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## **HERITAGE STATEMENT**

**FORMER CHINESE RESTAURANT AND VICTORIA HALL  
DISTINGTON  
CUMBRIA**

**PREPARED BY LANPRO SERVICES  
ON BEHALF OF  
MR ANDREW MODLINSKY**

**JUNE 2019**

**Lanpro»**

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## Non-Technical Summary

Lanpro was commissioned by Andrew Modlinsky to produce a heritage statement to inform an application to demolish the former Chinese restaurant and neighbouring Victoria Hall for a proposed residential development on Main Street, Distington, Cumbria (centred at NGR NY 00659 23560).

The assessment draws together the available historical, topographic and land-use information in order to clarify the heritage significance of the two buildings within the study site. It addresses the information requirements set out in the National Planning Policy Framework (NPPF) and provides the proportionate response sought by the NPPF.

The assessment has established that there are no designated heritage assets within the study site. Two designated heritage assets, both Grade II listed buildings, are located c. 200-240m to the west of the study site comprising the Church of the Holy Spirit (LB ref. 1137112) and the Chancel Arch from the Medieval Church to the north-west of the present church (LB re. 1086702). However, neither of these heritage assets is considered sensitive in terms of their setting (regarding both visual relationships and functional association) to the proposed development within the study site.

Within the study site, the former Chinese restaurant (previously the Queen's Head inn or hotel) has been entirely stripped out internally to reveal evidence of several phases of modification and extension during its history. An assessment of the building against criteria for listing has concluded that the building is not of sufficient architectural or historic importance to warrant inclusion on the list. The building does, however, retain a certain level of historic and communal value primarily relating to its historic use as a public house.

The late 19<sup>th</sup> century Victoria Hall bounds the former Chinese restaurant to the north. Again, this building is not considered of sufficient architectural or historic importance to warrant listing. It does retain some local historic interest in terms of its communal value, providing a function room for the village and community, and architectural and aesthetic values which contribute to the local street scene.

It is concluded, therefore, that the proposed development will have no impact on any designated heritage assets within the surroundings of the study site but will result in the demolition of the two heritage assets identified within the study site. The local historic and architectural interest of these buildings is not considered sufficient to warrant their retention and can, therefore, be safeguarded through further recording prior to demolition. Due to access and health and safety issues it is recommended that this should be at an enhanced Level 1 standard in accordance with Historic England guidelines (2016). This can be secured through an appropriately worded planning condition.



## 1 INTRODUCTION

- 1.1 This heritage statement considers two adjoining properties comprising a former Chinese restaurant (previously the Queen's Head public house) and the neighbouring property to the north, Victoria Hall (henceforth referred to as the study site) on Main Street, Distington, Cumbria. It has been prepared by Lanpro Services Limited on behalf of Andrew Modlinsky.
- 1.2 During client discussions with Copeland Borough Council (CBC) with regards to demolishing the two properties and developing the site for residential purposes, the CBC planning officer has requested an assessment of the heritage significance of the two buildings, neither of which are listed or within a Conservation Area. This document assesses the potential impacts on the historic built environment arising from a proposed residential development and is intended to accompany the planning application.
- 1.3 The statement has been prepared in compliance with the National Planning Policy Framework (NPPF 2019), and makes reference to the relevant legislative framework, as well as national, strategic and local planning policy. In addition, relevant Historic England guidance, notably *Good Practice Advice Note 3, The Setting of Heritage Assets* and *Conservation Principles*, has been consulted to inform the judgements made.

## 2 LEGISLATION, POLICY AND GUIDANCE

- 2.1 In considering any planning application for development, the local planning authority will be guided by current legislation, the policy framework set by government planning policy, by current Local Plan policy and by other material considerations.
- 2.2 The national policy framework (NPPF 2019) states that planning applications should consider the potential impact of the development upon heritage assets which includes both designated heritage assets (for example listed buildings and Conservation Areas) and non-designated heritage assets usually comprising assets recorded on a Local List or the Historic Environment Record.

### Current Legislation

- 2.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides for the protection of listed buildings and Conservation Areas and is largely expressed in the planning process through policies in regional and local planning guidance, as outlined below. This act is the primary legislative instrument addressing the treatment of listed buildings and conservation areas through the planning process.
- 2.4 Section 66 of the 1990 Act states 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".

- 2.5 Section 72 then adds that "...with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 2.6 As far as Section 72 is concerned, it has previously been established by the Courts that development which does not detract from the character or appearance of a Conservation Area is deemed to be in accordance with the legislation. In other words, there is no statutory requirement to actively 'enhance'.
- 2.7 Section 1 of the 1990 Act also imposes a duty on the Secretary of State to compile or approve a list or lists of buildings of special architectural or historic interest as a guide to the planning authorities when carrying out their planning functions. Alongside the 1990 Act the Government has also produced guidance on the Principles of Selection for Listing Buildings (DCMS 2010). The statutory criteria for listing are the special architectural or historic interest of a building. Many buildings are interesting architecturally or historically, but in order to be listed, a building must have "special" interest.
- 2.8 Buildings on the list are graded to reflect their relative architectural and historic interest, based on the below:
- Grade I buildings are of exceptional interest;
  - Grade II\* buildings are particularly important buildings of more than special interest;
  - Grade II buildings are of special interest, warranting every effort to preserve them.
- 2.9 In addition to the statutory criteria for listing – architectural and historic interest, and group value, the following general principles are also considered by the Secretary of State when determining if a building is suitable for addition to the list of building of special architectural and historic interest.
- 2.10 **Age and rarity.** The older a building is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The following chronology is meant as a guide to assessment; the dates are indications of likely periods of interest and are not absolute. The relevance of age and rarity will vary according to the particular type of building because for some types, dates other than those outlined below are of significance. However, the general principles used are that:
- before 1700, all buildings that contain a significant proportion of their original fabric are listed;
  - from 1700 to 1840, most buildings are listed;
  - after 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary;
  - particularly careful selection is required for buildings from the period after 1945;
  - buildings of less than 30 years old are normally listed only if they are of outstanding quality and under threat.



- 2.11 **Aesthetic merits.** The appearance of a building – both its intrinsic architectural merit and any group value – is a key consideration in judging listing proposals, but the special interest of a building will not always be reflected in obvious external visual quality. Buildings that are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may have little external visual quality.
- 2.12 **Selectivity.** Where a building qualifies for listing primarily on the strength of its special architectural interest, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. However, a building may be listed primarily because it represents a particular historical type in order to ensure that examples of such a type are preserved. Listing in these circumstances is largely a comparative exercise and needs to be selective where a substantial number of buildings of a similar type and quality survive. In such cases, the Secretary of State's policy is to list only the most representative or most significant examples of the type.
- 2.13 **National interest.** The emphasis in these criteria is to establish consistency of selection to ensure that not only are all buildings of strong intrinsic architectural interest included on the list, but also the most significant or distinctive regional buildings that together make a major contribution to the national historic stock. For instance, the best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. Similarly, for example, some buildings will be listed because they represent a nationally important but localised industry, such as shoemaking in Northamptonshire or cotton production in Lancashire.
- 2.14 **State of repair.** The state of repair of a building is not a relevant consideration when deciding whether a building meets the test of special interest. The Secretary of State will list a building which has been assessed as meeting the statutory criteria, irrespective of its state of repair.

