



To: PLANNING PANEL

Development Management Section

Date of Meeting: 24/11/2021

Application Number:	4/21/2365/OF1
Application Type:	Full : CBC
Applicant:	Energy Coast West Cumbria (Properties) Ltd
Application Address:	6-8 DUKE STREET, WHITEHAVEN
Proposal	ALTERATIONS/REFURBISHMENT AND CHANGE OF USE OF VACANT FORMER WHITTLES FURNITURE STORE TO FORM A COMMUNITY DIGITAL HUB AND CAFE INCLUDING THE CREATION OF A ROOF TERRACE.
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Reason for Determination by Planning Panel

The application is brought for consideration by Members of the Planning Panel as the Head of Planning and Place considers it to be of sufficient importance in planning terms to refer to the Planning Panel. 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 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 pedestrian thoroughfare within the town centre.

The building is Grade II Listed and situated within the Whitehaven Conservation Area.

Proposal

Planning Permission is sought for various external alterations to refurbish the existing building and allow its change of use to form a community digital hub and café.

The external alterations include the replacement of the store front glazing with aluminium framed slim-line double glazed units with solar controlled glass and the installation of a new contemporary fascia encapsulating the former awning timber boxing and support. The existing plinth tiles on the front elevation and the window vents are to be repaired and the buildings external façade, which includes render and stucco features, and the existing first and second floor windows will be made good and be repainted.

A modest terrace will also be created on part of the roof which will be defined by a glass balustrade. It is also proposed to install an array of PV panels on another section of the roof.

The proposed change of use will create a modern and flexible space both for public use and the housing of fledgling businesses who will create and develop designs and products. The ground floor will be arranged to incorporate a café, seating and service desks (Class A3 use). The upper floors will be used for associated services including flexible office and meeting areas, facilitating a modern collaborative workspace environment for making, learning, exploring and sharing.

The application is accompanied by the following information:-

- 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 an application for Listed Building Consent (application reference 4/21/2364/OL1 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.

Cumbria County Council Highways Authority

As the existing building has no vehicle entrance or parking but good transport links we as the LHA have no objections.

Local Lead Flood Authority

As the existing building is already connected to the existing system and no alterations are planning to change this connection we as the LLFA have no objections.

Environmental Health

Support the application but request the following conditions be considered and applied if necessary:

- All external lighting used on site must meet and comply with the guidelines and obtrusive light limits detailed in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light 2011 for the lifetime of the development.
- A noise assessment, carried out by a suitably qualified acoustic consultant, and in accordance with British Standard 4142 2014 should be made on any plant or equipment capable of causing nuisance from noise and vibration.

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 reparable 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.

Copeland Disability Forum

Initial Comments:

Before CDF submit a formal response please can you confirm:

1. Ground floor and first floor toilet seems to have an inward opening door – usually for disabled toilets the door opens outwards – specifically in case the disabled person fall and blocks the door opening inwards when help is summoned. We would like to know why the doors are inward opening. Also will there be an alarm fitted in both disabled toilets.
2. Can you confirm that the lift will be accessible to all floors open to the public and will be suitable for wheelchair users to use independently?

Final Comments:

Following receipt of revised drawings with doors opening out on these floors and confirmation lift will be accessible/suitable for wheelchair users CDF fully support the application.

National Amenities Societies

No comments received.

Public Representations

The application has been advertised by way of press notice, site notice and neighbour notification letters to 3 properties.

No objections have been received as a result of this consultation process.

One letter of support was received, which raised the following points:

- Pleased that this building is finally going to be renovated;
- Allowing public access to ground floor toilets, baby change room and breastfeeding area in this community hub?
- Allowing/ encouraging multi lingual signage?
- Making sure there is level access for wheelchair users and mobility scooters?
- Painting the external facades in a colour which enhances the area, and not a garish colour?
- Ensuring any associated street furniture takes account of those who may be partially sighted, and doesn't unduly clutter the corner of Tangier St/ Duke St?

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 ST3 – Strategic Development Priorities

Policy ER5 – Improving the Quality of Employment Space

Policy ER6 – Location of Employment

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service area: Roles and Functions

Policy ER8 – Whitehaven Town Centre

Policy ER11 – Developing Enterprise and Skills

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM6A – Managing Non-Retail Development in Town Centres

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

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).

