

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2185/0F1
2.	Proposed Development:	CONVERSION OF EXISTING BUILDERS PREMISES TO FORM 3 RESIDENTIAL APARTMENTS
3.	Location:	POTTERY MEWS, COACH ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Development Referral Area - Data Subject to Change
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 a group of buildings situated at Pottery Mews, off Coach Road in Whitehaven. The buildings were previously used as a builders premises. There are commercial properties to the south of the building along Pottery Road and residential dwellings to the north fronting onto Coach Road. Access is taken directly from Coach Road into a small central courtyard.	

RELEVANT PREVIOUS PLANNING APPLICATIONS

Conversion of shop and house into two dwellings, approved in March 2007 (application reference 4/07/2108/0 relates).

PROPOSAL

This application seeks full planning permission for the conversion of the buildings to create three new apartments including associated alterations to facilitate the conversion.

Externally, the proposal includes the replacement of the existing doors with new UPVC glazed doors and the window panel with UPVC cladding panel underneath. Obscure glazing will be fitted to a window on the first floor to serve the shower room window.

The conversion will create two small units with a store, bike store and garage at ground floor level and one apartment on the first floor.

Two existing flats are already in existence within part of the same building to the east of the proposed.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Highways and Local Lead Flood Authority

The Local Highways Authority notes that the site is located in a highly sustainable location within Whitehaven, with good access to public transport, employment opportunities, services and facilities. The proposed cycle store is welcomed and will help encourage and facilitate sustainable modes of travel for future occupants.

The Authority also notes that the accommodation is intended primarily to serve workers who stay in the area during the working week before returning home at weekends. As such, levels of car ownership and parking demand may reasonably be expected to be lower than those associated with conventional residential development.

Whilst limited on-site parking provision is identified, the site benefits from conveniently located off-street public and private car parking approximately 45 metres from the development, where longer-term parking arrangements could potentially be secured if required. Although additional information regarding existing parking provision for the two existing bedsits and the former workshop operation would have been helpful, taking account of the sustainable location, likely reduced parking demand associated with the intended occupiers, the provision of secure cycle storage and the availability of nearby public parking, the Local Highways Authority raises no objection to the proposal.



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Lead Local Flood Authority Response

The LLFA notes that part of the site lies within Flood Zone 2 associated with a Main River, with the remainder located within Flood Zone 1.

As the fluvial flood risk relates to a Main River, the assessment of flood risk and the acceptability of the proposed development in this regard falls within the remit of the Environment Agency as the relevant statutory consultee. The LLFA therefore offers no comments on the fluvial flood risk aspects of the proposal.

In respect of surface water drainage, the proposal comprises the conversion and change of use of existing buildings. No changes are proposed to the building footprint, roof area or existing impermeable surfaces, and the submitted information confirms that the existing drainage arrangements will remain in place.

As there will be no increase in impermeable area and no increase in runoff rates or volumes, the existing drainage system is considered acceptable for the proposed development. Consequently, there should be no increased risk of surface water flooding on or off the site. Given the constrained nature of the site and the absence of new development or hardstanding, there is also limited opportunity or requirement for attenuation features or other Sustainable Drainage Systems (SuDS).

Accordingly, the LLFA raises no objection to the proposal on surface water drainage grounds.

Conclusion:

The LHA recommends the following conditions and informative statements be included in any consent:

Prior to first occupation of the development, the cycle storage facilities shown on the approved plans shall be provided and thereafter retained for the lifetime of the development.

Reason:

To encourage sustainable travel choices and to ensure adequate cycle parking provision.

Parking and Turning Areas

The areas shown on the approved plans for the parking, turning and manoeuvring of vehicles shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason:

In the interests of highway safety and to ensure the retention of parking provision associated with the development.

Informative

1. The applicant is advised that any arrangements for long-stay parking within nearby off-street car parks would require agreement with the relevant parking authority.