#### **National Planning Policy Framework**

- 2.15 Section 16 of the NPPF, entitled *Conserving and enhancing the historic environment* provides guidance for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets.
- 2.16 Overall, the objectives of Section 16 of the NPPF can be summarised as seeking the:
- Delivery of sustainable development
  - Understanding the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment, and
  - Conservation of England's heritage assets in a manner appropriate to their significance.
- 2.17 Section 16 of the NPPF recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. Paragraph 189 states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of

the asset and should be no more than sufficient to review the potential impact of the proposal upon the significance of that asset. This is supported by paragraph 190 which states that LPAs should take this into account when considering applications.

- 2.18 Paragraphs 193-196 consider the impact of development proposals upon the significance of designated heritage assets. Paragraph 193 states that where a development is proposed that would affect the significance of a designated heritage asset, great weight should be given to the asset's conservation and that the greater an asset's significance, the greater this weight should be. Paragraph 195 emphasises that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the scheme, bearing in mind the great weight highlighted in Paragraph 193.
- 2.19 Heritage Assets are defined in Annex 2 of the NPPF as: *'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).'*
- 2.20 A Designated Heritage Asset comprises a *'World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation'*.
- 2.21 Significance is defined as: *'The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'*
- 2.22 In short, government policy provides a framework which:
- Protects nationally important designated heritage assets;
  - Protects the settings of such designations;
  - In appropriate circumstances seeks adequate information (from desk-based assessment and field evaluation where necessary) to enable informed decisions; and
  - Provides for the excavation and investigation of sites not significant enough to merit *in situ* preservation.

### Planning Practice Guide

- 2.23 The NPPG is a web-based resource which is to be used in conjunction with the NPPF. It is aimed at planning professionals and prescribes best practice within the planning sector. The relevant section is entitled *'Conserving and enhancing the historic environment'*. The guidance given in this section is effectively a condensed version of the PPS5 Practice Guide and sets out the best practice to applying government policy in the NPPF.



### Local Planning Policy

- 2.24 The current local planning policy is provided by the Copeland Local Plan 2013-28 (adopted December 2013) which comprises Copeland Council's policies and proposals for the core strategy and development management DPD. This document sets out the vision, objectives, spatial context and strategic policies that will guide development up to 2028. The relevant heritage policies are as follows:

#### **Policy ENV4 – Heritage Assets**

*The Council's policy is to maximise the value of the Borough's heritage assets by:*

- A Protecting listed buildings, conservation areas and other townscape and rural features considered to be of historic, archaeological or cultural value*
- B Supporting proposals for heritage led regeneration, ensuring that any listed buildings or other heritage assets are put to an appropriate, viable and sustainable use*
- C Strengthening the distinctive character of the Borough's settlements, through the application of high quality urban design and architecture that respects this character and enhances the settings of listed buildings*

*Policy DM27 supports this policy, setting out the Council's approach to development which affects built heritage and archaeology.*

#### **Policy DM27 – Built Heritage and Archaeology**

- A Development proposals which protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites and their settings will be supported. This will be particularly relevant in the case of:*
  - i) Scheduled Ancient Monuments*
  - ii) Conservation Areas*
  - iii) Listed Buildings and structures*
  - iv) Non-listed buildings and structures or landscape features of local heritage and archaeological value*
  - iv) Surface and below ground archaeological deposits*
- B Development proposals which have a significant adverse effect on a Scheduled Ancient Monument or its wider site or setting will not be permitted*
- C Development within Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the area and, where appropriate, views in and out of the area. The Council will pay particular attention to:*
  - i) How new development respects the character of existing architecture and any historical associations, landscape features, open spaces, trees, walls and quality of townscape*
  - ii) The impact of any proposed works to trees with regard to policy DM28*
  - iii) The design of any proposals for new or altered shopfronts and / or signage, which should be an integral part of the design and avoid the use of internally illuminated signage*
- D Development which affects Listed Buildings or their setting will only be permitted where it:*
  - i) Respects the architectural and historic character of the building*

- ii) *Avoids any substantial or total demolition, or any demolition that is not related to proposed development affecting the building*
- iii) *Does not have a significant adverse effect on the setting or important views of the building*
- iv) *Involves a change of use to all or part of the listed building which contributes to the conservation and overall economic viability of the building, and where the use can be implemented without any adverse alterations to the building*

*E Any development proposal which is considered to affect an existing or potential site of archaeological importance will be required to be accompanied by an archaeological assessment. Where archaeological deposits are evident, below ground or on the surface, evidence should be recorded and where possible preserved in-situ. Proposals for development where archaeological interest has been established will not be approved until evidence has been provided that the risk of archaeological disturbance has been adequately investigated and has been minimised. Planning permission will not be granted if the impact on potential archaeology is unacceptable.*

### Professional Guidance

- 2.25 The Historic England publication *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment* (2015) outlines a seven-stage process for the assembly and analysis of relevant information relating to heritage assets potentially affected by a proposed development:
- Understand the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment;
  - Understand the significance of the affected assets;
  - Understand the impact of the proposal on that significance;
  - Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
  - Look for opportunities to better reveal or enhance significance;
  - Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change; and
  - Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.
- 2.26 In order to understand the nature, extent and level of significance the note advocates considering the four types of heritage value an asset may hold, as identified in *Conservation Principles* (English Heritage 2008): aesthetic, communal, historic and evidential. Significance results from a combination of any, some or all of the values.
- 2.27 The Historic England publication *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets Setting* (2017) recognises that whilst setting is not a heritage asset, elements of a setting 'may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that



*significance or may be neutral'* (para. 4). This guidance also notes that the contribution of setting to the significance of a heritage asset is often expressed by reference to views, although the importance of setting lies in what it contributes to the significance of the heritage asset, and this can be influenced by a number of other factors.

- 2.28 This guidance also notes that the contribution of setting to the significance of a heritage asset is often expressed by reference to views, although the importance of setting lies in what it contributes to the significance of the heritage asset, and this can be influenced by a number of other factors.
- 2.29 In order to assess the contribution made by setting to the significance of a heritage asset, and the implications of new developments, the guidance recommends that a systematic and staged approach to assessment should be adopted, namely:
- i) identify which heritage assets and their settings are affected;
  - ii) assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
  - iii) assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it;
  - iv) explore the way to maximise enhancement and avoid or minimise harm;
  - v) make and document the decision and monitor outcomes.
- 2.30 This report therefore follows steps (i) and (ii) to identify the local heritage assets and their settings and then makes an assessment of the potential impact of the proposed development having regard to steps (iii) and (iv).

### 3 ASSESSMENT CRITERIA

#### *Setting*

- 3.1 The NPPF defines the setting of a heritage asset as: *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'*
- 3.2 Historic England's *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets Setting* (2017) focuses on the management of change within the setting of heritage assets and describes it as:
- 'Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.'*
- 3.3 The guidance also states that setting is not confined entirely to visible elements and views but includes other aspects including environmental considerations and historical relationships between assets:

*'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.*

*For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance'.*

- 3.4 Historic England recommends using a 5-step process (para 2.22, above) in order to assess the potential effects of a proposed development on significance of a heritage asset.

### **Significance**

- 3.5 Paragraph 189 of the NPPF states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to review the potential impact of the proposal upon the significance of that asset.

- 3.6 It is recognised that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain elements could accommodate change without affecting the significance of the asset. Change is only considered harmful if it erodes an asset's significance. Understanding the significance of any heritage assets affected and any contribution made by their setting (paragraph 189, NPPF 2018) is therefore fundamental to understanding the scope for and acceptability of change.

