

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2320/0F1
2.	Proposed Development:	CHANGE OF USE FROM A SINGLE DWELLING INTO NO. 8 BEDROOMED HOUSE IN MULTIPLE OCCUPATION (HMO)
3.	Location:	13 HOWGILL STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates the single residential dwelling at 13 Howgill Street. The dwelling is mid terraced and is surrounded by other residential properties. The building is situated within the Whitehaven Conservation Area and is adjoined by the grade II listed Howgill Centre.	

PROPOSAL

This application seeks full planning permission for the change of use and conversion of the property from a single residential dwelling to an 8 bedroomed house of multiple occupation (HMO).

The building is split over three floors with one bedroom and a lounge/dining/kitchen on the ground floor, three bedrooms and a bathroom on the first floor and four bedrooms and a bathroom on the second floor.

Externally, the proposal includes the replacement of the existing windows.

There is no off street parking specified for the application. There is a small private garden to the rear.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Whitehaven Town Council

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.

Although no parking is proposed with the development, given the town centre location with good transport links and available car parks in close vicinity this is not considered an issue.

Please do note that residential/on-street parking permits are no longer issued to new developments and therefore the guests will be responsible for their own parking.

The Environment Agency (EA) surface water maps indicate that the site is in flood zone 2.

The planner may wish to consider if they need to contact the Environment Agency regarding a flood risk assessment.

Environmental Health

Thank you for the above planning consultation.

There are no objections from Environmental Health subject to the following comments.

As an 8 bedroom house in multiple occupation, the property will require a Mandatory HMO licence from this Council and its amenity standards should comply to those attached above.

Whilst the property is located within the Whitehaven Conservation Area, it is not a listed building and so internal fire doors and fire protection may be provided without compromise.

A Fire Risk Assessment will also be required under The Regulatory Reform (Fire Safety) Order 2005.

Any demolition / construction works that may cause noise disturbance to neighbours are requested to be carried out within specified hours.

The dwelling also resides within the Whitehaven Smoke Control Area.

The following condition and advice is suggested:

Noise and airborne pollutants from Construction Works

Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Measures for the control of dust and other airborne pollutants from the site during the construction phase must be implemented.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Advice Notes

- (i) The development will require a Mandatory HMO Licence from this Council's Private Housing team, and the amenity standards of the development should comply to the Council standards in the above attached document. It is an offence to operate a licensable HMO without a licence.
- (ii) The site is within the Whitehaven Smoke Control Area, designated under the Clean Air Act 1956, and residents and businesses must not emit smoke from a chimney and buy or sell unauthorised fuel for use unless it is used in an exempt appliance approved by DEFRA, see <https://uk-air.defra.gov.uk/sca/>

Housing Officer

We are satisfied that the room sizes provided meet the legislative requirements and that the communal space is adequate. There is a need for one bedroomed property in Whitehaven and this will help meet the market needs for this type of accommodation. We do have some

concerns regarding the lack of parking, as already commented on by Highways, but given the town centre location and access to public transport this may not be a significant issue for prospective residents. We do not have any objections to this application.

Environment Agency

No response received.

Conservation and Design Officer

1st response

Description: 13 Howgill Street is a mid-terraced house with a fairly narrow plan. It is not listed, though several of the nearby houses are. It appears to lack much in the way of historic and architectural character and particularly suffers from some large landscape windows to the front elevation, which were presumably fitted in around the 1970s or 80s.

Conclusion: Suggest design revision

Assessment:

- Internally, the changes do not appear as though they will have a notable impact on historic character or elements.
- Externally, there is no change proposed other than redecorating and making good, and so no impact on the conservation area or settings of nearby heritage assets.
- I'd urge the applicants to take the opportunity to revert the appearance of the frontage to one that is more sensitive to its origins and surroundings, with more traditional sash windows replacing the incongruous landscape ones that have been installed in a previous decade.
- Additionally, I'd urge the applicants to dispense with the satellite dishes and stray cabling that are shown in the 2022 Streetview capture, if these are still present.
- Details of the proposed windows should be included with the application, paying mind to the desirability of improving the appearance of the frontage, as this will positively impact the whole street.

