

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2267/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 5 OF PLANNING APPLICATION 4/21/2365/0F1
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: This 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 also situated within the Whitehaven Conservation Area.

Proposal:

Planning Condition 5 attached to application ref. 4/21/2365/0F1 requires the following:

Prior to their installation, full details and specification of the PV panels that are to be installed on the roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include information on their energy generation to verify the viability of utilising this form of renewable energy system. Development shall be carried out in accordance with the approved details at all times thereafter. The PV panels shall be removed from the roof area once they cease to be operational and the roof surface shall be restored to its previous condition.

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

- Application Form.
- Statement to accompany application to discharge Planning Condition 5 and Listed Building Consent Condition 6 relating to the PV installation.
- Roof Plan – Screens To Plant – Drawing No. DGHW-NOR-XX-ZZ-DR-A-27002 Rev. P02.
- ValkPro+ L10° South. Installation Manual. Version: v1.5.

Consultee:	Nature of Response:
Cumberland Council Conservation Officer	<ul style="list-style-type: none">• Condition 5 requires approval of "full details and specification of the PV panels that are to be installed on the roof" prior to their installation.• The PV array consists of 12no. 1200x1800mm panels mounted on the flat roof in front of the access door from the third floor. A 50mm stone ballast will be provided for fire protection of the roof membrane.• The array will not be visible from the surroundings, or from within the building, and will be visible only when standing on the roof among the other building plant. The impact is therefore negligible

	<p>on the building's significance, and there is no impact on the character and appearance of the conservation area. Justification is provided in providing a renewable on site energy source.</p> <ul style="list-style-type: none"> •
Environmental Health	<p>Thank you for the above planning consultation.</p> <p>There are no objections from Environmental Health to this proposed development.</p> <p>Although the inverter unit/s on solar panels can cause tonal noise emission, it is expected that any such noise from this small scale development will not be problematic.</p> <p>Nevertheless, the developer is advised to locate the inverter/s strategically in terms of possible noise output.</p>

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.

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:

Full Planning Permission ref. 4/21/2365/0F1 approved the installation of solar PV panels on the roof of the Application Site and the creation of a roof top terrace.

Drawing No. AS21.35.L.21.01 P1 – Indicative Details PV Array and Drawing No. AS21.35.L.21.00 Indicative Details – showing the details of the decking to the terrace were listed as approved drawings in Planning Condition 2.

Planning Condition 5 requires the following:

Prior to their installation, full details and specification of the PV panels that are to be installed on the roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include information on their energy generation to verify the viability of utilising this form of renewable energy system. Development shall be carried out in accordance with the approved details at all times thereafter. The PV panels shall be removed from the roof area once they cease to be operational and the roof surface shall be restored to its previous condition.

Given that Drawing No. AS21.35.L.21.01 P1 is identified as indicative and given the provisions of Planning Condition 5, it is deemed that the location of the proposal solar panels is not fixed by the planning permission and listed building consent.

It is proposed that 12no. PV panels be installed onto the section of flat roof to the southeast corner of the building, replacing the proposed terrace, which comprises a severable part of the development and could be implemented in the future should the solar panels be removed.

The proposed 12no. PV panels and associated 50mm of stone substrate required to be installed will not be visible from street level and there will be no permanent impact on the historic building fabric. The panels, supporting framework and stone ballast can all be easily removed without any detrimental effect on the roof structure and fabric once they cease to be operational.

The Environmental Health Officer has confirmed no objections.

The Conservation Officer has confirmed that the array will not be visible from the surroundings, or from within the building, and will be visible only when standing on the roof among the other building plant. The impact is therefore negligible on the building's



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	<p>significance, and there is no impact on the character and appearance of the conservation area. Justification is provided in providing a renewable on site energy source</p> <p>Conclusion:</p> <p>The proposed PV panels would not be visible from street level and there will be no permanent impact on the historic building fabric. The panels, supporting framework and stone ballast can all be easily removed without any detrimental effect on the roof structure and fabric once they cease to be operational.</p> <p>Approve requirements of Planning Condition 5.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: Chris Harrison		Date : 15.08.2025
Authorising Officer: N.J. Hayhurst		Date : 18.08.2025
Dedicated responses to:- N/A		