

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2129/0F1
2.	Proposed Development:	CHANGE OF USE FOR EXISTING DWELLING/VACANT COMMERCIAL UNIT (NO. 5 & 6 CHURCH LANE) TO LARGE HMO (SUI GENRIS) TO JOIN TWO PROPERTIES & EXTERNAL ALTERATIONS INCLUDING NEW WINDOWS AND DEMOLITION OF EXISTING OUTBUILDINGS
3.	Location:	5 & 6 CHURCH LANE, HENSINGHAM, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
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: SITE AND LOCATION This application relates to an existing vacant two storey building at 5 and 6 Church Lane in the Hensingham area of Whitehaven. It was formerly in use as a dwelling and commercial property. The building forms the end of a terrace and occupies a prominent position within the Whitehaven Hensingham Conservation Area.	

PROPOSAL

This application seeks full planning permission for the following works:

- Change of use from one dwelling house (number 5) and one commercial unit (number 6) to one large HMO including 7 en-suite bedrooms;
- Demolition of existing outbuildings;
- Construction of a new single-storey ancillary outbuilding for plant;
- Removal of green tiling and blocked apertures;
- Installation of new windows;
- Painted render finish;
- Re roofing of the building
- Repair or reinstatement of stone window cills and lintels where required;
- Solar panels on north west and south east roof elevations.

There is no off street parking specified for the application.

RELEVANT PLANNING APPLICATION HISTORY

Alterations and change of use of redundant betting shop to two bedroomed dwelling house, approved in May 2008 (application reference 4/08/2172/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Cumberland Housing Officer

As this is below the 10 unit threshold for affordable provision, there is no obligation for the developer to provide affordable units. However, there is a demonstrable need for affordable flats in Whitehaven.

Environmental Health

1st Response

Contaminated Land –

The site is within a potential zone of contamination influence from historical landfill associated with the construction of the A595 trunk road by-pass at Hensingham in the early 1990s. It is known that inert construction waste was used in these works.

There is a very low risk of contamination, however, and no investigative works are required. A condition for unexpected contamination (during ground works) is requested. The site also sits

within a 1 km grid square with bands of elevated radon potential. The maximum radon potential is 10 – 30%.

The developer could arrange for a site-specific radon test to confirm levels, otherwise it is recommended that measures to reduce internal radon levels in the conjoined property are undertaken (radon sump under any suspended ground floor spaces / introduce a positive ventilation system to the property etc).

Noise, vibration, dust from construction works – A Construction Environmental Management Plan (CEMP) is requested. This should include an asbestos survey of the property and outbuildings, a demolition method statement, and measures for the control of noise, vibration and dust during any works. The imposition of standard construction working hours is also requested. Potential noise disturbance from occupants of the HMO – It is noted that a tenant code of conduct is proposed and that the HMO will be professionally managed and subject to mandatory HMO licensing by the Council. Planners may wish to condition a Noise Management Plan with any approval in order to further protect the amenity of neighbours. In conclusion, therefore, Environmental Health do not object to this development but offer the following conditions as part of any approval – • Site Specific Construction Environmental Management Plan

2nd Response

Thank you for the additional information, dated June 2025, on this application. There are no objections to this or additional comments to those made previously on 02.05.25 from Environmental Health.

3rd Response

Thank you for the additional information, dated July and August 2025, on this application. There are no objections to this or additional comments to those made previously on 02.05.25 from Environmental Health.

Cumbria Highways and Local Lead Flood Authority

1st Response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) 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.

2nd Response

Thank you for your consultation on the above Planning Application. The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

3rd Response

Thank you for your consultation on the above Planning Application. The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

Conservation and Design Officer

1st Response

Description: These two properties are unlisted but prominent. They are prominent historic buildings, and part of Hensingham's historic development pattern, but have been poorly altered and neglected, leaving them making a negative impact on the conservation area.

Conclusion: Request design revision

Assessment:

- The Conservation Area Design Guide is a supplementary planning document and therefore a material consideration in planning decisions.
- Given the appearance of the existing windows, the proposed uPVC replacements would be considered a betterment, and therefore there is no harm being imposed on the conservation area or settings of nearby heritage assets. I can therefore support the proposed windows.
- The roof appears to already be half clad in natural slate. Therefore, could new slate be sourced to match in, and combined with the existing material to give a full slate finish?

