

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/25/2401/0F1
2.	<b>Proposed Development:</b>	CONVERSION OF UPPER FLOORS TO CREATE 3 NO NEW FLATS, INCLUDING ASSOCIATED ALTERATIONS
3.	<b>Location:</b>	51 ROPER STREET/14 COATES LANE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
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>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to a building which occupies a corner plot on the junction of 51 Roper Street and 14 Coates Lane, Whitehaven.</p> <p>The building is Grade II Listed and situated within the Whitehaven Conservation Area.</p>

## **RELEVANT PREVIOUS PLANNING APPLICATIONS**

Alterations to shop and storerooms to provide lock up shop and three self contained flats, approved in July 1989 (application reference 4/89/0544/0 relates);

Alteration works to provide three self contained flats above existing shop premises, approved in July 1989 (application reference 4/89/0598/0 relates);

Open up doorway between buildings (Listed Buildings), approved in November 1994 (application reference 4/94/07763/0 relates);

Listed Building Consent for alterations associated with change of use to retail shop with living accommodation above, approved in April 1995 (application reference 4/95/0217/0 relates);

Change of use to retail shop with living accommodation above, approved in April 1995 (application reference 4/95/0167/0 relates).

## **PROPOSAL**

This application seeks full planning permission for the conversion of the upper floors to create three new flats including the associated alterations.

Externally, the proposal includes the addition of a single roof light on the south east elevation.

Internally, the proposal includes some alterations to the layout to allow the residential conversion. The central stairwell will be retained for access to each of the flats with flat 2 including its own internal staircase to access the bathroom on the first floor.

Flat one includes two bedrooms, a bathroom, living room and kitchen.

Flat two includes one bedroom, an office, store, kitchen/dining room and bathroom.

Flat three includes two bedrooms, a store, kitchen and sitting/dining room.

There is no off street parking specified for the application.

This application has been submitted in tandem with a Listed Building Consent application for the same development (application reference 4/25/2402/0L1 relates).

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No response received.

### Conservation and Design Officer

Description: This is a late 18th century three storey building within Whitehaven conservation area.



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Conclusion: No objection

Assessment:

- The interior photos provided show that the building appears to have been stripped of virtually all significant features over the course of repeated rounds of redecorating and alteration over a long period of time.
- There is some significance in the layout of rooms and the ways they connect together.
- I would view the alterations required, in the form of altered and additional internal openings, the removal of a staircase, and the addition of a roof light externally, to entail a low level of less-than-substantial harm to the significance of the building.
- Given that the building contains a shop at ground floor level, the proposed use would appear to be optimal, and I am supportive of the proposal to bring the building back into use.
- I would therefore consider the low level of harm to be justified, as this will secure the future of the building with only a relatively low impact on the fabric.
- I would anticipate negligible impact on the character and appearance of the conservation area, and on the settings of nearby heritage assets, as the external appearance of the building will be negligibly altered (only by addition of a conservation style rooflight). Bringing the building back into use and externally redecorating as needed will itself serve as an enhancement to the conservation area.

### Highways and LLFA

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.

### Environmental Health

#### 1<sup>st</sup> response

In terms of its remit, Environmental Health has considered the following matters.

#### Radon

The indicative Radon Map UK shows the site to be within a 1 km grid square of elevated radon potential, where the maximum radon potential is 10 – 30 %. This would indicate that radon protection measures should be designed in to the build. Whilst radon comes from the ground and can concentrate in lower levels of buildings like basements and ground floors, it can travel up through building structures and openings (service ducts etc) and affect upper floors. Mitigation can be improved ventilation (passive or positive) and, as an older property, it may be that the relatively poor thermal insulation performance of the upper floors (open fire places, older single glazed sash windows) provide passive ventilation against radon concentration in any case. However, Environmental Health would recommend that the upper

floors are tested (over a continual 3 months period) for radon gas prior to works, for further information see: <https://www.ukradon.org/>

#### Noise

The ground floor commercial unit is currently empty, and the application advises that this unit is in planning Class E. Environmental Health are mindful of potential future noise transmission from the commercial unit to the residential flats above. At present, we are content that the provisions in Part E of the Building Regulations for noise insulation will suffice. It should be noted, however, that when the ground floor commercial unit is brought back in to use, the provisions of s79 Environmental Protection Act 1990 on statutory noise nuisance can apply if noise transmission between the floors becomes problematic.

