

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2247/OL1
2.	Proposed Development:	<p>ALTERATIONS TO LISTED BUILDING TO:</p> <ul style="list-style-type: none"> - REINSTATE DORMER WINDOW FOLLOWING RECENT WEATHER DAMAGE - ALTERATIONS TO EXISTING MANSARD SLATE ROOF TO ACCOMMODATE INTERNAL STAIR AND LIFT - REMEDIAL WORKS TO TIMBER FLOOR STRUCTURES AND LINTELS TO ADDRESS WET ROT DETERIORATION - REPLACEMENT OF EXISTING LIFT WITH NEW FULLY COMPLIANT LIFT TO SERVE ALL LEVELS - CONTINUATION OF CENTRAL STAIR UP TO THIRD FLOOR LEVEL TO PROVIDE COMPLIANT ACCESS AND MEANS OF ESCAPE - REPLACEMENT OF EXISTING TIMBER SASH, CASEMENT AND FIXED LIGHT WINDOWS - INTERNAL INSULATED LININGS TO EXTERNAL WALLS
3.	Location:	6-8 DUKE STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</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	See report.
7.	Report:	
	Site and Location:	

The application site comprises the property known as 6-8 Duke Street, Whitehaven.

The property comprises a four-storey building within the town centre of Whitehaven.

The building is currently vacant but was formerly operated as a furniture store by Whittles.

The building lies within a prominent location at the junction between Duke Street and Tangier Street and is visible from King Street, the main pedestrianised thoroughfare within the town centre.

The building comprises a Grade II Listed Building. The listing entry for the building states the following:

“It Dated 1889. Stuccoed, 3 storeys. Paired pilasters at ends, set in 3 tiers - Tuscan, Corinthian, and Tuscan. Ground floor has shop fronts. 1st floor has 5 windows (some 6-light cross type, others 2-light sashes, 3 with broken pediments). Top floor has 5 sashes with plain pediments. The 2nd bay is emphasised by a top dormer with scrolled pediment, pilasters and wings, and 1st floor by a swag on the pediment.

Nos 4, 5, the Co-operative Store, Whittle's Furniture Store, The Globe Hotel Nos 105 and 105A form a group.”

The building is located in a Conservation Area.

Proposal:

As part of proposals for the change of use of the building to form a community digital hub and café with roof terrace, Listed Building Consent was approved for the following under application ref. 4/21/2364/0L1:

Internal works:

- The refurbishment of the interior, making good walls, ceilings and structural fabric; and,
- A new interior at the ground floor, subdividing the upper two floors, and making some changes to the partition walls creating rooms to the rear of the building.

External works:

- The renovation of the buildings external façade with render and stucco features made good and repainted;
- The existing first and second floor windows to be made good and repainted;
- A new contemporary fascia for signage encapsulating the former awning timber boxing and support;
- The replacement of the front glazing with slim line double glazed units with solar controlled glass and aluminum frames;
- The plinth tiles and window vents to be made good;



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- A small roof terrace will also be created which will be defined by a glass balustrade; and,
- The installation of PV panels on part of the roof of the building.

Following further investigation of the condition of the building and further design development, Listed Building Consent is now sought for the following works:

Internal works:

- remedial works to timber floor structures and lintels to address wet rot deterioration;
- internal insulated linings to external walls;
- the rear stair from basement to ground floor will be retained in situ but closed off and floored over;
- replacement of existing lift with new fully compliant lift to serve all levels; and,
- continuation of central stair up to third floor level to provide compliant access and means of escape.

External works:

- reinstate dormer window following recent weather damage;
- alterations to existing mansard slate roof to accommodate internal stair and lift;
- replacement of existing timber sash, casement and fixed light windows;
- installation of vents to serve mechanical heating and ventilation system to window openings and elevations; and,
- installation of mechanical heating and ventilation system including condensers and heat exchange units to roof.

The description of the works does not include all of the works proposed, with closure of the rear stairs and the heating/ventilation condensers on roof and ventilation not expressly referenced. These works are clearly specified within the application documentation; therefore, it is considered that this is not prejudicial and a re-consultation not completed. This approach has been agreed by the Head of Planning and Place.

Consultation Responses

Whitehaven Town Council

No comments.

