

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2176/0F1
2.	<b>Proposed Development:</b>	CONVERSION OF EXISTING BUILDING TO 4 NO. RESIDENTIAL UNITS INCLUDING ROOM IN THE ROOF EXTENSION WITH DORMER WINDOWS TO THE EASTERN END OF THE BUILDING
3.	<b>Location:</b>	THE SURGERY, CATHERINE STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Listed Building - Listed Building, Coal - Development Referral Area - Data Subject to Change
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>The application site comprises the now vacant former Whitehaven Medical Centre, 3 Catherine Street, Whitehaven.</p> <p>The property comprises a principally two-storey building that is attached to the rear of, however is internally subdivided from, 80 Lowther Street.</p> <p>The property is finished externally with a combination of textured render finishes with surrounding details to the windows under a combination of dual pitched hipped and gabled roof structures finished externally with slate. The property has timber windows and doors.</p> <p>The property is a Grade II Listed Building and is located within the Whitehaven Town Centre</p>	

Conservation Area.

The property has limited curtilage and does not benefit from off highway parking.

The application site is partially located in Flood Zone 2 and partially located in Flood Zone 1.

**Planning Application History:**

The Application Site benefits from Full Planning Permission and Listed Building Consent for conversion of the existing building to 6no. dwellings – app. ref. 4/21/2139/0F1 and app. ref. 4/21/2140/0L1.

The development was commenced by the previous owner but then development ceased in the early stages of the refurbishment and the property was placed for sale by auction.

It has been agreed that the development approved under app. ref. 4/21/2139/0F1 and app. ref. 4/21/2140/0L1 remains extant and lawfully capable of implementation.

**Proposal:**

Full Planning Permission is sought for the alteration and extension of the property to enable the creation of 4no. dwellings:

- Unit 1 – GF level; 1 bed apartment.
- Unit 2 – FF level; 2 bed apartment.
- Unit 3 – GF level; 1 bed apartment.
- Unit 4 – 2-storey; 2 bed cottage.

The physical development proposed principally comprises:

**External:**

- The erection of a first floor level extension above the existing single story element of the building under a dual pitched roof structure with dual pitched dormer windows. It is proposed to finish the roof with slate.
- The existing timber window are to be retained where possible and replaced where necessary.
- Two additional timber doors and two additional timber windows are proposed.

**Internal:**

- Ground floor - Removal of various existing internal partitions; erection of various new internal partitions; removal of existing staircases and installation of new/replacement staircases.
- First Floor - Removal of various existing internal partitions and erection of various new internal partitions.

No off-highway parking is proposed.

It is proposed to dispose of foul and surface water to the public main.

<b>Consultee:</b>	<b>Nature of Response:</b>
Town Council	<p><i>27<sup>th</sup> June 2025</i></p> <p>No objections or comments.</p>
Cumberland Council – Highways and LLFA	<p>As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.</p> <p>The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.</p>
Copeland Borough Council – Conservation Officer	<p><i>17<sup>th</sup> June 2025</i></p> <p>Description: 3 Catherine Street is a mainly two-storey building of conventional appearance for the area, which is considered listed by virtue of comprising a part of 80 Lowther Street, which was listed in 1949.</p> <ul style="list-style-type: none"> <li>• Information on ownership and function on 1st Jan 1969 is not available, however, historic map data from 1961 reveals that the southern section of the building, with roughcast render, was part of 80 Lowther Street at that time, and therefore it can be inferred that it was in the same ownership and used for the same purpose at that time.</li> <li>• It seems likely that this was the same arrangement at the introduction of curtilage legislation in 1969, and that main section of 3 Catherine Street described above should be considered to form part of the curtilage of 80 Lowther Street.</li> </ul> <p>Conclusion: Request further information</p> <p>Assessment:</p> <ul style="list-style-type: none"> <li>• This building has an extant planning permission and listed building consent for conversion granted in 2021.</li> <li>• The new application is for conversion to 4 no. units rather than 6.</li> <li>• Externally, changes are main the addition of single doors and a window to the frontage, and the raising of the ridge of the single-storey section, with the addition of a dormer window front and back.</li> <li>• The building is vacant and of fairly limited significance in and of itself. It makes a modest contribution to the significance of 80 Lowther Street, and the character and appearance of the conservation area, and settings of</li> </ul>

