



To: PLANNING PANEL

Development Management Section

Date of Meeting: 24/11/2021

Application Number:	4/21/2364/OL1
Application Type:	Listed Building Consent : CBC
Applicant:	Energy Coast West Cumbria (Properties) Ltd
Application Address:	6-8 DUKE STREET, WHITEHAVEN
Proposal	INTERNAL AND EXTERNAL ALTERATIONS TO REFURBISH EXISTING LISTED BUILDING
Parish:	Whitehaven
Recommendation Summary:	Approve Listed Building Consent (start within 3yr)



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Reason for Determination by Planning Panel

The application is brought for consideration by Members of the Planning Panel as the Planning and Place Manager considers it to be of sufficient importance in planning terms to refer to the Planning Panel for determination. The Council also has a financial interest as part owners of BEC

Site and Location

This application site comprises the property known as 6-8 Duke Street, 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

The existing building is now vacant and is in a very poor condition. This application seeks Listed Building Consent for various internal and external alterations to enable a refurbishment of the existing listed building.

The internal works include:

- The refurbishment of the interior, making good walls, ceilings and structural fabric;
- A new interior at the ground floor, subdividing the upper two floors, and making some changes to the partition walls creating rooms to the rear of the building.

The external works include:

- The renovation of the buildings external façade with render and stucco features made good and repainted;
- The existing first and second floor windows to be made good and repainted;
- A new contemporary fascia for signage encapsulating the former awning timber boxing and support;
- The replacement of the front glazing with slim line double glazed units with solar controlled glass and aluminum frames;
- The plinth tiles and window vents to be made good;
- A small roof terrace will also be created which will be defined by a glass balustrade;
- The installation of PV panels on part of the roof of the building.

The application is supported by the following:

- Site Location Plan
- Elevation Plans
- Sectional Plans
- Floor Layout Plans
- Design, Access and Planning Statement
- Visual Building Feature and Fabric Assessment

- Heritage Statement
- Indicative External Image 1
- Indicative Internal Image 1
- Indicative Internal Image 2
- Indicative PV array design
- Indicative Details of Window Head, Door Threshold, Plinth and Terrace Balustrade and Door Threshold.

This proposal has been submitted in tandem with a planning application Planning Permission for the conversion and alterations to the building (application reference 4/21/2365/0F1 relates).

Relevant Planning Application History

Planning Permission has previously been granted for:

- Insertion of a fire exit on the side elevation (ref: 4/92/0916/0)
- Replacement of two first floor windows (ref: 4/93/0710/0)

Listed Building Consent has previously been granted for:

- Insertion of a fire exit on the side elevation (ref: 4/92/0915/0)
- Replacement of two first floor windows (ref: 4/93/0711/0)
- A Replacement Shop Front (ref: 4/18/2206/0L1) - withdrawn

Consultation Responses

Whitehaven Town Council

No negative objections or comments.

Conservation Officer

Initial Comments - 8th September 2021:

6-8 Duke Street is a former Whittles furniture shop across three floors, which was constructed in several phases, is grade II listed and within Whitehaven Conservation Area.

Conclusion: Request further information

Assessment:

- Well thought-out series of interventions, designed to bring this vulnerable heritage asset back into use and protect it from further decay. There is very little here that could be considered less than positive given the state of the building.
- Excellent heritage statement outlines development, significance, receptiveness to change, and justifications clearly.
- The rooftop glass balustrading will introduce a slight detriment to the setting of the building and of the Waverley Hotel adjacent where there is intervisibility, but this could be considered less-than-substantial harm and at the lower end of that scale, justified on the basis of allowing access to the roof, which will be of public benefit

and contribute to the building's viable use. Taken in sum, the proposals will have a positive effect on the settings of both buildings.