2nd response

Description: 13 Howgill Street is a mid-terraced house with a fairly narrow plan. It is not listed, though several of the nearby houses are. It appears to lack much in the way of historic and architectural character, and particularly suffers from some large landscape windows to the front elevation, which were presumably fitted in around the 1970s or 80s.

Conclusion: Request design revision

Assessment:

- Proposed windows have been updated to feature a pair of sliding sashes divided by a mullion for each of the landscape front openings.

- I note that the proposed sash windows appear to be of a plastic construction, and that our conservation and design guidance argues for use of timber in such circumstances.
- I note that the proposal will still result in an improvement in the building's appearance, and therefore will still achieve preservation or enhancement of the conservation area and settings of nearby heritage assets.
- I would welcome further details or discussion as needed.

Public Representation

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

No responses have been received as a result of these advertisements.

PLANNING POLICY

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 2021-2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:

- Strategic Policy DS1: Settlement Hierarchy
- Strategic Policy DS2: Settlement Boundaries

- Policy DS4 - Design and Development Standards
- Strategic Policy R3: Whitehaven Town Centre
- Strategic Policy H1 - Improving the Housing Offer
- Strategic Policy H2 - Housing Requirement
- Strategic Policy H3 - Housing delivery
- Strategic Policy H4 - Distribution of Housing
- Strategic Policy H5 - Housing Allocations
- Policy H6 - New Housing Development
- Policy H7 - Housing Density and Mix Strategic
- Policy H13: Conversion and sub-division of buildings to residential uses including large HMO's
- Strategic Policy BE1 – Heritage Assts
- Policy BE2 – Designated Heritage Assets
- Policy CO7 – Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy (NPPF)

Planning Practice Guidance (PPG)

Conservation Design Guide SPD

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

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

ASSESSMENT

Principle of Development

The existing building is located within the development boundary for Whitehaven as defined in Policy DS2 of the Local Plan. The town is classed under Policy DS1 as Copeland's Principal Town where the conversion of existing buildings to house of multiple occupation (HMO) residential use is acceptable within the confines of the settlement boundary.

The principle of new housing is supported in the Copeland Local Plan through policy H1. This policy seeks 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 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.

Design

Policy DS4 of the LP promotes good design and the aspiration that new dwellings will respond positively to their surroundings.

Minor external alterations are required for the conversion to an HMO. Internally, the properties created will each have sufficient private facilities for everyday living. This has been confirmed by the Housing Manager.

The proposal is considered to meet the criteria set out in Policy H13. .

Housing Need

The principle of new housing is supported in the Copeland Local Plan through policy H1. This policy seeks 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.

Policy H13 of the LP relates specifically to the conversion of buildings to HMO's.

The following criteria are required to be met for the development to be considered to be acceptable:

- a) The development does not result in unacceptable levels of harm to residential amenity (noise and disturbance) for occupiers of the converted property and/or those occupying neighbouring properties;
- b) Future residents have adequate levels of natural lighting and privacy;
- c) The development does not have an adverse impact upon the privacy of neighbouring residents through direct overlooking;
- d) Off street parking is provided or sufficient parking is available within close proximity of the site;
- e) Adequate external amenity space is provided, including for waste and recycling bin storage without harming the visual amenity of the area where possible;
- f) Cycle space is provided, where possible;
- g) Safe access is available from both the front and rear of the property, where possible; and

h) The development does not result in an over-concentration of HMOs, taking into account the cumulative impacts of HMOs and subdivided properties within the vicinity of the site.

The policy states that consideration will also be given to the loss of the original property and whether this supports the Housing Strategy informed by the Council's SHMA and Housing Needs Study.

The Housing Manager has confirmed that there is a need for one bedroomed property within Whitehaven and proposal this will help meet the market needs for this type of accommodation.

Overall the repurposing of the building to provide one bedroomed accommodation is considered to be acceptable in this location.

Effect on the Conservation Area and Heritage Assets

Strategic Policy BE1 and Policy BE2 seek to protect, conserve and where possible enhance designated and non-designated heritage assets and their settings

Policy DS4 of the LP requires good design.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires that in respect of listed buildings local planning authorities have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraphs 212 to 220 of the NPPF relates to heritage impacts.