2nd Response

Description: These two properties are unlisted but prominent. They are prominent historic buildings, and part of Hensingham's historic development pattern, but have been poorly altered and neglected, leaving them making a negative impact on the conservation area.

Conclusion: No objection

Assessment:

- In my previous consultation response, I asked whether new slate could be sourced to match in with the existing material to give a full slate finish.
- Updated information has been received, clarifying that the intent is instead to make use of an in-roof solar array to make up the additional surface area, leaving the slate tiles for the surrounding area.
- I have no objection to this proposal, which will enhance the utility of the property, and the scheme overall will make a noticeable improvement to its effect on the character and appearance of the conservation area.

Public Representation

The application has been advertised by way of a site and neighbour notification letters issued to 8 no. properties.

Two letters of objection has been received raising the following concerns:

- Parking in Hensingham is already an absolute nightmare with residents struggling to park;
- The roof should NOT be in tile but should be slate as others have been made to do when modifying/updating within this conservation area;
- The windows should not be sash wooden "lookalike" but should be wooden sash again as others have been made to do in this conservation area;
- The HMO on the opposing corner has been brought into use with plastic soil pipes, plastic windows and doors, plastic gutters pavements dug up with unauthorised sewer connections and dangerous pavement finish with a total disregard for any of the conditions that were imposed during planning;
- Levelling the back yard may interfere with the integrity of the neighbouring properties;
- Access to drainage is within the yard of the property and works close to this could affect multiple properties;
- The sewage system may not be able to cope with the cumulative development.

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
- Policy DS8 – Soils, Contamination and Land Stability
- Strategic Policy R4 - The Key Service Centres
- 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)

ASSESSMENT

Principle of Development

The existing building is located within the development boundary for Whitehaven as defined in Policy DS2 of the Local Plan. Whitehaven is classed under Policy DS1 as Copeland's Principal Town where the conversion of existing buildings to houses 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 policies H1 and H13. 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 a mix of uses including other residential units and lies within walking distance of services required for day to day living and therefore is considered to be an appropriate use in this location.

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

The Housing Manager has confirmed that there is a demonstrable need for affordable flats within Whitehaven.

Overall, the repurposing of the building to provide a seven bedroomed HMO accommodation is considered to be acceptable in this location.

Design

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

The proposed alterations deemed necessary to convert the building to accommodate 7 bedrooms are modest and will improve the appearance of the building. The proposed units are of a suitable size and some communal facilities both inside and out are provided.

Concerns were raised with regards to the proposed works in the rear yard and the effect of levelling the land. It is considered that should damage occur to neighbouring properties, this would be a legal matter.

The proposal will improve the appearance of the external elevations of the vacant buildings and allow them to be brought back into a viable use.

Residential Amenity

The property is located within the central area of Hensingham where some levels of general noise and activity exist. A number of other residential properties exist within the locality.

Environmental Health responded to a consultation request to confirm that there were no objections to the proposal, subject to a number of conditions. With relation to potential noise disturbances from the occupiers of the HMO, it is recognised that the HMO will be professionally managed and will also be subject to a separate HMO license from the Council. A planning condition is proposed to secure a noise management plan to further protect the amenity of the neighbouring properties.

EH have also requested a construction environmental management plan in order to ensure that noise, vibration and dust from the construction is controlled. A planning condition is proposed to secure standard construction working hours.

Subject to appropriate management, adverse impacts upon the residential amenity of occupants would be minimised.

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 buildings are typical of the style of terraced properties found in this area of Whitehaven and they occupy a prominent location within the Conservation Area. They have been poorly altered in the past and are in a poor condition. Consequently they make a negative impact on the Conservation Area. The Conservation Officer has confirmed that he is supportive of the principle of the proposal which aims to refurbish the existing structure and give the buildings a viable use.

The initial response from the Conservation Officer confirmed the acceptance of UPVC windows to replace the existing. Whilst UPVC is not usually supported within the Conservation Area, given the appearance of the existing buildings which include poor fenestration details, it is considered that these would be betterment and there would therefore be no harm imposed on the Conservation Area or nearby heritage assets. It has been confirmed that the UPVC replacement windows will be of a sliding sash design.

