

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2300/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF GROUND FLOOR ONLY FROM POST OFFICE TO HAIRDRESSING AND BEAUTY SALON INCLUDING PARTIAL DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION AND RE-CONFIGURING TO FORM NEW SINGLE STOREY EXTENSION
3.	<b>Location:</b>	70 LOWTHER STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - 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 70 Lowther Street, Whitehaven.</p> <p>The property comprises a terraced three-storey building with single storey rear extension 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 elements of the side elevation and the rear elevations.</p> <p>The property benefits from personnel and delivery accesses located to the rear of the property, which open to Schoolhouse Lane.</p>	

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.

*69 Lowther Street*

4/25/2265/0F1 - Change of use of ground floor of former HSBC bank to 'speakeasy' café bar with outdoor seating areas to rear and front - 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 following:

- the change of use of ground floor only from post office to hairdressing and beauty salon; and,
- the partial demolition of an existing flat roof one/two storey rear extension and re-configuring to form smaller single storey extension with dual pitched roof and mezzanine and the creation of an external parking and curtilage area.

The following physical development is proposed:

- the partial demolition of an existing single storey rear extension and re-configuring to form smaller single storey extension including double height. It is proposed to finish the extension with off white roughcast K-Rend to the elevations and slate to the roof

structure with grey uPVC windows and doors.

- the infilling of the two existing windows to the rear elevation of the building and re-rendering to accommodate the dual pitched extension.
- the erection of 2.1m high masonry wall with sandstone copings to the boundary with Schoolhouse Lane; and,
- the removal of the dividing wall with 69 Lowther Street to provide access through the rear curtilage of that building; and
- the creation of an external parking area and curtilage area.

It is proposed to continue to discharge foul and surface water to the public main via the existing connections.

It is confirmed that the use would employ 15 no. full-time equivalent employees.

The proposed opening hours are from 09:00 to 18:00.

The proposals have been amended during the determination of the planning application. The high of the wall to Schoolhouse Lane has been increased and the Demolition Method Statement has been amended in response to comments from Environment Health. The revisions were not significant and hence further public consultation was not deemed necessary.

<b>Consultee:</b>	<b>Nature of Response:</b>
Town Council	No objections or negative comments.
Cumberland Council – Highways and LLFA	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.
Cumberland Council – Conservation Officer	<p><i>Response 1</i></p> <ul style="list-style-type: none"> <li>• I would class the front section of the building – the former post office – as a non-designated heritage asset, however the rear flat roofed section onto Schoolhouse lane, and the section that links it to the rear of the former post office, should not be considered a heritage asset.</li> <li>• I would not view the loss of this section as entailing harm to the character or appearance of the conservation area.</li> <li>• The proposed new rear extension is of an interesting symmetrical appearance, with gabled roof and catslide roofs to either side. Building to this height entails the blocking up of two windows in the</li> </ul>

		<p>rear elevation of the former post office. I view this as entailing negligible harm to the building itself, and neutral impact on the conservation area due to not being visible.</p> <ul style="list-style-type: none"> <li>• Although not a listed building, there is a duty on the Council to take impact on the building's significance from the proposal into consideration when determining the application, and I would therefore be grateful for any photos that can be provided of the interior, as these will describe its significance in enough detail to allow me to understand the impact.</li> <li>• There is a wall shown on the proposed plans, enclosing 7 no. parking bays and some landscaping around the new extension. I would expect the alterations to the rear to bring considerable improvement to the building's appearance from the areas in which it will be visible.</li> <li>• The wall is also shown on the proposed NW elevation drawing. I would be grateful for information about the height and appearance of this wall. To the rear of number 69 Lowther Street, adjacent, there is a red sandstone wall to the rear that is, I would guess, about 3.5m in height. There are other areas of red sandstone along Schoolhouse Lane, along with some two-storey buildings, in stone or brick. These have unintentionally come together to give the side of the lane a rather lively and engaging variation. The current extension with its peeling render and unsightly windows rather undercuts this, so there is an opportunity for improvement. <ul style="list-style-type: none"> <li>o One option might be to face the wall in red sandstone. Another might be to construct it out of an attractive brick; this part of town quietly exhibits some fine brickwork.</li> <li>o Thought may be given to whether any detailing could articulate or vary the appearance of the wall face, and to its height.</li> <li>o I would suggest that a height to match the neighbouring wall at 69, or one slightly higher that could bridge the height difference between that wall and the brick building at the rear of 71 would be good options.</li> <li>o I have no objection to the general proposal and would be happy to handle detailing of this wall via a condition to be discharged prior to construction on it starting, if that is felt preferable.</li> </ul> </li> </ul> <p><i>Response 2</i></p> <p>A 2.1m high wall with smooth render and sandstone copings is acceptable to Schoolhouse Lane.</p>	
	Environmental Health	<p><i>Response 1</i></p> <p>A Demolition Method Statement has been submitted in support of</p>	

