

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2175/OL1
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT FOR ROOF REPLACEMENT AND REMOVAL OF DORMER WINDOW ON FRONT ELEVATION
3.	<b>Location:</b>	47 DUKE STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: NO Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	<b>Report:</b> <b>SITE AND LOCATION</b> <p>This application relates to the terraced property at 47 Duke Street, currently utilised for residential use.</p> <p>The building is Grade II Listed, and lies adjacent to several other Grade II Listed Buildings, all of which are located within the Whitehaven Conservation Area.</p> <p>The listing entry for the property states the following:  <i>DUKE STREET 1. 1814 (North East Side) Nos 46 to 50 (consec) NX 9718 SE 5/26 u GV 2.</i></p>	



*Probably circa 1740. Scored stucco, 3 storeys, all except Nos 48 and 50 with pedimented and moulded doorcases. Each has 2 sash windows on upper storeys in plain architraves (No 50 has 3 sashes).*

*Nos 43 to 50 (consec). Nos 52 to 55 (consec). Nos 65 to 76 (consec) and the Town Hall form a group.*

*Listing NGR: NX9762818152*

## **PROPOSAL**

Listed Building Consent is sought for various minor works to the roof of the property which include the following:

- The replacement of the existing the roof covering with slate on a like for like basis;
- The removal of a boarded up dormer detail set back on the front elevation of the roof.

## **RELEVANT PREVIOUS APPLICATIONS**

There have been no previous applications on the site.

## **CONSULTATION RESPONSES**

Whitehaven Town Council

No response received.

Conservation Officer

**Conclusion: No objection**

### **Assessment:**

- Consent is sought for removal of the front dormer window as part of otherwise like-for-like roof replacement. The dormer is causing water ingress and is dilapidated and boarded up.
- The window is a historic feature and has some significance because of that. However, it is in a relatively poor condition, cannot be seen from outside the property at street level and cannot be access from inside the property as it is within an attic.
- The Whitehaven type does not prominently feature such dormers, and so I would view its loss as less-than-substantial harm, justified on the basis of improving the soundness of the roof, and mitigated for the above reasons.
- I would view there as being neutral impact on the character and appearance of the





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conservation area.

### 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.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> 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 (SPD)

### **ASSESSMENT**

#### Principle and Impact on Heritage Asset

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*





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*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.

Information has been provided by the Applicant in respect of the heritage asset significance of the property and the impacts of the proposed development. The proposals have been fully reviewed and assessed by the Conservation Officer of the Council.

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

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 should be encouraged in principle.

The works are minimal including the replacement of the roof on a like for like basis and the removal of a disused and leaking dormer.

The Conservation Officer was involved with this project from a pre-application stage and approved the principle on the basis that there is unlikely to be a significant impact to the character of either the Listed building or surrounding Conservation Area. The dormer is barely visible from public viewpoints due to its situation on the very top of the roof, as a result there will not be any visual harm created by its loss. The Conservation Officer considered that the development would constitute less than substantial harm and will have a neutral impact on the character and appearance of the Conservation Area.

No objections were raised from statutory or neighbouring consultees.

### Planning Balance and Conclusion

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.

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.

### 8. **Recommendation:**

Approve Listed Building Consent (start within 3yr)



9.	<b>Conditions:</b>	
	1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.	
	Reason 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.	
	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: - Application form, received 13th May 2024; Site Location Plan and supporting statement, received 13th May 2024; Supporting photographs, received 13th May 2024.	
	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.	
<b>Statement</b> 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 : 01/07/2024
Authorising Officer: N.J. Hayhurst		Date : 02/07/2024
Dedicated responses to:- N/A		