

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2426/0F1
2.	Proposed Development:	CHANGE OF USE OF PART GROUND FLOOR FROM BANK TO CAFE/WINE BAR
3.	Location:	71 LOWTHER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - 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 71 Lowther Street, a large mid terraces property situated within the Whitehaven Town Centre and within the Whitehaven Conservation Area. The ground floor of the building was previously in use as a Natwest Bank (Class E) and is currently vacant. The building does not benefit from any private amenity space or dedicated off street parking.	

PROPOSAL

Planning Permission is sought for the change of use of the ground floor of the premises to create a bar/cafe. The proposal does not include any external alterations.

Internally a number of modern partitions are to be removed to allow the reconfiguration of the space to form a café and wine bar seating area, booth seating, male, female and accessible WCs and the bar.

The proposed hours of opening are:

Monday to Wednesday – 09:00 – 22:00

Thursday to Sunday – 09:00 – 00:00

The proposal will include the addition of 4 full time staff and 8 part time staff.

RELEVANT PLANNING APPLICATION HISTORY

Illuminated projecting sign, approved in August 1993 (application reference 4/93/0479/0 relates);

Formation of a wheelchair access to side of bank and relocation of a service till from side to front, approved in January 1994 (application reference 4/93/0817/0 relates);

2 fascia signs, 2 non illuminated wall signs, approved in July 1996 (application reference 4/96/0372/0 relates);

Replacement/additional signage, approved in October 2013 (application reference 4/13/2360/0A1 relates);

Installation of 60cm grey satellite dish, approved in January 2001 (application reference 4/00/0839/0 relates);

Re-grade small ramp area at disabled door fit new handrail to existing ramp, approved in March 2001 (application reference 4/01/0534/0 relates);

Replacement signage, approved in November 2002 (application reference 4/02/0946/0 relates);

Install 3 new external task lights and install new grab rails at side entrance, approved in April 2004 (application reference 4/04/2190/0 relates);

Works in relation to closure of bank, approved in March 2023 (application reference 4/22/2421/0F1 relates).

CONSULTATION RESPONSES



Cumberland Council

Whitehaven Town Council

No objections.

Highways and Local Lead Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I 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.

Conservation Officer

1st Response

Description: 71 Lowther Street is an early 20th-century building built originally for the Bank of Whitehaven. It was one of several banks on Lowther Street, although most have since changed use. It is unlisted but makes a positive impression on this important part of the conservation area.

Conclusion: Request further information

Assessment:

- I'm supportive of the general goal of giving this building a new use and view the proposed ground floor use as compatible with the building.
- I note, from having inspected the building in September 2023, that there were some significant maintenance and repair needs particularly at the top floor level, and there had been water ingress at some point. Although not controlled by planning, it would be very useful background information to know if any making good of the fabric is proposed at this time.
- Although not listed, the building is a heritage asset, and according with Local Plan policy BE1, it would be appropriate to include a heritage statement with the application to allow impact on the building to be taken into consideration. The building retains some interesting and increasingly rare features such as extensive period joinery, ornate stair balusters that have been much overpainted and would benefit from restoration, moulder plaster work, some of which has been threatened by water ingress, a goods elevator between basement and ground floor level, a strong room and more.

Summary: Although supportive of the general proposal, I request a heritage statement be included (ideally with photos) to show the impact the change of use will have on the building's significance. This would be a good place to show how the proposal takes the opportunity to preserve or enhance the building's significance.

I would refer particularly to Local Plan policies BE1 and BE2 here.

It would also be useful to have background information on the general repair and maintenance needs of the building, given its previously poor and declining condition.

2nd response

Description: 71 Lowther Street is an early 20th-century building built originally for the Bank of Whitehaven. It was one of several banks on Lowther Street, although most have since changed use. It is unlisted, but makes a positive impression on this important part of the conservation area.