		<p>this application.</p> <p>Whilst Environmental Health are broadly satisfied with its content, there are several aspects we would comment on and request to be amended:</p> <ul style="list-style-type: none"> <li>- The proposed working hours are laid out as 08.00 – 18.30 Monday to Friday and 08.00 – 16.00 Saturday. This should be amended to read 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday with no works on Sunday and Bank Holidays;</li> <li>- Environmental Health are not agreeable to the use of a mobile crusher on this site in central Whitehaven due to the emissions of dust and noise and the likely impact on local amenity;</li> <li>- Environmental Health would also request that the boundary heras fencing is fitted with debris netting to prevent the escape of wind-blown debris off site during the works.</li> </ul> <p>In all other respects, Environmental Health would not object to the application. The proposed hours of opening are reasonable, whilst a full seven days working week is proposed, the activities of the business should not unduly impact other neighbours.</p> <p>As an informative, some beauty treatments are subject to registration / licensing with the local authority and the applicant should contact Environmental Health about this if the application is approved.</p> <p><i>Response 2</i></p> <p>Thank you for the above planning consultation and the amended Demolition Method Statement (dated October 2025). This is acceptable to Environmental Health and we have no further objections or comments.</p>	
	Cumberland Council Ecologist	<p><b>Suggested Planning Conditions</b></p> <p><i>Breeding Birds</i></p> <p>Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the</p>	

young have naturally fledged. Please note that some species, such as pigeons, breed all year round.

**Bats**

The ecologist accepts the reasons for discounting the presence of bats provided in the Ecological Statement produced by the applicant. However, a precautionary method of working should therefore be adopted with the commencement of this work on the roof areas being undertaken under an ecological watching brief by a bat licensed ecologist who holds a Level 2 bat licence from Natural England. Should a bat be found in the building or seen to emerge from it during working hours, then works must stop and advice sought from Natural England.

**Neighbour Responses:**

The development has been advertised by way of a planning application site notice, press notice and notification letter sent to neighbouring properties.

No representations have been received.

**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 5<sup>th</sup> 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

Given the location of the building within Whitehaven, the established use of the building as a post office and the proposed use as a hairdressing and beauty salon fall within Use Classification E; therefore, no material change of use requiring planning permission will

occur.

### Design and Heritage

A Heritage Statement has 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 element of the building facing onto Lowther Street is considered to comprise a non-designated heritage asset, however, the rear flat roofed element of the building facing onto Schoolhouse Lane and the section that links it to the rear of the former post office are not considered a heritage asset.

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 loss of the rear flat roofed element of the building would not cause harm to the character or appearance of the Conservation Area. The proposed extension is of an interesting symmetrical appearance, with gabled roof and catslide roofs to either side. Building to this height requires the blocking up of two windows in the rear elevation of the former post office. This results in negligible harm to the building itself and has a neutral impact on the conservation area.

The proposed boundary wall to the rear elevations, whilst lower in level than other boundary walls to Schoolhouse Lane, variation remains and so the height difference does not result in harm. The proposed finishes are appropriate to the location. The wall will have a neutral impact upon building itself and the conservation area.

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 result in impacts at the lower end of less than substantial to the significance to the non-designated heritage assets itself and this area of the conservation area and will have a neutral impact upon the setting of the Grade II Listed Buildings.

