

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/20/2363/OF1
2.	<b>Proposed Development:</b>	REPLACEMENT WINDOWS TO REAR ELEVATION ONLY
3.	<b>Location:</b>	31, 31A, 31B, 32, 32A, 32B, 33, 33A, 33B DUKE STREET AND 112 & 112A QUEEN STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: YES</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p><b>Report:</b> SITE AND LOCATION</p> <p>This application relates to 31 ,31A, 31B, 32, 32A, 32B, 33, 33A and 33B Duke Street and 112 and 112A Queen Street, a block of flats located within the town centre of Whitehaven. The properties are within the Whitehaven Conservation Area.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the replacement of windows to the rear of the properties facing the central courtyard.</p> <p>There will be 3 styles of windows which will all be double glazed, white UPVC. The main windows will be sliding sash with 8 or 16 panes and the smaller windows will be single pane and with a reversible</p>	

opening.

#### RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

#### CONSULTATION RESPONSES

##### Consultees

Whitehaven Town Council – No objections.

Conservation Officer – Raised no objections as there will only be less than substantial harm to the character of the Conservation Area.

##### Public Representation

The application has been advertised by way of a site notice, press notice and consultation letter issued to 3 no. neighbouring properties.

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)  
Conservation Area Design Guide SPD December 2017 (CADG)  
Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

#### Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 is currently 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

Policies ENV4 and DM27 of the Copeland Local Plan relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the local plan requires good design.

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 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.*

Paragraph 196 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Paragraph 197 clarifies that *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

The flats subject to this application were built in the early 1980s replacing original Georgian buildings and therefore are not considered to be of historical importance.

	<p>The windows will replace the existing timber windows with UPVC equivalents. The location of the windows on the back of the properties and facing into the internal courtyard is only visible when viewed from inside the site. Although UPVC windows are usually discouraged within the Conservation Area, in this case it is considered that the windows will not have any effect on the street scene or the character of the Conservation Area.</p> <p>Comments were received from the Conservation Officer who advised that <i>“the proposal entails less-than-substantial harm to the character of the Conservation Area, therefore failing to preserve or enhance its character, but the scale of this harm is negligible and compensated for given the deficiencies of the current windows, several of which I was able to inspect and found inoperable”</i>.</p> <p>On the basis that the windows will provide betterment for the overall utilization of the building and its energy efficiency and will not create substantial harm to the Conservation Area, it is considered that the proposal complies with policies ENV4, DM10 and DM27 of the Copeland Local Plan and meets the tests set out in the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <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> <ol style="list-style-type: none"> <li>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: -</li> </ol> <p>Site Location Plan, scale 1:1250, drawing number Ref:01, received 14<sup>th</sup> September 2020;  Rear elevation Barrys Corner, drawing number Ref:02, received 14<sup>th</sup> September 2020;  Rear elevation Barrys Corner/Duke Street, drawing number Ref:03, received 14<sup>th</sup> September 2020;  Rear elevation Barrys Corner/Duke Street, drawing number Ref:04, received 14<sup>th</sup> September 2020;  Rear elevation Barrys Corner/Duke Street, drawing number Ref:05, received 14<sup>th</sup> September 2020;  Rear elevation Barrys Corner/Queen Street, drawing number Ref:06, received 14<sup>th</sup> September 2020;  Window ID1, drawing number Ref:07, received 14<sup>th</sup> September 2020;  Window details ID1, drawing number Ref:08, received 14<sup>th</sup> September 2020;</p>

Window ID2, drawing number Ref:09, received 14<sup>th</sup> September 2020;  
Window ID3, drawing number Ref:10, received 14<sup>th</sup> September 2020;  
Window details ID3, drawing number Ref:11, received 14<sup>th</sup> September 2020;  
Window details energy efficiency, drawing number Ref:12, received 14<sup>th</sup> September 2020.

**Reason**

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.

**Informative**

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.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer: Sarah Papaleo**

**Date : 03/11/2020**

**Authorising Officer: N.J. Hayhurst**

**Date : 09/11/2020**

**Dedicated responses to:-**