2. 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

Within its remit, Environmental Health has considered the following matters:

Contaminated Land

The site is not directly within, but is closely bounded by, land marked on Council mapping as being potentially contaminated land by virtue of its historical legacy as a former pottery works and an adjacent abattoir.

The proposed works would entail little, if any, groundworks however and therefore Environmental Health do not see this site as posing a high risk of contamination. Planners may wish to impose a condition for unexpected contamination if the development is approved.

Radon

The indicative Radon Map UK shows that the site sits within a 1 km grid square of elevated radon potential, with a maximum radon potential of 5 – 10%. This would indicate that basic radon protection measures should be included within the development.

Alternatively, the applicant can conduct a definitive property search or carry out a 3 month radon test inside the property to determine the presence of radon at the site, see UKradon - Introduction

Building Regulations

At present the site's proposed change of use does not conform to Building Regulations standard on a number of issues and this is acknowledged in the submitted application. Whilst this may be resolved as the proposal proceeds to a Building Regulations application, Environmental Health have some concerns over the sizes of units 3 and 4 in particular.

These are to be two single storey self-contained bedsit apartments. There are no dimensions given in the planning application but all of the apartments must conform to minimum sizes laid out in the Nationally Described Space Standard – Minimum Space Standards for New Homes [2026 Update] - Urbanist Architecture - Small Architecture Company London

Units 3 and 4 should have a minimum gross internal floor area and storage of 37 m² (with a shower room). They should also conform to Building Regulations standard for ceiling height, be provided with space heating that the occupant can control, and have facilities for cooking. We acknowledge that the intention of the application is to provide accommodation for visiting



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workers but there remains the future possibility that the apartments could end up on the open rental market, so the legal standards need to be reached within this planning application. Further details on the apartments' dimensions and facilities would therefore be welcomed.

In other respects, if the development were to be granted, we would wish for standard construction working hours to be imposed so that nearby residents are not unduly disturbed during the construction phase.

Environmental Health therefore does not object in principle to this development providing it meets prescribed legal standards and offers the following conditions:

- Land affected by contamination – Reporting of unexpected contamination 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.
- 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.

Environment Agency

No comments.

Ecologist

1st response

The Council Ecologist notes that bats have not been considered for the existing building, which looks as though it has a cavity wall. Therefore, an ecologist who holds a bat licence with Natural England is to assess the bat roost potential of this building and conduct any further surveys that may be necessary prior to this application proceeding.

Draft Suggested Planning Conditions

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

Small Mammals

All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of small mammals and should adopt the following precautionary method of works:

- All work must take place during daylight hours.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

2nd response

The Council Ecologist updated the response after correspondence from the Agent on 17.06.2026.

Suggested Planning Conditions

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

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- All work must take place during daylight hours.
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the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.

- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

The Coal Authority

No response received.

Public Representations

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

No responses have been received as a result of these advertisements.

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 DS6: Reducing Flood Risk
- Policy DS7: Sustainable Drainage
- 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
- Policy CO7 – Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy (NPPF)

Planning Practice Guidance (PPG)

ASSESSMENT

Principle of Development

The existing building is located within the development boundary for Whitehaven as defined under 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 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.

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

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



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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 further 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 have been split to provide suitable standards for everyday living.

Environmental Health raised concerns that the units may be too small for occupation, however the Agent responded with clarification that the rooms are to be lettable bedrooms and are within the acceptable standards for these. It is considered that this detail will be considered under any submission for Building Regulations. In planning terms the information is deemed to be sufficient.

Parking

The building benefits from a courtyard that could be utilised for parking and turning. Furthermore, a garage is proposed on the ground floor. This courtyard is small with a narrow access, and it is not considered to be ideal for these purposes. Notwithstanding this there is public parking available elsewhere in close proximity to the site. Although the proposed use may marginally increase vehicle movements around the surrounding area the site is located on a regular bus route with cycling and walking opportunities widely available for nearby local services.

No objections were raised by the Highways Authority to the proposal.

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

Ground Conditions

Policy DS8 seeks to identify and remediate contaminated and unstable sites.

