

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2540/0L1
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT TO INSTALL TWO BOILER FLUES
3.	<b>Location:</b>	LYNDHURST, 3 VICTORIA TERRACE, CORKICKLE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Development Referral Area - Data Subject to Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: NO  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to Lyndhurst, 3 Victoria Terrace, a Grade II end-of-terrace property situated within Whitehaven.</p> <p>The property is a residential dwelling and is situated at the end of a row of other listed properties.</p> <p>The listing entry for the property states the following:</p> <p>VICTORIA TERRACE 1. 1814 Nos 1 to 3 (consec) NX 91 NE 2/135 NX 9717 NE 9/135</p> <p>II 2. Probably circa 1830. Stuccoed terrace of 3 larger houses, 2 storeys, with dormers. Cornice, band, and double pilasters. 4 bay windows on ground floor, and 7 windows above (2 triple sashes with pediments). No 1 has Tuscan distyle portico.</p> <p>Listing NGR: NX9787817502</p>

## **PROPOSAL**

Listed Building Consent is sought for the installation of two new boiler flues. The new flue pipes will run horizontally in a southwesterly direction from the new boilers in the boiler room through to the outside of the southwestern side elevation of the rear annexe of the building.

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for:

- The reinstatement of single private dwelling (ref: 4/03/1140/0);
- The installation of a flue to the roof (ref: 4/11/2472/0F1);
- The installation of side boundary fencing (ref: 4/20/2298/0F1).

Listed Building Consent has previously been granted for:

- The installation of a wood burning stove in an existing fireplace and the addition of a flue to the roof (ref: 4/11/2471/0L1);
- The erection of a satellite TV dish (ref: 4/11/2541/0L1);
- The installation of side boundary fencing (ref: 4/20/2299/0L1).

## **CONSULTATION RESPONSES**

Whitehaven Town Council – No comments received.

Conservation Officer – No objections.

### Public Representation

The application has been advertised by way of a site notice.

No consultation responses have been received as a result of this advertisement.

## **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)

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

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently 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**

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings and their settings.

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 16.2 requires that: *'In considering whether to grant listed building consent for any works the local planning authority or 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'.*

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.

Justification for the proposed works and the need for dual flues and dual boilers have been provided by the applicant as it will provide more flexibility, energy efficiency and better use of space.

The flues will be small and suitably located within a discreet location while improving the building's energy efficiency. The works are therefore modest in scale and have been designed to preserve the character of the property.

Additional supporting photos have also been provided of the intended pathway of the flues and the Conservation Officer therefore considered that the proposal would entail less-than-substantial harm, towards the negligible end of the scale.

	<p>On this basis, the works are justified and the benefits will outweigh the any harm.</p> <p>The Conservation Officer has raised no objections to the proposed flues and therefore the proposal is considered to meet Policy DM27, thereby satisfying the duties and test set out in the LBCA and the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposal is considered to have a negligible harm to the character of the Listed Building and therefore, in applying the tests of the Copeland Local Plan 2013-2028, the LBCA and the NPPF, the proposal would preserve the heritage significance of the listed building. The application is therefore considered to be an acceptable form of development.</p>
8.	<p><b>Recommendation:</b> Approve Listed Building Consent (start within 3yr)</p>
9.	<p><b>Conditions:</b></p> <p>1. The works hereby permitted must be commence 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. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, received 7<sup>th</sup> December 2021;  Block Plan, scale 1:200, received 7<sup>th</sup> December 2021;  Existing and Proposed Floor Plan, scale 1:100, received 7<sup>th</sup> December 2021;  Existing Elevations, scale 1:100, received 7<sup>th</sup> December 2021;  Proposed Elevations, scale 1:100, received 7<sup>th</sup> December 2021;  Design Access and Heritage Statement, scale 1:100, received 7<sup>th</sup> December 2021;  Photos A and B, received 6<sup>th</sup> January 2022.</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><b>Statement</b></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 Listed Building Consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<b>Case Officer: C. Unsworth</b>	<b>Date : 25/01/2022</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 25/01/2022</b>
<b>Dedicated responses to:- N/A</b>	