

North Yorkshire Council
Community Development Services
Scarborough and Whitby Constituency Committee

13 JULY 2023

**ZF23/00616/LB - REFURBISHMENT WORKS INCLUDING A NEW LEVELLED
STEPPED ACCESS PLATFORM, POWER AND LIGHTING, EXTERNAL AND
INTERNAL REPAIRS, AND ALTERATIONS TO THE FIRST FLOOR INCLUDING
UPGRADING THE BUILDING FABRIC, SERVICES AND WC/ KITCHENETTE
FACILITIES. AT OLD TOWN HALL CHURCH STREET WHITBY NORTH
YORKSHIRE YO22 4AE ON BEHALF OF NORTH YORKSHIRE COUNCIL
(KERRY LEVITT)**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

1.1 To determine Listed Building Consent application ZF23/00616/FL for works to the Old Town Hall and the associated Market Place, Whitby.

1.2 In accordance with the North Yorkshire Scheme of Delegation, the application has been brought to the meeting of the Committee as the Council is the applicant.

2.0 EXECUTIVE SUMMARY

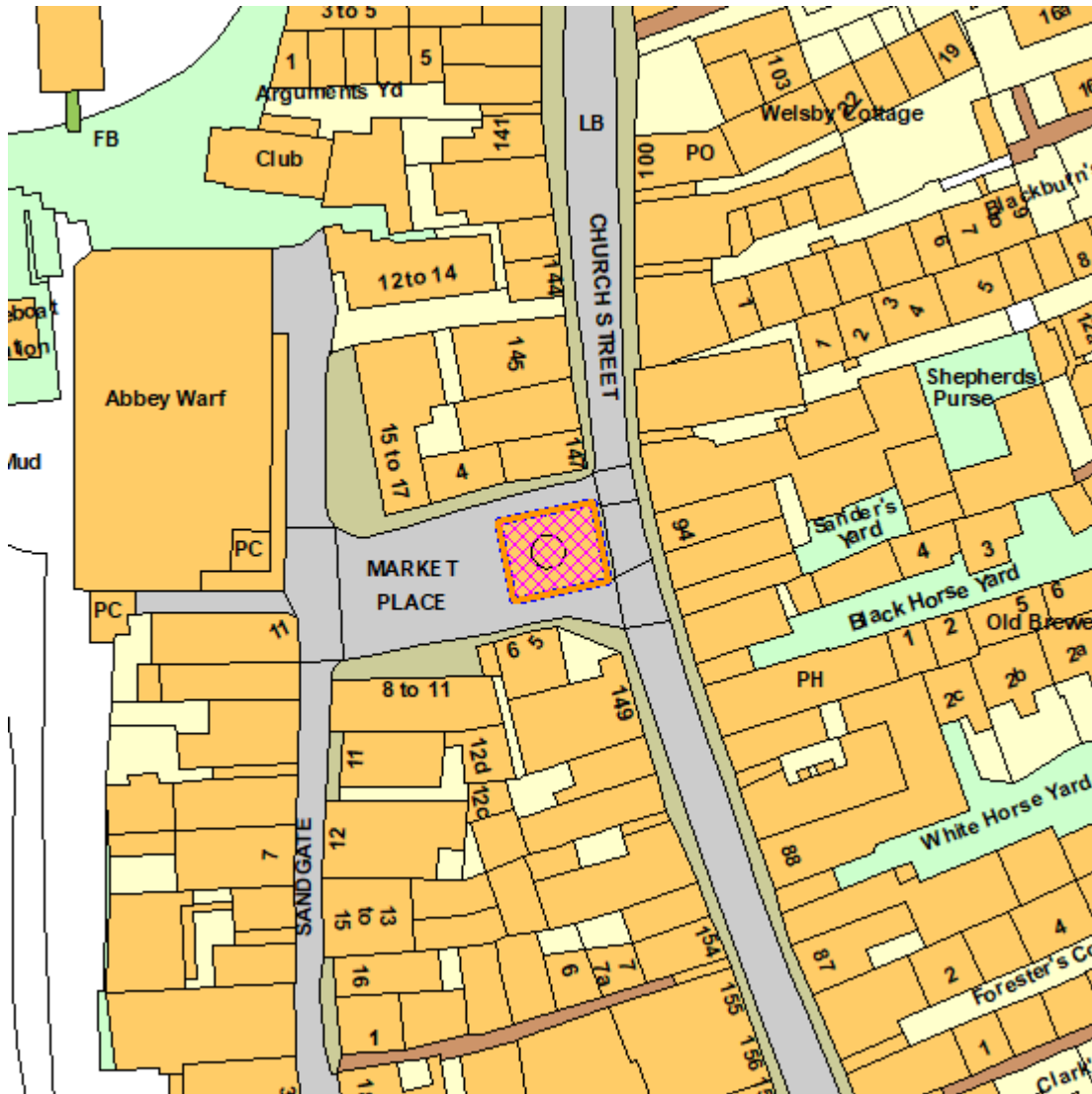
RECOMMENDATION: That Listed Building Consent be GRANTED subject to the conditions set out at the end of this report

