

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2243/0F1
2.	Proposed Development:	CHANGE OF USE OF THIRD FLOOR TO FORM SINGLE RESIDENTIAL APARTMENT ACCESSED VIA EXISTING STAIRCASE
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 terraced 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 third floor of the premises to create a single residential apartment. 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 two bedrooms, shower room, kitchen, hall, living room, kitchen and two cupboards.

Access to the apartment will be from the existing internal staircase.

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);

Change of use of part ground floor from bank to café/wine bar, approved in May 2025 (application reference 4/24/2426/0F1 relates);

Change of use of upper floors to house in multiple occupation (HMO), approved in August 2025 (application reference 4/25/2159/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council



Cumberland 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 principle of the proposal, which aims to give the building a viable new use at 3rd floor level, however, given that the reuse of the ground, first and second floors are already subject of other applications, the argument that bringing the third floor back into use makes a meaningful difference to the building's long-term viability is weaker.
- As with 4/25/2159/0F1, dealing with the first and second floors, I have a question relating to heritage impact. Though this is an unlisted building, I note from the existing and proposed plans that two features – labelled as light wells / glass floors – are being replaced by a shower room and a kitchen respectively. The design, access and heritage statement makes no mention of these features, so it would be very helpful to have some detail about what they are to allow relevant impact to be taken into consideration when weighing the application, in accordance with NPPF 207 and 216. In this aspect, it is also not clear whether the use of this floor in the manner proposed is optimally consistent with its conservation (NPPF 210).

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:

- Following my earlier consultation response, confirmation has been provided that the elliptical aperture from 1st to 2nd floor cannot be retained due to need for fire

compartmentalisation. My preference would be for this to be accomplished in a reversible way; however I understand that may not be possible. As this is an unlisted building, I'd view as that desirable but could not insist on it.

- Main stair lightwell is to be retained.
- Side and rear light wells – Timber glazed screens flush with ceiling, with coloured glazing. This need to be removed and replaced with a timber floor and plasterboard infill for the same reasons. Roof lights above have previously been removed, so these are electrically lit.
- I'd view the loss of these features as entailing less than substantial harm to the building, which should be taken into consideration. For reasons of fire compartmentalisation, their removal appears justified.
- I raise the question of whether the stained glass could be salvaged and reused within the scheme. If it is of sufficient quality, the screens might make an attractive feature elsewhere and help the building stay "whole", as it were.

Environmental Health

Given that the 1st and 2nd floors of this building are proposed to be redeveloped to use as a HMO, it seems sensible to bring the top 3rd floor into use also.

It is noted that the aforementioned HMO proposal is subject to a Noise Impact Assessment that recommended the installation of double glazing window units with acoustic trickle vents. However, the layout of this 3rd floor apartment has no direct windows facing Lowther Street and only two small porthole type windows on the rear façade. There appears to be little other window / natural light openings to the apartment that may allow for external noise to enter. If this is the case, there is no requirement to replace the existing small window units.

Environmental Health do not object to this proposal, presuming that all fire safety and building regulations requirements are met, and request that the following condition is imposed if approval is granted:

- 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 09.00 – 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.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued 2 no. 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 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 R4: The Key Service Centres

Strategic Policy H1 - Improving the Housing Offer

Strategic Policy H2 - Housing Requirement

Strategic Policy H3 - Housing delivery

Strategic Policy H4 - Distribution of Housing

Strategic Policy H5 - Housing Allocations
Policy H6 - New Housing Development
Policy H7 - Housing Density and Mix Strategic
Policy H13: Conversion and sub-division of buildings to residential uses including large HMO's
Strategic Policy BE1 – Heritage Assets
Policy BE2 – Designated Heritage Assets
Policy CO7 – Parking Standards and Electric Vehicle Charging Infrastructure

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

The existing building is located within the development boundary for Whitehaven as defined in Policy DS2 of the Local Plan. Whitehaven is classed under Policy DS1 as Copeland's Principal Town where the conversion of existing buildings to residential use is acceptable within the confines of the settlement boundary.

The principle of new housing is supported in the Copeland Local Plan though policies H1 and H6. These policies seek 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 a mix of uses including other residential units and lies within walking distance of services required for day to day living. Furthermore, a recently approved application allowed the change of use of the first and second floor to an HMO (application reference 4/25/2159/0F1) and therefore the principle of residential use for this building has been established. It is considered to be an appropriate use in this location.

