

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/25/2003/OL1
2.	Proposed Development:	PROPOSAL TO REMOVE EXISTING LATH AND PLASTER (AND PLASTERBOARD) CEILINGS ON ALL LEVELS WHICH VARIES THE LISTED BUILDING CONSENT REFERENCE 4/21/2364/OL1 GRANTED 24.11.2021 AND APPROVAL TO DISCHARGE CONDITION 5 OF THAT CONSENT REFERENCE 4/24/2294/DOC GRANTED 18.09.2024
3.	Location:	6 DUKE 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	See report.
7.	Report:	<p>Site and Location:</p> <p>This application site comprises the property known as 6-8 Duke Street, Whitehaven.</p> <p>The property comprises a four-storey building within the town centre of Whitehaven.</p> <p>The building is currently vacant but was formerly operated as a furniture store by Whittles.</p> <p>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.</p>

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 also situated within the Whitehaven 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;
- 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 was now sought for the following additional works under application ref. 4/24/2247/0L:

Internal works:

- remedial works to timber floor structures and lintels to address wet rot deterioration;
- internal insulated linings to external walls;



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- 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 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.

This application seeks listed building consent for the removal of all the plasterboard and lath and plaster ceilings and the installation of new linings of Fireline plasterboard.

Consultation Responses:

Whitehaven Town Council

No comments.

National Amenities Societies

No consultation response received.

Cumberland Council Conservation Officer

No objection.

Neighbour Responses:

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

No representations have been received.

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.

Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2013-2028.

Policy DS4: Design and Development Standards

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy BE1: Heritage Assets

Policy BE2: 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).

Assessment:

The existing ceilings are a mixture of lath and plaster and plasterboard

It was originally consented to retain some of the original ceilings within the building, where these are of lath and plaster construction, to reduce loss of historic fabric that contributes to the building's significance.

It has since been concluded that it is only possible to achieve the necessary fire safety between the floors of the building, without losing enough headroom to compromise the useability of the building, by replacing the ceilings entirely with a new fire rated system.

The contribution of the existing ceilings to the heritage significance of the building is minor.



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Achieving fire separation between floors of the building without compromising headroom to potentially less than 2000mm in places is critical to securing a long term optimal viable use for 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 of 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 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.

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.

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.

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-13680844v1</p> <p>Development Plans Level 00 – Drawing No. DGHW-NOR-XX-00-DR-A-00029 P01 Development Plans Level 01 – Drawing No. DGHW-NOR-XX-01-DR-A-A00030 P01 Development Plans Level 02 – Drawing No. DGHW-NOR-XX-02-DR-A-00031 P01</p> <p>Drawing No. DGHW-NOR-XX-B1-DR-A-35025 - CEILING LININGS – BASEMENT Rev. C02 Drawing No. DGHW-NOR-XX -00-DR-A-35020 - CEILING LININGS - LEVEL 00 Rev. C02 Drawing No. DGHW-NOR-XX -01-DR-A-35021 - CEILING LININGS - LEVEL 01 Rev. C02 Drawing No. DGHW-NOR-XX -02-DR-A-35022 - CEILING LININGS - LEVEL 02 Rev. C02 Drawing No. DGHW-NOR-XX -03-DR-A-35023 - CEILING LININGS - LEVEL 03 Rev. C02</p> <p>Statement to accompany LBC application to remove existing ceilings - Project Number: ED3024-0055 - January 2025 –</p> <p>Design and Access Statement - Project Number: ED3024-0055 – July 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>



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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 listed building consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Harrison

Date : 08.04.2025

Authorising Officer: N.J. Hayhurst

Date : 10.04.2025

Dedicated responses to:- N/A