- 3.7 Assessment of significance has been undertaken in accordance with the methodology outlined in Historic England's *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment* (2015).

### **Definition of Harm**

- 3.8 Current guidance by Historic England is that 'change' does not equate to 'harm'. The NPPF and its accompanying PPG effectively distinguish between two degrees of harm to heritage assets – substantial and less than substantial. Paragraph 195 of the NPPF states that:

*'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...'*

- 3.9 Paragraph 196 of the NPPF states that:

*'Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals...'*



3.10 In determining the effects of the Proposed Scheme this heritage statement is cognisant of case law. Including the below:

- Flag Station, Mansel Lacy, Herefordshire [22/09/2015] Case Number EWHC 2688

3.11 This ruling has emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to ‘have special regard to the desirability of preserving the [listed] building or its setting’. As stated by HH Judge David Cooke in a judgment of 22 September 2015 regarding the impact on the setting of a listed building:

*‘It is still plainly the case that it is for the decision taker to assess the nature and degree of harm caused, and in the case of harm to setting rather than directly to a listed building itself, the degree to which the impact on the setting affects the reasons why it is listed.’*

- PALMER Appellant and Herefordshire Council and ANR [04/11/16] Case No: C1/2015/3383

3.12 The judgment was agreed by Lord Justice Lewison at the Court of Appeal, who stated that:

*‘It is also clear as a matter both of law and planning policy that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.’*

## 4 SITE APPRAISAL

4.1 A site visit was made on 14<sup>th</sup> June 2019 in order to view the study site within its surrounding context. The study site is situated to the north-west of the junction of Church Street and Main Street, Distington (centred at NGR NY 00659 23560; see Figure 1). It lies within an area of generally flat topography, at an approximate height of 75m aOD.

4.2 The study site comprises two adjoining buildings (Plates 1-10): a former Chinese restaurant (previously the Queen’s Head public house) and its rear yard situated to the north-west of the Main Street and Church Road junction; and the neighbouring property to the immediate north is Victoria Hall. The study site is bound by Main Street to the east, Church Road to the south and residential properties to the north and west.

4.3 The former Chinese restaurant has been stripped internally of all modern materials and internal fittings to leave the rubble and brick walls and roof space exposed. Externally, the windows have been removed and the outbuildings demolished. Victoria Hall has not yet been stripped of any internal features or fittings but is in a state of decay.

## 5 HISTORIC BACKGROUND

5.1 This section provides an overview of the historical development of the study site and general area relevant to its historic context and interest. This is based on a consideration

of evidence in the National Heritage List for England (NHLE) for a 500m radius, Ordnance Survey mapping from the 1<sup>st</sup> edition to the present day, holdings at the Whitehaven Archives and Local Study Centre and other on-line repositories which were consulted for relevant documentary sources.

- 5.2 The earliest evidence for activity within Distington is a coin hoard dating to the 4<sup>th</sup> century AD located c. 110m to the north-east of the study site. There is no evidence for a Roman settlement within the village, but it is purported that Main Street follows the route of a Roman road between Papcastle to Moresby.
- 5.3 The road is likely to have still provided a focus for activity during the medieval period. Although the precise date of the earliest settlement at Distington is not known, the name is first recorded in the 12<sup>th</sup> century as *Dustinton*, of Old English origin and is thought to refer to a short stream named *Dysting*, derived from *dust* meaning 'mist, spray' (Ekwall 1974). However, an early medieval church believed to have been wooden and of at least 10<sup>th</sup> century was known at Distington; three cross heads and a shaft of early medieval date were found during the construction of the present late 19<sup>th</sup> century church. A stone church was built in 1330 and had two bells which now reside in the tower of the present church. However, this was then replaced in c. 1660 and dedicated to St Cuthbert. It was demolished to make way for the present church, the chancel arch from which was erected within the churchyard and is now Grade II listed (LB ref. 1086702). The presence of a church since the early medieval period suggests a nearby settlement, evidenced by the apparent fossilised strip fields aligning Main Street on the first edition Ordnance Survey map of 1867 (Figure 2).
- 5.4 Distington is first documented as being held by Gilbert de Dundraw in the late 12<sup>th</sup> to early 13<sup>th</sup> century who built Hayes Castle at Common End to the south of the village. Having no male heir, his estate was left to his four daughters who became co-parceners. During 1578 it was documented as being held conjointly by Leonard Dykes and William Fletcher. The Fletchers became the eventual sole owners by marriage, and it was passed down until the death of the last of the line when it was sold in 1720 to John Brougham Esq. of Scales. It was later conveyed it to Sir James Lowther and the Lowther Estate in 1737.
- 5.5 During the post-medieval period Main Street was on the Carlisle to Barrow road. At this time, the base for the regular running of stagecoaches was at the Globe Hotel, to the south of the village, with mail dealt with from an office on the upper floor of the Queen's Head Hotel, listed in the 1847 Mannix and Whellan directory. The Queen's Head is reputed to have originally been the Kings Head but changed its name following the succession to the throne of Queen Victoria in 1837, suggesting at least an early 19<sup>th</sup> century origin for the building or a predecessor. At the beginning of the 19<sup>th</sup> century, the rural economy of the village saw inns or hotels, along with shops and farms as the main businesses, which had a population of 721. However, by 1851 the population had risen to 1,789 with quarrying at the local Barfs Quarry, iron working and a resurgence in the coal mining economy.



- 5.6 The earliest detailed map available of Distington is the Ordnance Survey map of 1867 (Figure 2) which shows a building in the location of the former Chinese restaurant labelled 'Queens Head (PH)'. The plot to the north, in the location of Victoria Hall, is vacant.
- 5.7 The Ordnance Survey map of 1874 (Figure 3) provides more detail and shows the Queen's Head on the junction of Church Road and Main Street with an outshut on its west facing elevation, a possible porch on the east facing elevation and a number of outbuildings in the rear yard. A building is also shown adjoining the hotel on the north side. The plot later occupied by Victoria Hall is shown as a garden.
- 5.8 The rise in the mining economy during the late 19<sup>th</sup> century is reflected in the development of terraced housing within the village along roads leading away from Main Street, such as Church Road to the south of the study site. The growing population of the village also saw the provision of more services and institutions, such as a school which opened in 1878 and two public halls. The first of these was Victoria Hall built in 1888 and seated 300 and Albert Hall at Common End to the south of the village built in 1899 with accommodation for 200. Victoria Hall is shown on the Ordnance Survey map of 1899 (Figure 4) to the north of the Queen's Head. It appears to have been constructed at a slight angle when compared to its neighbouring plots, although it is perpendicular to the street frontage. The Queen's Head appears to have either incorporated the building to its north which has then been partially severed at its north end for the purposes of the Hall, or alternatively the previous building has been removed and the Queen's Head extended to abut the Hall. Either way, the original Queen's Head building appears to have remained extant, with the outshut to the rear that has been extended to incorporate a previous small outbuilding shown on the Ordnance Survey map of 1874 (Figure 3) and the porch on the east facing elevation.
- 5.9 The Ordnance Survey map of 1925 (Figure 5) shows little change to the study site with the exception of the removal of the possible porch on the east facing elevation. There is also a boundary abutting the rear of the Victoria Hall and an elongated building along the pre-existing boundary to the south of this. Victoria Hall is named but the Queen's Head is marked simply as 'P.H.'.
- 5.10 There are no changes to the layout of the Queen's Head and Victoria Hall until the Ordnance Survey map of 1961 (Figure 6) wherein a portion of the rear of the Queen's Head has been extended. However, there have been changes to the external decoration during this time. An undated photograph believed to be from the early 20<sup>th</sup> century shows an appearance not too dissimilar to that until recently (Plate 12), whereas a later photograph believed to be possibly early mid-20<sup>th</sup> century shows both the Queens Head and Victoria Hall decorated in a similar style suggesting they are both under the same ownership or tenancy.
- 5.11 The study site remains unchanged in its layout throughout the remainder of the 20<sup>th</sup> century and through to the present day (Figure 7, Plate 14). However, the function of the Queen's Head has changed in recent years from an inn or hotel to a Chinese restaurant, although neither building is in use any longer.

