

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2543/0L1
2.	Proposed Development:	INSTALLATION OF A SMALL CONDENSING BOILER FLUE ON THE SIDE ELEVATION AS PART OF A NEW INTERNAL HEATING SYSTEM
3.	Location:	FLAT 3, 12 CROSS STREET, 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: NO Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to Flat 3, 12 Cross Street, a Grade II terraced property situated within Whitehaven Town Centre.</p> <p>The listing entry for the property states the following:</p> <p align="center">CROSS STREET 1. 1814 No 12 NX 9717 NW 4/23 II GV 2. Early Georgian. Circa 1730/40.</p> <p>Higher than others in the street. 3 storeys. Frieze band and eaves cornice. Doorway with Doric pilasters, raking pediment and original door. 2 sash windows on ground floor, and 3 on each upper floor with moulded architraves and stone sills. Nos 1 to 12 (consec) form a group.</p> <p>Listing NGR: NX9724417958</p>

PROPOSAL

Listed Building Consent is sought for the installation of a boiler flue. The proposed flue will be located on the north facing side elevation, above the neighbouring properties roof at the third floor level. The proposed material will be black plastic to match the two existing flues on the front elevation of the building.

This application is submitted in tandem with Planning Application reference 4/21/2548/0F1.

RELEVANT PLANNING APPLICATION HISTORY

Listed Building Consent has previously been granted for:

- The replacement of external door and kitchen window (ref: 4/10/2178/0L1);
- The installation of a new wooden external door and frame to rear and outlet for boiler on front elevation (ref: 4/11/2211/0L1);
- The replacement of windows and doors (ref: 4/16/2124/0L1).

CONSULTATION RESPONSES

Whitehaven Town Council

No comments received.

Conservation Officer

No objections.

12 Cross Street is higher than its surroundings, meaning that Flat 3 on the top floor has a side gable, which has been proposed as the location for this boiler flue. The flue will be subtle in appearance, as discreetly located as practicable, and justifiable in the course of giving the flat a more efficient heating system.

I would view this proposal as entailing negligible impact on both the building and conservation area.

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’.*

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.

Justification for the proposed flue has been provided by the applicant, as it will form part of a new

	<p>internal heating system to provide more energy efficient heating.</p> <p>The flue 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 it will be subtle in appearance to preserve the character of the property. The Conservation Officer therefore considered that the proposed flue would entail negligible impact on both the listed building and the conservation area.</p> <p>On this basis, the works are justified and the benefits will outweigh the any harm.</p> <p>The Conservation Officer raised no objections to the proposed flue 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 the conservation area 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 and the conservation area. The application is therefore considered to be an acceptable form of development.</p>
8.	<p>Recommendation: Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The works hereby permitted must commence before the expiration of three years from the date of this consent. <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> <ol style="list-style-type: none"> 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>Site Location Plan, scale 1:1250, received 9th December 2021; Land Registry Title Document, received 9th December 2021; Proposed Position of Flue and Flue Details, received 9th December 2021; Design, Access and Heritage Statement, received 9th December 2021.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990,</p>

as amended by the Planning and Compulsory Purchase Act 2004.

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 Listed Building Consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Unsworth

Date : 28/01/2022

Authorising Officer: N.J. Hayhurst

Date : 31/01/2022

Dedicated responses to:- N/A