- Externally, the most notable departure is the new fascia band and shopfront. The fascia has been designed in such a way that subtly responds to the rhythm of the façade above without appearing apologetic and provides protection for the retractable awning box.
- I note that the fascia band is designed to terminate to the left of the fire exit door, where the glazing ends – Would this be better continued to the end of the building as it's visually functioning as a plinth, giving the top of the building the impression of sitting on it. Cut short, it perhaps leaves the top right end of the Duke St. elevation looking unbalanced.
- There will be some change to the external appearance through the new glazing system, and aside from the obvious improvement in condition, this will necessitate the removal of the timber framing and its replacement with aluminum. This could be seen as entailing less-than-substantial harm to its significance, towards the lower end of that scale, however, the existing glazing is mid-20th century and does not particularly contribute to the significance of the building; the proposed system will sit alongside the new fascia as a unified modern intervention, but with a subtle character that does not overpower the façade of the building, which would seem to be suitable justification.
- From the perspective of external appearance, a large part of the success of such a system is its ability to show off an active and welcoming interior. Given the proposed interior and building use, the two appear complimentary. In terms of the area of glazing, there is also no change in comparison with the existing system.
- Internally, the building is largely a blank slate, having had the majority of its interior stripped out over the 20th century in the aim of creating open plan floor plates. The lift and staircases (both central within the plan, and in the corner on the top floor) are exceptions, and there are some sections of dentilled cornicing remaining, which likely date from the 1909 or the mid-20th century overhauls.
- The proposal retains these features, while inserting a new interior at the ground floor, subdividing the upper two floors, and making some changes to the partition walls creating rooms at the rear of the plan. I do not believe that the subdivision of the upper floors into smaller rooms could be said to have any impact on the heritage significance, and the partition walls are twentieth century infill of no value.
- The proposal to insert PVs, terrace and balustrade at roof level will make better use of this underutilised part of the building with minimal impact, contributing to its optimum viable use and increasing the usability of the third floor.

Summary:

I am supportive of this proposal, which I view as well conceived and of good quality. It is likely it will give the building an optimum viable use, and be beneficial for the conservation area and building itself. However, there are one or two points that should have a bit of expansion:

- As the fascia band works visually as a plinth, would it look better if continued to the end of the Duke Street elevation, above the fire door? Currently, there is a possible risk of this part of the façade looking lop-sided or top-heavy.
- It would be useful to have detail drawings of the new shopfront glazing system and the rooftop balustrade.
- I would also request information about the mounting of PVs, the routing of their services and the location of inverters, control modules etc. within the building (presumably the basement?).
- The extent of surviving lath and plaster is not mentioned within the heritage statement, so if this could be updated, or a note added detailing its extent and the proposal for its repair, that would be very helpful. The example photo provided in the condition survey shows a section on the second floor ceiling where the plaster has fallen away but the laths appear to be in good condition.

Additional Comments – 18th October 2021:

Conclusion: No objection (two conditions suggested)

Assessment:

- I note that the fascia band has been carried through to the end of the elevation, which gives a more balanced appearance.
- It appears from the elevation drawings that the PV array will be visible from some of the upper windows of the adjoining Waverley Hotel. I would view this as less-than-substantial harm to the setting of the Waverley Hotel, justified by the improvement in energy efficiency of 6-8 Duke Street.
- However, if there is not substantial energy generation by these panels, that weakens the justification. It appears, looking at the roof plan, that there may be significant shading of the panels by the top floor of the building and the surrounding buildings. I note that a detailed Engineer's specification is required at RIBA 4 stage, so suggest making the arrangement of PV panels a discharge item contingent on evidence that they will be viable in this location.
- Indicative detail sections have been provided for the glazing system and rooftop systems (doors, terrace, and parapet).
- I note the revision to accessible WC layout on ground and 1st floor plans. I do not believe this will have any impact on the significance of the building.
- I have not been able to locate details on location of surviving lath and plaster, or proposal for its repair. A section is shown in the condition survey photos, but there is no detail about its extent in the building, or how it will be addressed. I suggest a condition may be the best way to approach this.

I suggest conditioning the following two aspects:

- Information on the viability of the PV panel array on the roof should be supplied at RIBA 4 stage when the M&E engineer is able to produce a specification, prior to installing such an array, in order to demonstrate that it is viable and therefore justifies a less-than-substantial harm to the setting of the grade II listed Waverley Hotel next door.

- Detail on the extent of surviving lath and plaster, and the proposal for its repair, should be supplied prior to stripping out the building interior surfaces in order to protect any surviving and repairable areas from harm.

Whitehaven Heritage Action Group

All members of Whitehaven Heritage Action Group welcome news of the application and repair works which has long been a major blight on the townscape, even before its official closure as a furniture store. Some however questioned about the use as a community digital hub and cafe and noted possible alternatives to attract and retain visitors and highlight its history.

The view is expressed that the town already has a good many cafes and "every new one takes business away from those already established and trying to make a go of it, dividing the cake into even smaller slices is not very imaginative. Folks do not drive here just to visit a cafe."

Although members would like to see something created that would encourage people to visit the town, they accepted that it was difficult to know what that could be. They also accepted that given the current difficulties for retail, it would be unrealistic to expect a large big name store to move in.

There is a relief that the building is at last to be repaired and renovated, hopefully to a good standard, and gratitude to those willing to take on the task, but also some concern about its future viability if not put to full use, together with the fear it could be left to slowly deteriorate again, and no one wants that. It is to be hoped that the demand for the proposed community use is there.