## **6 SUMMARY OF HERITAGE ASSETS**

- 6.1 This heritage statement has been informed by a 500m study area beyond the study site. The size of the study area has been determined based on the prevailing site circumstances, the nature of the proposed scheme and professional judgment, as suitable for determining the potential impact of the proposed scheme on built heritage assets. The following section therefore identifies the built heritage assets located within the study site and its surroundings and evaluates whether they have the potential to be affected by the proposals and therefore require further assessment within Section 7. It is therefore consistent with paragraph 189 of the NPPF, in providing a level of detail proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.2 There are two designated heritage assets within a 500m radius of the study site, both of which are Grade II listed and located at the west end of Church Road: the Church of the Holy Spirit (LB ref. 1137112) at a distance of c. 200m from the study site; and the Chancel Arch from the Medieval Church to the north-west of the present church (LB re. 1086702) at a distance of c. 240m from the study site.
- 6.3 There is very limited intervisibility between the study site and the Church of the Holy Spirit, being confined to the east end gable visible above the terraced roof tops from the rear wall of the study site. There is no visibility from the Grade II listed church to the study site, and there is no functional or historical association with the study site. Consequently, the study site is not considered to form part of the setting of the church and it there will be no requirement for any further assessment in this document.
- 6.4 The Chancel Arch has no intervisibility with the study site and there is no functional or historical relationship. The study site is therefore considered not to form part of its setting and this has therefore been scoped out from requiring any further assessment in this document.
- 6.5 There is no Local Authority adopted local list for buildings with local historic or architectural interest for Distington, and neither the former Chinese restaurant nor Victoria Hall are recorded on the Historic Environment Record (HER). However, there is a requirement to assess the significance of these two buildings within the study site in order to inform the planning application.

## **7 ASSESSMENT OF SIGNIFICANCE**

- 7.1 Paragraph 189 of the NPPF states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to review the potential impact of the proposal upon the significance of that asset.
- 7.2 It is recognised that not all parts of a heritage asset will necessarily be of equal significance.



In some cases, certain elements could accommodate change without affecting the significance of the asset. Change is only considered harmful if it erodes an asset's significance. Understanding the significance of any heritage assets affected and any contribution made by their setting (paragraph 190, NPPF 2019) is therefore fundamental to understanding the scope for and acceptability of change.

- 7.3 Based on the above evidence in Sections 5 and 6 and the on-site assessment the following built heritage assets are considered potentially sensitive to the proposed development and require further assessment, neither of which are designated:

- former Chinese restaurant (the Queen's Head inn/hotel);
- Victoria Hall.

#### *Former Chinese Restaurant*

- 7.4 The former Chinese restaurant was, until recently, the Queen's Head public house identified on Ordnance Survey maps from the mid-19<sup>th</sup> until late 20<sup>th</sup> century maps (Figure 2-7). It was believed to have been named the King's Head originally but renamed following Queen Victoria's succession to the throne. The date of construction of the King's Head is not known nor were there any visible elements of the building that could assist with dating.
- 7.5 It is a plain asymmetrical rectangular building of two obvious phases (Plate 2): the northern third portion of the building, abutted by Victoria Hall, appears to different to the southern two-thirds in terms of fenestration and roofline when viewed from Main Street. From a limited site inspection and mapping evidence it is difficult to ascertain whether the north portion was infill between the original Queen's Head inn and the Hall or adaption of the building seen on the Ordnance Survey maps of 1867 and 1874 (Figures 2 and 3).
- 7.6 The visible external parts of the building are rendered and painted white. The window sandstone surrounds are painted and some sash windows survive, including the converted original doorway shown in Plate 13. The main doorway was positioned more recently within the purpose-built entrance lobby on the principal elevation on Main Street. To the rear there are at least four phases of outshuts identified together with evidence of demolished outbuildings that appear, from mapping evidence, to be at least mid-19<sup>th</sup> century.
- 7.7 The slate roof appears to have been re-covered. This is edged with a plain verge on the visible south gable with sandstone kneelers. There are two chimney stacks slightly offset from each other and positioned off the ridge line. Both are grey rendered with three tall distinct pots and a drip mould.
- 7.8 The building has been entirely stripped out internally. The removal of the plaster from the interior walls has uncovered evidence of modification and phasing, such as the infilled window within the central longitudinal sandstone rubble wall (Plate 8) which, collectively, is likely to provide some indication of its original layout and possible date.
- 7.9 The setting of the building is to the north of centre within the village and on the main

north/south through route, on the junction of Main Street and Church Road. Originally the building was an inn serving stage coaches and through traffic on the main Carlisle-Barrow route. However, a bypass constructed in the 1930s to the east of the village diverted most of this away from Distington. A second by-pass and now the main A595 has been built in the last decade (Figure 1).

- 7.10 The construction of Victoria Hall in 1888 conjoined the two buildings which have remained since. Furthermore, since the 1960s the rear of the building has overlooked residential development which has extended back from the historical development aligning Main Street. This has also replaced the large majority of the village along Main Street to the north. Nevertheless, to the south of the former Chinese restaurant many of the mainly early 19<sup>th</sup> century village buildings are extant, built to the back of the pavement and two-storey.
- 7.11 The former Chinese restaurant (Queen's Head) is not designated and has no significance in terms of its architectural or aesthetic values, although it does have some local historic/communal value. Until its more recent demise it played a key role as an inn and hotel within the community, both economically and communally, since it was constructed in the early 19<sup>th</sup> or possibly 18<sup>th</sup> century and would have been a focal point and landmark within the village. Although its setting has altered to the north and west, its position within the village and on Main Street does provide some historical context to its development and function.

#### *Victoria Hall*

- 7.12 Victoria Hall is first identified on the Ordnance Survey map of 1899 (Figure 4) built on a former garden plot and adjoining an extended Queen's Head Inn. Any original connection between the two buildings is unknown but they appear to be under the same ownership or tenancy from the external decoration seen in a mid-20<sup>th</sup> century photograph (Plate 13), and so named after the same monarch.
- 7.13 The building appears to be generally quite plain with a decorative principal gable elevation facing Main Street. This principal elevation appears to be original (Plate 12) and is designed according to classical proportions, with banded rustication on the ground floor, a relatively tall main door flanked by pilasters, over which there is a hoodmould. The pilasters continue to the first floor, which is of plain render, with a further pair of pilasters at each side of the gable topped with finials. Raking cornices align each side of the roof which tops out from a sloping to a flat cornice. Above this is a detached pediment above a datestone of '1888' (Plates 2-4).
- 7.14 Internally, the hall also appears to be relatively original with an apparent sprung floor and what appears to have been a mezzanine at the front of the hall, over the main doorway (Plate 11).
- 7.15 During consultation with the Local Planning Authority, Victoria Hall has been referred to as a chapel, although there is no evidence to support this. It is assumed to have derived from



its appearance, particularly within its setting of unremarkable two storey 19<sup>th</sup> and single storey 20<sup>th</sup> century buildings. The Hall was apparently used by villagers for 'dances, weddings, the Boys Club and pigeon shows' (Wilson 2000) and is labelled as a hall on all the Ordnance Survey maps throughout the 20<sup>th</sup> century. Nevertheless, its decorated façade would have made Victoria Hall a landmark along Main Street.