2.1 This application relates to the Grade II* Listed Old Town Hall building and its associated Market Place and seeks Listed Building Consent for: 1) repair and restoration of the Old Town Hall building together with the installation of kitchenette and WC at first floor; and, 2) works centring on the levelling of the Market Place.

2.2 The core issue for consideration is whether or not the proposed works will preserve the special interest of the Listed Building comprising the Old Town Hall and the associated Market Place. The application has received a letter of support from Historic England, the expert agency on matters relating to England's historic buildings and places and a statutory consultee in this case. Its view is that the works will preserve and enhance the special interest of the Listed Building. It is recommended that overriding weight is assigned to the Historic England expert advice and as such the application is recommended for approval.



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3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here:

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RSJNPWNSJ8D00>

4.0 Site

4.1 History:

By way of a brief history of the Grade II* Listed Old Town Hall, it is located within the East Cliff area of Whitby on Church Street. After the dissolution of the monasteries in 1538, the Cholmley family bought Whitby abbey and a number of other buildings in Whitby. Nathaniel Cholmley commissioned Jonathan Pickernell of Whitby to build the classical Town hall in 1788. This was a notable choice because Jonathan Pickernell was also responsible for building the Grade II listed West Pier in Whitby between 1734 and 1817; his buildings are some of Whitby's defining landmarks.

4.2 Physical appearance and characteristics of the Listed Building:

a) Ground Floor and Market Square

The Market Square slopes down towards the harbour, there is level access from Church Street to the East side of the building and stepped access from the Market Square. The Ground Floor is open. The building itself is supported at the ground floor either side by 4 sandstone Doric columns and a central pillar/staircase. The Central circular stone rotunda staircase is entered from the East side of the market square through a timber curved door.

b) First Floor

The central spiral stone rotunda staircase with a cast iron balustrade leads up to the middle of the first floor room. The West elevation is occupied by 3 Venetian sash windows, the central window has a tympanum fanlight. Above the central window is the Cholmley Coat of arms. The North and South Side elevations show a central Venetian sash window with two blind windows either side. The rear elevation shows blind windows to mirror the West elevation. Above the blind window is a glazed metal circular window.

c) Roof

The pitched Welsh slate roof is surmounted by a rectangular clock tower with gilded figures and hands on all sides. An octagonal arcaded louvred domed bell-cote with gold ball and fish vane sits atop.

d) Walls

The External walls of the building are built of hewn sandstone/ashlar. The stonework of the upper floor has open joints, particularly below the windows with varying levels of repair over the years. The internal walls are lath and plaster wall with two six

panelled doors either side of a fireplace, one leading to a narrow timber staircase to the clock turret, the other concealing a cupboard.

e) Windows/Doors

The timber Venetian sash windows that occupy the first floor are the original configuration. The east front has a round window in tympanum, but the Venetian window below is blind. The North and South sides have one double-hung sash window flanked by blind windows.

f) Floors

The Town Hall has original stone pavers in the undercroft surrounded by stone cobbles beyond.

5.0 Description of Proposal

The following works are proposed to the Old Town Hall building:

- a) Existing roof slates and felt removed, slates set aside for re-use. Badly decayed timber replaced with sections to match existing in size, profile and jointing (scarfed) technique. Existing lantern dismantled and condition checked, any decaying structure replaced using like-for-like materials, design and original construction techniques. New louvred vents installed to mitigate rainwater ingress to match existing like-for-like. Slates re-laid onto new battens/ counter battens with new felt / breather membrane.
- b) Existing undercroft paving stones lifted and re-laid level with new stones to match existing used where necessary.
- c) The installation of new services cupboards/ boxing in each corner of the together with soil and vent pipe and water services to new WC and kitchenette space at the first floor (see application ZF23/00616/LB).
- d) The stripping out of the undercroft ceiling and the installation of new internal suspended ceiling with recessed lighting.
- e) The installation of a cleaner's sink within central rotunda.
- f) The upgrading of all interior services, repair and decoration works within the Old Town Hall.
- g) The reconfiguration of all elements of the plan such as door locations, the removal and reinstatement of partitions and fireplace at first floor level.
- h) The stripping out of non-original timber elements of balustrading and benching to expose historic features. This includes upgrading the balustrading to meet current regulations.
- i) The fitting of missing dado rails, skirting and picture rails to match existing locations around the perimeter of the first floor.
- j) The installation of a WC and associated works.
- k) The installation of a kitchenette including sink, joinery and associated works.
- l) The installation of insulation within the first floor and roof void.

