

**CUMBERLAND COUNCIL
CONSULTATION RESPONSE**

Proposal: Internal alterations and external refurbishment in connection with the change of use of former public house/managers accommodation to use class e

Address: 28 Lowther Street, Whitehaven

Reference: 4/24/2097/OL1 and 4/24/2098/OF1

Date: 17/04/24

Description: 28 Lowther Street is a former public house located in Whitehaven conservation area. The date is given as 19th century in the list description, although it appears very similar in plan form as the building shown on the 1790 map of Whitehaven, so was perhaps rebuilt.

Conclusion: Request further information and design detail revision

Assessment:

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- This work is largely repair and maintenance of a building that obviously needs it, although involves some alterations.
 - I inspected the property and noted that some glazing appears to be historic, hand-made glass. The location of this should be known and those windows should be retained if possible. Obviously, a balanced judgement would be in order, however, if substantial historic glass survives in the frontage and the windows are also repairable, that would be the best practice option, so that should be known prior to approving replacement of all windows.
 - The Conservation Area Design Guide urges use of cast iron rain water goods in conservation areas. If the existing goods have been swapped for uPVC at some point in the past without benefit of consent, the opportunity should be taken now to revert to cast iron.
 - Though the insertion of the timber stud partition in the ground floor front room will change the proportions of that room, I did not observe any significance surfaces or detailing when I visited, and this change is easily reversible.
 - The insertion at first floor of a timber stud partition wall to create an enclosed escape route would have neutral impact on the significance of the building.
 - The removal of a section of lath and plaster partition wall at top floor level will entail some harm to the significance of the building. I would view this as being of negligible level, and justified by providing a more useful interior layout that assists in securing the building's viable use.
 - The internal doors did not appear to be of significance, so their replacement would have no impact.

Summary:

I am supportive of this proposal, which will give this neglected heritage asset a valuable and viable new use.

I request clarification on which historic glass survives and whether it is therefore viable to retain certain windows and merely refurbish them. This information could be submitted with the application prior to determination, or alternatively, I would be happy with that information being supplied via a condition to be discharged prior to the removal of the windows.

I request use of cast iron instead of uPVC, unless the uPVC was previously consented, for rain water goods in order to abide by the guidance given in the Conservation Area Design Guide

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).

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

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 emphasizes 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.
- 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