Design

Policy DS4 of the LP promotes good design and the aspiration that new dwellings will respond positively to their surroundings.

The proposed alterations deemed necessary to convert the building to accommodate an apartment are limited to internal works only. The proposed unit is of a suitable size for a



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comfortable living.

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 boroughs housing market, as well as having consideration for the requirements of smaller settlements within the borough which respect their scale and function.

Policy H13 of the LP relates specifically to the conversion of buildings to residential use.

The following criteria are required to be met for the development to be considered to be acceptable:

- a) The development does not result in unacceptable levels of harm to residential amenity (noise and disturbance) for occupiers of the converted property and/or those occupying neighbouring properties;
- b) Future residents have adequate levels of natural lighting and privacy;
- c) The development does not have an adverse impact upon the privacy of neighbouring residents through direct overlooking;
- d) Off street parking is provided or sufficient parking is available within close proximity of the site;
- e) Adequate external amenity space is provided, including for waste and recycling bin storage without harming the visual amenity of the area where possible;
- f) Cycle space is provided, where possible;
- g) Safe access is available from both the front and rear of the property, where possible; and
- h) The development does not result in an over-concentration of HMOs, taking into account the cumulative impacts of HMOs and subdivided properties within the vicinity of the site.

There is a demonstrable need for affordable flats within Whitehaven. Overall, the repurposing of the building to provide a two bedroomed accommodation is considered to be acceptable in this location.

Residential Amenity

The property is located within the central area of Whitehaven where higher levels of general noise and activity exist. A number of other residential properties exist within the locality.

Planning permission was recently granted for the use of the ground floor as a cafe/bar and the first and second floors as an HMO. These applications included the submission of a Noise Impact Assessment that detailed the replacement of some window units to reduce noise. As there are no windows facing Lowther Street and only two small porthole windows on the rear façade, the Environmental Health Officer has concluded that there is no requirement for works to be undertaken as part of this application and that they have no

objections. A condition relating to noise from the construction works has been suggested.

Impact 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 Area. 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 clarifies that there will be no detrimental harm to the buildings fabric and that the proposal will bring the rooms back into a practical 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. Further to the request of additional information, he raised no objections to the proposal stating that the loss of some internal features will be justified and entail less than substantial harm to the building.

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.



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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 there was before the development. Some developments are however except from these BNG requirements.

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).

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.

Planning Balance and Conclusion

The building is located within the centre of Whitehaven, which is designated as the Principal Town within the Borough where residential development is encouraged. The provision of an apartment within a sustainable location would provide a positive benefit in terms of housing provision and would secure a viable use for the building.

Although no dedicated car parking provision is available to serve the building there are alternative car parking options nearby and the town centre location offers other sustainable transport options. This is considered to be neutral within the planning balance.

The re-use and refurbishment of the building is a positive benefit of the development.

In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Development Plan, it is considered that the development proposed will result in a minor positive impact upon the special interest of Whitehaven Conservation Area.

Subject to appropriate management, adverse impacts upon the residential amenity of

	<p>occupants, both within this building and the surrounding areas, should not occur.</p> <p>On overall balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy with the benefits of the proposal outweighing any adverse impacts.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <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 4th July 2025; Site Location Plan, scale 1:1250, received 4th July 2025; Existing and Proposed Floor Plans, scale 1:100, drawing number 2, received 4th July 2025; Biodiversity Net Gain Exemption Certificate, received 4th July 2025; Design, Access and Heritage Statement, received 4th July 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> <p>Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours.</p> <p>Monday to Friday 08.00 – 18.00 and Saturday 09.00 – 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</p>



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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 Notes

Replacement of Windows

The applicant should note that any replacement of the existing timber windows within the building would require planning permission.

Radon

This site is within a 1 km grid square of elevated radon potential. The maximum radon potential is 10 – 30% and full radon protection may be required.

Biodiversity Net Gain – Exemption Applicable

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

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

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cumberland Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. 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 the statutory exemption listed below is considered apply:

Exemption – 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 : 28/08/2025
Authorising Officer: N.J. Hayhurst		Date : 28/08/2025
Dedicated responses to:- N/A		