Conclusion: No objection

Assessment:

- I'm supportive of the principle of the proposal, which aims to give the building a viable new use at ground floor and increase the vitality of the high street.
- A heritage statement has been submitted showing the range of modern interiors and fittings that are to be removed in the course of the change of use.
- I am satisfied that there is no harm entailed to the significance of this non-designated heritage asset, and much potential to enhance or better reveal its significance.

Environmental Health

There are no objections to this development from Environmental Health subject to the following comments.

It is noted that there does not appear to be a defined kitchen / food preparation area, or a cooking extract / ventilation system, and no information is provided to show wash hand basins for staff and sinks for cleaning utensils, crockery and cutlery (although dish washers are an alternative means).

This would limit the café to the provision of pre-packaged food stuffs and / or a limited food menu that could be quickly and simply prepared.

The premises would need to register with this Council as a food provider via the web link below. A food hygiene inspection may then be carried out by Environmental Health.

The proposed hours of opening are quite extensive.

At this point, it is recommended that the hours of opening are not conditioned to any planning approval that may be granted. The proprietors will need to apply for a premises licence from this Council's Licensing team, and subsequent consultation will then be made by Environmental Health and Cumbria Police in order to ensure that the licensing objectives set by the Licensing Act 2003 are met. The hours of opening will be agreed during this process, as well as regulating the routine daily activity of the premises.

In both the above respects, the proprietors should also consider the future possibility of any new commercial business being operated from the first floor above (it is currently vacant though available to let), and any implications this may have as regards noise and cooking odours from the ground floor café / wine bar to premises above.

Environmental Health are aware of past issues of trespass and minor fire damage and vandalism to the first floor of this building in August 2023.

To pick up on the comments made by the Conservation and Design Officer about this, telephone contact with the owner was made by Environmental Health this week and we were assured that this has been repaired.

No access to the upper levels was gained however and it may be helpful to either arrange a visit or for the owner to provide visual evidence.

If any noisy construction works are required for the development, the imposition of standard construction hours is suggested as a condition to planning approval –

- 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 development will require a Premises Licence under the Licensing Act 2003. Further information can be sought from the Licensing team at Cumberland Council.
- The premises will need to register as a food business operator. This can be done from the following link - <https://register.food.gov.uk/new>
- Advice on food hygiene and kitchen design can be sought from the Environmental Health team at Cumberland Council.

Designing Out Crime Officer

1st Response

Many thanks for your consultation dated 8th January 2025.

An application for another Licensed Premise in this locality has significant implications for police resourcing. I have consulted with the Neighbourhood Policing Team that patrols this area and the Supervisor's comments are appended below:

"I write with reference to the consultation validated on 23 December 2024 in relation to the premises at 71 LOWTHER STREET, WHITEHAVEN involving CHANGE OF USE OF PART OF THE GROUND FLOOR FROM BANK TO CAFE/WINE BAR.

I am the Neighbourhood Policing Team and Licensing Sergeant that covers this area.

The NPT wishes to bring these concerns to the attention of the Planning Authority for this application, whilst acknowledging that responsibilities under the Licensing Act rest with Cumberland Council.

I have reviewed the documents listed within the planning portal in respect of this application. I do feel that the Police need to make representation given the intended change of use of the building to licensed premises.

The location of the building is in Whitehaven Town Centre and would be in the centre of the main area of licensed premises which provide the main Night-time Economy for the town and indeed, West Cumbria at the weekend. This premise is also adjacent to an area of residential properties. The addition of another licensed premises here is a serious concern for us.

The application itself lacks detail, and I have been unable to identify within the published documents reference to the capacity or any public safety considerations. The application does not reference any safety and security features beyond the fire escapes, i.e. indicating compliance with Policy DS4 of the Copeland Local Plan.

As the local Policing Sergeant my interest and concerns relate to the impact on local crime and disorder, and I have a duty to notify the Planning Authority regarding my concerns about the impact this development may have. In the last few years this small town has seen a resurgence in popularity of the Night-time Economy and in the variety of licensed premises. Not by coincidence there has been a significant increase in the amount of anti-social behaviour reports and violent crime.