### Highways/Parking

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

The property currently does not benefit from on-site parking.

It is proposed to remove the dividing wall with 69 Lowther Street to provide access through the rear curtilage of that building to 7no. parking spaces.



The access to 69 Lowther Street is established.

The additional parking spaces represent betterment over the existing parking provision.

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

#### 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 species will result.

The Cumberland Council Ecologist has recommended the imposition of two planning conditions securing the completion of the works outside of the breeding bird period or following a breeding bird check and that precautionary approach should be adopted in relation the presence of bats including the work on the roof areas being undertaken under an ecological watching brief by a bat licensed ecologist who holds a Level 2 bat licence from Natural England.

#### Amenity

Given the scale, form and layout of the development no adverse impacts upon existing or approved dwellings would result through loss of light, overshadowing or overbearing.

Given that the use of the building is established without known limitation, limitations on the hours of use etc. are not considered reasonable or justified.

#### Construction Management

A planning condition is proposed in relation to construction working hours to prevent unacceptable impacts upon nearby occupied dwellings during the construction works.

	<p>A Demolition Method Statement has been prepared in support of the planning application. This includes suitable safeguards and measures to control the impact of these works on the wider locality including the nearby dwellings.</p> <p>Environmental Health has confirmed no objections.</p> <p>A planning condition is proposed to secure controls in the event that unexpected contamination is identified.</p> <p><b>Planning Balance</b></p> <p>The principle of the development is acceptable.</p> <p>The assessment of the impact upon the significance of heritage asset has found that the proposed works comprise a combination of minor negative and neutral impacts. The development will assist in retaining a long-term sustainable and optimum viable use for the property.</p> <p>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 result in impacts at the lower end of less than substantial to the significance to the non-designated heritage assets itself and this area of the conservation area and will have a neutral impact upon the setting of the Grade II Listed Buildings. On balance, it is considered that the public benefits of the development outweigh the harms.</p> <p>The development is acceptable in respect of highways, ecology, 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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</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:

Application Form

Location Plan – Drawing No. 25/07/1083-01

Site Plan – Drawing No. 25/07/1083-02a)

Existing Plans – Drawing No. 25/07/1083-03

Existing Elevations – Drawing No. 25/07/1083-05

Existing Cross-Sections – Drawing No. 25/07/1083-04

Proposed Plans – Drawing No. 25/07/1083-07

Proposed Elevations & Section – Drawing No. 25/07/1083-08 b) received 5<sup>th</sup> November 2025

Demolition Plan – Drawing No. 25/07/1083-06

Demolition Method Statement – 70 Lowther Street, CA28 7AD received 22<sup>nd</sup> October 2025

Former Post Office, 70 Lowther Street, Whitehaven - Ecological Statement

Heritage, Design And Access Statement High Grange Developments Ltd. 70 Lowther Street, Whitehaven CA28 7AH - 25/07/1083 – DAS

Slate specification detailed in email from Glen Beattie dated 3<sup>rd</sup> December 2025

Reason

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

#### Construction Management

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.

4. The development shall not proceed except in accordance with the provisions of Demolition Method Statement – 70 Lowther Street, CA28 7AD received 22<sup>nd</sup> October 2025.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

Ecology

5. The demolition works hereby approved shall not be completed during the breeding bird season - March to August inclusive. If this is not possible a breeding bird check must be completed no more than 48 hours prior to commencement of the development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and no works within that area completed until the young have naturally fledged.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

6. The demolition works to the roof hereby approved shall be completed under an ecological watching brief by a bat licensed ecologist who holds a Level 2 bat licence from Natural England.

Should a bat be found in the building or be seen to emerge from the building during the development, the development must stop and advice sought from Natural England.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

Contamination

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing 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.

#### Informatives

##### **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.

#### **Environmental Health**

Some beauty treatments require registration / licensing with the Environmental Health department of Cumberland Council.

#### **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning

	Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
<b>Case Officer:</b> C. Harrison		<b>Date :</b> 05.12.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 05.12.2025
<b>Dedicated responses to:-</b> N/A		