The following works are proposed to the Market Place:

- a) The creation of a single levelled platform with Disability Discrimination Act compliant stepped access, The platform would have a stone finish to match the

- undercroft interior of the Old Town Hall and would be accessible directly from the ground floor of the undercroft, linking the interior and exterior;
- b) The fitting of metal balustrades to the platform in the Market Place to meet current safety regulations;
 - c) The installation of floor boxes and recessed anchor points (with stone lids) in the Market Place for electric provision within the space;
 - d) Associated landscaping work to meet the current Building Regulations including tactile paving and inset anti-slip stair treads.

6.0 Planning Policy and Guidance

6.1 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in considering whether to grant listed building consent for any works the local 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. The following contains policy and guidance pertinent to the making of such an assessment.

Adopted Development Plan

- 6.2 The Adopted Plan for this site is:
- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

Emerging Development Plan - Material Consideration

6.3 There is no emerging development plan which covers the application site.

Guidance

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide
- The Whitby Conservation Area Character Appraisal and Management Plan

7.0 Consultation Responses

7.1 The following consultation responses have been received and have been summarised below.

7.2 Whitby Town Council: No objection

7.3 Historic England:

The Old Town Hall in Whitby is a relatively small but very iconic landmark building. It dates from the 18th century and was built as the jewel in the crown of the marketplace, overlooking the market which still takes place today.

We support the proposal to sensitively increase the use of this distinctive building. Opening up the first floor for a range of uses such a venue the local community and events is a positive way of engaging with the story of the building and allowing people to experience its distinctive architectural character.

We consider that the proposal strikes the correct balance between expanding the facilities on offer to cater for the increased use, whilst thoughtfully responding to the special architectural and historic interest of the building. Therefore, in our view, the proposal addresses 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapters 12 and 16 of the National Planning Policy Framework (NPPF). We therefore fully support this proposal.

7.4 Amenity Societies: No comment received to date.

7.5 There have been 14 letters received by the Local Planning Authority in objection to the application. These are from local residents and make the following points:

- Sympathetic restoration is required but these are destructive proposals;
- There is a presumption in favour of retaining the building as it is. The proposed platform and steps add nothing to the building and more space is taken from the Market Square. The slight (if any) economic uplift does not compensate for the loss of the building's historic form and fabric.
- Levelling of the Market Place amounts to destruction of the town's cultural heritage;
- The proposal will make the access situation in the locality even worse for all road users;
- The implementation of the works will impact on trade;
- The resulting trading spaces are insufficient.

8.0 Environmental Impact Assessment

8.1 Not relevant in this case; this application seeks consent for works to a Listed Building as opposed to development.

9.0 Main Issues

9.1. In line with the point of law set out at section 6, the sole consideration for the Committee is whether the proposed works preserve the building or its setting or any features of special architectural or historic interest which it possesses.

10.0 Assessment

10.1 Historic England is the expert agency on England's historic buildings and places and it is a statutory consultee in this case, being as the building in question is Grade II* Listed. The Council is reliant on its advice when considering development proposals impacting heritage assets of the highest importance.

Market Place levelling

10.2 On the points of the Market Place levelling and works to the Old Town Hall undercroft, Historic England notes that the relationship the building has to its historic context, the layout of the surrounding streets and historic buildings (including Listed Buildings), is very important. It goes on to point out that a key aspect of its significance is how people have been able to experience the building as its design intended. The open arcades not only define the form of the ground floor space and support the upper floor, they are a key, distinctive feature of the Listed Building that can be experienced 'in the round', similar to the distinctive central spiral staircase.

10.3 Setting out its support for the application, Historic England states that the levelled and stepped access platform, power and lighting will all help to increase the accessibility of the building, which mated with the proposed uses will allow people to further engage with the building. This in turn will have a positive impact on the significance of the building.

Works to the Old Town Hall

10.4 Turning to the restoration works to the Old Town Hall building itself, in the view of your Officers these will secure the physical integrity of the Listed Building and are necessary for its conservation.

10.5 On the point of the installation of a kitchenette and WC, these works will be light-touch with minimal intervention into the historic fabric. The installation of these elements will allow for the increased use of the building which in turn will help to secure its long term conservation and allow more people to appreciate its significance.