- 7.16 As discussed above, any original association with the neighbouring Queen's Head has not been ascertained, although the two buildings served the social needs of the community side by side from within the centre of the village. The position of Victoria Hall therefore contributes to an understanding to the development of the community and village.
- 7.17 The late 19<sup>th</sup> century Victoria Hall is considered to be a building of local significance, derived mainly from its architectural and aesthetic interests which are at contrast to the rest of its built environment. Due to its function it is also likely to have some communal value whilst its setting, adjacent to the Queen's Head on the main road, contributes to its significance to some extent.

## 8 IMPACT ASSESSMENT

### Proposed development

- 8.1 The study site is proposed for residential development and will involve the demolition of the current buildings, namely the former Chinese restaurant (Queen's Head) and Victoria Hall.

### Impact on heritage assets

- 8.2 When considering applications for planning permission that affect listed buildings, local authorities have a duty under the 1990 Planning (Listed Buildings and Conservation Areas) Act (section 66(1)) to 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'. The NPPF expects local authorities to have access to significance and impact assessments to inform these duties (paragraphs 189 and 190). Impact can be assessed according to different levels, from neutral to beneficial with a range of degrees of harm, from slight to substantial. Where substantial harm will be caused, for example by the total demolition of a listed building or a building that contributes to the character of a Conservation Area, local authorities should normally refuse consent, unless the criteria set out in the NPPF are met (paragraph 195). For proposals where the harm is 'less than substantial', the Local Authority is expected to weigh the harm to significance against the public benefits of the scheme.
- 8.3 The development of the study site will have no direct impact on any designated heritage assets nor will there be any impact on the setting, and therefore significance, of any designated heritage assets.
- 8.4 The study site includes a former Chinese restaurant that was, until very recently, the Queen's Head inn or hotel and its rear yard, and originated to serve travellers on the main Carlisle-Barrow road. Much of the building is believed to be of at least early to mid-19<sup>th</sup> century date

and it was evident during the site inspection that there have been a number of phases of modifications and extensions throughout its duration. This is abutted to the north by the late 19<sup>th</sup> century Victoria Hall which served as a function hall to the village of Distington and appears to be relatively original both externally and internally. Both buildings are of local significance and provide an understanding of how the village developed and functioned historically and as a community, and mainly as a response to the thoroughfare through the village. Neither building is considered to be of sufficient architectural or historic interest to warrant entry on the national list.

- 8.5 The Queen's Head inn or hotel is of local historical interest, having been adapted and extended during its existence. Victoria Hall is of architectural and aesthetic interest and its appearance is in contrast to the surrounding buildings. The proposals involve demolition of both buildings and any historic or architectural interest can be secured by further works in the form of an archaeological building recording.

## 9 CONCLUSIONS

- 9.1 This heritage statement draws together the available historic, topographic and land-use information in order to clarify the significance of the former Chinese restaurant (Queen's Head inn or hotel) and Victoria Hall, Main Street, Distington. Both buildings are proposed for demolition prior to the development of the study site for residential purposes. It addresses the information requirements set out in the NPPF and provides the proportionate response sought by the NPPF.
- 9.2 The assessment has established that there are no designated heritage assets within the study site. Two designated heritage assets, both Grade II listed buildings, are located c. 200-240m to the west of the study site comprising the Church of the Holy Spirit (LB ref. 1137112) and the Chancel Arch from the Medieval Church to the north-west of the present church (LB re. 1086702). However, neither of these heritage assets is considered sensitive in terms of their setting (regarding both visual relationships and functional association) to the proposed development within the study site.
- 9.3 Within the study site, the former Chinese restaurant (previously the Queen's Head inn or hotel) has been entirely stripped out internally to reveal evidence of several phases of modification and extension during its history. An assessment of the building against criteria for listing has concluded that the building is not of sufficient architectural or historic importance to warrant inclusion on the list. The building does, however, retain a certain level of historic and communal value primarily relating to its historic use as a public house.
- 9.4 The late 19th century Victoria Hall bounds the former Chinese restaurant to the north. Again, this building is not considered of sufficient architectural or historic importance to warrant listing. It does retain some local historic interest in terms of its communal value, providing a function room for the village and community, and architectural and aesthetic values which contribute to the local street scene.



- 9.5 It is concluded, therefore, that the proposed development will have no impact on any designated heritage assets within the surroundings of the study site but will result in the demolition of the two heritage assets identified within the study site. The local historic and architectural interest of these buildings can be safeguarded through further recording prior to demolition. Due to access and health and safety issues it is recommended that this should be at an enhanced Level 1 standard in accordance with Historic England guidelines (2016). This can be secured through an appropriately worded planning condition.

## 10 REFERENCES

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DCLG 2019, *National Planning Policy Framework*

