



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2030/OB1
2.	Proposed Development:	VARIATION OF CONDITION 2 (CHANGES TO WINDOW SPECIFICATIONS) OF LISTED BUILDING CONSENT 4/20/2205/OL1
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: SITE AND LOCATION <p>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> PROPOSAL <p>This variation of condition application seeks to vary condition 2, relating to the plans approved. This is to allow for the addition of Georgian Fret Bars to the window specification.</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);

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 4/19/2250/0L1 relates).

Listed Building Consent for replacement of four white uPVC double glazed windows on front of property, approved in July 2020 (application reference 4/20/2205/0L1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council – No objections.

Conservation Officer - This proposal seeks to add Georgian bar within the glazed units to resemble a six-over-six pane arrangement, more closely matching the design of the neighbouring properties.

A plant-on astragal combined with spacer bars will give a far more convincing impression than Georgian bar owing to the reflectiveness of the glass (as the reflections are on top of the bar, which upsets the illusion).

Plant-on glazing bars would be a much better solution, so would the applicants agree to make use of these instead?

Further to a response from the Applicant to say that their preference is for Georgian style fret bars and that they believe these will provide sufficient enhancement to the property, the Conservation Officer raised no objections to the proposal.

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 2019 (NPPF)

Conservation Area Design Guide SPD December 2017 (CADG)

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

The Planning Practice Guidance (NPPG)

This web based resource was launched in March 2014 by the Department for Communities and Local Government (DCLG).

This outlines that an application can be made under Section 73 of the Town and Country Act 1990 to vary a condition associated with a permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission which remains intact and unamended. To assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

ASSESSMENT

The application seeks to vary the planning condition that relates to the detail of the approved windows. The Applicant is seeking to add Georgian fret bars to the windows as a design feature.

The Conservation Officer considered that the use of plant-on astragal bars would be more in keeping with the Listed Building, however the Applicant re-stated their preference for fret bars. Given that the Conservation Area and Listed Building will not be subject to any more harm than will result from the already consented uPVC windows, the Conservation Officer stated that he was *“unable to view it as anything more objectionable than a missed opportunity”*. On this basis, the information is considered to be satisfactory.

All other details of the previously approved development have remained the same.

	<p>PLANNING BALANCE AND CONCLUSION</p> <p>In my opinion, the revised information which seeks to amend the originally approved condition, satisfies the policy criteria and is considered to be in keeping with the surrounding properties. It would not harm the character and appearance of either the Listed Building or the Conservation Area.</p> <p>Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPG and the policies within the adopted Local Plan.</p>
8.	<p>Recommendation: Approve amendment of condition</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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; Heritage Statement, received 1st February 2021; Design and Access Statement, received 1st February 2021.</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.</p> <p>Further information is also available on the Coal Authority website at:</p>

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 a variation of condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 15/03/2021

Authorising Officer: N.J. Hayhurst

Date : 22/03/2021

Dedicated responses to:- N/A