In 2021 the officers at Whitehaven dealt with 941 crime and public order offences. In 2024 this had grown to 1109 and analysis of data has demonstrated that a high proportion of these violent assaults and public order offences have occurred within the area of licensed premises or related to persons who had been patrons immediately before. These are the recorded crimes for the area and do not include all calls for service involving antisocial behaviour that sit below the criminal threshold or do not involve recordable crimes. This area in Whitehaven has been identified as a Hotspot for antisocial behaviour and serious violence as part of statistical analysis and has been subject to additional police patrols as part of the response to this using Home Office funding to provide this – this funding expires in March 2025 with no likelihood of replacement. This places strain on limited local policing resources who are dealing with an ever-increasing demand.

Our concern around this high level of crime has prompted ongoing work with Licensee's and partners to try to reduce the number of assaults and violence against women and girls. This has included the supply of additional Security Industry Authority staff to provide security at taxi ranks at peak times to ensure the safety of those leaving the area and to ensure patrons can get safely home. There has also been a Local Focus Hub case around these issues involving all partners and Licensees working together to provide a safer environment around taxi provision and having a safe night. Work has also been ongoing between police and the local Pubwatch scheme around providing a safe environment - and problem solving around concerns regarding an increase in reported 'spiking' incidents and violence offences.

The Application Form suggests the premises will be open between 0800 and 0200 daily and this gives me concern. The Night-time Economy in Whitehaven cannot provide enough taxis and safe transport home at present for those already partaking, let alone with extra demand from additional premises. This realisation formed a large part of the Local Focus Hub case and simply put, there are not enough taxi drivers willing to work in the Night-time Economy to provide this service. This issue has been seen to impact upon the effective winding down of the Nighttime Economy on closure of late opening premises and has contributed to the crime and disorder seen in the locality.

I do not wish to provide a disproportionate response to this application, but it is difficult to consider the full impact another bar will have without knowing its capacity inside and out and other public safety considerations. I have spoken with the Licensing Department at Cumberland Council, and they have not been approached by the applicant in respect of any Licensing application. Cumbria Constabulary has had no contact from the applicant in respect of any Licensing application and I would strongly encourage them to contact us to be able to acknowledge our concerns and to understand the wider context of this proposal.

Whilst the Licensing Authority is required to publish a Statement of Licensing Policy that:

".....sets out the basis on which decisions under the Licensing Act 2003 will be made. The policy strives to achieve a local balance between the commercial interests of the licensed trade and the communities they serve and affect, a balance between freedom and responsibility."

We wish to clarify if Cumberland Council (Copeland) makes any contribution to – and can influence - the Cumulative Impact Assessments – as referred to under S141 Policing and Crime Act 2017:

[Policing and Crime Act 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The Constabulary recognises and acknowledges the importance of development of new business and regeneration of the area and is very supportive, however the late-night opening and potential impact of this application must be considered and a balanced approach taken.

However, we also wish to draw attention to the Government publication 'Modern Crime Prevention Strategy' which makes particular reference to the provision of drinking

establishments and the resultant demands on Emergency Services - to the detriment of local communities:

[6.1770 Modern Crime Prevention Strategy final \(publishing.service.gov.uk\)](#)

Alcohol as a Driver of Crime

What the evidence shows

Over the last decade, in around half of all violent incidents the victim believed the offender(s) to be under the influence of alcohol at the time of the offence, a proportion that increases in incidents between strangers, in the evening and night, at weekends, and in public places.”

This evidence is reflected in my statistics described above.”

2nd response

I am appreciative of Mr Woodall’s further comments in relation to this matter. I understand that a licensing application would succeed a planning application and that restrictions could be put in place in respect of the premises at that stage however I am objecting to the change of use for the reasons stipulated. There is nothing further that I can add at this time and stand by my original objection and reasoning.