Ekwall E.E., 1974, *English Place-names*

English Heritage 2010, *Understanding Place*

Historic England 2017 *Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets*

Mannix and Whellan, 1847, *History, Gazetteer and Directory of Cumberland.*

Nicholson, L., 2008, *Distington.*

Wilson, J., 2000, *Distington, the Friendly Parish.*

### Historical Mapping

1867 Ordnance Survey County Series 6 inch map

1874 Ordnance Survey County Series 25 inch map

1899 Ordnance Survey County Series 25 inch map

1925 Ordnance Survey County Series 25 inch map

1961 Ordnance Survey County Series 25 inch map

1988 Ordnance Survey County Series 25 inch map

## Figures



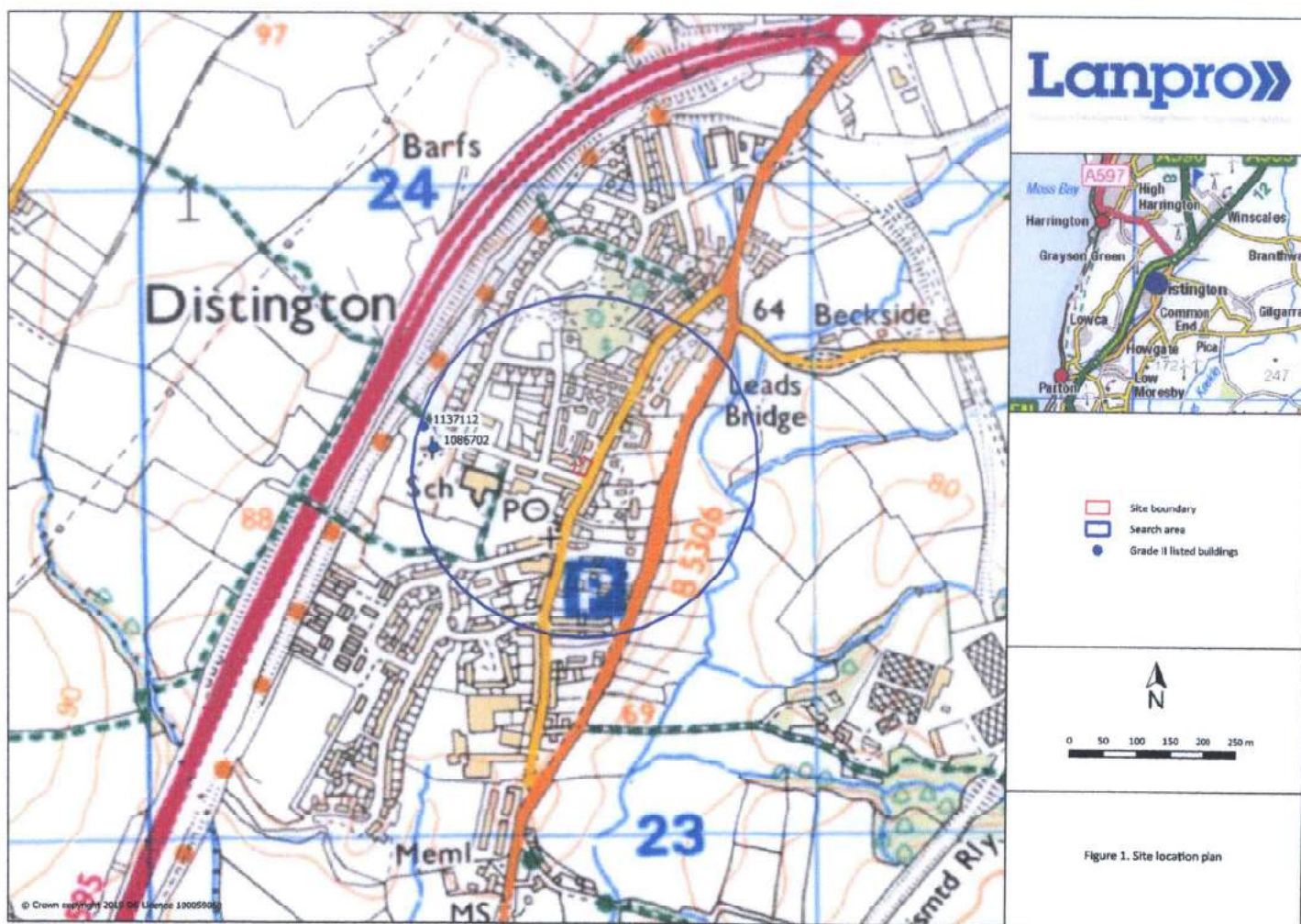
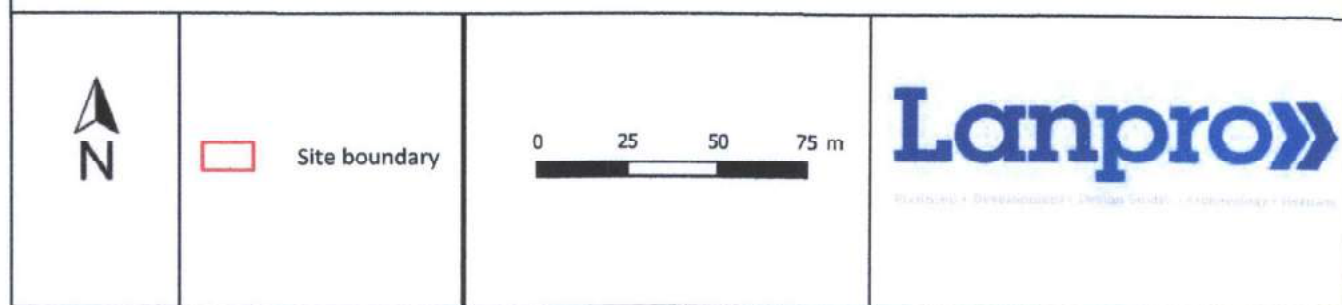




