

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2265/0F1
2.	Proposed Development:	CHANGE OF USE OF GROUND FLOOR OF FORMER HSBC BANK TO 'SPEAKEASY' CAFÉ BAR WITH OUTDOOR SEATING AREAS TO REAR AND FRONT INCLUDING THE INSTALLATION OF RAILINGS ALONG THE ROAD FRONTAGE, THE FORMATION OF NEW DOOR OPENING WITH EXTERNAL STEPS IN SIDE (SOUTHEAST) ELEVATION AND ALTERATION OF WINDOW TO DOOR IN REAR (NORTHEAST) ELEVATION
3.	Location:	69 LOWTHER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	See report
7.	Report:	<p>Site and Location:</p> <p>The application site comprises the now vacant 69 Lowther Street, Whitehaven.</p> <p>The property comprises a terraced three storey former bank building located within the Whitehaven Town Centre and High Street Conservation Area.</p> <p>The property is finished with sandstone to the principal elevation with render to the exposed element of the side elevation and the rear elevation.</p>

The property benefits from a private amenity/parking area comprising six spaces located to the rear of the property, which is accessed via Schoolhouse Lane. This area is enclosed by a combination of sandstone walls and the elevations of adjacent properties.

The property is located in Flood Zone 1. The adjacent highway and public parking area to the north/east are located in Flood Zone 2.

Foul and surface water is discharged to the public main.

Relevant Planning Application History:

71 Lowther Street

4/24/2426/0F1 - Change of use of part ground floor from bank to cafe/wine bar – Approved subject to planning conditions.

4/25/2159/0F1 - Change of use of upper floors to house in multiple occupation (HMO) – Approved subject to planning conditions.

4/25/2243/0F1 - Change of use of third floor to form single residential apartment accessed via existing staircase – Approved subject to planning conditions.

66 Lowther Street

4/18/2027/0F1 - Change of use from use class a3 (restaurant & cafe) to use class a4 (drinking establishment) - retrospective – Approved subject to planning conditions.

Proposals:

This application seeks Full Planning Permission for the change of use of the ground floor of the property to 'speakeasy' café bar with outdoor seating areas proposed to rear and side.

The following physical development is proposed:

- the installation of 450mm high sandstone dwarf wall with sandstone coping and painted railings above along the frontage of the outdoor seating area with Lowther Street;
- installation of flags to seating areas;
- the formation of new door opening with external steps in southeast elevation;
- replacement of existing render with smooth render to side elevation;
- alteration of window to door in the northeast elevation; and,
- Removal of window bars and a/c units.

It is confirmed that the use would employ 4no. full-time and 9no. part-time employees.

The proposed opening hours comprise the following:

- Monday to Friday - Start Time: 09:00 End Time: 23:59
- Saturday - Start Time: 09:00 End Time: 23:59
- Sunday / Bank Holiday - Start Time: 09:00 End Time: 22:00

Consultee:	Nature of Response:
Town Council	No objections or negative comments.
Cumberland Council – Highways and LLFA	<p>The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.</p> <p>Information:</p> <ul style="list-style-type: none"> • It is noted that the proposed outside seating area at the old post office frontage has a disabled access gate but access from this area to the indoor facility's is proposed to have steps should this be a ramp to allow safe passage for disabled customers. • 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. <p>Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.</p>
Cumberland Council – Conservation Officer	<p>Respose 1</p> <p>Assessment:</p> <ul style="list-style-type: none"> • Internally, the space appears well suited for the use proposed, and the design has been laid out in such a way as to be low impact on fabric and to benefit from the space available. • To the front, I would expect minimal impact. No change is shown to the façade specifically in this application, although I anticipate at some point there will need to be signage and perhaps lighting, and the new seating area will be visible from the front. • To the south-east side, there will be the addition of a new door with quarter landing, steps and railings, and railings and dwarf wall enclosing the seating area. Railing can be a little visually intrusive, and these will be positioned in front of the attractive frontage of the former Post Office. However, these designs are well detailed and the seating will add activity to what is currently a slightly redundant area to the rear of the pavement. In this sense, I would view the change as justified in public benefit and well

