

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2560/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR THE DEMOLITION AND RE-BUILDING OF A REAR GARDEN BOUNDARY WALL
3.	Location:	38 ROPER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to 38 Roper Street, a Grade II mid-terraced property situated within the Whitehaven Conservation Area.</p> <p>The property is a residential dwelling and is situated within a row of other Listed properties.</p> <p>The listing entry for the property states the following:</p> <p><i>ROPER STREET 1. 1814 (South West Side) Nos 36 to 38 (consec) NX 9717 NW 4/124</i></p>	

II 2. Dated 1740. A shop front of wood of classical design with pilasters, frieze and cornice. Unusual lead rainwater-head with Ionic capital dated 1740. 2 doorways with semi-circular fanlights and broken pediments. 2 12-paned sash windows on upper 2 storeys (each house).

Listing NGR: NX9738117949

PROPOSAL

Listed Building Consent is sought for the re-building of the collapsed boundary wall separating the rear garden of number 38 and 37 Roper Street. The wall is to be re-built in the same location and footprint, utilizing the existing materials where possible. Where new materials are required, they will match the existing.

RELEVANT PLANNING APPLICATION HISTORY

Listed Building Consent for the demolition and rebuilding of a partially collapsed stone wall on the rear boundary and the removal of 2 trees, approved in August 2018 (application reference 4/18/2277/0L1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

1st Response

It's of slight concern that the heritage statement has been prepared by someone who thinks list descriptions are an inventory of significant aspects of a building, rather than a brief context for identification purposes.

This wall is a characterful piece of historic fabric and part of Whitehaven's heritage; it is listed by virtue of being attached to a listed building and within its curtilage.

Nonetheless, the wall has become unstable and partially collapsed. There is therefore no alternative to taking down and rebuilding the affected section.

The "NH" in "NHL" stands for "natural hydraulic" rather than "non-hydraulic" – NHL is therefore a hydraulic lime rather than a non-hydraulic lime, meaning, like cement or a lime gauged with pozzolan, it has a hydraulic set and sets by hydrolysis.

When specifying mortar, the material should be no harder than the masonry. This wall is made from a variety of different materials, but chief among them would appear to be the red sandstone rubble

likely dating from the 18th century. This is a soft stone. I would therefore request use of the moderately hydraulic NHL3.5, rather than the eminently hydraulic NHL5.

NHLs continue to harden over time, and there is a serious likelihood of NHL5 becoming too hard and potentially damaging the soft stone due to the effects of frost.

NHL3.5 is a good general purpose lime, and should be suitable in this location, which is not highly exposed.

Weaker hydraulic limes, being more flexible, move in a way that can minimise or even do away with the need for expansion joints.

During pre-app advice, I request the application be accompanied by a set of photos showing full coverage of the length of wall to be taken down, square-on, from both sides. The photos included don't extend to this level of detail, but it will be useful to have these to better understand the phasing and materials, and to provide a form of record after the wall is gone.

Summary:

I request a specification for the mortar to be used and the method of pointing. I recommend speaking to an expert – Cumbria has an expert specifically in lime mortared stone walling, Paul Gingell. Given his specialism, he may be a good person to advise. Cumbria Vernacular Buildings Group should be able to suggest other specialists too.

I also request a more complete set of photographs. For a complex structure like this, this is probably the best way of establishing the significance and character of the existing wall.

During pre-app discussion, inserting a movement joint was discussed. As mentioned then, I remain cautious as this would like have a negative effect on the appearance of the wall. If it is proposed to use a movement joint, this should be indicated on the proposed drawing.

2nd Response

In my previous consultation response, I requested three things:

- A specification for the mortar to be used and the method of pointing (recommended consultation with a professional and use of something softer than NHL5)
- A more complete set of photographs of the wall
- Confirmation as to use of expansion joint, and if confirmed this should be indicated on the proposed drawing.

Since then, a larger selection of photos has been received. These show the wall from both sides and a variety of angles.

The photo collection also shows what appears to be different wall on the other side of the garden, towards Falcon Court (photos DSCSF6346, 6347, 6349, and 6350). I presume these are included as

background context, and it's not intended to take this wall down too, but would be grateful for confirmation.

