

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2205/0L1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR REPLACEMENT OF FOUR WHITE uPVC DOUBLE GLAZED WINDOWS WTH NEW uPVC DOUBLE GLAZED WINDOWS ON FRONT OF PROPERTY
3.	Location:	5 HAMILTON TERRACE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION This application relates to 5 Hamilton Terrace, a mid terraced property located in the Corkickle area of Whitehaven. The property is Grade II Listed and situated within the Corkickle Conservation Area.</p> <p>PROPOSAL Listed Building Consent is sought for the replacement of four white UPVC double glazed windows with new UPVC double glazed windows on the front of the property. The windows will be made to fit on a like for like basis to those which are existing.</p> <p>RELEVANT PLANNING APPLICATION HISTORY Replacement of windows, approved in December 1987 (application reference 4/87/1008/086 relates); Extension and alteration to form utility room and work room, approved in 1993 (application reference 4/93/0160/0 relates);</p>

New roof with 2 no. skylights, approved in 1994 (application reference 4/94/0370/0 relates); Listed Building Consent to replace the existing UPVC double glazed windows with 2 dormer windows on front elevation with new white UPVC double glazed windows, approved in September 2019 (application reference 4/19/2250/OL1 relates).

CONSULTATION RESPONSES

Town Council – No comments received

Conservation Officer – Although these units do not complement the building well, as the current windows are consented and make no contribution to its significance, their replacement with almost identical units will have no effect on its heritage significance.

Public Representation

The application has been advertised by way of a site notice, press notice and neighbour notification letters issued to 2 no. properties.

No consultation responses have been received.

PLANNING POLICY

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 (NPPF)

Conservation Area Design Guide SPD December 2017 (CADG)

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

ASSESSMENT

Policies ENV4 and DM27 of the Copeland Local Plan relate to the protection and enhancement of the

	<p>Conservation Area and Listed Buildings and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the local plan requires good design.</p> <p>The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.</p> <p>Section 66.1 requires that: <i>'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'</i>.</p> <p>Section 72 requires that: <i>'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'</i> of a conservation area.</p> <p>Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.</p> <p>The proposed works are modest with the replacement of 4 windows on the front of the dwelling on a like for like basis. The UPVC windows were granted Listed Building Consent in 1987 and have been retained since. The Conservation Officer was of the view that although these units do not complement the building well, as the current windows are consented and make no contribution to its significance, their replacement with almost identical units will have no effect on its heritage significance. Further to this, the windows will be a similar replacement to the existing therefore not creating further harm to the Listed Building or surrounding Conservation Area. In general terms the replacement of the windows is encouraged as it will ensure the longevity of the building and protect and enhance the Listed Building for the future.</p> <p>No objections have been received to the proposal.</p> <p><u>Conclusion</u></p> <p>Overall the alterations are considered to have a beneficial impact on the Conservation Area and Listed Building and preserve and maintain its character and appearance when considered in the context of the existing situation where Upvc window frames are in existence within the existing openings. The application is considered to be in accordance with the requirements of the Copeland Local Plan and the other material planning considerations.</p>
8.	<p>Recommendation: Approve Listed Building Consent (start within 3yr)</p>

9.	<p>Condition(s):</p> <p>1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.</p> <p>Reason</p> <p>To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, Title Number CU164971, received 18th April 2020; Photographs and Specifications of windows, received 18th April 2020; Window surveys, received 18th April 2020; Design and access statement, received 18th April 2020; Heritage statement, received 18th April 2020.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Informative</p> <p>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</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant Planning Permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: S. Papaleo	Date : 27/07/2020
Authorising Officer: N.J. Hayhurst	Date : 28/07/2020
Dedicated responses to:- N/A	