

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2097/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS AND EXTERNAL REFURBISHMENT IN CONNECTION WITH THE CHANGE OF USE OF FORMER PUBLIC HOUSE/MANAGERS ACCOMMODATION TO USE CLASS E
3.	Location:	28 LOWTHER 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 the former public house known as The Pack Horse, situated at 28 Lowther Street in Whitehaven. The building is mid terraced and located within the town centre on one of the busiest shopping streets in Whitehaven.</p> <p>The building is Grade II Listed, situated adjacent to several Grade II Listed Buildings and within the Whitehaven Conservation Area.</p> <p>The listing entry for the property states the following:</p>	

LOWTHER STREET 1. 1814 (South West Side) No 28 (Pack Horse Public House) NX 9718 SW 6/170 II GV

2. C19. 3 low storeys, stucco, the ground floor grouted horizontal joints. Panelled door and fanlight in moulded doorcase set inside a larger frame of panelled pilasters, frieze and cornice. 2 sash windows on each floor (double on 1st floor), in moulded frames.

Nos 26B, 27 and No 28 (Pack Horse Public House) form a group.

Listing NGR: NX9732118148

Proposal

Listed Building Consent is sought for internal and external alterations in connection with the change of use of the former public house/managers accommodation to use Class E for offices (application 4/24/2098/0F1 refers). .

The proposed works include:

External Alterations

- The removal and replacement of all existing sliding sash windows on a like for like basis;
- Front door repairs;
- Repairs to the roof slate, lead soakers and rainwater goods;
- Full redecoration.

Internal Alterations

- A new stud partition with door at ground floor entrance level;
- Installation of new 30 minute fire doors;
- A new stud partition with door at first floor level;
- The concealment of three fire places on the first floor and one fireplace on the second floor behind timber stud framing;
- The removal of one existing timber partition on the second floor.

These details have been amended during the course of the application following discussions between the applicant's agent and the Conservation Officer.

Consultation Responses



Cumberland Council

Whitehaven Town Council

No objections.

Conservation Officer

1st response

Description: 28 Lowther Street is a former public house located in Whitehaven conservation area. The date is given as 19th century in the list description, although it appears very similar in plan form as the building shown on the 1790 map of Whitehaven, so was perhaps rebuilt.

Conclusion: Request further information and design detail revision

Assessment:

- This work is largely repair and maintenance of a building that obviously needs it, although involves some alterations.
- I inspected the property and noted that some glazing appears to be historic, hand-made glass. The location of this should be known and those windows should be retained if possible. Obviously, a balanced judgement would be in order, however, if substantial historic glass survives in the frontage and the windows are also repairable, that would be the best practice option, so that should be known prior to approving replacement of all windows.
- The Conservation Area Design Guide urges use of cast iron rain water goods in conservation areas. If the existing goods have been swapped for uPVC at some point in the past without benefit of consent, the opportunity should be taken now to revert to cast iron.
- Though the insertion of the timber stud partition in the ground floor front room will change the proportions of that room, I did not observe any significance surfaces or detailing when I visited, and this change is easily reversible.
- The insertion at first floor of a timber stud partition wall to create an enclosed escape route would have neutral impact on the significance of the building.
- The removal of a section of lath and plaster partition wall at top floor level will entail some harm to the significance of the building. I would view this as being of negligible level, and justified by providing a more useful interior layout that assists in securing the building's viable use.
- The internal doors did not appear to be of significance, so their replacement would have no impact.

Summary:

I am supportive of this proposal, which will give this neglected heritage asset a valuable and viable new use.

I request clarification on which historic glass survives and whether it is therefore viable to retain certain windows and merely refurbish them. This information could be submitted with the application prior to determination, or alternatively, I would be happy with that information being supplied via a condition to be discharged prior to the removal of the windows.

I request use of cast iron instead of uPVC, unless the uPVC was previously consented, for rain water goods in order to abide by the guidance given in the Conservation Area Design Guide

2nd response

Description: 28 Lowther Street is a former public house located in Whitehaven conservation area. The date is given as 19th century in the list description, although it appears very similar in plan form as the building shown on the 1790 map of Whitehaven, so was perhaps rebuilt.

Conclusion: No objection

Assessment:

Previously, I requested two further pieces of information:

- clarification on which historic glass survives and whether it is therefore viable to retain certain windows and merely refurbish them.
- Use of cast iron instead of uPVC, unless the uPVC was previously consented, for rain water goods in order to abide by the guidance given in the Conservation Area Design Guide

Subsequently, clarification has been received that it is proposed to replace existing uPVC guttering to the rear of the building with replacement in uPVC, however in an imitation cast iron style. As this is an improvement, and is limited to the rear of the building, I am not averse to the proposal.

It is also clarified that all existing sliding sash windows will be repaired, so the question about identification of historic glass is no longer relevant.

Public Representation

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

No responses have been received as a result of these advertisements.



Cumberland Council

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

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 ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Insprectors Report is 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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The relevant policies are as follows:

Strategic Policy DS1PI – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Strategic Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

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

Conservation Area Design Guide

Assessment

Impacts on Heritage Asset

Policy ENV4 and Policy DM27 of the CS and BE1PU and BE2PU of the ELP seek 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.



Cumberland Council

	<p>Comprehensive 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 Councils Conservation Officer.</p> <p>The heritage asset significance of the property is principally derived from its physical form/construction.</p> <p>The principle of improving the aesthetics and bringing a use back to the property are supported throughout local and national planning policy. It is therefore considered that the works to restore it should be encouraged in principle.</p> <p>The proposed works are minor and include repairing the external windows, repainting and replacing the rainwater goods. Internally, the existing layout will be utilized with only minor amendments.</p> <p>Further to discussions between the Conservation Officer and the Applicant, it was agreed that the rainwater goods could be changed to UPVC. This is not usually acceptable on a listed building but given their location on the rear and the use of a design to mimic cast iron, it was considered to be acceptable.</p> <p>No objections were raised from statutory or neighbouring consultees.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The Conservation Officer considers that the completed works will provide betterment for the heritage asset and will be in keeping with the overall character of the building and surrounding Conservation Area.</p> <p>In applying the tests of the Copeland Local Plan 2013-2028, the LBCA and the NPPF, the proposal as amended would preserve the heritage significance of the listed building.</p> <p>The works are therefore considered to be in accordance with Policies ENV4 and DM27 of the Copeland Local Plan and Policies BE1PU and BE2PU of the Emerging Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. <p>Reason</p> <p>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.</p>

	<p>2. 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 27th March 2024;</p> <p>Site Location Plan, scale 1:1250, drawing number 24/02/1055-01, received 27th March 2024;</p> <p>Site Plan, scale 1:200, drawing number 24/02/1055-02, received 27th March 2024;</p> <p>Proposed Basement Plan, scale 1:50, drawing number 24/02/1055-07, received 27th March 2024;</p> <p>Proposed Ground Floor Plan, scale 1:50, drawing number 24/02/1055-08, received 27th March 2024;</p> <p>Proposed First Floor Plan, scale 1:50, drawing number 24/02/1055-09, received 27th March 2024;</p> <p>Proposed Second Floor Plan, scale 1:50, drawing number 24/02/1055-10, received 27th March 2024;</p> <p>Heritage Statement, reference 24/02/1055-HS, received 14th May 2024.</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>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 listed building consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: Sarah Papaleo	Date : 05/06/2024
Authorising Officer: N.J. Hayhurst	Date : 06/06/2024
Dedicated responses to:- N/A	