3rd Response

I write in respect of the below from the MP which does contain some inaccuracies. We have passed comment on the planning application made in respect of 71 LOWTHER STREET, WHITEHAVEN raising valid concerns. The comment from the owner to the MP about our objection standing and no reasoning whatsoever is wholly inaccurate. We have provided factual information for the planning officer and, subsequently the committee, to decide on the matter along with all other relevant information as to whether they will grant the application.

The update provided by us in relation to Sarah’s queries on 16 March by Andy Hunton answered the queries raised around opening hours and stated that the finish time is a concern however the ASB and crime figures presented are from early evening onwards – specific times would be considered in any licensing application should planning be granted. It would not be appropriate nor prudent to comment on a licensing application prior to a planning decision and before seeing the whole business model and licensing plans. I have raised concern to the planning on the grounds that another licensed premises would contribute to violent crime and ASB in an already defined hotspot area and would cause increased demand to police. These facts do not change and as such I cannot amend or remove the comments made however I would like to say that we are supportive of new business in Whitehaven and would seek to work with the applicant to mitigate risk. The police have provided information to the planning department as is appropriate in the circumstances.

The correct process is for the planning application to proceed and, if granted, look at a licensing application. As already stated on 16 March, I have submitted my comments for review by the Planning Authority, and it is for them to make a decision on the application with

the information supplied. If planning permission is granted, I would urge the prospective licensees to contact me and Cumberland Council Licensing prior to any application being made to discuss the matter and their plans as this would assist in any subsequent application. This is where negotiation takes place around opening hours and operating issues. We would always welcome any licensing application and work with applicants and licensees to ensure that Whitehaven remains a safe place to socialise. It would not be prudent to negotiate these matters at a planning stage, and we will happily seek to mitigate risk and address concerns through any subsequent licensing application should planning be granted.

4th Response

I can confirm that we can seek to mitigate risk and address concerns at the licensing stage should planning permission be granted.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued 2 no. properties.

One letter of objection has been received with concerns regarding noise due to outdoor seating and opening hours when the building is close to a residential area. Furthermore, the objector raised concerns with regards to the volume of the proposed music.

Twenty four letters of support have also been received praising the re-use of the empty building and the addition of another business within the community.

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 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 E1: Economic Growth

Strategic Policy E2: Location of Employment

Strategic Policy R1: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2: Hierarchy of Town Centres

Strategic Policy R3: Whitehaven Town Centre

Policy R9: Non-Retail Development in Town Centres

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Strategic Policy CO4: Sustainable Travel

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Cumbria Development Design Guide (CDDG)

National Planning Practice Guidance (PPG)

ASSESSMENT

Principle of Development

Policy DS1 sets out a Settlement Hierarchy for the Borough and seeks to direct the majority of development into the four main towns. Whitehaven is identified as the Principal Town and will be the primary focus for new development in the plan area.

The site lies within the designated settlement boundary for Whitehaven as identified under Policy DS2.

Policies E1 and E2 support the creation of new businesses within the town centre.

Policy R1 seeks to enhance the vitality and viability of the town centre by encouraging a diverse range of uses and supporting the refurbishment of buildings. A broadened offer is considered to increase footfall and encourage lengths of stay for both the daytime and evening economy.

Policy R2 sets out a Hierarchy of town centres. Whitehaven is identified as the Principal Town where the focus would be on supporting new and enhanced town centre uses.

