



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2548/OF1
2.	Proposed Development:	INSTALLATION OF AN EXTERNAL FLUE ON SIDE ELEVATION
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: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to Flat 3, 12 Cross Street, a Grade II terraced property situated within Whitehaven Town Centre. PROPOSAL Planning Permission is sought for the installation of a boiler flue. The proposed flue will be located on the north facing side elevation and will be located above the neighbouring properties roof at the third floor level. It will be black in colour and plastic material to match the two existing flues on the front elevation of the building.	

This application is submitted in tandem with the Listed Building Consent reference 4/21/2543/OL1.

RELEVANT PLANNING APPLICATION HISTORY

Listed Building Consent has previously been granted for:

- The replacement of external door and kitchen window (ref: 4/10/2178/OL1);
- The installation of a new wooden external door and frame to rear and outlet for boiler to front elevation (ref: 4/11/2211/OL1);
- The replacement of windows and doors (ref: 4/16/2124/OL1).

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 DM18 – Domestic Extensions and Alterations

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

The key issues raised by this proposal are the principle of the development, its scale and design and its impact on the heritage asset.

Principle of the Development

This application seeks planning permission for the installation of a boiler flue to provide more energy efficient heating within the third floor flat. Policy DM18 supports alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2 and DM18 of the Local Plan and the NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The proposal is considered to be modest in scale and appropriately located on the side elevation of the flat. In addition, the choice of materials match the existing flues on the front of the building and as it will be located at third floor level, it will not be excessively prominent within the street scene.

On balance, the proposal is considered to satisfy Policy DM10 and DM18 and the NPPF guidance.

Impact on the Heritage Asset

	<p>Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings and their settings.</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 16.2 requires that: <i>‘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’.</i></p> <p>Section 72 requires that: ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance’ 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>Justification for the proposed flue has been provided by the applicant as it will part of a new internal heating system to provide a 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 flues 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 of an appropriate scale and design and it is considered to have a negligible harm to the character of the Listed Building and the conservation area. 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 and therefore the application is considered to be an acceptable form of development.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission.

	<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>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 25th November 2021; Block Plan, scale 1:500, received 25th November 2021; Proposed Position of Flue and Flue Details, received 25th November 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>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 Listed Building Consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>	
Case Officer: C. Unsworth		Date : 09/02/2022
Authorising Officer: N.J. Hayhurst		Date : 09/02/2022
Dedicated responses to:- N/A		