		<p>executed.</p> <ul style="list-style-type: none"> • To the rear, I would anticipate the proposals will bring improvement, given that the rear of the building is currently marred by air conditioning units, gratings and other clutter, and is underused. <p>Summary:</p> <ul style="list-style-type: none"> • I am supportive of the proposal and believe it will give the building a viable new use at ground floor level, as well as adding life to the street scene of Whitehaven's central street. • I request a couple of small changes: <ul style="list-style-type: none"> o Could the application be updated with a heritage statement? This would conform with local plan policy BE1, requiring a heritage statement with applications affecting heritage assets. This is a heritage asset, and the external seating area proposed to the south-east will impact the settings of surrounding heritage assets including listed buildings opposite. This heritage statement should comment on the elements of significance being affected by the proposals, and not be any longer or more detailed than necessary to understand the impact. (NPPF 207) o I also request that the proposed side and rear doors be of timber construction as they are within a conservation area (and within the setting of other heritage assets including listed buildings, in the case of the side door into the front seating area). This would provide conformity with the guidance in the Conservation Area Design Guide. <p>Response 2</p> <p>I can't see any reference to where the CCTV cameras are to be located, so presume they'll be scattered around the place. It's not a listed building and they seem pretty innocuous, so I expect their impact on the conservation area and the building will be limited, and with justification in terms of security.</p> <p>Agree on the flagging. A bit odd, although it's hard to tell what something will look like from a render. They slightly resemble bathroom tiles to me! Is this just proposed at the rear courtyard, or the side as well? The rear will be largely concealed from the conservation area, and I think the argument could be made that they will in any case be an improvement compared with what's there by virtue of looking neater and intentional.</p>
	Environmental Health	<p>In terms of the relevant remit, Environmental Health have considered the following matters. It is noted that there are no kitchen extract / ventilation details provided with the application, which would allow a limited food menu though the applicant should still register the premises as a food provider via the details below.</p>

		<p>The proposed hours of opening are seen as reasonable.</p> <p>The premises will require a Premises Licence under the Licensing Act 2003 and further consultation with the Councils Licensing team, Cumbria Police and Environmental Health will be necessary in order that the licensing objectives are met by the proposed premises' activities.</p> <p>This would include the use of the outdoor seating areas. If the application were to be approved, it is requested that any construction-related works should take place during standard working hours to limit noise intrusion on neighbours.</p> <p>In summary, therefore, Environmental Health would not object to this application and suggest that the following conditions are applied to any approval:</p> <ul style="list-style-type: none"> • 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. <p>Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.</p>
	Cumbria Police	<p>Unfortunately, there is no information in the published documents that indicates how this application complies with the Copeland Local Plan 2021-2039 in this regard:</p> <p>“Designing out crime 6.4.6 When drafting proposals applicants should remove opportunities for crime and in doing so reduce the vulnerability of people and property and the fear of crime....”</p> <p>Policy DS4: Design and Development Standards The Council will expect all new development to meet high-quality design standards which contribute positively to the health and wellbeing of residents. This means that developments must: k) Incorporate measures to design out crime and reduce the fear of crime, taking into consideration secured by design principles;”</p> <p>Licensed premises continue to feature in our crime statistics, historically as a target for burglary or as a consequence of alcohol related disorder. The applicant should therefore incorporate reasonable measures to address these issues:</p>

		<ul style="list-style-type: none"> • Building resistance to burglary - specification and arrangement of exterior doors, locking devices and glazing (laminated preferred) to resist forced entry and malicious damage. Locking devices should be specified to a recognised security standard, e.g. Europrofile cylinder locks certified to 'Sold Secure' SS312 ⬠ standard • Presence and configuration of an intruder alarm (if police response is required, the equipment and appointed Alarm Receiving Centre must be compliant with National Police Chief's Council Security Systems Policy) • Internal access controls – robust separation of public areas from server / storerooms etc. • Secure cash handling facilities and to minimise storage of cash on premises. Deployment of Insurance Approved safes certified to BS EN 1143:2019 • Secure storage of stock assets • Secure storage for staff personal belongings • Secure external waste bin management – to mitigate against exploitation as climbing aid and arson risks • Presence and configuration of CCTV. Requirement for CCTV may be a condition of the Premises Licence, but a system should form part of the overall security package. (Image standard and GDPR compliance issues to address). <p>The proposed trading hours are noted, i.e. the premises closing each day at midnight (10pm Sundays and Public Holidays) and consequently will not be contributing to the local Night Time Economy.</p>
	The Coal Authority	<p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make.</p> <p>However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.</p>
	Neighbour Responses:	
	The development has been advertised by way of a planning application site notice, press notice and notification letter sent to neighbouring properties.	