10.6 Taking into account the Historic England advice, your Officers consider the proposals to accord with Policy DEC5 of the Local Plan and the requirements of Sections 16(2) of the Act are considered to have been met.

11.0 Planning Balance and Conclusion

11.1 The core issue for consideration is whether or not the proposed works will preserve the special interest of the Listed Building comprising the Old Town Hall and the associated Market Place. The application has received a letter of support from Historic England, the expert agency on matters relating to England's historic buildings and places and a statutory consultee in this case. Its view is that the works will preserve and enhance the special interest of the Listed Building. It is recommended that overriding weight is assigned to the Historic England expert advice and as such the application is recommended for approval.

12.0 RECOMMENDATION

12.1 That Listed Building Consent be GRANTED subject to the conditions set out below:

- 1 Except for where may be modified by the conditions of this consent, the works shall be implemented in accordance with the following plans and details:

Site Location Plan Dwg No. 1594-BFF-ZZ-GF-M2-A-0095-P1 received 3rd April 2023;

Site Location and Block Plan Dwg No. 1594-BFF-ZZ-GF-M2-A-0096-P1 received 3rd April 2023;

Proposed Block Plan Dwg No. 1594-BFF-ZZ-GF-M2-A-0400-P1 received 3rd April 2023;

Proposed Ground Floor Plan Dwg No. 1594-BFF-ZZ-GF-M2-A-0402-P1 received 3rd April 2023;

Proposed Ground Floor Plan (Strip Out) Dwg No. 1594-BFF-ZZ-GF-M2-A-0200-P1 received 3rd April 2023;

Proposed Ground Floor Plan (Strip Out) Dwg No. 1594-BFF-ZZ-GF-M2-A-0201-P1 received 3rd April 2023;

Proposed Ground Floor Market Place Dwg No. 1594-BFF-ZZ-GF-M2-A-0401-P1 received 3rd April 2023;

Proposed Ground Floor Market Place Dwg No. 1594-BFF-ZZ-GF-M2-A-0401-P1 received 3rd April 2023;

Proposed Ground Floor Market Place Materials Dwg No. 1594-BFF-ZZ-GF-M2-A-0401B-P1 received 3rd April 2023;

RCP Proposed Ground Floor Plan Dwg No. 1594-BFF-ZZ-GF-M2-A-0450-P1 received 3rd April 2023;

Proposed Roof Plan (Strip Out) Dwg No. 1594-BFF-ZZ-RF-M2-A-0203-P1 received 3rd April 2023;

Proposed Roof Void Plan Dwg No. 1594-BFF-ZZ-RF-M2-A-0404-P1 received 3rd April 2023;

Proposed Roof Plan Dwg No. 1594-BFF-ZZ-RF-M2-A-0405-P1 received 3rd April 2023;

Repairs West Elevation Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0500-P1 received 3rd April 2023;

Repairs East Elevation Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0501-P1 received 3rd April 2023;

Repairs North Elevation Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0502-P1 received 3rd April 2023;

Repairs South Elevation Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0500-P1 received 3rd April 2023;

Proposed West Elevation Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0600-P1 received 3rd April 2023;

Proposed South Elevation Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0601-P1 received 3rd April 2023;

Proposed North Elevation Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0602-P2 received 26th May 2023;

Proposed East Elevation Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0603-P1 received 21st May 2023;

Proposed Section AA Landscape Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0700-P1 received 3rd April 2023;

Proposed Section AA Platform Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0701-P1 received 3rd April 2023;

Proposed Section AA Building Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0702-P1 received 3rd April 2023;

Proposed Section DD Kitchen, Joinery and WC Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0703-P1 received 3rd April 2023;

Proposed Section EE Dwg No. 1594-BFF-ZZ-ZZ-M2-A-0704-P1 received 3rd April 2023.

Reason: To avoid doubt and to ensure the special interest of the Listed Building is preserved.

- 2 Notwithstanding any indication contained on the approved drawings, samples of all top-layer hard surface materials for the raised Market Place shall be made available for inspection on-site by the Local Planning Authority before any top-layer hard surfacing takes place. All surfaces shall be finished in accordance with the samples prior to the first use of the development.

Reason: To ensure the special interest of the Listed Building is preserved.

- 3 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

Reason: To ensure the special interest of the Listed Building is preserved.

- 4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

Reason: To avoid doubt and to ensure the special interest of the Listed Building is preserved.

Target Determination Date: 21 July 2023

Case Officer: Mr Daniel Metcalfe
daniel.metcalfe@northyorks.gov.uk