Apart from this, I look forward to receiving the updates about the mortar spec and movement joint.

3rd Response

Since my last consultation response an NHL3.5 lime specification has been provided.

Confirmation has been provided of the photos that show a different wall (this is not part of the work).

It is also proposed to leave a 50mm gap at each end of the wall in lieu of an expansion joint. This is not shown on the drawing, but strikes me as an odd choice in any case. Surely this will result in a freestanding wall with a gap at each end? For a rubble wall with lime mortar, there should be enough flexibility in the structure that a movement joint is not needed, and omitting the lateral support at each end seems to be a downside without a benefit.

I would be grateful for confirmation that I've understood this last point correctly, and comment on whether the wall can be built abutting and mortared at either end.

4th Response

Clarification has been provided that the gap between the old and new sections of stone wall is to avoid any differential settlement between the two.

I would have thought any differential movement would be minimal and acceptable given the flexibility of lime mortar, however, if there is concern about this I would suggest building the new section butted up to the existing section with a dry joint and then pointing this up with lime at a future time – say, after a year has passed.

This information was provided in an email, as far as I'm aware, rather than a document attached to the application, so the proposed drawing shows the wall without a gap. This is likely to be fine as-is if the wall is built butting up to the existing wall at 37 but with an initially unmortared joint.

However, the D, A & H statement refers to use of NHL5 rather than NHL3.5, so this should be updated to reflect the change if this document is to be part of the group to which any consent relates.

5th Response

Since my last response, documentation has been updated to reflect the use of NHL3.5 for the wall mortaring and the proposed drawing has been annotated to reflect the junction detailing at the house wall and the end garden wall.

Public Representation

The application has been advertised by way of a site notice and press notice.

No consultation responses have been received as a result of this advertisement.

PLANNING POLICY

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Publication Draft Consultation. The Publication Draft builds upon the previously completed Issues and Options Consultation and Preferred Options Consultations. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

Policy context

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 16.2 requires that: *‘In considering whether to grant listed building consent for any works the local planning authority or 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’.*

Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset’s significance; however, less than significant harm should be weighed against the public benefits of a development.

Limited information has been provided by the Applicant in respect of the heritage asset significance of the property and the impacts of the proposed development; however, the proposals have been fully reviewed and assessed by the Conservation Officer of the Council.

The heritage asset significance of the property is principally derived from its physical form/construction.

Undertaken works and their impact

The dwelling is Grade II Listed and within the Whitehaven Conservation Area therefore proposals are required to protect, conserve and if possible, enhance the Borough’s Historic sites. The proposal is to rebuild the wall that was previously in situ and has since fallen down, therefore the works will return the development to its previous form. Technical discussions were undertaken between the Conservation Officer and the Applicant in order to ensure that the construction method and materials would retain the heritage of the property. The works will ultimately improve the property and the Conservation Officer is satisfied with the proposal.

The wall is at the rear of the property and cannot be viewed from any public viewpoints. It is therefore unlikely that the proposal will have any adverse impact on either the Conservation Area, the setting of the Listed Building or the Listed Building itself, in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

Conclusion

The Conservation Officer considers that the completed works will not result in any harm to features of significance and overall the maintenance of the wall will benefit the property. The works are therefore considered to be in accordance with Policy DM27 of the Copeland Local Plan.

In applying the tests of the Copeland Local Plan 2013-2028, the LBCA and the NPPF, the proposal

	would preserve the heritage significance of the listed building and so is supported.
8.	Recommendation: Approve Listed Building Consent (start within 3yr)
9.	Conditions: <ol style="list-style-type: none"> The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. Reason To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - Site Location Plan, scale 1:1250, drawing number 04, received 22nd December 2021; Site Plan, scale 1:100, drawing number 03, received 22nd December 2021; Existing Boundary Wall, scale 1:50, drawing number 01, received 22nd December 2021; Proposed Boundary Wall, scale 1:50, drawing number 02B, received 25th March 2022; Heritage, Design and Access Statement Rev B, received 25th March 2022. Reason To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004. <p>Informative</p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>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</p>

	permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
Case Officer: Sarah Papaleo		Date : 29/03/2022
Authorising Officer: N.J. Hayhurst		Date : 01/04/2022
Dedicated responses to:- N/A		