		<p>other nearby heritage assets more generally.</p> <ul style="list-style-type: none"> <li>• I am supportive of the proposal to give this building a new use. Generally, the changes proposed will have a positive impact on the building's long-term viability and outcomes.</li> <li>• There are some internal features of significance within the building, including mouldings, plasterwork and fireplaces. As the interior layout is different to the approved scheme, these should be documented in the heritage statement so that impact on them can be considered (if there is any impact), rather than left to assumption. Window and doors details are unaffected by the change to the scheme, so comment on these would not need to be added.</li> </ul> <p>Summary:</p> <ul style="list-style-type: none"> <li>• Heritage statement should be revised to note relevant internal features, and comment briefly on whether and if so how they will be impacted by the proposal.</li> </ul> <p><i>18<sup>th</sup> June 2025</i></p> <p>Thanks for this. Given the building's marginal significance in the first place, I think we should probably consider whether the list description of 80 Lowther Street should be updated to specifically omit this building.</p>
	United Utilities	No consultation response received.
	The Coal Authority	No consultation response received.
	<b>Neighbour Responses:</b>	
	<p>The development has been advertised by way of a planning application site notice, press notice and notification letter sent to 1no. neighbouring property.</p> <p>No representations have been received.</p>	
	<p><b>Planning Policy:</b></p> <p>Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.</p> <p><b>Development Plan:</b></p> <p>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.</p>	



## Cumberland Council

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Strategic Policy DS1: Settlement Hierarchy  
Strategic Policy DS2: Settlement Boundaries  
Strategic Policy DS3: Planning Obligations  
Policy DS4: Design and Development Standards  
Policy DS5: Hard and Soft Landscaping  
Strategic Policy DS6: Reducing Flood Risk  
Policy DS7: Sustainable Drainage  
Policy DS8: Soils, Contamination and Land Stability  
Policy DS9: Protecting Air Quality  
Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy  
Strategic Policy R3: Whitehaven Town Centre  
Policy R9: Non-Retail Development in Town Centres  
Strategic Policy H1: Improving the Housing Offer  
Strategic Policy H2: Housing Requirement  
Strategic Policy H3: Housing Delivery  
Strategic Policy H4: Distribution of Housing  
Policy H6: New Housing Development  
Policy H7: Housing Density and Mix  
Strategic Policy H8: Affordable Housing  
Policy H13: Conversion and sub-division of buildings to residential uses including large HMOs  
Strategic Policy SC1: Health and Wellbeing  
Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity  
Strategic Policy N3: Biodiversity Net Gain  
Policy N5: Protection of Water Resources

Strategic Policy BE1: Heritage Assets  
Policy BE2: Designated Heritage Assets  
Strategic Policy CO2: Priority for improving transport networks within Copeland  
Strategic Policy CO4: Sustainable Travel  
Policy CO5: Transport Hierarchy  
Policy CO7: Parking Standards

**Other Material Planning Considerations:**

National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
National Design Guide (NDG).  
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).

**Assessment:**

*Principle*

The principle of the proposed development and use has been established under Full Planning Application ref. 4/21/2139/0F1.

Full Planning Permission is sought as the revisions proposed are not possible under Section 73.

The proposed development represents a reduction in the number; however, an increase in the quality of the dwellings proposed.

*Design and Heritage*

A Heritage Statement has been prepared in support of this planning application.

The property is a Grade II Listed Building, as the property comprised part of the Grade II Listed 80 Lowther Street, Whitehaven at the time of listing. The building has subsequently been the subject of subdivision from 80 Lowther Street and unsympathetic extension and internal alterations to create a medical surgery.

The building is located within the Whitehaven Town Centre Conservation Area.

The significance of the building is primarily derived from the developed form and relationship of the southwestern most part of the building to 80 Lowther Street and the very limited original internal features that remain. The single storey element to the northeast most part of the building is a recent addition of similar design/construction to the remainder of the building; however, by virtue of its scale and form, it does not make a positive contribution to its



## Cumberland Council

significance. The introduction of a first floor level extension and dual pitched dormer windows is consistent with the existing character and features of the building and will not detract from the overall visual appearance and balance of the building and the conservation area.

The property has various rendered finishes to the elevations, including roughcast render and incised stucco, which it is proposed to retain, repair as necessary and re-decorate.

The proposed timber windows and doors are of a design and form in keeping with the design and significance of the building.

Owed to the extensive internal alterations to create a medical surgery, limited original fabric of significance remains to the interior of the building. The Victorian iron fireplaces, some glazed cabinetry and wood paneling that existed in 2021 in the eastern most element of the building has been removed by the previous contractor in conflict with the requirements of app. ref. 4/21/2139/0F1 and app. ref. 4/21/2140/0L1. Given the limited heritage value of these features, their replacement will deliver negligible heritage benefits. The proposed internal alterations to the building are extensive; however, these principally relate to the removal/alteration of the interventions completed in the conversion to the medical surgery and so the resulting impact upon the significance of the building is limited.

