

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2144/OL1
2.	Proposed Development:	APPLICATION FOR LISTED BUILDING CONSENT FOR INTERNAL LAYOUT ALTERATIONS TO CREATE ENSUITE BATHROOMS INCLUDING THERMALLY UPGRADING THE INTERNAL FACE OF EXTERNAL WALLS. A NEW REAR EXTERNAL DOOR ALONG WITH REPLACING THE EXISTING REAR EXTERNAL DOOR WITH A WINDOW AND PAINTING THE BUILDING EXTERIOR, FRONT AND BACK.
3.	Location:	46 LOWTHER 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: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to the residential property, situated at 46 Lowther Street in Whitehaven. The building is mid terraced and located within the town centre and one of the busiest shopping streets in Whitehaven. The building is Grade II Listed, situated adjoining several Grade II Listed Buildings and within	

the Whitehaven Conservation Area.

The listing entry for the property states the following:

*LOWTHER STREET 1. 1814 (North East Side) Nos 44 to 47 (consec) NX 9718 SW 6/79
II GV*

2. C18. Similar in style to Nos 39 to 42 (consec) but simpler in detail. 3 storeys, stuccoed. Nos 44 and 45 are identical, with inset doors in moulded openings, 1 sash window on ground floor and 2 on each upper floor. No 46 has a panelled door up 3 steps with fanlight, in moulded doorcase with detached pediment, and a triple sash window on each floor. No 47 has a panelled door up 3 steps, with round-headed fanlight, in a round moulded arch on consoles, and 2 sash windows on each floor.

Nos 44 to 48 (consec) and Nos 37 to 42 (consec) form a group.

Listing NGR: NX9724318248

PROPOSAL

Listed Building Consent is sought for the alteration of the internal layout to create ensuite bathrooms including thermally upgrading the internal face of the external walls, a new rear external door, the replacement of a rear door with a window and the painting of the exterior of the building.

The new window and door are to be timber construction.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

1st response

Description: 46 New Lowther Street is a grade II listed, three storey mid-terraced town house with cellar. It dates from c.1720, with reconfiguration from the 18th, 19th and 20th centuries.

Conclusion: Request further information and design revision

Assessment:

- I'm surprised to see in excess of 700 words of information I wrote in an email about the building's history dropped wholesale into the heritage statement, pictures and all.
- Looking at the proposals, the arrangement of en suites seems logical, with the

ventilation outlets being confined to hidden side or rear elevations.

- Internal door replacements appear justifiable on the basis of the existing doors.
- The replacement of the uPVC cladding on the rear GF lean-to structure would not appear to entail any impact on the significance of the building.
- There doesn't appear to be any information on the window in the rear to be removed and replaced with a new door. If this has heritage significance, including containing historic glass, that would be of relevance to the application.
- Notwithstanding the principle of inserting a new door in the location of a window, the new door should be of timber construction and painted in a suitable colour. Although I wouldn't insist, I would suggest avoiding brilliant white for its rather harsh and anachronistic appearance. Our Conservation Area Design Guide contains guidance on colours, though we recommend muted pastel or earthy colours for such features.

Summary:

- Please provide information about the window to be removed and replaced with a door in the rear elevation
- Please revised the proposed door to be a painted timber unit rather than a white uPVC one.

2nd response

Description: 46 New Lowther Street is a grade II listed, three storey mid-terraced town house with cellar. It dates from c.1720, with reconfiguration from the 18th, 19th and 20th centuries.

Conclusion: No objection

Assessment:

My previous consultation requested the following piece of information and design adjustment:

- Information about the window to be removed and replaced with a door in the rear elevation;
- The proposed door to be a painted timber unit rather than a white uPVC one.

Since then, confirmation has been provided that the existing window does not appear to be historically significant, and that the proposal is to replace this with a new timber door. This addresses the two points above.

Public Representation

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

No responses have been received as a result of these advertisements.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.



Cumberland Council

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The relevant policies are as follows:

Strategic Policy DS1PI – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Strategic Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

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

Conservation Area Design Guide

ASSESSMENT

Principle of the development

Policy ENV4 and Policy DM27 of the CS and BE1PU and BE2PU of the ELP seek 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

	<p>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>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> <p>The heritage asset significance of the property is principally derived from its physical form/construction.</p> <p>The principle of improving the aesthetics and ensuring the continued use of the property are supported throughout local and national planning policy. It is therefore considered that the works to restore it are acceptable in principle.</p> <p><u>Works Proposed and Impact on Heritage Asset</u></p> <p>The works are minimal including the replacement of an external door, the replacement of an external door with a window and the painting of the external walls. Internally, the existing layout will be utilized with only minor amendments.</p> <p>Further to discussions between the Conservation Officer and the Applicant it was clarified that the door to be removed does not have any historical value. Further information was provided to clarify that the new door and window would be of a timber construction. In order to ensure that this is undertaken and retained, a suitably worded planning condition should be added to any approval.</p> <p>No objections were raised from statutory or neighbouring consultees.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The Conservation Officer considers that the completed works will be justifiable and not entail any impact on the building being in keeping with the overall character of the building and surrounding Conservation Area. The works are therefore considered to be in accordance with Policies ENV4 and DM27 of the Copeland Local Plan and Policies BE1PU and BE2PU of the Emerging Local Plan.</p> <p>In applying the tests of the Copeland Local Plan 2013-2028, the LBCA and the NPPF, the proposal as amended would preserve the heritage significance of the listed building so is therefore supported.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>



Cumberland Council

9.	<p>Conditions:</p> <p>1. 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>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> <p>Application form, received 25th April 2024;</p> <p>Site Location Plan, scale 1:1250, received 25th April 2024;</p> <p>Proposed Plans, scale 1:100, drawing number SNG-46LS-LBC-PIA, received 25th April 2024;</p> <p>Elevations, scale 1:100, drawing number SNG-46LS-LBC-PRE-A, received 18th June 2024;</p> <p>Design, Access and Heritage Statement, written by SNG Architecture, received 24th May 2024.</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>3. All replacement windows and doors must be of a timber construction and retained as such at all times thereafter.</p> <p>Reason</p> <p>To ensure that the character of the Listed Building is maintained and in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.</p>
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	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: Sarah Papaleo		Date : 18/06/2024
Authorising Officer: N.J. Hayhurst		Date : 19/06/2024
Dedicated responses to:- N/A		