

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2321/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF BUILDING TO FORM A HOUSE IN MULTIPLE OCCUPATION (HMO) AND FORMATION OF EXTERNAL CAR PARKING AREA
3.	<b>Location:</b>	17 IRISH STREET, 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>	See Report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  The application site relates to the former medical surgery known as Trinity House Surgery, located at 17 Irish Street within the centre of Whitehaven. The property is three storeys and features a stepped entrance on the frontage facing Irish Street.  The property is a Grade II Listed Building and is located within the Whitehaven Conservation Area.  There is a detached garage and off street parking at the rear of the property.  <b>PROPOSAL</b>	

Planning permission is sought for the change of use of the building to a HMO. The conversion relates to the main listed building. An associated vehicle parking area and gardens is also proposed.

It is proposed that the existing three storey building will be altered to contain entrance lobby and corridor, living / dining room, one kitchen, two small kitchens, three bathrooms, three WC's, one laundry room, ten bedrooms and various circulation spaces. Details of the quantity of bedrooms and internal floor areas are included on the accompanying drawings and in the Heritage and Planning Statement.

## **CONSULTATION RESPONSES**

### Highways and LLFA

No objections on highways grounds

### Env. Health

This proposed development would require Mandatory HMO Licensing with the Council and full compliance with fire safety provision for a three storey HMO (30 minutes structural integrity and fire doors / frames with intumescent strips, fire detection and alarm system, protected means of escape, signage and emergency lighting). Each bedroom should have adequate space heating that the occupant/s can control and have at least 2 electrical sockets provided within them. If gas appliances are to be fitted, the detection and alarm system should incorporate carbon monoxide. In short, considerable alteration to the property would be needed. Given that this is a listed building, there may be the potential for some compromise regarding heritage interests and the input of the Conservation and Design Officer would be required on this. Notwithstanding this, however, strictly from an Environmental Health perspective there would be no objection to the proposed development subject to the following suggested condition and informative: Noise from Construction Works Following approval of the development, demolition and 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.

### Coal Authority

The application site does fall within the defined Development High Risk Area; however, and whilst a Coal Mining Risk Assessment does not appear to accompany the planning application, I can confirm that the nature of development is listed as exempt from Version 8, January 2025 of the Coal Authority's Guidance for Local Planning Authorities. Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for

a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

Conservation Officer

No objections to the change of use. Clarification was sought on a number of issues relating to internal works. A site visit was carried out by the Conservation Officer. No further objections were received.

Public Representations

The application has been advertised by way of a site notice and notification letters issued to neighbouring properties.

Objections

15 Objections have been received to the development

These mainly relate to the number of immigrants in the area, the increase in crime, the number of HMO's, concerns over the level and quality of the car parking, lack of amenity and communal space, concerns over noise and disturbance, strain on services, safety issues being located close to a park, concerns over damage to the listed building.

Support of the development

Josh MacAllister MP for Whitehaven has offered his support for the scheme stating that there is a lack of this type of affordable housing for students, nurses, and apprentices at Sellafield.

**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 2021 - 2039**

The following policies are relevant to this proposal:

- 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

- 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 Framework (NPPF)

Cumbria Development Design Guide

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 though 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.



## Cumberland Council

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.

### 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 the proposed living accommodation is limited to internal works only. The proposed units are of a suitable size and some communal facilities are provided. Each habitable room will have access to adequate natural light. Amenity space will be provided externally.

The development will lead to a high standard of living for future occupiers

### Housing Need

The principle of new housing is supported in the Copeland Local Plan though 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

Previously, the Housing Manager has confirmed that there is a demonstrable need for affordable flats within Whitehaven. The applicant has stated that discussions are ongoing to provide accommodation for students/Sellafield contract staff.

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

#### Residential Amenity

The property is located within Whitehaven where higher levels of general noise and activity exist. A number of other residential properties exist within the locality.

The Environmental Health Officer has stated that they have no objections to the scheme.

The scheme would not lead to any loss of privacy or noise and disturbance for neighbouring land users over and above what is already experienced.

#### 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 Council's Conservation Officer has assessed the scheme and no objections have been raised. The development will not have adverse impact on the character of the conservation area. A separate Listed Building application has been submitted and will be assessed on its own merits. A condition will be placed on any permission requiring full joinery details to be provided prior to any alterations to the windows on the Listed Building application.

Overall, It is considered, that the proposal would secure a viable use for the building which help to secure its future and provide some benefits to the appearance of the building and this part of the Conservation Area.

#### Highways and Parking

The scheme has been assessed by the Council's Highway Officer. No objections have been raised. The scheme is in a highly sustainable location, and the development would not have an adverse impact on highway safety or the highway network.

#### 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.

#### 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.

	<p>The change of use to a HMO is what is being considered here. Providing the property is used within the use class that is being applied for, who lives there is not a material planning consideration. Fear of crime is a material planning consideration, but it is considered that the conversion of one building to a HMO would not have a significant impact on crime levels in the area. It would not lead to a proliferation of HMO uses in the wider area. Highway issues have been assessed by the Highways Department, and no objections have been raised. Similarly, impacts on the conservation area, and impacts on the listed building have been assessed by the Conservation Officer, and no objections have been raised. Levels of communal space are considered acceptable. The development will provide a living room, a kitchen, a laundry room, and 2no. additional small kitchens for residents on the higher floors. Additionally, the property is adjacent to Trinity Park, so occupants will be able to gain access to ample outdoor amenity space.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The building is located within Whitehaven, which is designated 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.</p> <p>No objections have been raised from the Highways Officer.</p> <p>The re-use and refurbishment of the building is a positive benefit of the development. 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 Whitehaven Conservation Area.</p> <p>Given the nature and location of the development, impacts upon the residential amenity of occupants should not occur.</p> <p>Whilst a number of objections have been received, 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><b>Recommendation:</b></p> <p>Grant subject to conditions</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.</li> </ol>



Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Application Form
- Site Location Plan reference 2101-LP-101
- Existing Survey Plan reference 2101-SI-102
- Proposed Site Plan reference 2101-SK-105
- Proposed Floor Plan reference 2101-SK-108
- Existing Floor Plans reference 2101-SI-103
- Proposed Floor Plan reference 2101-SK-106
- Existing Elevations Plan reference 2101-SK-SI-104
- Proposed Elevations Plan reference 2101SK107
- Heritage and Planning Statement and Design and Access Statement compiled by Vagdia and Holmes Dated Aug 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.

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
- Saturday 08.00 – 13.00
- and at no time on Sunday or Bank Holidays

Unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework.

4. Before the fenestration hereby approved is installed, details of their material, design,

specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed window and door details.

Reason:

Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building in accordance with Policies BE1 and BE2 of the adopted Copeland Local Plan.

### **Informative Notes**

#### **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 development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cumberland Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

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 the statutory exemption listed below is considered apply:

Exemption – De Minimis

#### **Development Low Risk Area - Standing Advice**

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.U

### **Smole Control Area**

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/>

### **HMO Licence Requirement**

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. It is an offence to operate a licensable HMO without a licence

### **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: David Gibson**

**Date : 24/11/2025**

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

**Date : 28/11/2025**

**Dedicated responses to:- N/A**