Objections have been received from two parties.

The material planning issues raised comprise the following:

The development will cause adverse impacts upon the residential amenity of the nearby residential properties.

Potential for antisocial behaviour.

The property will all need to be soundproofed to 39 and 70 Lowther Street.

There should be no outdoor music.

There should be no BBQ, which cause carcinogenic air pollution.

There should be no smoking by staff or customers.

No refuse should be stored near the existing residential properties.

There should be no exit or entrance onto School House Lane by customers or staff.

Outdoor areas should be limited to 09:30 to 21:00.

The indoor areas should be required to close at 22:00.

The two outdoor areas are not acceptable. There is already an issue with the Yellow Earl beer garden so to add another two outdoor areas on the same street will be dreadful for local residents.

There are already three properties which back onto School House Lane that sell alcohol and this is a real problem for the local residents and I dread to think if another bar gets approval especially with an outdoor area!

Unacceptable levels of noise emanate from the outdoor beer garden of the Yellow Earl, particularly during evenings and weekends. The noise levels—resulting from loud conversations, shouting, and music—often continue late into the night and have negatively impacted the ability of residents to enjoy peace and quiet in our homes. The nature of the noise is such that it disrupts sleep, affects well-being, and diminishes the residential character of the neighbourhood. This is seriously impacting the mental health of residents.

Planning Policy:

Planning law requires that 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 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.

Strategic Policy DS1: Settlement Hierarchy
Strategic Policy DS2: Settlement Boundaries
Policy DS4: Design and Development Standards
Policy DS5: Hard and Soft Landscaping
Policy DS7: Sustainable Drainage
Policy DS8: Soils, Contamination and Land Stability
Policy DS9: Protecting Air Quality
Strategic Policy E1: Economic Growth
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 N1: Conserving and Enhancing Biodiversity and Geodiversity
Strategic Policy N3: Biodiversity Net Gain
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) (LBCAA).
 Conservation Area Design Guide SPD (Adopted December 2017) (CADG).
 The Conservation of Habitats and Species Regulations 2017 (CHSR).
 Cumbria Development Design Guide (CDDG).

Assessment:

Principle

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 Application Site is located within the designated settlement boundary for Whitehaven as identified under Policy DS2.

Policy E1 and Policy E2 support the creation of new businesses within Whitehaven 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 defined criteria are met, including: appropriately reflects the Whitehaven Town Centre boundary and Primary Shopping Area; accords with the Whitehaven Town Centre SPD; encourages evening and night time uses that contribute to the vibrancy, inclusiveness and economic vitality of the centre; provides improvements to public realm, shop front aesthetics, linkages and signage; improves the historic attributes where appropriate; 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; and, strengthens the historic attributes of the town centre.

Policy R9 outlines support for non-retail development in defined town centres (outside of Whitehaven Primary Shopping Area) where they widen its community, social, leisure, entertainment, food and drink, arts, tourism, business/office offer where they accord with the Development Plan. It is required that the proposals complement the retail function and makes a positive contribution to the vitality, viability and diversity of the town centres in terms of maintaining active continuous well-designed frontages, appropriate signage and hours of opening; the proposal would not give rise, either alone or cumulatively, to a detrimental effect on the character and amenity of the town centres; and, the proposal would not harm the amenity of town centre residents.

Paragraph 85 of the NPPF, states 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 90 of the NPPF, states planning policies and 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.

Given its nature, form and location, the principle of the development is acceptable subject to site specific matters.

Site Specific Matters

Impact on Residential Amenity

Policy DS4 of the Local Plan and 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.

Objections have been raised regarding the noise and antisocial behaviour impacts of the proposed development on the residential amenity of existing residents, with particular regard to the residents of the dwellings to the northeast.

The property is located in an area of mixed development. Residential dwellings and a public car park exist to the north/east.

There are existing drinking establishments within this block of development on Lowther Street.

Planning permission has recently been approved for the creation of a cafe/wine bar to the

ground floor and residential uses to the upper floors of 71 Lowther Street.

