

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2133/0F1
2.	<b>Proposed Development:</b>	PROPOSED CHANGE OF USE OF FORMER PUB GROUND FLOOR INTO HOUSE IN MULTIPLE OCCUPATION (HMO)
3.	<b>Location:</b>	THE LION HOTEL, WOODHOUSE ROAD, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
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 Lion Hotel, situated on Woodhouse Road in Whitehaven. The building is located within a residential area, with open fields to the north. Woodhouse Road runs to the south.</p>  <b>PROPOSAL</b>	

This application seeks full planning permission for the change of use and conversion of the property to residential use as a house of multiple occupation (HMO).

The property will comprise 7 bedrooms, each with their own bathroom and two kitchens and two living rooms which will provide shared facilities for use by the occupants. There will also be a bicycle store located centrally within the building.

The change of use will be limited to the ground floor with no alterations proposed to either the first floor existing flat or the external fabric of the building.

### **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

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows :

#### ***Local Highway Authority response:***

This location is considered sustainable with good bus services. I note and welcome a bike store in the building which will encourage the use of cycling for short journeys.

I also note that the front paved area is retained with no changes. This area has historically been used as the pub car park and as such there is sufficient parking in the curtilage of the site for the proposed development.

#### ***Lead Local Flood Authority response:***

The fabric and footprint of the building are unchanged so the surface water drainage remains as per the status quo as well. There will be no impact from the proposal on flood risk.

#### ***Conclusion:***

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.

#### ***Advisory Statement***



## Cumberland Council

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

### Environmental Health

There are no objections in principle to this development from Environmental Health.

The application proposes a development of 6 bedrooms whereas the plans show 7 bedrooms, so clarification is needed on this point.

The HMO is to be formed on the ground floor only, with presumably the existing living quarters on the first floor remaining and forming a separate dwelling. This change of use should ensure that full fire safety and escape requirements are in place and that the first floor flat has a separate entrance / egress, with also a protected fire escape route or a fire escape window not more than 4.5 m above ground level.

A fire risk assessment, under The Regulatory Reform (Fire Safety) Order 2005, will be required.

The HMO will be subject to mandatory licensing with the Council.

In terms of noise disturbance, Planners may wish to consider if a Noise Management Plan for the HMO is required to protect the amenity of the resident/s in the first floor flat above.

To mitigate against excessive noise disturbance during any construction works, standard construction hours are requested.

The following conditions are suggested:

- ☐ 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 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 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

Reason: In order to protect the amenity of nearby residents.

☐ Noise 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 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.

☐ Informatives:

- 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/>
- Radon Map UK shows that the site is in a 1 km grid square in which some parts are of elevated radon potential. The maximum radon potential is 5 – 10 %.
- 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. It is an offence to operate a licensable HMO without a licence.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 6 no. properties.

One letter of objection has been received stating that the HMO should not be for migrants, but only for veterans, key workers and local homeless people.

**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 5<sup>th</sup> 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 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
- Policy N3 – Biodiversity Net Gain
- Policy SC5 – Community and Cultural Facilities

- Policy CO7 – Parking Standards

### **Other Material Planning Considerations**

National Planning Policy (NPPF)

Strategic Housing Market Assessment 2021 (SHMA)

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

Cumbria Development Design Guide (CDDG)

### **ASSESSMENT**

#### Principle of Development

The principle of new housing is supported in the Copeland Local Plan through Policy H1 to H7 of the LP. The conversion of buildings to HMO's is considered to be acceptable, subject to specific criteria within Policy H13. 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 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 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.

#### Design

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

Policy H13 of the LP sets the standards for acceptable 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.

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.

Externally, no alterations are proposed. Internally, the properties created will each have sufficient private facilities for everyday living. All criteria from Policy H13 are considered to have been met. The proposal has been fully considered and it is considered that the HMO is of a suitable standard.

On this basis, the living standards are deemed to be acceptable for each property and the design overall is considered to comply with Policies DS4 and H13 of the LP.

#### Loss of the community facility

Policy SC5 of the LP 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.

Whitehaven has a plethora of bars and pubs within the town centre and within walking distance of the site. This is likely to fulfill the needs of local residents, therefore the permanent loss of The Lion Hotel is acceptable.

The former pub was closed in 2023 citing "loss making business, lack of trade and tenants leaving" as the reasons for the closure. The Agent for the application submitted a statement to show that the building had been marketed for over 12 months with very little interest. Following a reduction in the sale price, the property was bought for conversion.

On this basis, the loss of the community facility is acceptable under the terms of Policy SC5 of the LP.

#### Parking

The building currently utilises a large car park at the front of the property. In relation to the previous use as a public house, the use as an HMO 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.

There is bicycle storage within the building for use by residents. This approach is supported within local policies.

The Highways Authority has raised no objections to the proposal and consider that there is unlikely to be a negative effect on the surrounding highways network.

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

#### Biodiversity Net Gain

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

Biodiversity Net Gain became mandatory for small sites in the UK on 01<sup>st</sup> April 2024.

This application relates to the conversion of an existing building and does not involve the creation of any additional space. The land surrounding the building is all hard surfaced and has traditionally been used as a car park. The proposals will not impact more than 25m<sup>2</sup> of on-site habitat, i.e. the De Minimis Exemption.

#### Local Concerns

One letter of objection has been received stating that the HMO should not be used for migrants and only for veterans, homeless people and local working residents. The proposed occupation of the building falls outside the control of the planning legislation and is not considered to be a material planning consideration. .

#### Planning Balance

The loss of the community facility is acceptable as there are other provisions within the vicinity. This affords neutral weight to the application.

The site falls within the settlement boundary of the Principal Town of Whitehaven and the principle of residential development is acceptable in this location. The proposed use will result in the viable use of a vacant building. This carries significant weight.

No external alterations are proposed to the building as part of the conversion.

The site is located within a sustainable location and no issues are raised relating to parking provision to serve the proposed use. This carries weight within the planning balance.



	<p>The issues received by a local resident are not considered to be material planning considerations. 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: - <ul style="list-style-type: none"> <li>Application form, received 8th April 2025;</li> <li>Site Location Plan, scale 1:1250, drawing number 01001 01, received 8th April 2025;</li> <li>Site Block Plan, scale 1:250, drawing number 01004 01, received 8th April 2025;</li> <li>Proposed Ground Floor Plan, scale 1:100, drawing number 04001 02, received 8th April 2025;</li> <li>Biodiversity Net Gain Exemption Certificate, received 8th April 2025;</li> <li>Marketing Statement, received 8th April 2025;</li> <li>Design and Access Statement, received 8th April 2025.</li> </ul> <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> </li> <li>3. The use hereby permitted shall be not be occupied or the use commenced until a</li> </ol>

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 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;
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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.

#### Reason

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

4. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours.

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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.

### **Informative Notes**

1. 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/>
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### **Biodiversity Net Gain**

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/are considered to apply.

Applicable exemptions: De Minimis development.

	<p><b>Statement</b></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>
<p><b>Case Officer: Sarah Papaleo</b></p>	<p><b>Date : 30/05/2025</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 03/06/2025</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	