In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Policy BE2, it is considered that as proposed the development will result in slight harm to the significance of the conservation area and Grade II Listed Building.

### *Ecology*

The building to which this application relates falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines; however, given the location of the building, the potential for the presence of bats is negligible and a Bat Survey not therefore requested.

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

The development will not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats; therefore, the development falls below the biodiversity net gain threshold and a ten percent biodiversity net gain is not required to be delivered.

### *Highways Impacts*

No off highway parking spaces are proposed to serve the development; however, given the location of the property within close proximity to the facilities and amenities within Whitehaven Town Centre, the availability of the sustainable transport modes within walking distance and the availability of public parking spaces within walking distance, on balance, the development is considered acceptable.

### *Flood Risk*

The application site is partially located in Flood Zone 2 and partially located in Flood Zone 1.

The principle of the proposed development and use has been established under Full Planning Application ref. 4/21/2139/0F1.

Notwithstanding the above, the proposed development comprises a more vulnerable use, which is a compatible use in Flood Zone 2. The proposed development comprises the change of use of an existing building; therefore, the Sequential Test is not applicable.

A Flood Risk Assessment has not been submitted in support of the Full Planning Application. The development does not include accommodation in the basement of the building and multiple points of escape exist.

### *Drainage*

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

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

### *Residential Amenity*

The interface separation distances between habitable room windows in the proposed dwellings and existing dwellings fall below the distances normally anticipated; however, given the existing interrelationship between the properties and the generally more intimate relationship between existing dwellings within the central areas of Whitehaven, the relationships are considered acceptable.

A small number of rooms within the development do not benefit from an outlook, facing onto a blank wall located in close proximity. The rooms will however benefit from some natural light penetration. Whilst this arrangement is not ideal, on balance given the use of the rooms and that habitable rooms and other bedrooms within the apartments benefit from views and light, the arrangement is considered on balance acceptable.

The property is located within the central area of Whitehaven where higher levels of general noise and activity exist. The property is attached to the rear of the licenced WRLS Club. Access to the WRLS Club is principally via an entrance to Lowther Street; however, a vehicle parking area and secondary access are located to the rear. A number of other residential properties exist within the locality. Given the relationship between the respective properties and subject to appropriate management, adverse impacts upon the residential amenity of occupants should not occur.



	<p><i>Ground Conditions</i></p> <p>The Coal Authority was consulted and no consultation response was received.</p> <p>The Coal Authority was consulted in relation to application ref. 4/21/2139/0F1 and raised no objections to the development as it considered that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.</p> <p>The development now proposed is of less scale than that approved under application ref. 4/21/2139/0F1.</p> <p><i>Planning Balance</i></p> <p>The principle of the proposed development has been established under Full Planning Application ref. 4/21/2139/0F1</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 as proposed the development will result in slight harm to the significance of the conservation area and Grade II Listed Building; however, it is considered that this slight harm would be outweighed by the resulting benefits of returning the building to an active use, the provision of additional housing and the associated economic benefits to the local economy.</p> <p>The development is acceptable in respect of highways, ecology, ground conditions and amenity.</p> <p>In overall terms, it is considered that the benefits of the development outweigh the harms, when assessed against the policies of the Development Plan and NPPF when taken as a whole.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p>

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

Planning Application Form

Location Plan – Drawing No. 25/01/1071-01

Site Plan – Drawing No. 25/01/1071-02

Design And Access Statement High Grange Developments Ltd. 3 Catherine Street, Whitehaven CA28 7PD 25/01/1071 – DAS

Heritage Statement Ref: 25/01/1071 - HS 3 Catherine Street, Whitehaven, Cumbria CA28 7PD

Mumford and Wood Conservation Open In Entrance Doorset - Specifications

Mumford and Wood Window Conservation Box Sash Window - Specifications

Existing Elevations – Drawing No. 25/01/1071-04

Existing Floor Plans – Drawing No. 25/01/1071-03

Proposed Elevations – Drawing No. 25/01/1071-06

Proposed Floor Plans – Drawing No. 25/01/1071-05

Coal Mining Risk Assessment Ref. G19080

Reason

For the avoidance of doubt and in the interests of proper planning.

3. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

08.00 - 18.00 Monday to Friday; and

08.00 - 13.00 on Saturdays;

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

Reason

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

**Statement**



## Cumberland Council

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.

### Informative

#### Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

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

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun as the proposals comprises development that does not impact a priority habitat and impacts less than:

- ☐ 25 square metres (5m by 5m) of on-site habitat; and,
- ☐ 5 metres of on-site linear habitats such as hedgerows.

**Case Officer:** C. Harrison

**Date :** 06.08.2025

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

**Date :** 07.08.2025

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