The proposed development does not adjoin existing properties containing dwellings. 70 Lowther Street is in the ownership and control of the Applicant.

The frontage is firmly within the town centre, with the rear of the property edge of centre and transitioning to residential areas set behind a highway and car park.

During the daytime, when most local businesses are active, the area has a considerable degree of activity. This arises from the traffic using a main routes through the town, visitors using the car park to access the adjacent town centre and general town centre activity. As businesses operating traditional opening times close and traffic on the highways reduces after the p.m. peak and general activity in the area reduces; however, a background of activity remains including users of the existing drinking establishments.

The location has a distinctively different character to a residential estate setting. Accordingly, the level of background noise and activity that local residents might reasonably expect to experience must be higher than that of exclusively residential areas.

The proposed use will extend the existing leisure/drinking provision within this area of the town centre, resulting in additional general noise and activity.

The proposed external seating areas are likely to generate the highest levels of noise impact. An existing external seating area exists to the rear of 66 Lowther Street, which it is claimed causes harm to residential amenity. By its nature, the use would cause noise to spill beyond its boundaries. This would primarily be in conjunction with peoples' voices, which may have a propensity to increase in volume as the evening continues or when the site might be particularly busy.

The Applicant has proposed the following opening hours:

- Monday to Friday - Start Time: 09:00 End Time: 23:59
- Saturday - Start Time: 09:00 End Time: 23:59
- Sunday / Bank Holiday - Start Time: 09:00 End Time: 22:00

In this context, the development will not contribute to the late nighttime economy.

The hours of opening of 71 Lowther Street are limited to the following times only: Monday to Wednesday – 09:00 – 22:00 Thursday to Sunday – 09:00 – 00:00.

The hours of opening of 66 Lowther Street are limited to 09:00 – 00:00 on any given day. The use of the outdoor areas are limited to 09:30 – 21:00 on any day.

Subject to appropriate limitations on the hours of use and activities within the external spaces, given the existing general levels of activity and noise impacts resulting from the existing uses, the proposed if suitably managed is unlikely to result in harms beyond the

existing situation.

Given the proximity of the external spaces to existing dwellings, it is considered that limitations permitting the use of the outdoor areas to 09:30 – 21:00 on any day as per the provisions of 66 Lowther Street are necessary to prevent unacceptable harm. These can be secured via planning condition.

There might be concentrated levels of activity on certain occasions. However, the implementation of a management regime to ensure behavioural expectations and the limitations on use hours should offer the comfort that should noisy events arise, they would be addressed and would not be persistent. Limitations preventing amplified music, televised events, commentary will also reduce the propensity for noise.

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. This may impose increased limitations on the opening hours beyond those secured through planning.

A planning condition is proposed requiring submission of details of all external plant/equipment, a noise assessment and a scheme of mitigation to prevent amenity harm.

Environmental Health and Cumbria Police have raised no objection.

Design and Heritage

A Heritage Statement has not been prepared in support of this planning application.

The property comprises part of the setting of the Grade II Listed Buildings on the opposite side of Lowther Street.

The contribution that the primary interest features of the property that make a positive contribution to the Conservation Area comprises the overall scale, terraced form and architectural detailing. The proposed interventions retain and enhance these features. The proposed works to enclose and resurface the open spaces will deliver visual enhancement of the Conservation Area and setting of the Grade II Listed Buildings.

The development will also bring a redundant building back into active use, which will enhance/reanimate the street scene.

The Conservation Officer has requested that the external doors be of timber construction as per other buildings in the Conservation Area. The Applicant has amended the side door which is visually prominent to timber; however, has retained the rear door as uPVC. This is on balance considered acceptable given the location of the rear door and enhancement that

is being delivered by other interventions to the rear elevation.

The proposed CCTV camera are discrete in design. Whilst the proposed finishes to the floors of the external areas do not comprise traditional finishes, given their locations and containment and the practical requirements of these spaces, the finishes are considered acceptable.

In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and Policy BE2, it is considered that as proposed the development will deliver enhancement of the significance of the conservation area and setting of the Grade II Listed Buildings.

Highways/Parking

The property is located within the defined town centre of Whitehaven.

The property benefits from a private amenity/parking area comprising 6 spaces which are to be retained.

Given the 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

No provision was initially made for disabled access from the side open space to the interior to the building; however, this has been amended, with a ramped access incorporated. Level access exists through the rear of the property also.