Figure 2. Extract from the Ordnance Survey 1:10,560 County Series map of 1867











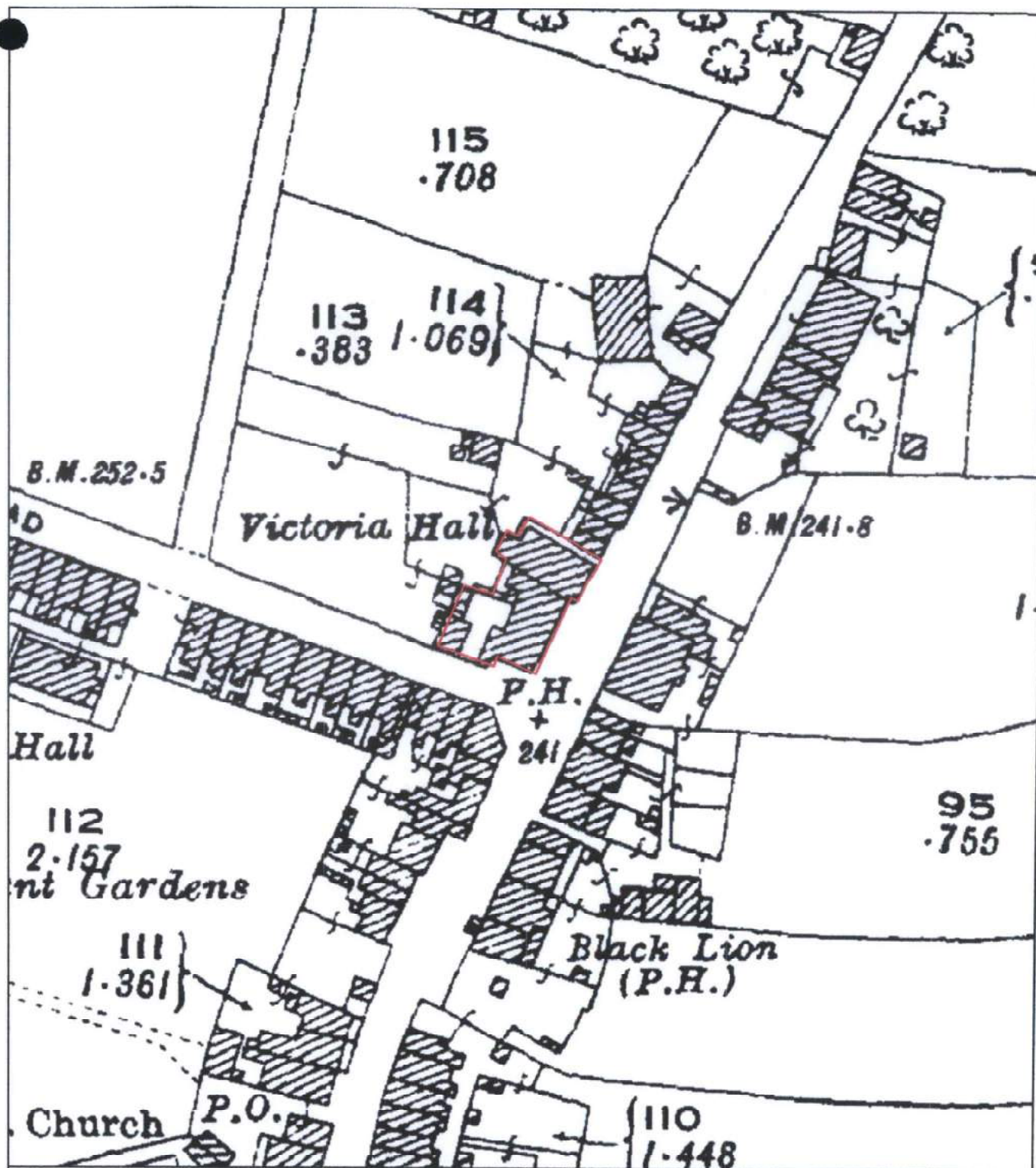


Figure 5. Extract from the Ordnance Survey 25 inch County Series map of 1925



Site boundary

0 10 20 30 40 m

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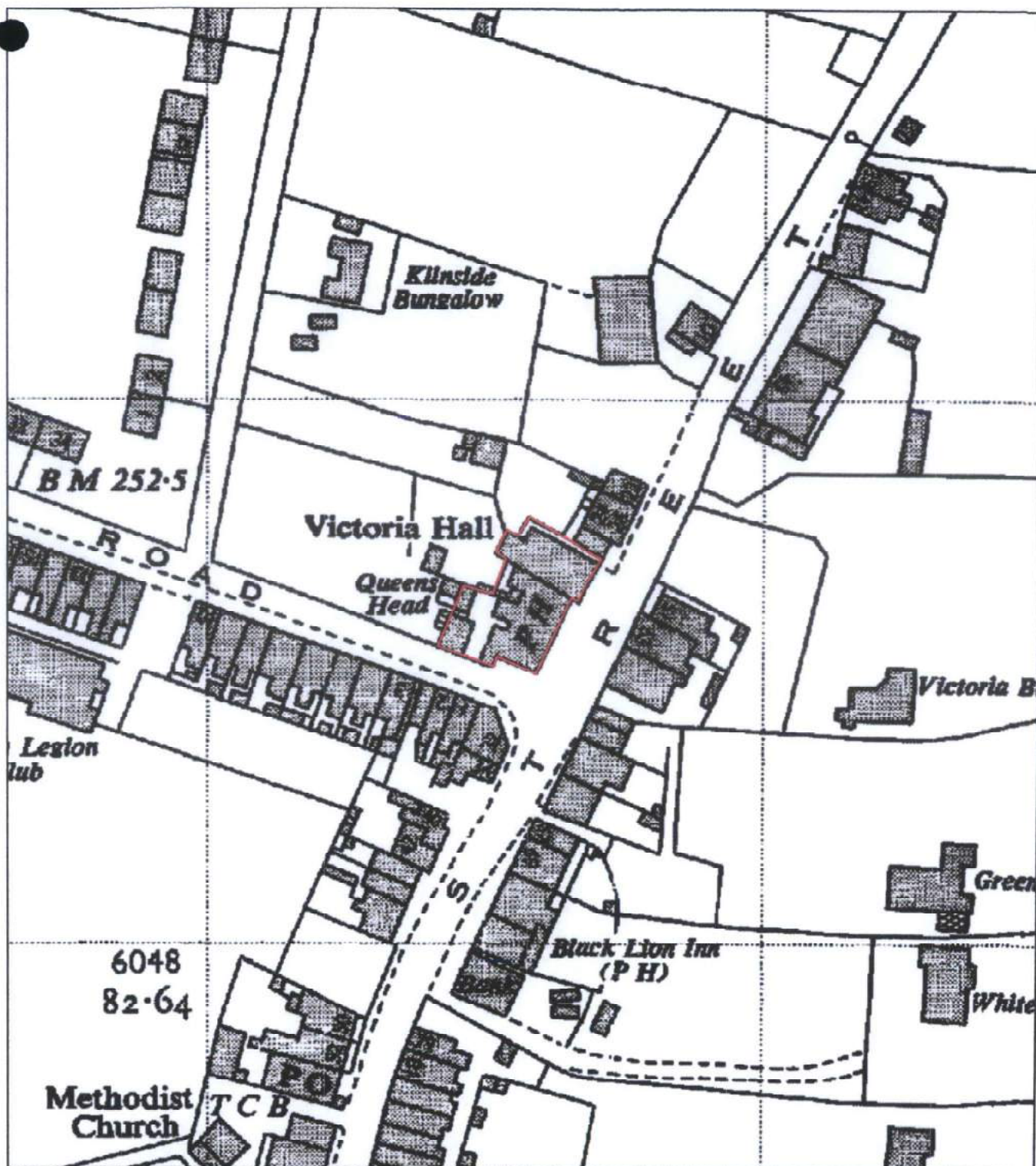
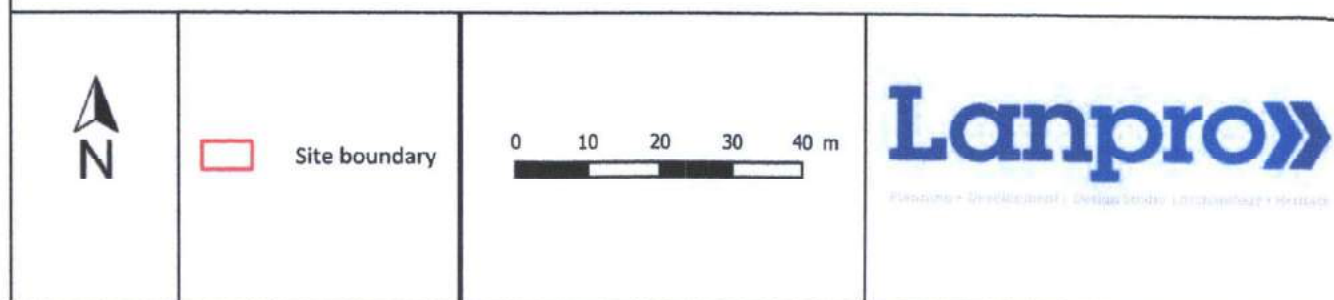