Policy R3 relates to Whitehaven Town Centre specifically. It states that development that supports the role of Whitehaven Town Centre as the Principal Town will be encouraged and supported where:-

Appropriately reflects the Whitehaven Town Centre boundary and Primary Shopping Area in line with the approach set out in Policy R648

- Accords with the Whitehaven Town Centre and Harbourside Supplementary Planning Document or any document that supersedes it;

- Encourages evening and nighttime uses that contribute to the vibrancy, inclusiveness and economic vitality of the centre;

- Provides commercial office space in Whitehaven;

- Builds upon the leisure offer to maximise the location of Whitehaven as a destination within the Lake District Coastal Area;

- Provides improvements to public realm, shop front aesthetics, linkages and signage;

- Improves the historic attributes where appropriate;

Improves pedestrian movement, connectivity and safety throughout the town centre and in particular from King Street to the harbour areas;

- Provides retail, leisure and main town centre frontage along the harbour;

- Provides improved and new public green space and landscaping;

- Enhances the gateway sites and approaches into the town centre;

- Diversifies the range of residential accommodation in the town centre, including

the re-use of vacant floors over shops;

- Maintains high standards of design that conserves and enhances elements contributing to the significance of Whitehaven Town Centre and High Street Conservation Area, including principles set out within the Conservation Area Appraisal and Conservation Area Management Plan;
- Strengthens the historic attributes of the town centre;
- Incorporates the strategic redevelopment schemes set out in the Whitehaven Masterplan

Policy R9 seeks to encourage non-retail development in town centres where it widens the food and drink offer and make a positive contribution to the vitality, viability and diversity of the town centre.

The NPPF sets out under paragraph 85 that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 90 of the NPPF clarifies that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

On this basis, the principle of development is therefore considered to be acceptable, and the proposed use satisfies Policies DS1, DS2, R1, R2, R3 and R9 of the Copeland Local Plan 2021-2039.

The other material considerations raised by the proposal are set out below.

Impact on Residential Amenity

Policy DS4 of the Local Plan and section 12 of the NPPF seek to safeguard good levels of residential amenity.

Policy R9 of the Local Plan encourages proposals for food and drink provision within the town centre providing that the use would not have a detrimental effect on the character and amenity of the town centre and the proposal would not harm the amenity of town centre residents.

The Police have raised an objection to the proposed use. Their concerns are centre on the grounds that another licensed premises would contribute to violent crime and ASB in an already defined hotspot area and would cause increased demand to police.

The planning policy context both locally and nationally supports the provision of new uses within town centres. The nighttime economy is an essential part of improving the vitality and viability of town centres.

Whilst the issues raised by the Police are noted the majority of these could be mitigated through the licensing legislation. A premises licence would be required to operate the proposed café/wine bar, and this would impose limitations and controls on how the premises are operated, including the imposition of trading hours.

Following extensive discussions, the Police have helpfully clarified that they can seek to mitigate risk and address concerns at the licensing stage should planning permission be granted.

Guidance set out in the PPG confirms that restrictions should not be imposed through the planning legislation where they can be controlled through other legislation.

The Environmental Health Officer (EHO) has recommended that the hours of opening are not conditioned to any planning approval that may be granted. This is on the basis that the proprietors will need to apply for a premises licence from this Council's Licensing team, and subsequent consultation will then be made by Environmental Health and Cumbria Police in order to ensure that the licensing objectives set by the Licensing Act 2003 are met. The hours of opening will be agreed during this process, as well as regulating the routine daily activity of the premises.

The EHO has requested that restricted hours are imposed during the construction phase of the development to minimise the impact on residential amenity. This can be secured by an appropriately worded planning condition.

There has only been one objection raised by a member of the public during the consultation process which raises issues regarding noise. This issue has been considered in the comments raised by the EHO.

Overall, it is considered that the proposed use is acceptable in planning terms. Sufficient provision exists under the Licensing Act to mitigate the impacts of noise and disturbance on residential amenity.

Effect on the Conservation Area

The site lies within the Whitehaven Conservation Area.

Policies BE1 and BE2 of the LP seek to protect and enhance Heritage Assets including Conservation Areas. Policy BE2 sets out that any harm to the significance of a designated heritage asset will require clear and convincing justification.

Policy DS4 of the LP requires good design.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses’.

Section 72 requires that: ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance’ of a conservation area.

The National Planning Policy Framework requires that proposed changes to the historic environment are based on a clear understanding of significance of any heritage asset and their setting that are affected, providing information so that the likely impact of proposals can be assessed.

