

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2075/0F1
2.	Proposed Development:	ALTERATION TO FRONTAGE
3.	Location:	10 DUKE STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	<p>ASC;Adverts - ASC;</p> <p>Conservation Area - Conservation Area,</p> <p>Listed Building - Listed Building,</p> <p>Coal - Standing Advice - Data Subject To Change</p>
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>INTRODUCTION</p> <p>This application relates to 10 Duke Street in Whitehaven which is currently in use for retail purposes. The building is mid terraced and sited adjacent to one of the main shopping streets within the town centre. There are commercial buildings surrounding the property with Lowther Street running to the south, Tangier Street to the northwest and Senhouse Street to the east.</p> <p>It is situated within the Whitehaven Conservation Area and the adjacent numbers 6-8 Duke</p>	

Street are Grade II Listed Buildings.

PROPOSAL

This application seeks full planning permission for alterations to the frontage including the following:

- First floor windows to be replaced with timber with 12mm slim lite glass;
- Window surrounds to be painted black;
- New pagoda light;
- Brass plaque next to door;
- New door to front elevation;
- Erection of security gate over front door;
- Door to be painted black;
- Reinstatement of original letter box and handle to existing door.

RELEVANT PLANNING APPLICATION HISTORY

Change of use from retail clothes shop to insurance broker, approved in November 1988 (application reference 4/88/0031/0 relates);

Illumination of office front, approved in May 1991 (application reference 4/91/0256/0 relates);

One fascia advert sign with non-illuminated panel and illuminated logo, approved in February 2005 (application reference 4/05/2038/0 relates);

Advertisement consent for one externally illuminated fascia sign, approved in June 2011 (application reference 4/11/2224/0A1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No response received.

Historic England

Thank you for your consultation regarding the above application. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

If you consider that this application does fall within one of the relevant categories, or you

have other reasons for seeking our advice, please contact us to discuss your request.

Conservation Officer

1st Response

Description:

Duke Street began to be laid out from the late 17th century. This is an early-18th century mid terraced building, which appears at first glance typical of Whitehaven's style but offers some strange irregularities. It appears to be of two parts, roughly 2/3 and 1/3 of the frontage width, with the left part having a shop front and smaller first floor windows and the right wide having a larger first floor window but matching top floor window.

A historic photo from the mid-19th century shows that the right-hand side was originally a narrow warehouse, with the top floor window the same size as the one on the first floor, and a projecting jib above with a winch for hauling up goods. I'm not certain whether the entire upper two floors of the building were used for warehousing, but it seems likely given that the plan doesn't extend back very far and a tiny warehouse isn't inherently very useful.

Map data from this time shows the building as a single plan with the same footprint as now, suggesting that it was not two buildings that were combined together, unless this happened much earlier.

It appears that in the late-19th century, the building stopped being used as a warehouse and the upper floors were converted to accommodation. The top floor window was reduced in size to match those next to it at this time, but the first floor one remained the same size. I think these smaller windows on the left side of the upper two floor were originally about six inches taller, but have had the sills raised.

Conclusion:

Assessment: Proposals including the following:

- Repainting front door
- Installing lamp above
- Installing security gate across door
- Inserting new doorway to right hand end of façade for separate access to upper floors
- Replacing upper floor windows
- Repainting frontage
- Internally, some minor reordering to facilitate separate access for the top floors

Recommendations:

- If the proposed front elevation could be updated to show the security gate in its closed

position, that would assist understanding its impact. This might be best shown without the shading that shows the front door repainting.

- The new doorway looks somewhat incomplete and could benefit from a surround, such as a render band, similar to the upper windows.
- I am unable to say whether there was previously an opening where the new door is proposed. Removing the internal plaster could reveal any historic openings here and inform the project ahead of getting properly on site, so I'd like to know whether this has been done and if anything was revealed.
- The application form refers to replacement timber windows, but the elevation drawing refers to "timber UPVC" windows. Presumably this is a typo, but clarification would be appreciated.
- Specifications or a clearer detail drawing should be provided for the replacement windows. I would recommend avoiding softwood (with the exception of Douglas Fir) as it's unlikely to be durable. The annotation says "see details", but I've not been able to find more details.
- The existing drawing shows none of these as having glazing bars (excluding the large window), when the upper windows have a single vertical bar. Presumably all the replacement windows will have a single vertical bar, although the proposed elevation drawing only shows these on the top floor windows, and only as a single line. Both the existing and proposed elevations could helpfully be updated to show the glazing bar arrangement.

Summary:

- I am supportive of the principle of bringing this building back into use and smartening it up, but request the following:
 - Revise existing elevation drawing to show current arrangement of glazing bars;
 - Revise proposed elevation drawing to show proposed arrangement of glazing bars, and clarity on proposed windows annotation;
 - Consider adding a band around the new doorway to frame it;
 - Provide more detailed drawing of proposed window, or manufacturer's specification/quotation sheet, with clarity about specifics (i.e. not a brochure for a range of windows);
 - Provide confirmation as to whether internal plaster has already been removed from the section of wall where the new door is proposed in order to reveal any historic openings there. Historic openings should be factored into the detailing/location of the new doorway.

