

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2339/0F1
2.	Proposed Development:	PARTIAL DEMOLITION OF EXISTING STRUCTURE AND REBUILD TERRACED DWELLING FOLLOWING MAJOR STRUCTURAL DAMAGE FOLLOWING GAS EXPLOSION
3.	Location:	28 HUGH STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <p>The application site comprises the property known as 28 Hugh Street, Whitehaven.</p> <p>The property comprises a two storey mid-terraced dwelling finished externally with rough cast render to the elevations and concrete tiles to the roof structure.</p> <p>A gas explosion at the property resulted in extensive damage to 27-29 Hugh Street.</p> <p>27-29 Hugh Street have been the subject of partial demolition and remedial works to make the buildings structurally safe and protect both adjoining properties and members of the public.</p> <p>The property has limited curtilage and on street parking.</p> <p>The application site is located in Flood Zone 1.</p> <p>Proposal:</p>	

This application seeks full planning permission for the re-construction/replacement of the dwelling damaged in the gas explosion.

The proposed dwelling is of the same scale, form and general design as the dwelling damaged in the gas explosion, being two storeys in height with accommodation within the roof structure and a one/two storey off shoot to the rear.

It is proposed to finish the dwelling externally with render and smooth cement bands to the window/door reveals to the elevations, concrete tiles to the roof structure and uPVC windows and doors.

It is proposed to discharge foul and surface water to the mains sewer.

Consultee:	Nature of Response:
Town Council	No consultation response received.
Cumberland Council – Highways and LLFA	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.
Cumberland Council – Environmental Health	<p>Environmental Health are supportive of this development and offer no objections to the proposal.</p> <p>In order to limit noise disturbance to neighbours, we would request that any demolition / construction works are limited to the agreed hours suggested below pending any health and safety considerations:</p> <ul style="list-style-type: none">• Noise from Construction Works <p>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.</p> <p>Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.</p>



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Neighbour Responses:

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

One representation has been received in support.

As the owners of 29 Hugh street we have a vested interest in the partial demolition of 28 Hugh street. When the contractors who carried out the partial demolition of 28 Hugh street they did not take adequate care when demolishing causing additional damage to our property. A saw cut should be made between the two properties to ensure no further damage is caused to the brickwork of 29 Hugh street on both the front and rear elevations.

Planning Policy:

Planning law requires that 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 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.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries
 Strategic Policy DS3: Planning Obligations
 Policy DS4: Design and Development Standards
 Policy DS5: Hard and Soft Landscaping
 Strategic Policy DS6: Reducing Flood Risk
 Policy DS7: Sustainable Drainage
 Policy DS8: Soils, Contamination and Land Stability
 Policy DS9: Protecting Air Quality
 Strategic Policy H1: Improving the Housing Offer
 Strategic Policy H2: Housing Requirement
 Strategic Policy H3: Housing Delivery
 Strategic Policy H4: Distribution of Housing
 Policy H6: New Housing Development
 Policy H7: Housing Density and Mix
 Strategic Policy H8: Affordable Housing
 Strategic Policy SC1: Health and Wellbeing
 Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity
 Strategic Policy N3: Biodiversity Net Gain
 Policy N5: Protection of Water Resources
 Strategic Policy CO2: Priority for improving transport networks within Copeland
 Strategic Policy CO4: Sustainable Travel
 Policy CO5: Transport Hierarchy
 Policy CO7: Parking Standards

Other Material Planning Considerations:

National Planning Policy Framework (NPPF).
 Planning Practice Guidance (PPG).
 National Design Guide (NDG).
 The Conservation of Habitats and Species Regulations 2017 (CHSR).
 Cumbria Development Design Guide (CDDG).

Assessment:

Principle

28 Hugh Street comprises an existing dwelling that was subject to extensive damage following a gas explosion; therefore, the principle of residential development is already established and there will be no net increase in the number of dwellings.

Notwithstanding the above, the Application Site is located within the defined settlement boundary of Whitehaven where new market led housing development is supported.

Affordable Housing



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The development falls below the threshold for the provision of affordable housing.

Design

The proposed dwelling is of the same scale, form and design as the dwelling damaged in the gas explosion and is therefore appropriate to the terrace and wider locality.

Ecology

The Application Site does not fall within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines.

The Application Site includes no area, linear or watercourse habitats.

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.

Highways Impacts

The proposed development will not have a material effect on existing highway conditions or increase demand for on street parking.

Cumberland Council – Highways have raised no objections to the development.

Flood Risk

The application site is located in Flood Zone 1.

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

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

Residential Amenity

The overshadowing and overbearing impacts and the interface separation distances between habitable room windows in the proposed dwelling and existing dwellings fall below the distances normally anticipated; however, the development will not result in additional impacts beyond those that existed before the gas explosion.

Planning Balance

	<p>The principle of the development is established/acceptable.</p> <p>The development is acceptable in respect of highways, ecology, drainage and amenity.</p> <p>In overall terms, it is considered that the benefits of the development outweigh the harms, when assessed against the policies of the Development Plan and NPPF when taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:</p> <p>Planning Application Form Existing Survey - Drawing No. EG/KT/25/01 Proposed Rebuilding of Terraced Dwelling – Drawing No. EG/KT/25/02 Design And Access Statement Ref. EG/KT/25/DAS Construction Method Statement Ref. EG/KT/25/CMS BNG Statement Ref. EG/KT/25/BNG</p> <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <p>3. Notwithstanding the provisions of Construction Method Statement Ref. EG/KT/25/CMS, no work for the construction of the development, including demolition, shall take place on the site, except between the hours: 08.00 - 18.00 Monday to Friday; and 08.00 - 13.00 on Saturdays; In particular, no work should be carried out on Sundays or officially recognised public</p>



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holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason

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

Informative Notes

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.UK

Biodiversity Net Gain – Exemption

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 as the proposals comprises development that does 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 such as hedgerows.

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: C. Harrison	Date : 17.11.2025
Authorising Officer: N.J. Hayhurst	Date : 17.11.2025
Dedicated responses to:- N/A	