The roof was originally to be clad in concrete roof tiles, but the Conservation Officer requested the use of slate given that half of the existing roof is already clad this way. In response to this the Applicant's agent submitted amended plans to show a slate roof with solar panels in situ. The Conservation Officer raised no objections to the revised details, stating that there would be an overall improvement to the character of the building and appearance of the surrounding Conservation Area.

On balance, it is considered, that the proposal would secure a viable use for the building and provide significant benefits to the appearance of the building and this part of the Conservation Area. These benefits are considered to outweigh the use of UPVC windows in this instance.

Highways Impacts

Policy CO4 promotes sustainable forms of transport.

Policy CO7 sets out the parking standards for new development.

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 Hensingham, the availability of the sustainable transport modes within walking distance and the availability of public parking spaces within walking distance of the site, on balance, the development is considered to be acceptable.

Drainage

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

Given the existing drainage discharge and as additional surface water flows will not result, this arrangement is acceptable.

Contaminated Land

Policy DS8 of the Local Plan states that the Council will work with developers and their partners to identify opportunities to remediate contaminated and unstable sites.

Environmental Health (EH) have highlighted that the site lies within a potential zone of contamination influence from historical landfill associated with the construction of the A595 trunk road bypass at Hensingham in the early 1900s. Whilst there is a very low risk of contamination, it is known that inert construction waste was used in these works.

As a result, EH have requested a condition relating to the reporting of contamination, should it be discovered during the construction process.

Biodiversity Net Gain

Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for biodiversity net gain involves discharge of the biodiversity net gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development.

The development will not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats; therefore, the development falls below the biodiversity net gain threshold and a ten percent biodiversity net gain is not required to be delivered.

Planning Balance and Conclusion

The building is located within the centre of Hensingham within the designated development boundary for Whitehaven, which is recognized as the Principal Town within the Borough where residential development is encouraged. The provision of an HMO within a sustainable location would provide a positive benefit in terms of housing provision and would secure a viable use for the building.

Although no dedicated car parking provision is available to serve the building there are alternative car parking options nearby and Hensingham offers other sustainable transport options. This is considered to be neutral within the planning balance.

The re-use and refurbishment of the building is a positive benefit of the development.

The use of UPVC windows will have a slight negative effect on the Conservation Area, although the replacement sliding sash windows will result in an improvement on the existing fenestration. The retention of a slate covering on the roof is also considered to be positive.

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 the special interest of the Hensingham Conservation Area.

Subject to appropriate management, adverse impacts upon the residential amenity of occupants would be minimised.

	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.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: - The development hereby permitted shall be commenced 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. - 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 April 2025; Site Location Plan, scale 1:1250, drawing number 2425-002-01A, received April 2025; Proposed Site Plan, scale 1:200, drawing number 2425-002-05B, received April 2025; Proposed Floor Plans, scale 1:100, drawing number 2425-002-06B, received April 2025; Proposed Elevations, scale 1:100, drawing number 2425-002-07D, received August 2025; Design, Access and Heritage Statement, document number 2425-002A, received April 2025; Marley SolarTile data sheet, received August 2025. 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. <u>Prior to Commencement Condition</u> - No development must take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must include an asbestos survey of all relevant buildings and structures, a demolition method statement, and demonstrate the adoption and use

of the best practicable means to reduce the effects of noise, vibration and dust during the construction phase.

Reason

In the interests of the amenities of surrounding occupiers and safety of site workers during the construction of the development and in accordance with policy H13 of the Copeland Local Plan.

Prior to Occupation Condition

4. No building or use hereby permitted must 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 must include undertakings and procedures for:

- (i) The details of managers or supervisor/s responsible for the behaviour of guests and for liaison with local residents and this Council;
- (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;

The Noise Management Plan must be reviewed annually.

Reason

In order to protect the amenity of nearby residents in accordance with Policy H13 of the Copeland Local Plan.

Other Conditions

5. Following approval of the development, construction activities that are audible at the site boundary must 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 Holiday.

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.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development and in accordance with Policy H13 of the Copeland Local Plan.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors and in accordance with Policy DS8 of the Copeland Local Plan.

Informative Notes

Coal Mining/Ground Conditions

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

Biodiversity Net Gain – Exemption Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and

	(b) the local planning authority has approved the plan. The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply. Applicable exemption: De Minimis 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 : 18/09/2025
Authorising Officer: N.J. Hayhurst	Date : 19/09/2025
Dedicated responses to:-	