The National Planning Policy Framework requires consideration of whether the harm to heritage asset is outweighed by the benefits of the proposal.

The submitted Heritage Statement Assessment clarifies that a range of modern interiors and fittings are to be removed in the course of the change of use.

The Conservation Officer has confirmed that he is supportive of the principle of the proposal, which aims to give the building a viable new use at ground floor and increase the vitality of the high street. He is satisfied that there is no harm entailed to the significance of this non-designated heritage asset, and much potential to enhance or better reveal its significance.

Highway Safety/Parking

Policy CO4 promotes sustainable forms of transport.

Policy CO7 sets out the parking standards for new development.

The premises lie within the town centre of Whitehaven and occupy the full land parcel which prevents the provision of any car parking to serve the building.

Given its town centre location there are extensive sustainable transport options available in addition to a number of public car parks which are within easy walking distance.

The Highway Authority has raised no objections and do not consider that the proposal will have a material effect on existing highway conditions

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

	<p>there was before the development. Some developments are however except from these BNG requirements.</p> <p>Based on the information available this application is not considered to be one which will require the approval of a Biodiversity Gain plan before development is begun. It relates to the conversion of an existing building and will not have any impact on a priority habitat and therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain (De Minimis)</p> <p>Planning Balance and Conclusion</p> <p>This proposal will result in the reuse of a large prominent building within the town centre which has been vacant for a period of time. It will provide a viable new use at ground floor and will help to increase the vitality and vibrancy of the high street. It will also create new employment opportunities. This is attributed significant weight.</p> <p>The building occupies a prominent position within the Conservation Area. The reuse of the building does not involve any external alterations which provides potential to enhance or better reveal its significance. No harm is entailed to the significance of this non-designated heritage asset.</p> <p>Although concerns have been raised by the Police on the grounds that another licensed premises would contribute to violent crime and ASB in an already defined hotspot area and would cause increased demand to police they have confirmed that they can seek to mitigate risk and address concerns at the licensing stage should planning permission be granted.</p> <p>The EHO has not raised any issues with regards to adverse impact on residential amenity and has recommended that hours of operation are controlled through any subsequent Licensing application. Notwithstanding this the applicant has agreed to restricted opening hours as part of the discussions with Officers and so it is considered appropriate to impose a planning condition which reflects the agreed opening hours. This may eventually be varied by the application for a License.</p> <p>Overall, it is considered that the significant benefits of the proposal outweigh any identified harm in this case and additional restrictions to mitigate the impacts can be secured outside the planning process through the Licensing Act.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

	<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>
2.	<p>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: -</p> <p>Application Form, received 23rd December 2024 Site Location Plan, scale 1:1250, received 23rd December 2024; Existing and Proposed Floor Plans, scale 1:100, drawing numbers 01 and 02, received 23rd December 2024; Heritage Statement, received 6th February 2025.</p> <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>
3.	<p>Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours.</p> <p>Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday.</p> <p>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</p> <p>In the interests of the amenities of surrounding occupiers during the construction of the development.</p>
4.	<p>The hours of opening shall be limited to the following times only:</p> <p>Monday to Wednesday – 09:00 – 22:00 Thursday to Sunday – 09:00 – 00:00</p> <p>Reason</p>

To minimise disturbance to neighbouring residents/properties in the interest of amenity in accordance with Policy R3 of the Copeland Local Plan.

Informatives

- The development will require a Premises Licence under the Licensing Act 2003. Further information and advice should be sought from both the Licensing team at Cumberland Council and the Police.
- The premises will need to register as a food business operator. This can be done from the following link - <https://register.food.gov.uk/new>
- Advice on food hygiene and kitchen design can be sought from the Environmental Health team at Cumberland Council.

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

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 : 12/05/2025
Authorising Officer: N.J. Hayhurst	Date : 12/05/2025
Dedicated responses to:-	