Cumbria Development Design Guide.

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 proposed are the principle of development and the suitability of the proposed use in the town centre, its design and the impacts on the heritage assets, the impact on residential amenity, accessibility, highway safety and parking and flood risk.

Principle of Development

Policy ST1 supports diversity in jobs, especially that which creates and attracts business.

Policy ST2 identifies Whitehaven as the Principal Service Centre, which will comprise the focus for the largest scale development, regeneration and important development opportunities.

Policy ST3 outlines that sites within central Whitehaven and the town centre are priorities in the pursuit of economic regeneration and growth.

Policy ER5 seeks to improve the quality of Copeland's employment land portfolio by prioritising high-quality office provision within Whitehaven and Key Service Centres to meet inward investment needs and promoting investment in the public realm at specific employment sites.

Policy ER6 states that employment development will be supported in Whitehaven.

Policy ER7 seeks to reinforce the role of Whitehaven as the Principal Town through the promotion of a flexible, mixed-use approach, the improvement of strategic and local accessibility, and supporting its continued growth.

Policy ER8 encourages development in the defined Whitehaven Town Centre including that which: responds to and consolidates the status of Whitehaven as the first and most complete post mediaeval planned town in the country; improves the links and re-establishes the connectivity between the town centre and harbour; diversifies the 'offer' within the town; maintains high standards of design consistent with the setting of a Conservation Area of national significance; and, improves the range of activities available to local residents and visitors.

Policy ER11 develops enterprise and skills, working with local people to enhance inward investment, encouraging start-ups and focussing employment in Whitehaven.

Policy DM6A seeks to protect and promote the vitality and viability of defined town centres by seeking for the most part continuous retail outlets and frontages at the ground floor of premises within the designated Primary Frontages Area in Whitehaven; permitting non-retail uses and other leisure uses in the town centres where support the night time economy, provided that such uses do not lead to an overconcentration of non-retail units; and, requiring non-retail uses in premises with shop frontages to incorporate a suitable window display.

Policy DM11 requires development to be in accordance with sustainable development standards.

In addition, Policies SS4 and DM21 allow for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

The NPPF states that this application should be considered in the context of the presumption in favour of sustainable development, and that local planning authorities should deliver employment and space for enterprise and skills.

The application relates to a vacant, derelict listed building which lies within the Town Centre boundary. Whitehaven is designated as the Principal Service Centre within the Borough under Policy ST2 of the Local Plan.

The creation of a community digital hub and café with high quality flexible office space will help meet the needs and aspirations of the Boroughs employment and skills market as supported by Policies ER5 and ER11. The proposed use is considered to be acceptable within the prominent town centre location and it will promote mixed-use employment development in Whitehaven Town Centre as supported by Policies ST2 and ER6.

The provision of high quality office accommodation and a digital hub will help in diversifying the employment opportunities within Whitehaven and specifically Whitehaven Town Centre and strengthen its role as the economic hub of the Borough. The development also holds the potential to result in the creation of new jobs within the borough as supported by Policy ER6.

Although the development will result in the loss of a retail unit within Whitehaven Town Centre, the unit is currently vacant and is not designated as part of the Primary Retail Frontage which comprises the units along King Street. The proposed development includes a community digital hub with a café on the ground floor, maintaining an active frontage to the element of the building facing the primary retail area. There are no provisions in Policy ER7 and Policy DM6A requiring compensation for the loss of retail floor space and in light of the availability of a number of other vacant retail units within Whitehaven Town Centre, adverse impacts on the wider retail provision and offer will not reasonably result.

In wider economic terms, the development would support other economic uses including the leisure offer in Whitehaven Town Centre and the night-time economy as supported by Policy ER9. The development will also deliver direct and indirect employment and local spending during the construction phase.

Despite concerns received as part of the consultation period regarding the use, the principle of employment provisions and economic growth is strongly supported in the Copeland Local Plan through strategic policies ST1, ST2 and ST3 along with policies ER5, ER6, ER7, ER8, and ER11 and development management policies DM6A and DM11, subject to site specific matters which are considered below.

