : 01/07/2024**

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

**Date : 02/07/2024**

**Dedicated responses to:-**