It is required that in assessing the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It is stated that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

It is stated that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is confirmed that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the

element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole

The building lacks much in the way of historic and architectural character and particularly suffers from some large landscape windows to the front elevation, which were presumably fitted in around the 1970s or 80s. The proposed works include the refurbishment of the exterior of the building and also the replacement of the existing windows. The replacement frames are to be of Upvc construction with a sliding sash design.

The proposed windows being uPVC are contrary to the Conservation Area Design Guide, which argues that timber should be used when specifying windows, doors and shopfronts of traditional appearance within the conservation area.

Whilst this change is not usually encouraged within the Conservation Area the proposed windows will be an upgrade on the current position and the works include the introduction of a pair of sliding sashes divided by a mullion for each of the landscape front openings. This is a reversion of the appearance of the frontage to one that is more sensitive to its origins and surroundings, with more traditional styled sash windows replacing the incongruous landscape ones that were installed in a previous decade.

The building is situated along a narrow one way street and is not particularly prominent within the Whitehaven Conservation Area. The proposal will result in an improvement in the building's appearance and therefore will still achieve preservation or enhancement of the conservation area and settings of nearby heritage assets as required by planning policy and the tests of the LBCA. This is acknowledged by the Conservation Officer in his consultation response.

Overall, It is considered, that in this instance situation, the change is an acceptable compromise and would have a minor positive impact upon the character of the

conservation area and that the impact on the setting of the adjoining grade II listed building would be negligible/neutral. The proposals would also secure a viable use for the building which help to secure the future conservation of the heritage asset.

Parking

The building currently utilizes on street parking on Howgill Street with public parking available elsewhere within the town centre. In relation to the previous use as a single dwelling, the proposed use may increase vehicle movements around the surrounding area. However, the site is located on a regular bus route with cycling and walking opportunities widely available for nearby local services.

Overall, it is considered that the proposal complies with Policy CO7 of the LP and will provide an accessible development.

	<p><u>Planning Balance and Conclusion</u></p> <p>The building is located within the centre of Whitehaven which is designated as the Principal Town within the Borough where residential development is encouraged. The loss of a single residential property is acceptable as this proposal will help to meet the need for one bedroomed accommodation within the Whitehaven town centre. This affords some positive weight to the application.</p> <p>Although no dedicated car parking provision is available to serve the building there are alternative car parking options nearby and the town centre location offers other sustainable transport options. This is considered to be neutral within the planning balance.</p> <p>The re-use and refurbishment of the building is a positive benefit of the development.</p> <p>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 a minor positive impact upon special interest of Whitehaven Town Centre Conservation Area and that the impact on the setting of the adjoining grade II listed building would be negligible/neutral.</p> <p>The development will deliver minor improvements in the energy efficiency of the building and thus help maintain the building in a viable use. The use of Upvc windows in this case is considered to be an acceptable compromise in this instance.</p> <p>On overall 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 with the benefits of the proposal outweighing any adverse impacts.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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"> 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>Application Form, received 27th September 2024; Site Location Plan, scale 1:1250, drawing number 2038-RA-XX-XX-DR-A-LP, received 27th September 2024;</p>

Proposed Floor Plans, scale 1:50, drawing number 2038-RA-XX-XX-DR-A-0110, received 27th September 2024;
Design and Access Statement, written by Revival Architecture, received 27th September 2024;
Existing and Proposed Elevations, scale 1:100, drawing number 2038-RA-XX-XX-DR-A-0200, received 2nd December 2024;
Window Specifications, Quick Slide, received 2nd December 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. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:

Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Measures for the control of dust and other airborne pollutants from the site during the construction phase must be implemented.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.

Informative Notes

1. The development will require a Mandatory HMO Licence from this Councils Private Housing team, and the amenity standards of the development should comply to the Council standards in the above attached document. It is an offence to operate a licensable HMO without a licence.

2. The site is within the Whitehaven Smoke Control Area, designated under the Clean Air Act 1956, and residents and businesses must not emit smoke from a chimney and buy or sell unauthorised fuel for use unless it is used in an exempt appliance approved by DEFRA, see <https://uk-air.defra.gov.uk/sca/>

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 : 10/03/2025
Authorising Officer: N.J. Hayhurst	Date : 14/03/2025
Dedicated responses to:- N/A	