The proposed community digital hub will also provide community facilities, within a suitable location of the town centre. The principle of community services and provisions is strongly supported in the Copeland Local Plan through strategic Policy SS4 and Development Management Policy DM21.

On the basis of the above, the principle development is considered to be acceptable and the digital and community hub is considered to be a suitable use within this town centre location. Overall, the proposal complies with the aims and objectives of the NPPF as well as the relevant policies of the adopted Copeland Local Plan.

Design and Impact on Heritage Assets

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings, conservation areas and their settings and strengthening the distinctive character of the boroughs settlements through high quality urban design that respects this character.

Policy DM10 expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the

immediate and wider setting and enhances local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

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 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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'*.

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 application relates to a grade II Listed Building which lies within Whitehaven Town Centre Conservation Area.

Support was received from a member of the public and Whitehaven Heritage Action Group, who were happy to see plans in place to improve and repair this derelict building.

The alterations are considered to be appropriate in terms of scale and design and are reasonably required to redevelop the vacant listed building. 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.

Additional details regarding the fascia band were sought and the amended shop front design with the fascia band being carried through to the end of the elevation along Duke Street is considered to give a more balanced appearance and improved design.

The replacement glazing will also provide a modern store front glazing system with associated safety and solar controlled glazing. 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 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, a roof terrace and a 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 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 considers 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. Although it was noted that if there is not substantial energy generation by these panels, that weakens the justification. The Conservation Officer notes that there may be significant shading of the panels by the top floor of the building and the surrounding buildings and therefore 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.

The Conservation Officer supports the high quality proposal and in applying the tests of the LBCA, the proposal would result in some enhancement and some harm to the Conservation Area. Utilising the terminology of the NPPF, the impacts would be less than substantial and great weight should be given to the public benefit and overall enhancement of the character and appearance of the Conservation Area.

The development would result in heritage related public benefits and wider economic and social benefits to the locality as outlined above. In weighing up these benefits against those adverse aspects identified, the proposal would provide a sufficient set of gains with which to outweigh the harm that would occur to the heritage assets, and so allow for a departure from the statutory duty of the LBCA in accordance with Paragraphs 189-208 of the NPPF.

On this basis, subject to the inclusion of relevant planning conditions, the proposal is considered to comply with Policies ENV4, DM10 and DM27 and the Conservation Area Design Guide and the Shopfront Design Guide.

Impact of Development on Residential Amenity

The application relates to a mixed use area within Whitehaven Town Centre and therefore the potential impact or disturbance on neighbouring amenity resulting from the proposed use is not considered to be unacceptable.

The use of roof terrace is considered to maximise the use of the building, although the impact on the neighbouring properties must be considered. The roof terrace will be stepped away from the neighbouring building, the Waverley Hotel by approximately 7 metres and it will include a glazed balustrade to mitigate potential impacts. A planning condition is proposed to restrict the use of the roof terrace to a seating/amenity area which is ancillary to the main use of the building and is clearly defined to a specific portion of the roof. On this basis, the roof terrace shown on the plan is considered to be acceptable, although a planning condition is proposed to restrict the hours of use to provide additional protection of residential amenity.

In addition, Environmental Health raised no objections to the proposal but suggested two conditions regarding a plant noise assessment and external lighting which are both considered to be reasonable.

On this basis, subject to the inclusion of the planning conditions outlined, the proposal will not cause an unacceptable harm to residential amenity within the immediate locality.

Accessibility

Policy DM22 requires development proposals to be accessible to all users.

Copeland Disability Forum raised questions regarding inward opening toilet doors and the accessibility and suitability of the lift for wheelchair users. In response to this the applicants agent submitted amended plans which specified outward opening doors and provided confirmation that the lift will be accessible/suitable for wheelchair users. The Copeland Disability Forum confirmed they fully support the application on the basis of these revisions.

Additional details from the agent also confirmed that the design will need comply with Part M of the Building Regulations to ensure there is an access suitable for wheelchair users and mobility scooters.

Overall, the proposal is considered to be accessible to all in accordance with Policy DM22.