National Amenities Societies

No comments received.

Public Representations

The application has been advertised by way of press notice and site notice - No objections have been received as a result of this consultation process.

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 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 (2021)

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

Conservation Area Design Guide SPD 2017

Shopfront Design Guide SPD 2021

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been 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

The key issues raised by this application relate to the appropriateness of the design proposals and their potential impacts on the heritage asset and wider Conservation Area. These are considered below.

Design Proposals and Impact on Heritage Assets

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site.

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings.

The Conservation Area Design Guide and the Shopfront Design Guide are material considerations in the determination of planning applications within conservation areas and affecting shopfronts. Both are therefore applicable to this application.

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 66.1 of the LBCA requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority 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.

Section 72 requires that: 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance' of a conservation area.

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.

The Conservation Officer considers the proposal to be a well thought-out intervention, designed to bring this vulnerable heritage asset back into use and protect it from further decay. Given the state of the vacant building, the proposed works are considered to be significant improvements and the Heritage Statement is considered to clearly outline and justify the development, significance, receptiveness to change.

Internally, the building has an open floor plan as the majority of its interior was removed over the 20th century. The central lift and staircases, including the corner staircase on the top floor are exceptions, with some sections of dentilled cornicing remaining. The proposal retains these features, while inserting a new interior at the ground floor and subdividing the upper two floors into office spaces, break rooms, meeting rooms and other office based facilities. It is not considered that the subdivision of the upper floors would have any impact on the heritage significance. To preserve the historic fabric, the Conservation Officer has requested prior to the stripping out of the building interior surfaces, detail on the extent of surviving lath and plaster, and the proposal for its repair, should be supplied. This will protect any surviving and reparable areas from harm and this can be secured by a planning condition.

Externally, the design of the fascia subtly responds to the rhythm of the façade above and provides protection for the retractable awning box. The Conservation Officer raised comments on the fascia band design and therefore amendments were provided by the agent. The amended fascia band will run to the end of the elevation, which gives a more balanced appearance and this is considered to be an improved design.

The façade, stucco features, first and second floor windows, plinth tiles and window vents will be made good and repainted to ensure the building fabric is safeguarded for future generations. This can also be secured by the use of a planning condition.

Due to the condition of the current timber framed windows, a new aluminium framed glazing system is proposed. This could be considered as entailing less-than-substantial harm to its significance, however the Conservation Officer is of the opinion that the existing glazing is mid-20th century and does not particularly contribute to the significance of the building. The proposed glazing system will sit alongside the new fascia as a unified modern intervention. The new shop front will have a subtle character that does not overpower the façade of the building and therefore it is considered to be suitable justification. In addition, the new shop front glazing will provide an improved active frontage and show off the welcoming interior. Overall, the area of glazing will not change and therefore the new glazing system is considered to be acceptable.

In addition, the proposal to insert PV panels and create a terrace with glass balustrade at roof level will make better use of this underutilised part of the building with minimal impact, contributing to its optimum viable use and increasing the usability of the third floor.

However, it will introduce a slight detriment to the setting of the building and of the adjacent Waverley Hotel where there some of the PV panels and glass balustrade will be visible from some of the upper windows of the adjoining Waverley Hotel. The Conservation Officer considered this as less-than-substantial harm to the setting of the Waverley Hotel, justified by the public benefit, the contribution to the building's viable use and the improvement in energy efficiency. However, if there is not substantial energy generation by these panels, that weakens the justification. The Conservation Officer has noted that there may be significant shading of the panels by the top floor of the building and the surrounding buildings and therefore he has requested that details of the PV specification should be provided to ensure the PV installation will be viable. This can be secured by the use of a suitably worded planning condition.

On this basis, subject to the inclusion of the planning conditions requested, the proposed internal and external alterations are considered to be acceptable. Despite some less-than-substantial harm being identified above, the justification and wider public benefits are considered to outweigh any harm. The Conservation Officer supports the application as the works will preserve the currently vulnerable Listed Building and enhance the character and appearance of the Conservation Area. The proposal is therefore considered to comply with Policies ST1, ENV4 and DM27 of the Local Plan.

In applying the statutory duties of the LBCA, the relevant provisions of the NPPF and the Development Plan, it is considered that as proposed the development will preserve and enhance the character of the conservation area and Grade II Listed Building.

Planning Balance

On balance, the proposal will bring the vulnerable heritage asset back into use and protect it from further decay while providing a community 'digital hub' and office space. The proposal will therefore promote economic benefits to the local economy and enhance the existing heritage assets. Despite some less-than-substantial harm being identified above, the justification and wider public benefits are considered to outweigh this potential harm.