2nd Response

Conclusion: Request further information

Assessment: Since my last consultation response, which requested a number of updates and additions to the application file, a photo has been provided in response to the following query:

- Provide confirmation as to whether internal plaster has already been removed from the section of wall where the new door is proposed in order to reveal any historic openings there. Historic openings should be factored into the detailing/location of the new doorway.

This photo shows that the internal surfaces are still in situ, meaning the location of the new door is not yet fully understood in terms of whether there are historic openings present. This should be understood prior to detailing and locating the new doorway.

Additionally, a revised front elevation, details and plan drawing has been received. This addresses the following:

- The as-existing front elevation drawing now shows the arrangement of glazing bars in the windows.
- As-proposed front elevation drawing has been updated to reflect the glazing bar arrangement and clarify the annotation describing the windows.
- The new doorway has a band architrave added, matching it to the rest of the frontage better.

Summary:

- The annotation with respect to the proposed windows says “See details”, though I haven’t been able to find a detail drawing or equivalent in the application file.

3rd Response

Conclusion: No objection

Assessment:

My question about whether the internal plaster has been removed was simply so any historic openings in the wall would be revealed, which would enable them to be reused rather than a new opening placed across a historic one. I was not asking about the plaster itself.

However, I assume from the lack of any mention of an earlier opening in the response that there isn’t one, and that the proposals therefore do not need adjusting accordingly.

I suggest the use of a condition to handle details of replacement windows, to be submitted and approved prior to their installation.

PLANNING POLICIES

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

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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 2021 (NPPF)

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

Emerging Copeland Local Plan (ELP).

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies

have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy BE1PU – Heritage Assts

Policy BE2PU – Designated Heritage Assets

ASSESSMENT

Principle of Development

Policy ST1 of the CS and DS1PU of the ELP seek to encourage development to assist growth within the Borough. Policy ST2 of the CS and DS3PU of the ELP identify Whitehaven as Copeland's Principal Town where the majority of development should be focused. The reuse of existing vacant buildings is particularly encouraged.

The proposed alterations are modest in scale and are required in order that the upper floors can be used independently to the ground floor. They will allow the building to be let out as offices and facilitate a viable future use of the currently empty space.

On this basis, the principle of the development is considered to be acceptable.

Design and the Effects on the Conservation Area

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the CS and DS6PU of the ELP requires good design.

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

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.*

	<p>Section 72 requires that: <i>'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'</i> of a conservation area.</p> <p>The Conservation Officer undertook various discussions with the Agent for the application in order to conserve as much of the historic fabric of the building as possible and ensure that the alterations would be in keeping with the character and appearance of the surrounding Conservation Area.</p> <p>Whilst further information was requested with regards to the internal plaster and whether there had been a previous second door on the front elevation, the Agent was not able to provide this. The Conservation Officer took the pragmatic view that the door was reasonably necessary for the development to be successful and that there was no other alternative siting for the door on the front elevation.</p> <p>The Conservation Officer requested banding details around the doorway. This was added and it is considered that it helps to tie the new features in with the existing frontage of the building.</p> <p>Further details are required with regards to the specifications of the windows. The use of timber is welcomed and supported, however the profiles of the frames are required for approval. This information can be will be sought by way of a suitably worded planning condition with the information to be provided prior to their replacement.</p> <p>Overall, the proposed alterations will comply with policies ENV4 and DM27 of the Copeland Local Plan and BE1PU and BE2PU of the emerging local plan, respecting the character and appearance of the Whitehaven Conservation Area.</p> <p><u>Planning Balance</u></p> <p>The proposed alterations are modest in scale and will provide a positive benefit to the building, ensuring its use in the future and respecting the character and appearance of the Whitehaven Conservation Area. This carries significant weight in the planning balance.</p> <p>There will be some loss to the historic fabric of the building, however the building is not Listed and the proposal will help to bring vacant space into a viable use which will help with the long term upkeep and maintenance of the building. This carries moderate weight.</p> <p>No objections have been received to the application from either statutory or neighbouring consultees.</p> <p>On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Application form, received 22nd February 2023;</p> <p>Location Plan and Exterior Detail Information, drawing number 2A, received 23rd June 2023;</p> <p>Proposed and Existing Elevations, scale 1:250, drawing number 1A, received 23rd June 2023;</p> <p>Proposed and Existing Floor Plans, scale 1:100, drawing number 3A, received 23rd June 2023;</p> <p>Design and Access Statement, written by Summit Town Planning, received 15th March 2023.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Prior to the replacement of any windows, full specifications must be submitted to and approved in writing by the Local Planning Authority. Development must be undertaken in accordance with the approved works and retained as such at all times thereafter. For the avoidance of doubt the windows shall be of a timber construction with a painted finish.</p> <p>Reason</p> <p>In order to ensure that the historic appearance of the building is retained and in</p>
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accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 21/09/2023

Authorising Officer: N.J. Hayhurst

Date : 22/09/2023

Dedicated responses to:- N/A