



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2314/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT TO REPLACE 3 NO. uPVC DOUBLE GLAZED FIXED PANE WINDOWS AT THE REAR GROUND FLOOR WITH ONES THAT HAVE AN OPENING WINDOW; SPECIFICATION OF THE DESIGN OF NEW EXTERNAL DOOR (DOOR OPENING APPROVED UNDER 4/21/2207/0F1)
3.	Location:	76-77 LOWTHER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Development Referral Area - 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</p> <p>This application relates to 76-66 Lowther Street, a Grade II Listed terraced property situated within Whitehaven town centre.</p> <p>The property comprises a residential apartment and printworks on the ground floor with flats on the upper floors. The building is situated within the Whitehaven Conservation Area and is Grade II Listed.</p> <p>The listing entry for the property states the following:</p>

LOWTHER STREET 1. 1814 (North East Side) Nos 75 to 77 (consec) NX 9718 SE 5/171

II GV 2. Stuccoed, 3 storeys. 2 doorways with pediments and traceried round-arched fanlights. 11 windows on upper floors, sashes, but glazing bars removed except from No 77.

Nos 75 to 77 (consec) form a group.

Listing NGR: NX9752718013

Many alterations have been undertaken to the property, with it believed there was a complete rebuild sometime in the 70s. As a result, the building no longer has any traditional features and has had UPVC windows for many years.

PROPOSAL

Listed Building Consent is sought for the replacement of 3 UPVC double glazed fixed pane windows at ground floor level on the rear elevation of the building, with new opening UPVC windows.

RELEVANT PLANNING APPLICATION HISTORY

Listed building consent for works associated with the change of use from shop and printworks to 3 bedroomed apartment and printworks, approved in August 2021 (application reference 4/21/2206/OL1 relates);

Change of use from shop and printworks to 3 bedroomed apartment and printworks, approved in August 2021 (application reference 4/21/2207/OL1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

Description: Building was grade II listed in 1972. This was originally constructed (as the numbers suggest) as two separate properties sometime between 1735 and 1790. The buildings were extensively rebuilt at some point after 1978. Although I've not had sight of documents relating to the rebuild, evidence suggests it shortly post-dated the listing.

Conclusion: No objection

Assessment: I do not anticipate any harm to the significance of the asset or the character or appearance of the Conservation Area from these works, which are justified in meeting the need for a flat to have opening windows.

Public Representation

The application has been advertised by way of a site notice and press 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 (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local

Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

Relevant policies are as follows:

Strategic Policy DS1PI – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Strategic Policy BE1PU – Heritage Assts

Policy BE2PU – Designated Heritage Assets

ASSESSMENT

Principle of Development

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.

The heritage asset significance of the property is principally derived from its physical form/construction.

Works to be undertaken and their impact

Limited information has been provided by the Applicant in respect of the heritage asset significance of the property and the impacts of the proposed development; however, the proposals have been fully reviewed and assessed by the Conservation Officer of the Council.

	<p>The building has little to no heritage value remaining and the windows in the property have been fitted with UPVC frames for many years.</p> <p>The proposal is to replace the current non opening UPVC windows on the rear elevation with opening UPVC framed windows. The Conservation Officer has raised no objections to the proposal, stating that there would be unlikely to be any adverse impact on the heritage asset or the surrounding Conservation Area.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The Conservation Officer considers that the proposed works will not result in any harm to the heritage assets and it is considered that the replacement UPVC windows will provide betterment for the building. The works are therefore considered to be in accordance with Policy DM27 of the Copeland Local Plan.</p> <p>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 surrounding Conservation Area.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>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>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, received 27th July 2022; Site Plan, scale 1:500, received 27th July 2022; Heritage and Design and Access Statement, received 27th July 2022; Proposed Rear Elevation, scale 1:50, drawing number PP-REAR1A, received 27th July 2022; Rehau Technical Specification of Windows, received 27th July 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>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>	
<p>Case Officer: Sarah Papaleo</p>		<p>Date : 26/09/2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>		<p>Date : 30/09/2022</p>
<p>Dedicated responses to:- N/A</p>		