#### Fire Safety and Means of Escape

We have concerns about potential entrapment in bedroom 2 of flat 3 at loft level. The door entrance is to, and through, a kitchen to the internal stairway escape. The only other means of escape is a very small split-opening window in bedroom 2 which appears to be more than 4.5 m above ground level.

Can the applicants please confirm is this bedroom design will meet statutory safety requirements for means of escape from a second floor residential bedroom?

Pending the above issues on radon testing and means of escape being met, Environmental Health would not object to this development and request that any construction works are carried out in standard hours:

- 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.

#### 2<sup>nd</sup> response

Thank you for the additional information submitted on the proposed Hydra Plan dated February 2026.

The Hydra Plan is proposed to mitigate the fire safety risk to the top floor flat in what is otherwise a poor design. Environmental Health understands that an Automist Hydra Scheme can be used as an alternative solution to permit a bedroom with no direct means of escape, provided it is part of a comprehensive Automatic Water Fire Suppression System (AWFSS) – based strategy in line with BS 9991 and BS 8458, and is approved by Building Control. The Hydra Scheme should be installed and signed off by a Plumis-approved installer and cover



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the entire top floor flat, and be properly maintained.

Given the above provisos are met, this system would be acceptable to Environmental Health.

### Public Representations

The application has been advertised by way of a site notice and notification letters issued to 4 no. neighbouring properties.

One letter has been received raising concerns that the proposal may become an HMO style accommodation. Furthermore, concerns are that a pub or bar may open on the ground floor and create noise and anti-social behaviour issues.

### **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 (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 2001-2016.

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
- 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 a residential use is acceptable within the confines of the settlement boundary.

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.

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.

#### Housing Need



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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.

Overall, the repurposing of the building to provide three flats 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.

Minor external alterations are required for the conversion of the building. Internally, the units will be served by sufficient private facilities for everyday living.

Environmental Health raised concerns that there could be entrapment issues in bedroom 2 of flat 3 at loft level. As a result of these concerns, the Applicant submitted a Hydra Plan in order to mitigate the fire safety risk to the top flat. It is considered that this detail will be picked up under the Building Regulations and for planning purposes, the information is deemed to be sufficient.

### Impact 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 proposed conversion will provide a viable use and will result in an improvement to the building in this respect. The external alterations are minimal and only consist of the addition of a Conservation style skylight.

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 its appearance. The Conservation Officer has confirmed that there would be negligible impact on the character and appearance of the conservation area, and on the settings of nearby heritage assets.

#### Parking

The building currently does not include any off street parking, however there is public parking available elsewhere within the town centre. Although the proposed use may marginally increase vehicle movements within the immediate vicinity of the site its town centre location provides easy access to available services and public transport.

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 of the LP 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 above. 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.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements.

As this proposal involves the conversion of an existing building and does not affect any habitat it is accepted that the biodiversity net gain condition should not be applied in this



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	<p>case.</p> <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 provision of three new residential units 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>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 the Whitehaven Conservation Area.</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 with the benefits of the proposal outweighing any adverse impacts.</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: - Application form, received 24th November 2025; Site Location Plan, scale 1:1250, received 24th November 2025; Proposed Ground Floor Plan, scale 1:50, drawing number Tent-SK-005C, received</li></ol>

24th November 2025;

Proposed First Floor and Loft Plan, scale 1:50, drawing number Tent-SK-006F, received 24th November 2025;

Existing and Proposed Elevations, scale 1:100, drawing number Tent-SI-003A, received 24th November 2025;

Biodiversity Net Gain Exemption Statement, received 24th November 2025;

Design, Access and Heritage Statement, Revision B, received 24th November 2025;

Hydra Plan, document reference 7838, received 28th January 2026.

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. The proposed roof light must be of a Conservation type design and must be retained as such at all times once installed.

Reason

In order to ensure that the surrounding Conservation Area and Listed Building are maintained and in accordance with Policies BE1 and BE2 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

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 DS4 of the Copeland Local Plan.



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### Informative Note

#### Biodiversity Net Gain – Exemption Applies

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: Conversion with no loss of habitat.

#### 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 : 02/03/2026**

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

**Date : 11/03/2026**

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