Flood Risk

The Application Site is located in Flood Zone 1.

It is proposed to dispose of foul and surface water to the public main as per the existing situation. The development will result in no net additional flows and is therefore acceptable.

Biodiversity Net Gain

The Application Site does not include 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; therefore, the development falls below the biodiversity net gain threshold and a ten percent biodiversity net gain is not required to be delivered.

Ecology

Given the nature of the development proposed, no adverse impact on protected or priority

	<p>species will result.</p> <p><i>Ground Conditions</i></p> <p>The Coal Authority have confirmed that the Application Site falls within the Coal Authority's defined Development Low Risk Area; therefore, they have no specific comments to make.</p> <p>Given the nature of the existing building and curtilage, the potential for the presence of contamination is very unlikely</p> <p>A planning condition is proposed to control and secure remediation of unexpected contamination.</p> <p><i>Planning Balance</i></p> <p>The principle of the development is acceptable.</p> <p>The development is acceptable in respect of highways, ecology, heritage, drainage and amenity subject to the planning conditions proposed.</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>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <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.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:</p> <p>Application Form Location Plan – Drawing No. 25/06/1080-01</p>

Site Plan – Drawing No. 25/06/1080-02
 Existing Ground Floor Plan – Drawing No. 25/06/1080-03
 Existing Rear Elevation – Drawing No. 25/06/1080-07
 Existing Side Elevation – Drawing No. 25/06/1080-09
 Proposed Ground Floor Plan – Drawing No. 25/06/1080-04a)
 Existing and Proposed Front Elevation to Lowther Street – Drawing No. 25/06/1080-06
 Proposed Rear Elevation – Drawing No. 25/06/1080-08
 Proposed Side Elevation – Drawing No. 25/06/1080-10b)
 Railing Specification/Image
 CCTV Camera Specification and Location Details contained in email dated 22nd October 2025 from Glen Beattie
 Flagged Finish Specification

Reason

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

Pre-UseConditions

3. Prior to their installation, the details and method of operation (including times of operation) of all external lighting fixtures (to land and buildings) shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be completed and the lights operated in accordance with the approved details.

Reason

In the interest of visual amenity and to safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan 2021 – 2039.

4. Prior to the installation of any plant or equipment capable of causing nuisance from noise and vibration, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority.

The assessment must be carried out by a suitably qualified acoustic consultant and in accordance with British Standard 4142 2014.

Any mitigation measures identified within the noise assessment shall be implemented before the plant or equipment is operational and

Reason

In the interest of visual amenity and to safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan 2021 – 2039.

Pre-Occupation Conditions

5. The external customer area hereby permitted facing Lowther Street shall not be used by customers until the following works have been undertaken and completed in accordance with the approved plans:

- The new boundary wall;
- The gated access;
- The entrance within southeast elevation; and,
- The painted black railings topping the stone boundary wall.

Reason

To ensure high quality design, suitable means of access and escape and to prevent conflict with the use of the adjacent public highway in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

6. The external customer area hereby permitted facing to the rear (northeast) of the property shall not be used by customers until the following works have been undertaken and completed in accordance with the approved plans:

- The entrance within northeast elevation.

Reason

To ensure high quality design, suitable means of access and escape and to prevent conflict with the use of the adjacent public highway in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

Limitations on Use – External Customer Areas

7. The external customer areas hereby permitted shall not be used by customers otherwise than between the hours of 09:30 and 21:00 on any day.

Reason

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

8. No amplified music, televised events, commentary or any other broadcast shall be shown or played within the external customer areas hereby permitted.

Reason

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

Limitations on Use – Internal Areas

9. The internal customer areas hereby permitted shall not be used by customers otherwise than between:

Monday to Saturday - 09:00 to 23:59
Sunday / Bank Holiday - 09:00 to 22:00

Reason

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

10. No deliveries shall be taken at the site, outside the hours of:
Monday to Saturday - 09:00 to 23:59
Sunday / Bank Holiday - 09:00 to 22:00

Reason

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

Construction Management

11. 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.

Contamination

12. 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 within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

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.

Premises Licence

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.

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: C. Harrison

Date : 10.11.2025

Authorising Officer: N.J. Hayhurst

Date : 10.11.2025

Dedicated responses to:- N/A