Whitehaven Heritage Action Group

No objections.

Members are glad to at last to hear that some structural work was being proposed and actioned at this site. The condition of the building has been deteriorating for quite some time, even while it was in occupation, and in its current state represents a blight on the townscape and a huge concern.

Look forward to its redevelopment, with a new purpose and much improved appearance.

Understand the project's completion date is scheduled for September 2025 and sincerely hoped that this is adhered to.

Historic Buildings and Places

Do not wish to make any comments on this occasion and defer to the specialist advice of your Authority's Conservation Officers to determine the application in accordance with local and national policy. Please note this does not indicate support or objection to the proposal.

The Victorian Society

After reviewing the application, we have chosen not to provide any comments. This decision should not be interpreted as comments on the merits of the application

Cumberland Council Conservation Officer

No objection.

- Reinstatement of dormer lost due to degraded purlin. I do not anticipate any harm from this. The building is in a poor condition and requires a new use, and this reinstatement of the dormer, matching its appearance, could be expected to have a neutral impact.
- Reprofiling of the roof to accommodate the top floor stair headroom. The section of the roof affected is hidden from the street and does not in itself architecturally contribute to the building, being instead a rather unattractive part of the building that has been largely ignored. I would expect the reprofiling to have a small positive impact on the building's significance by making this part of it more attractive.
- Timber floor and beam works. This seems reasonable and will be particularly necessary given the insulation strategy. Use of sand/cement plaster is typically discouraged in solid walled buildings as it can contribute to raised moisture levels in the wall, where there is an imperfect barrier to water entry from outside or above. However, this needs considering in combination with the insulation strategy.
- Insulation strategy.
 - This would typically be considered poor practice, and a recommendation made that insulated lime plaster, possibly in combination with wood wool or sheep's wool, be employed to reduce the likelihood of the wall becoming damp and leading to damage and poor performance.
 - I am encouraged by the presence of calculations and evidence of considered discussions showing awareness of this problem. It appears to me that the heat loss calculations supplied in an appendix do not factor the possibility that as the masonry will be outside the internal insulation, its temperature will drop, and this will probably increase its moisture content, which will reduce its thermal performance. There is also a gamble being made here that the temperature of the inner face of the masonry, behind the insulation will not drop to the point



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- that condensation forms, which would result in an as-built performance considerably lower than the calculations and risk damaging materials set into the wall such as joists, lintels, windows etc.
- As this building is rendered, I think it likely that problems will not be encountered as a matter of default, and that where they are it will be in response to a specific water ingress problem either through the render or due to the parapet gutter. This therefore makes the issue more about specific hypothetical defects.
 - Nonetheless, it is possible for small defects to occur, potentially cumulatively, without incurring suspicion, particularly where the building is not or cannot be thoroughly and regularly inspected. I'd therefore suggest installing some of the internal boarded surfaces in such a way that they can be easily removed to allow a visual inspection of the insulation and inner face of the masonry as part of the building's regular condition inspections.
- Lift. The existing lift has some historic value, and some aesthetic value, though this is lesser. The fact an inspection and report on the lift have been produced is helpful. This clarifies that the lift consists of a mix of different works over different periods, some more valuable than others. It also does not appear viable to retain the existing lift and make good due to the proposed use and requirements of users. Given:
 - The high priority on getting the building back into use;
 - The importance of having a lift to the ongoing functioning of the building;
 - The mixed nature of the lift, which is not an excellent example of a particular type;
 - The attractive proposed design of the replacement lift.I would consider the loss of historic heritage value and minor harm to the external aesthetic value of the building by virtue of the addition of an 850mm projection to the roof, to be compensated for by improvement in the building's usability and internal aesthetic value.
 - Stairs. I do not view the closing off of the rear staircase as entailing harm to the heritage value of the building. I am also supportive of the proposal to insert a new staircase linking the 2nd and 3rd floors as this appears well justified and an opportunity to link the floors better and provide an architectural feature. I understand the details of this, and the lift casing, will be agreed in a future application.
 - Windows. Inspection suggests that the existing windows are free of historic glazing, with the exception of the stained glass, and are in extremely poor condition. The stained glass has been set aside following removal of the windows, and will be re-used. Replacement windows will match existing in details, with the exception of using 10mm slimline glazing units with solid glazing bars and putty beading. These details, combined with the irreparable state of the existing windows, provide justification for the change. I view this as being positive in heritage terms as it will improve the appearance of the building.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by

Cumberland Council as part of the Local Government Reorganisation of Cumbria.

