

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2150/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 5 OF PLANNING APPLICATION 4/24/2247/0L1
3.	Location:	6-8 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: Site and Location: <p>The 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> <p>The building comprises a Grade II Listed Building. The listing entry for the building states the following:</p> <p><i>"II 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</i></p>	

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:

Planning Condition 5 attached to application ref. 4/21/2247/0L1 requires the following:

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

The information submitted in support of the application comprises the following:

Application Form

Mechanical Services Specification

Drawing No. LUWH-LNK-XX-00-DR-M-55001-C03 Mechanical Services Level 00 Heating and Cooling Layout

Drawing No. LUWH-LNK-XX-00-DR-M-57001-C03 Mechanical Services Level 00 Ventilation Layout

Drawing No. LUWH-LNK-XX-01-DR-M-55001-C03 Mechanical Services Level 01 Heating and Cooling Layout

Drawing No. LUWH-LNK-XX-01-DR-M-57001-C03 Mechanical Services Level 01 Ventilation Layout

Drawing No. LUWH-LNK-XX-02-DR-M-55001-C03 Mechanical Services Level 02 Heating and Cooling Layout

Drawing No. LUWH-LNK-XX-02-DR-M-57001-C03 Mechanical Services Level 02 Ventilation Layout

Drawing No. LUWH-LNK-XX-03-DR-M-55001-C03 Mechanical Services Level 03 Heating and Cooling Layout

Drawing No. LUWH-LNK-XX-03-DR-M-57001-C03 Mechanical Services Level 03 Ventilation Layout

Consultee:	Nature of Response:
Cumberland Council	<ul style="list-style-type: none">This application provides details for the HVAC system, discharging condition 5 of planning application 4/24/2247/0L1.



Cumberland Council

Conservation Officer	<ul style="list-style-type: none"> • I am satisfied that the internal heating, cooling and ventilation systems, by virtue of the building's interior being an open, empty space largely devoid of historic features, will have a neutral impact on the building's significance. • I would view the proposed circuit board inspired aesthetic rationale as being reasonable and appropriate. • The proposed rooftop location of external units also appears appropriate and to entail neutral impact on the building. This location is not visible from either inside the building or outside it at ground level. • I do believe there is likely to be visibility of these units from the dormer windows of the neighbouring Waverley Hotel, and therefore a modest less-than-substantial impact on the setting of a listed building. One solution to mitigate this might be the installation of a screen to obstruct this line of sight. • Screens for shielding rooftop plant are quite common. Given the Waverley Hotel's grade II listed status and proximity (roughly 10m at closest), this is likely to be a worthwhile mitigation.
Environmental Health	<p>The proposed ventilation / heating scheme for the development is comprehensive. In terms of noise from any outdoor plant and equipment, the documents submitted look to meet guideline levels for residential amenity set out in the 'World Health Organisation 1999 Guidelines for Community Noise', with particular regard to night time noise (between 23.00 – 07.00 hours) and with noise rating curve NR30.</p> <p>Any residential amenity problems arising from either odour or noise can also be assessed using the statutory nuisance provisions set out in the Environmental Protection Act 1990.</p> <p>As such, therefore, Environmental Health has no objections and condition 3 [sic] can be discharged.</p>
<p>Development Plan</p> <p>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.</p> <p>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.</p> <p>The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p>	

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 November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2013-2028.

The relevant policies comprise:

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 Environmental Health Officer has confirmed no objections to the proposed measures in respect of the impact upon amenity etc..

The Conservation Officer has confirmed that the initial infrastructure would have a neutral impact; however, suggests the installation of screens to mitigate the impact in views from the adjacent Waverley Hotel.

A Noise Impact Assessment is secured under Planning Condition 7 of application ref. 4/21/2365/0F1. This confirms that no harm will result from the installation subject to the installation of mitigation measures in the form of larch screening. The Environmental Health Officer has confirmed no objections to the approval of the requirements of Planning Condition 7 of application ref. 4/21/2365/0F1 also. Planning Condition 7 of application ref. 4/21/2365/0F1 secures the delivery of the larch screening and mitigation.

Conclusion

Approve requirements of Planning Condition 5.



**Cumberland
Council**

8.	Recommendation: Approve	
Case Officer: C. Harrison		Date : 22.07.2025
Authorising Officer: N.J. Hayhurst		Date : 22/07/2025
Dedicated responses to:- N/A		