

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2074/0F1
2.	<b>Proposed Development:</b>	INSTALLATION OF SOLAR PV PANELS TO REAR ROOF AREA
3.	<b>Location:</b>	J DIXON AND SONS LTD, LOWTHER STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>This application site comprises the property known as 11 to 17 Lowther Street, Whitehaven.</p> <p>The property is currently occupied by the department store known as J. Dixon and Son.</p> <p>The building occupies a prominent location on Lowther Street onto which it faces. The rear of the building faces onto Carter Lane, John's Lane and Fox Lane.</p> <p>The building comprises a Grade II Listed Building. The listing entry for the building states the following:</p> <p><i>"LOWTHER STREET (South West Side) Nos 7 to 17 (consec)</i></p>	

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*All C19, Georgian style. All 3 storeys, stuccoed, with sash windows, but most glazing bars have been removed. No 9 has moulded architraves. No 10 has cornices on ornamented brackets, and a top cornice on brackets. No 7 is the 2-bay return side of the Union Hall building on Scotch Street. Ground floor shops.*

*Nos 7 to 17 (consec) form a group with the Union Hall, Scotch Street.”*

The building is also situated within the Whitehaven Town Centre Conservation Area.

**Proposal:**

This application seeks Full Planning Permission for the following:

- repair the roof of the existing two-storey retail area with a clad panel to match the existing and the installation of roof mounted solar PV panels and battery storage.

**Consultation Responses:**

Whitehaven Town Council

No negative objections or comments.

Cumberland Council Conservation Officer

The rear extension to the store is not without some architectural ideas, consisting of an interesting arrangement of semi-freestanding “towers” or buttresses, which at ground floor level serve as large display boxes. However, the effect overall has not been successful, which is due to a combination of factors including the bulk of the building, its roof detailing, the inactivity of the walkway behind the display boxes, and the setting of the car park.

The proposed PV array comes as part of a reroofing of the extension, and will provide on-site power generation.

Does not anticipate any direct impact on heritage assets, nor any impact on the character and appearance of the conservation area, as the instal will not be visible. Does not believe the roof is visible from any of the surrounding heritage assets, and there is therefore also no impact on their settings.

Neighbour Representations

The application has been advertised by way of a site notice, press notice and neighbour notification letters.

No representations have been received.

### **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 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2013-2028.

### **Copeland Local Plan 2021 - 2039 (LP)**

The policies relevant to this application are as follows:-

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:**

#### Heritage

The heritage significance of 11 to 17 Lowther Street is derived from the front elements of the building that face onto Lowther Street.

The rear element of 11 to 17 Lowther Street comprises a two storey extension erected in the 1970s on the footprint of a range of smaller buildings and the highway known as Fox Lane.

The extension is finished externally with stone blocks under a corrugated steel roof. The extension incorporates a range of architectural features including an arrangement of semi-freestanding “towers” or buttresses, which at ground floor level serve as large display boxes between which are raised planters, and behind which is a covered walkway. The extension incorporates parapet walls.

The extension is large in scale and is visually dominant. The design and form of the extension in combination with the parking/loading areas, which is enclosed by rendered walls have an austere appearance.

The extension does not contribute to the heritage significance of 11 to 17 Lowther Street and makes a neutral-negative contribution to the Whitehaven Town Centre Conservation Area.

The repair the roof of the extension with a clad panel to match the existing roof panels and internal battery storage will have a neutral impact upon the heritage significance of 11 to 17 Lowther Street and the Whitehaven Town Centre Conservation Area.

The installation of the roof mounted solar PV panels will not impact on any fabric of heritage significance. The solar PV panels will be visible from the café area and administrative areas of 11 to 17 Lowther Street; however, they will be viewed in the context of / on the extension of the building, the limited merits of which are outlined above. The solar PV panels will not be directly visible or prominent in views of/from any surrounding heritage assets. The development will result in minor adverse impacts.

#### Ecology and BNG

The clad panel roof of the existing two-storey retail has no ecological value and has negligible potential for the presence of protected species.

There are no pre-development biodiversity units on the Application Site and there will be no impacts to habitats or linear features that contribute to biodiversity units. The development is therefore eligible for a de minimis exemption.

#### Amenity

Given the scale, form and design of the proposed development unacceptable adverse impacts will not result through overbearing, loss of light, overlooking, overshadowing or glint and glare.

#### Conclusion

	<p>The National Planning Policy Framework requires that proposed changes to the historic environment are based on a clear understanding of significance of any heritage asset and their setting that are affected, providing information so that the likely impact of proposals can be assessed.</p> <p>The historical development of the property, its character and appearance have been outlined and the scope of the works / interventions detailed.</p> <p>The National Planning Policy Framework requires consideration of whether the harm to heritage asset is outweighed by the public benefits of the proposal.</p> <p>The building has been the subject of considerable unfavourable and unsympathetic intervention over the recent decades.</p> <p>The existing extension does not contribute to the heritage significance of 11 to 17 Lowther Street and makes a neutral-negative contribution to the Whitehaven Town Centre Conservation Area.</p> <p>The assessment of the impact upon the significance of heritage asset has found that the proposed works comprise a combination of minor negative and neutral impacts.</p> <p>The development will assist in retaining a long-term sustainable and optimum viable use for the property and deliver sustainable energy.</p> <p>On balance, it is considered that the public benefits of the development outweigh the harm which in overall terms is considered to fall at the lower end of less than substantial.</p> <p>The development will not result in adverse impacts upon the residential amenity and ecology.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1. The works hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>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.</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:

Planning Application Form

Re-roofing and Solar PV Panels – Drawing No. 6002 20 Rev. A

Design and Access Statement - Proposed Re-roofing and installation of roof mounted solar PV panels J Dixon and Son – 10-12 Lowther Street, Whitehaven CA28 7AL

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. If the solar PV panels hereby approved fail to produce electricity for a continuous period of six months, the solar PV panels and its associated infrastructure, shall be removed within a period of 12 months and the roof covering reinstated in accordance with a scheme that has first been submitted to and approved in writing with the Local Planning Authority.

Reason

To preserve and maintain the character of the Listed Building in accordance with the provisions of Strategic Policy BE1 and Policy BE2 of the Copeland Local Plan 2021 – 2039.

Informative

### **Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption:



## Cumberland Council

2 De minimis.

### 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.

**Case Officer:** C. Harrison

**Date :** 16.04.25

**Authorising Officer:** N.J. Hayhurst

**Date :** 17.04.2025

**Dedicated responses to:-** N/A