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

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

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

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

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 Inspectors Report is awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local



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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. Now that 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.

Policy DS1PU - Presumption in favour of Sustainable Development

Policy DS2PU - Reducing the impacts of development on Climate Change

Policy DS6PU - Design and Development Standards

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Design Guide (NDG).

Planning Practice Guidance (PPG).

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA).

Conservation Area Design Guide SPD 2017 (CADG).

Whitehaven Town Centre and High Street Conservation Areas | Management Plan (CAMP).

Assessment:

Each element of the works are considered in the context of the advice received from the Conservation Officer in turn below:

- Reinstatement of dormer lost due to degraded purlin - The reinstatement of the dormer, matching its appearance would have a neutral impact on the appearance and significance of the building.
- Reprofiting of the roof to accommodate the top floor stair headroom. The section of the roof affected is hidden from the street and does not in itself architecturally contribute to the building, being instead a rather unattractive part of the building that has been largely ignored. The reprofiling would deliver a small positive impact on the building's significance by making this part of it more attractive.
- Timber floor and beam works. These works are reasonable and will be necessary given the proposed insulation strategy. Use of sand/cement plaster is typically discouraged in solid walled buildings as it can contribute to raised moisture levels in the wall, where there is an imperfect barrier to water entry from outside or above. This requires considering in

combination with the insulation strategy.

- Insulation strategy - This would typically be considered poor practice, and a recommendation made that insulated lime plaster, possibly in combination with wood wool or sheep's wool, be employed to reduce the likelihood of the wall becoming damp and leading to damage and poor performance.

The presence of calculations and evidence of considered discussions showing awareness of this problem is encouraging.

It appears that the heat loss calculations supplied in an appendix do not factor the possibility that as the masonry will be outside the internal insulation, its temperature will drop, and this will probably increase its moisture content, which will reduce its thermal performance.

There is also potential here that the temperature of the inner face of the masonry, behind the insulation will not drop to the point that condensation forms, which would result in an as-built performance considerably lower than the calculations and risk damaging materials set into the wall such as joists, lintels, windows etc.

As this building is rendered, it is likely that problems will not be encountered as a matter of default, and that where they are it will be in response to a specific water ingress problem either through the render or due to the parapet gutter. This therefore makes the issue more about specific hypothetical defects.

Nonetheless, it is possible for small defects to occur, potentially cumulatively, without incurring suspicion, particularly where the building is not or cannot be thoroughly and regularly inspected. It is suggested that some of the internal boarded surfaces be installed in such a way that they can be easily removed to allow a visual inspection of the insulation and inner face of the masonry as part of the building's regular condition inspections.

- Lift. The existing lift has some historic value and some aesthetic value, though this is lesser. The fact an inspection and report on the lift have been produced is helpful. This clarifies that the lift consists of a mix of different works over different periods, some more valuable than others. It also does not appear viable to retain the existing lift and make good due to the proposed use and requirements of users.

The loss of historic heritage value and minor harm to the external aesthetic value of the building by virtue of the addition of an 850mm projection to the roof would be compensated for by improvement in the building's usability and internal aesthetic value.

A planning condition is proposed to secure detailed design specifications.

- Stairs. The closing off of the rear staircase would not entail harm to the heritage value of the building. The new staircase linking the 2nd and 3rd floors is well justified and an opportunity to link the floors better and provide an architectural feature. A planning condition is proposed to secure detailed design specifications.



Cumberland Council

• Windows. Inspection suggests that the existing windows are free of historic glazing, with the exception of the stained glass and are in extremely poor condition. The stained glass has been set aside following removal of the windows and will be re-used. Replacement windows will match existing in details, with the exception of using 10mm slimline glazing units with solid glazing bars and putty beading. These details, combined with the irreparable state of the existing windows, provide justification for the change. This comprises a small positive impact as it will improve the appearance of the building.

• The proposed louvres and heating/ventilation condensers on the roof are not located in prominent locations on the building. Works would result in limited loss of original fabric. The louvres within the replacement windows are reversible.