Great weight should be given to the proposed works which will preserve the heritage asset and its setting. The application relates to an important prominent building within Whitehaven Town Centre and therefore it is considered to enhance the character and appearance of the Conservation Area. The proposal also suitably preserves the special architectural or historic interest of the listed building while creating a high quality development.

Recommendation:-

Approve subject to the following conditions

Conditions

Standard Conditions:

1. The works hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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: -
 - Site Location Plan, scale 1:1250 @A3, reference AS21.35.L.01.00 Rev P1, received 17th August 2021;
 - Existing GA Elevations, scale 1:100 @A1, reference AS21.35.L.09.04 Rev P2, received 21st September 2021;
 - Proposed GA Elevations, scale 1:100 @A1, reference AS21.35.L.04.00 Rev P3, received 21st September 2021;
 - Existing Basement Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.04 Rev P1, received 17th August 2021;
 - Existing Ground Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.00 Rev P1, received 17th August 2021;
 - Existing First Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.01 Rev P1, received 17th August 2021;
 - Existing Second Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.02 Rev P1, received 17th August 2021;
 - Existing Third Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.03 Rev P1, received 17th August 2021;
 - Proposed Basement Floor Plan, scale 1:100 @A1, reference AS21.35.L.02.04 Rev P2, received 17th August 2021;
 - Proposed Ground Floor, scale 1:100 @A1, reference AS21.35.L.02.00 Rev P3, received 21st September 2021;
 - Proposed First Floor, scale 1:100 @A1, reference AS21.35.L.02.01 Rev P3, received 21st September 2021;
 - Proposed Second Floor Plan, scale 1:100 @A1, reference AS21.35.L.02.02 Rev P3, received 17th August 2021;
 - Proposed Third Floor Plan, scale 1:100 @A1, reference AS21.35.L.02.03 Rev P1, received 17th August 2021;
 - Design, Access and Planning Statement, received 17th August 2021;
 - Visual Building Feature and Fabric Assessment, received 17th August 2021;
 - Heritage Statement, Revision A, received 12th October 2021;
 - Indicative External Image 1, received 17th August 2021;
 - Indicative Internal Image 1, received 17th August 2021;
 - Indicative Internal Image 2, received 17th August 2021;

- Indicative Details of PV Array, scale 1:100 @A1, reference AS21.35.L.21.01 Rev P1, received 21st September 2021;
- Indicative Details of Window Head, Door Threshold, Plinth and Terrace Balustrade and Door Threshold, scale 1:10 @A1, reference AS21.35.L.21.00 Rev P1, received 21st September 2021;
- Proposed Floor Plan – Third (Phased Plan), scale 1:100 @A1, reference AS21.35.L.02.04 Rev P1, received 4th November 2021.

Reason

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.

3. The external finishes of the development hereby permitted shall be carried out in accordance with the details set out in the Design, Access and Planning Statement.

Reason

To ensure a satisfactory appearance of the building in the interests of visual amenity and ensure that the character and appearance of the surrounding Conservation Area is preserved and maintained in accordance with Policy DM27 of the Copeland Local Plan.

4. Alterations to the shop front hereby approved shall be carried out in strict accordance with the details illustrated on the approved Proposed Elevation Plan reference AS21.35.L.04.00 Rev P3 received by the Local Planning Authority on 21st September 2021.

Reason

For the avoidance of doubt and to preserve and maintain the character of the Listed Building and Wider Conservation Area.

Prior to Occupation/First Use Conditions

5. Prior to the stripping out of the building's interior surfaces, detail on the extent of surviving lath and plaster, and the proposal for its repair shall be submitted to and approved in writing by the Local Planning Authority. The works of repair shall be completed in accordance with the approved details.

Reason

For the avoidance of doubt and to protect any surviving and reparable areas of the original plaster from harm and to ensure that a satisfactory standard of refurbishment and restoration is achieved in accordance with Policy DM10 of the Copeland Local Plan.

6. 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.

Reason

In order to demonstrate that the installation is viable and to minimise any harm to the setting of the adjoined listed Waverley Hotel.

7. Prior to the installation of any external lighting on site, details shall be submitted to and approved in writing by the Local Planning Authority. Details of the lighting shall be in accordance with the Guidance Notes for the Reduction of Obtrusive Light produced by the Institute of Lighting Professionals and shall be maintained as per the approved details at all times thereafter.

Reason

For the avoidance of doubt and to preserve and maintain the character of the Listed Building and Wider Conservation Area.

8. Prior to their installation, full details of any CCTV equipment to be used on the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason

For the avoidance of doubt and to preserve and maintain the character of the Listed Building and Wider Conservation Area.

Statement

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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.