Highway Safety and Parking

Policy DM22 requires development proposals to be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet adopted car parking standards.

The application site lies within the town centre boundary and therefore benefits from good public transport provision. The Highway Authority noted this and raised no objections to the application.

On this basis, the proposal is considered to satisfy Policy DM22 and the Cumbria Development Design Guide.

Flood Risk and Drainage

Policy ENV1 sets out an approach to ensure that new build development is not prejudiced by flood risk. Any risk should be managed appropriately. Policy DM24 seeks to ensure that new development is not at unacceptable risk of flooding and appropriate mitigation measures should be provided where necessary.

The application site is located within Flood Zone 1, which has a low probability of flooding and the application relates to an existing building. As the building is already connected to the existing drainage system and no alterations are proposed to change this connection, the LLFA have raised no objections to the proposal.

On this basis, the proposal is considered to satisfy Policies ENV1 and DM24.

Planning Balance

The existing former Whittles building is currently vacant and is in a very poor condition. It occupies a prominent location within the town centre and currently has a negative impact on the character and appearance of this part of the Conservation Area.

The application seeks planning permission for various alterations to secure a refurbishment of the existing building and allow its use to be changed to form a community digital hub and café.

The proposal is considered to provide an appropriate and viable use which will provide sustainable employment and community space within Whitehaven Town Centre. The proposed use is considered to be appropriate for this town centre location and the design proposals to alter and refurbish the building are considered to be sympathetic and respect the character of the historic building and the wider Conservation Area.

Amendments have been secured to improve the shop front design and also to ensure that the building is fully accessible.

In applying the tests of the LBCA, the proposal would result in some enhancement and some harm to the identified heritage assets. Although all significant heritage aspects of the building are considered to be preserved and therefore despite some less-than-substantial harm being identified above, the justification in the Heritage Statement and wider public benefits are considered to outweigh any potential harm and so satisfy the tests of the LBCA. Great weight should be given to the economic and social public benefit and overall preservation and enhancement of the character and appearance of the Conservation Area.

No issues are arising in respect of neighbouring amenity, accessibility, highway safety, flood risk subject to the planning conditions proposed.

In the context of the above, the proposal is considered to accord with the relevant provisions of the development plan and the NPPF and the application is therefore recommended for approval subject to the planning conditions as outlined below.

Recommendation:-

Approve subject to the following conditions

Conditions

Standard Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by 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 received by the Local Planning Authority on 17th August 2021.

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

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.

Prior to Occupation/First Use Conditions:

5. 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

For the avoidance of doubt and to ensure that the impact of the PV panels is minimised to protect the character and appearance of the building and the wider Conservation Area.

6. 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

In order to protect occupiers of the surrounding residential properties and in the interests of visual amenity.

7. Prior to the installation of any plant or equipment capable of causing nuisance from noise and vibration, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant and in accordance with British Standard 4142 2014 should be made. Any mitigation measures identified within the noise assessment shall be implemented before the plant or equipment is operational.

Reason

In order to protect the amenity of the occupiers of the surrounding residential properties.

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

In the interest of visual amenity.

Construction:

9. During the construction phase, development shall take place during the following hours and at no other times whatsoever:

Monday to Friday – 08:00 – 18:00

Saturday – 08:00 – 13:00

Reason

In order to ensure a reasonable standard of amenity for the surrounding properties.

Restrictions on Use:

10. The use of the roof terrace shall be restricted to a seating/amenity area which is ancillary to the main use of the building and shall not extend outside the area highlighted as 'Zone B' and must not include the area shown as 'Zone A' on the approved Proposed Third Floor Plan reference AS21.35.L.02.04 Rev P1 received by the Local Planning Authority on 4th November 2021.

Reason

To minimise potential disturbance to nearby residents as a result of noise.

11. There shall be no operational use of the roof terrace hereby approved between the houses of 21:00 and 09:00 on any day.

Reason

To minimise potential disturbance to nearby residents as a result of noise.

12. The café use hereby approved shall only open to the public between the hours of Monday to Sunday 08:00 to 22:00.

Reason

In the interest of neighbouring amenity.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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.