



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2206/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH THE CHANGE OF USE FROM SHOP AND PRINTWORKS TO 3 BEDROOMED APARTMENT AND PRINTWORKS
3.	Location:	76-77 LOWTHER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to 76/77 Lowther Street, a mid terraced property situated within the town centre of Whitehaven. The ground floor of the building is utilized by a printing shop with the first floor occupied as residential flats.</p> <p>The building is Grade II Listed and located within the Whitehaven Conservation Area.</p> <p>The listing for the property states the following:</p> <p>LOWTHER STREET 1. 1814 (North East Side) Nos 75 to 77 (consec) NX 9718 SE 5/171</p> <p>II GV 2. Stuccoed, 3 storeys. 2 doorways with pediments and traceried round-arched fanlights. 11</p>

windows on upper floors, sashes, but glazing bars removed except from No 77.

Nos 75 to 77 (consec) form a group.

PROPOSAL

Listed Building Consent is sought for alterations in connection with the conversion of part of the ground floor from a shop and offices to a 3 bedroomed flat. The printworks and workshop will be retained on the south eastern side of the property with the north west flat to contain 3 bedrooms, a bathroom, living room and kitchen. There will be a main entrance to the front of the property and a fire exit to the rear.

The proposal includes the realignment of the internal partitions to compartment the floor space to create several rooms/bedrooms. Externally the only alteration is the replacement of the windows on the ground floor elevation fronting onto Lowther Street from fixed pane to sliding sash timber units. The detail of the fenestration has been amended during the course of the application.

This proposal has been submitted in tandem with Planning Permission for the same works (application reference 4/21/2207/0F1 relates).

RELEVANT PLANNING APPLICATION HISTORY

4/03/0890/0 - Non-illuminated shop signs – approved.

4/03/0966/0 - Listed Building Consent for internal alterations to existing office accommodation – approved.

4/15/2069/0L1 - Listed Building Consent for replacement front windows (total of 10) – approved.

4/12/2051/0F1 – Change of use 1st and 2nd floors from offices to flats – approved.

4/14/2150/0L1 - Listed Building Consent for replacement windows – approved.

4/15/2200/0L1 - Listed Building Consent for changes to rear elevation (extractor fan outlet (x2), gas flue (x2), satellite dish (x2), gas supply pipe (x2) & waste pipe – approved.

4/15/2230/0L1 - Listed Building Consent for conversion of 1st and 2nd floors into two flats – approved.

4/18/2217/0L1 - Listed Building Consent for replacement of front windows (10 windows in total on 1st and 2nd floors) – approved.

4/20/2436/0L1 - Listed Building Consent for conversion into two flats including internal alterations; replacement windows; new rear external doors; new doorway – approved.

4/20/2437/0F1 - conversion into two flats including internal alterations; replacement windows; new rear external doors; new doorway to workshop – approved.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

Building was grade II listed in 1972. This was originally constructed (as the numbers suggest) as two separate properties sometime between 1735 and 1790. The buildings were extensively rebuilt at some point after 1968. Although I've not had sight of documents relating to the rebuild, evidence suggests it shortly post-dated the listing.

Conclusion: Request further information.

Assessment:

- Proposal to create insulated cavity mullions in ground floor windows, install 2no. sashes each. This will be an improvement to both the architecture of the building and the character and appearance of the conservation area. Approach is actually more like two windows close together rather than a bipartite sash with mullion, but I see no problem with this. Detailing should match that of existing wall. Is existing wall cavity with DPC?
- Internal alterations neutral impact as nothing of value internally and no particular importance to retaining single open space for shop.
- No proposed window detail currently. Probably best to approve details now rather than via a condition, if possible.

I am supportive of this work and the approach, although just need to clarify the match between the proposed mullion construction detail and that of the rest of the wall, and receive a proposed window detail.

On receipt of the window details, the Officer raised no further objections.

Ancient Monuments Society

Thank you for consulting us on this application. We have reviewed the documents available on your website, and while the Ancient Monuments Society does not object to the principle of the ground floor conversion to a residential use, we **object** to the proposed window alterations to the principal elevation.

Lowther Street is within the Whitehaven Town Centre Conservation Area and features a fine collection of Georgian buildings. No. 76-77 dates from 1814 and, despite the installation of shop windows, it remains a well-proportioned Georgian building with classical doorways and sash windows to the upper levels.