Details of the louvres and condensers and heat exchange relating to the mechanical heating and ventilation system are shown; however, no ducting details are included. A planning condition is proposed to secure details of the associated ducting etc. to control the impacts upon the internal fabric of the building.

Conclusion

The National Planning Policy Framework requires that proposed changes to the historic environment are based on a clear understanding of significance of any heritage asset and their setting that are affected, providing information so that the likely impact of proposals can be assessed.

The historical development of the property, its character and appearance have been outlined previously and the scope of the works / interventions detailed and justified.

The National Planning Policy Framework requires consideration of whether the harm to heritage asset is outweighed by the benefits of the proposal.

The building has been the subject of considerable unfavourable and unsympathetic intervention over the recent decades owing to its previous uses.

There are strong positive social and economic reasons to support the proposed development.

The assessment of the impact upon the significance of heritage asset has found that the proposed works comprise a combination negative impacts, neutral impacts and positive impacts.

In overall terms, the works previously approved and the works now proposed retains, protects and enhances those elements of the building that are of the highest heritage significance and reverses/improves upon a number of the unfavourable and unsympathetic interventions that have occurred over the recent decades.

There are some interventions which will result in some loss of small areas of historic fabric

	<p>and which introduce modern materials; however, these interventions have been designed to minimise or impacts, have been justified and continue to allow the original form of the building to be read and understood.</p> <p>The development will deliver a long-term sustainable and optimum viable use for a property which has been vacant for a considerable period of time and has consequently suffered from water ingress and general degradation.</p> <p>On balance, it is considered that the benefits of the development outweigh the harm which in overall terms is considered to fall at the lower end of less than substantial.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <p>1. The works hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of 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>Planning Application Form</p> <p>Location Plan – 6 Duke Street, Whitehaven - Planning Portal Reference: PP-13224120v1</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-00023_P01 PROPOSED FLOOR AND ROOF PLANS</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-00111_P01 PROPOSED GA ELEVATIONS</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-00112_P01 PROPOSED GA SECTIONS</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-24001_P01 STAIR 1 PLANS AND SECTIONS</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-24003_P01 LIFT PLANS AND SECTIONS</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-31301_P01 TYPICAL WINDOW DETAILS - SHEET 01</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-31302_P01 TYPICAL WINDOW DETAILS - SHEET 02</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-31303_P01 TYPICAL WINDOW DETAILS - SHEET 03</p> <p>Drawing No. DGHW-NOR-XX-ZZ-DR-A-31304_P01 TYPICAL WINDOW DETAILS - SHEET 04</p>



Cumberland Council

Drawing No. DGHW-NOR-XX-ZZ-DR-A-31305_P01 TYPICAL WINDOW DETAILS - SHEET 05
Drawing No. DGHW-NOR-XX-ZZ-DR-A-31306_P01 TYPICAL WINDOW DETAILS - SHEET 06
Design and Access Statement - Project Number: ED3024-0055 – July 2024
Heritage Statement - Project Number: ED3024-0055 – July 2024

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.

3. Prior to its installation, detailed specifications of the replacement lift shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be completed in accordance with the approved details.

Reason

For the avoidance of doubt and to preserve and maintain the character of the Listed Building in accordance with the provisions of Policy ENV4 and Policy DM27 of the Copeland Local Plan 2013-2028.

4. Prior to its installation, detailed specifications of the stair from the second floor to the third floor in the central core shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be completed in accordance with the approved details.

Reason

For the avoidance of doubt and to preserve and maintain the character of the Listed Building in accordance with the provisions of Policy ENV4 and Policy DM27 of the Copeland Local Plan 2013-2028.

5. Prior to its installation, detailed specifications of the internal mechanical heating and ventilation infrastructure including any scheme of ducting shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be completed in accordance with the approved details.

Reason

	<p>For the avoidance of doubt and to preserve and maintain the character of the Listed Building in accordance with the provisions of Policy ENV4 and Policy DM27 of the Copeland Local Plan 2013-2028.</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: Chris Harrison	Date : 05.09.2024
Authorising Officer: N.J. Hayhurst	Date : 06.09.2024
Dedicated responses to:- N/A	