

**CUMBERLAND COUNCIL  
CONSULTATION RESPONSE**

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**Proposal:** Discharge of conditions 3 and 4 of planning approval 4/21/2364/OL1

**Address:** Levels, 6-8 Lowther Street, Whitehaven

**Reference:** 4/25/2047/DOC

**Date:** 04/03/25

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**Description:** 6-8 Duke Street, now known as Levels, formerly known as Whittle's, and before that as Davis's Chusan Tea Warehouse, is a late 19<sup>th</sup> century building with somewhat Italianate styling elements. It is listed grade II and is within Whitehaven's conservation area.

**Conclusion:** No objection

**Assessment:**

- This application provides details for the previously approved replacement lift and extension to the central staircase.
- The lift is now proposed to be a platform lift. This will allow the earlier extension to the roof to be dispensed with as there's no need for the vertical height for winding gear. However, it also necessitates the loss of the mesh enclosure to the lift within the building for fire safety reasons.
- The loss of the mesh seems like the loss of an architectural feature that would have been attractive and added some dynamism and distinctive character to the interior. However, justification is provided for this (there is insufficient space within the floor slab openings for the necessary structure and fire breaking, and a supplier able to provide a self-supporting winched lift could not be found). I do not think this change should affect the acceptability of the proposal.
- Details of the alteration to the staircase have also been provided, and these include retention of the existing newels, stringers and steps, removal of the plywood sheeting from ground to 2<sup>nd</sup> floor level (there are no surviving significant balusters beneath this sheeting), and instatement of decorative steel panels. This strikes me as an attractive and pragmatic solution, to which I have no objection.

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**Relevant Policies and Guidance:**

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Section 72 of the 1990 Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206)

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202).

The former Copeland Borough Council’s Local Plan contains a number of relevant policies:

- Local Plan Policy ST1C(ii) highlights the importance of protecting, enhancing and restoring the Borough’s cultural and heritage features and their settings.
- ST1D emphasises the council’s commitment to creating and retaining quality places.
- ENV4A stresses the importance of protecting listed buildings, conservation areas and other features considered to be of historic, archaeological or cultural value.
- ENV4B outlines support for heritage-led regeneration, ensuring assets are put to appropriate, viable and sustainable uses.
- ENV4C aims to strengthen the distinctive character of settlements through high quality urban design and architecture that respect character and setting.
- DM10 emphasises the need for high quality design and quality places. Part B requires design to respond to local character at multiple scales, paying attention to plot size and arrangement, massing and scale, interstitial spaces, and materials. Part C requires the incorporation of existing features such as landscape and vernacular style.
- DM13D outlines the need, in converting non-residential buildings within settlement limits, or in subdividing large residential buildings within settlement limits, for conversion works to conserve the character of the building.
- DM27A outlines support in principle for developments that “protect, conserve and where possible enhance the historic, cultural and architectural character of the borough’s historic sites and their settings”.
- DM27C outlines the restriction in principle of development within conservation areas to that which preserves or enhances the character or appearance of the area.
- DM27D highlights the necessity of avoiding disrespectful alterations, substantial demolition, adverse effects on setting or views, or changes of use that harm the conservation or economic viability of a listed building.

The Conservation Area Design Guide is a supplementary planning document adopted in 2017 that is a material consideration in the determination of planning applications within conservation areas in the legacy Copeland area. It is therefore applicable to this application.

Sammy Woodford, Conservation and Design Officer