The proposal seeks to remove the shop windows and replace them with two timber sash windows on either side of a central pillar. We note that the 'proposed' plans do not show the upper levels of the building, but using online mapping, it is clear the proposed windows would not respect the established pattern of fenestration and proportions. This would be harmful to both the architectural significance of the heritage asset and to the building's appearance within the conservation area.

It is a requirement of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

We therefore recommend that amended plans are submitted to address these concerns and to ensure that the special interest of the building is enhanced.

I would be grateful if the AMS could be informed of the outcome when this becomes available.

Further to discussions with the Council's Conservation Officer, no further objections were raised and the AMS stated:

Thank you for the photo, it would appear that some quite significant alterations were made to the building before Historic England's list description in 1972, realigning windows, roofline, and the like. This shows the importance of submitting a well-researched Heritage Statement to support your application!

As it is a conservation area, I would still suggest single sash windows in line with those on the upper levels, which would also reflect the established fenestration pattern of the adjacent listed buildings at No 75 and 78/ 79.

However, given the evidence of the previous built form, we will withdraw our objection to the bipartite sash proposal, provided they match those to the upper levels to provide a cohesive appearance in the streetscape. We would also recommend the installation of wooden, not uPVC frames – though unfortunately it appears that the windows to the upper levels have already been replaced with uPVC frames since google street view was taken in August 2018 (?).

The applicant should also consider compiling further evidence and submitting it to Historic England to update the list description.

Public Representation

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

No responses have been received as a result of this advertisement.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework 2019 (NPPF)

Conservation Area Design Guide SPD December 2017 (CADG)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

Policy context

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 16.2 requires that: *‘In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’.*

	<p>Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset’s significance; however, less than significant harm should be weighed against the public benefits of a development.</p> <p>The Conservation Officer understands that the building has been rebuilt and this is not reflected within the listing. The window openings are modern and currently UPVC. It is therefore considered that there is very little heritage significance remaining and the application has been assessed as such.</p> <p><u>Replacement windows</u></p> <p>The initial application submitted did not include full details of the specification for the replacement windows and therefore further information was requested. The Agent subsequently provided full details of the windows, which are to be wooden sliding sash with spiral balances and solid glazing bars. These windows are considered to be acceptable and will provide enhancement to the exterior of the building as the replacement windows are of a more traditional appearance.</p> <p><u>The effect on the Conservation Area</u></p> <p>The building is located within the Whitehaven Conservation Area, Grade II Listed and occupies a prominent position on one of the main thoroughfares within Whitehaven. The alterations proposed will primarily be internal, with the only external alteration being the removal of the existing shopfront and its replacement with two timber sash windows. This is considered to be an enhancement which will have a positive impact on this part of the Conservation Area and surrounding street scene.</p> <p>It is considered that the proposals comply with Policies ENV4 and DM27 of the Copeland Local Plan relating to the local heritage assets and Policy DM10 in relation to design. The tests set out in the LBCA are also met.</p> <p><u>Conclusion</u></p> <p>The proposals will allow the property to remain in a viable use and will ensure a good standard of repair and decoration. This will help to protect the longevity of the building and secure its future use.</p> <p>In applying the tests of the Copeland Local Plan 2013-2028, the LBCA and the NPPF, the proposal would preserve the heritage significance of the listed building and so is supported.</p>
8.	<p>Recommendation: Approve Listed Building Consent (start within 3yr)</p>

<p>9.</p>	<p>Conditions:</p> <p>1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.</p> <p>Reason</p> <p>To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by 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>Site Location Plan, scale 1:1250, received 7th May 2021; Site Plan, scale 1:500, received 7th May 2021; Floor Plan as existing, scale 1:50, drawing number PP/1, received 7th May 2021; Floor Plan as proposed, scale 1:50, drawing number PP/2, received 7th May 2021; Existing and Proposed part elevations, scale 1:50, drawing number PP/3, received 7th May 2021; Heritage, Design and Access Statement, dated May 2021, received 7th May 2021; Window details pages 1-4, produced by West Port, received 19th July 2021.</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> <p>Statement</p> <p>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.</p>
<p>Case Officer: Sarah Papaleo</p>	<p>Date : 09/08/2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 11/08/2021</p>
<p>Dedicated responses to:- N/A</p>	