Figure 6. Extract from the Ordnance Survey 25 inch County Series map of 1961





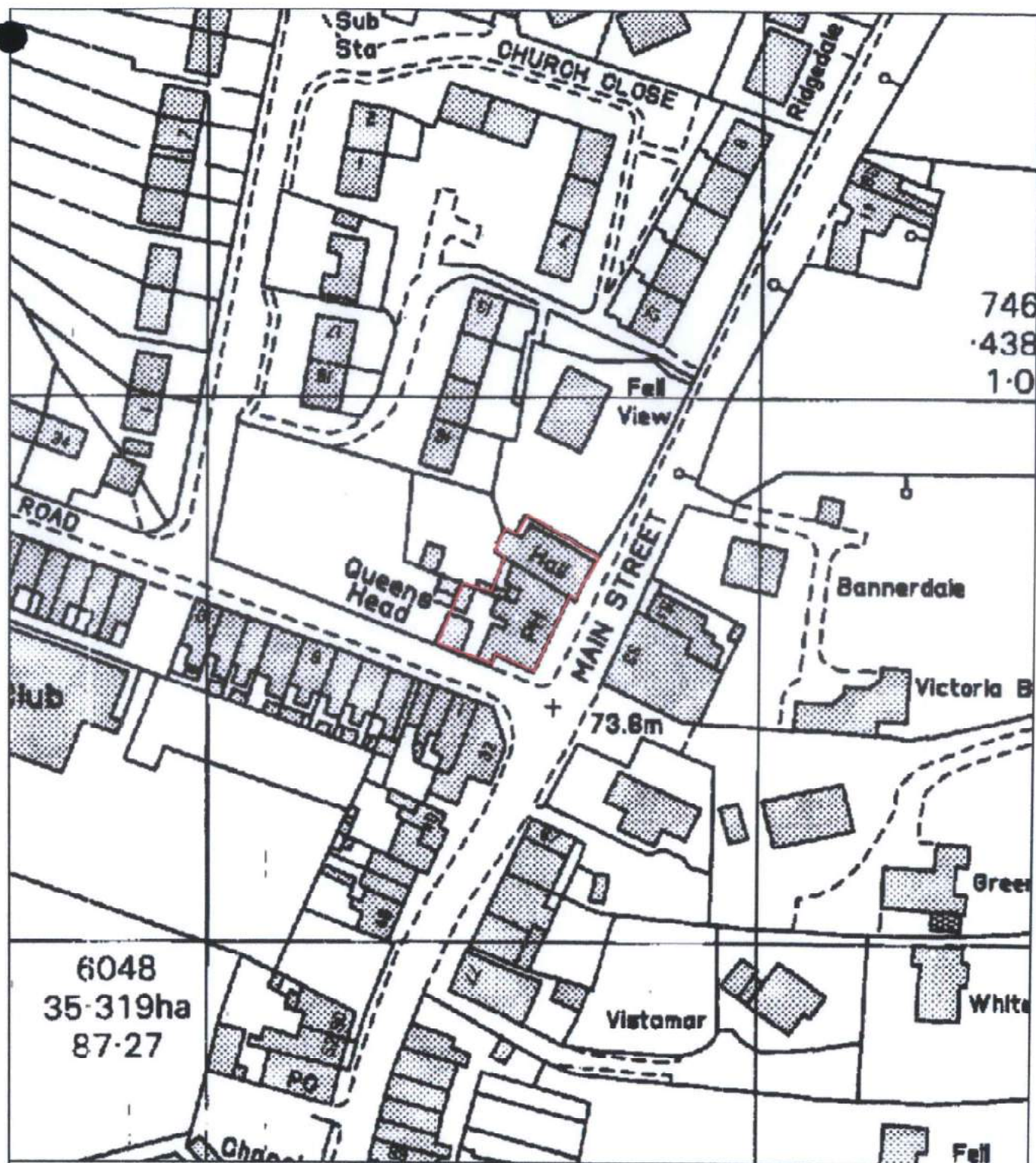


Figure 7. Extract from the Ordnance Survey 25 inch County Series map of 1988



Site boundary

0 10 20 30 40 m

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## Plates



Plate 1: West facing view of the two buildings within the study site prior to stripping out. The former Chinese restaurant to the left and Victoria Hall to the right (Google Streetview)



Plate 2: Current north-west facing view of the two buildings within the study site





Plate 3: East elevation of Victoria Hall with a date stone of 1888



Plate 4: South-west facing view of the two buildings within the study site



Plate 5: The west (rear) elevations of the former Chinese restaurant and rear yard area, from Church Road



Plate 6: Rear boundary wall to the yard, north facing view from Church Road





Plate 7: View into the roofspace through the central stairway of the former Chinese restaurant



Plate 8. Evidence of an infilled window in the longitudinal internal dividing wall through the middle of the former Chinese restaurant



Plate 9: South interior wall of the ground floor of the former Chinese restaurant showing brick infill within a rubble wall and a hearth support for the first floor

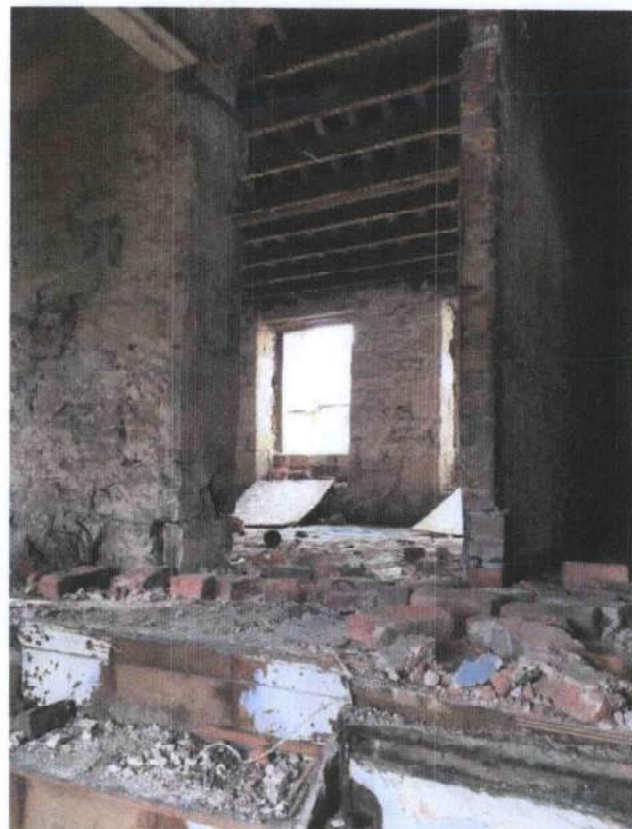


Plate 10: Later brick dividing wall on the first floor





Plate 11: Internal view of Victoria Hall, facing towards the front of the building



Plate 12: Early 20<sup>th</sup> century view southwards along Main Street, with the Victoria Hall and Queen's Head on the right



Plate 13: Undated (possibly mid-20<sup>th</sup> century) photograph of the Queen's Head



Plate 14: Aerial view of the study site (Google 2018)



## Appendix 1: Listing Entries

### CHURCH OF THE HOLY SPIRIT

LB ref: 1137112

Grade II

Date first listed: 9<sup>th</sup> August 1984

NGR: NY 00427 23600

Parish Church, 1886 by Hay & Henderson replacing medieval church. Snecked rubble with quoins on chamfered plinth; stepped buttressing. Steeply pitched graduated slate roofs with stone copings, kneelers, and apex crosses; decorative ridge tiles. Corniced stone octagonal chimney to north side of chancel. 4-bay nave, 2-bay chancel with low tower offset to south. 3 lancets to west end with cinquefoil above. South porch, with moulded, pointed arch, in 2nd bay from west. Paired lancet aisle windows; plate traceried nave clerestory windows each 3 quatrefoils under pointed containing arch. Lancets to north side of chancel, 3-stage tower (incorporating vestry) to south; east window 5 stepped lancets with nook shafts. Interior: Pointed nave arcade carried on polished granite piers with foliate capitals (carved 1897). Roof trusses spring from corbels; decorative tie-beams. Moulded chancel arch on corbels. 3-seater sedilia with piscina and aumbry in chancel. Ornate altar carved with interlaced arcading and angels in niches. Polygonal pulpit carved with scenes from Bible. Bowl-shaped marble font on pillar at west end; octagonal stone font from earlier church dated 1662. Stained glass by Powell & Co.

### CHANCEL ARCH FROM MEDIEVAL CHURCH TO NORTH WEST OF PRESENT CHURCH

LB ref: 1086702

Grade II

Date first listed: 9<sup>th</sup> August 1984

NGR: NY 00412 23631

Chancel arch, surviving fragment of medieval church re-erected when present church was built in late C19. Pointed arch of 2 chamfered orders springing from wall surface; walling to either side rendered rubble.