A coal mining report was submitted with the application that concluded there is no risk of issues with the development. No response was received from The Coal Authority, however, based on the information within the report, there is unlikely to be any hazards relating to coal.

Environmental Health raised potential risks of both contaminated land and radon. A planning condition was suggested to ensure that any unexpected issues found are reported and mitigated.

Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zones 1 and 2. The proposal comprises a less vulnerable use and is for the conversion of an existing building and is therefore considered to be a compatible use in Flood Zones 1 and 2.

The Environment Agency and Local Lead Flood Authority did not raise any objections to the proposal and consider that the development is unlikely to create any issues with flooding either on site or within the surrounding area.

The proposal is considered to be compliant with the Policy DS6 and DS7 of the Copeland Local Plan, and provisions of the NPPF.

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 case.

Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Initially, the Council's Ecologist requested a bat survey, however the Agent confirmed that there will be no works to the fabric of the building and presented evidence that there are no available habitats for them to use within the existing building. Further to this, the Ecologist confirmed that she was satisfied that this was not required and suggested guidance with regards to small mammals and breeding birds.



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	<u>Planning Balance and Conclusion</u> The building is located within 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. This is given great weight within the planning balance. Whilst the parking provision available to serve the building is insufficient, there are alternative car parking options nearby and there are other sustainable transport options available within walking distance. This is considered to be neutral within the planning balance. Overall 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 considered to outweigh any adverse impacts.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions:</u> 1. The development hereby permitted must 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. 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, received 10th June 2026; Location and Block Plan, scales 1:1250 and 1:200, drawing number 24/0442/01, received 9th July 2026; Proposed Ground Floor Plan, scale 1:50, drawing number 24/0442/06A, received 9th July 2026; Proposed Ground Floor Plan, scale 1:50, drawing number 24/0442/06B, received 9th July 2026;

Proposed Ground Floor Full Plan, scale 1:50, drawing number 24/0442/06C, received 9th July 2026;
Proposed First Floor Plan, scale 1:50, drawing number 24/0442/07A, received 9th July 2026;
Proposed First Floor Full Plan, scale 1:50, drawing number 24/0442/07C, received 9th July 2026;
Proposed Elevations, scale 1:50, drawing number 24/04432/08, received 9th July 2026;
Proposed Sectional Elevations, scale 1:50, drawing number 24/0442/09, received 9th July 2026;
Flood Map, received 10th June 2026;
Coal Mining Report, received 10th June 2026;
Planning, Design and Access Statement, received 10th June 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.

Prior to First Occupation Conditions

3. Prior to first occupation of the development, the cycle storage facilities shown on the approved plans must be provided and thereafter retained for the lifetime of the development.

Reason

To encourage sustainable travel choices and to ensure adequate cycle parking provision in accordance with Policy CO7 of the Copeland Local Plan 2021-2039.

Other Conditions:

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no extensions, detached buildings, enclosures, domestic fuel containers, pool or hardstandings must be constructed within this land other than those expressly authorised by this permission.

Reason



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To safeguard the character and appearance of the development in the interests of visual amenity in accordance with DS4 and N6 of the Copeland Local Plan 2021-2039.

5. 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

There must be no construction activities at any 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 in accordance with DS4 of the Copeland Local Plan 2021-2039.

6. The areas shown on the approved plans for the parking, turning and manoeuvring of vehicles shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason

In the interests of highway safety and to ensure the retention of parking provision associated with the development in accordance with Policy CO7 of the Copeland Local Plan 2021-2039.

7. 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:

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 because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions: De minimis development.

Coal 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 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

Ecology

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to



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the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

Small Mammals

All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of small mammals and should adopt the following precautionary method of works:

- All work must take place during daylight hours.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

Highways

1. The applicant is advised that any arrangements for long-stay parking within nearby off-street car parks would require agreement with the relevant parking authority.
2. 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.

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

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 : 31/07/2026
Authorising Officer: N.J. Hayhurst		Date : 05/08/2026
Dedicated responses to:- N/A		