

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2223/0F1
2.	Proposed Development:	REPLACEMENT OF EXISTING GEORGIAN STYLE TIMBER WINDOWS WITH UPVC ON GROUND AND SECOND FLOORS OF SIDE ELEVATION
3.	Location:	22-23 CHURCH STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <p>The Application Site comprises the property known as 22-23 Church Street, Whitehaven.</p> <p>The Application Site is located within the Whitehaven Town Centre Conservation Area.</p> <p>The property is in mixed use comprising retail and office accommodation on the ground floor and residential accommodation on the upper floors.</p> <p>Directly Relevant Planning History:</p> <p>4/95/0572/0 – Replacement side elevation aluminium windows with UPVC double glazed units – Approved.</p> <p>4/04/2574/0 - Change of use from offices to ground floor, offices and retail unit with four apartments, above – Approved.</p>	

4/04/2906/0 - change of use from offices to ground floor, offices and retail unit with four apartments, above (revised scheme to incorporate remodelling) – Approved.

4/09/2304/0 - Installation of replacement UPVC doors and windows on rear elevation – Approved.

Proposal:

This application seeks Full Planning Permission for the replacement of the existing top hung timber mock sliding sash windows at ground floor level and second floor level with white uPVC windows.

It is proposed to install the following:

- Ground floor level – Top hung casement windows with internal “Georgian bar” glazing bars.
- Second floor level – Tilt and turn windows with internal “Georgian bar” glazing bars to match the existing uPVC windows at first floor level.

Consultee:	Nature of Response:
Town Council	No objection.
National Amenities Societies	No response received.
Conservation Officer	<p><i>Response 1</i></p> <p>Assessment:</p> <ul style="list-style-type: none">• The proposal is to replace the ground and second floor side windows with plastic tilt and turn units.• This is contrary to the Conservation Area Design Guide, which argues that timber should be used when specifying windows, doors and shopfronts of traditional appearance within the conservation area.• It is not proposed to replace the first floor windows and these have previously been replaced with plastic tilt and turn units. These do not confirm with design guidance, being both plastic and tilting rather than sashes.• I am not able to find planning history for the first floor windows, so it appears these may have been installed without the benefit of planning permission. I am not aware of when this change happened.• The existing timber windows are clearly of poor quality (evidence of missing stuck-on glazing bars) and unconvincing appearance. This has



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had a slight negative impact on the character and appearance of the conservation area. However, I note that Addison Street is very narrow, preventing any wide views of the side of the building, and is also lightly used.

- Noting the fairly inconspicuous location of the elevation, I suggest the use of uPVC sliding sash windows, at least at the ground floor level, as this would provide a benefit over the existing windows in terms of opening mechanism, providing justification for departing from our design guidance in terms of material.
- I would view the impact on the setting of the grade II listed St Nicholas' Tower as negligible.

Response 2

I'd say the uPVC sliding sashes are likely to provide the most attractive appearance and would suit the general area's character. I'd request use of plant-on glazing bars rather than "Georgian bar" set between the panes of glass. If it is possible to specify white spacer bars I'd recommend that too (assuming the windows are white). Thought should be given to whether trickle vents are needed too, or whether they can be concealed or omitted.

The tilt and turn windows would I think be a my second choice. The same points apply about glazing bars, spacers and vents. I don't think the top-hinged ones would look too good, either open or closed.

Response 3

I appreciate it might not be possible to install the windows set into the openings without modification of the openings, so accept that they might need to be mounted in the same position. However, I don't think requesting plant-on glazing bars for the ground floor would be pushing the boat out too far. Plant-on would provide a much better appearance

Response 4

To be honest, there's nothing left of what we asked for at this point. I don't think it makes a massive difference either way as the proposed windows, the building itself, the street it's on, are all so watered down and suffering from the effects of long-term low investment that it's a bit of a moot point.

The existing windows, building and street are poor, so I guess unattractive replacements can be justified on the basis that they don't harm the conservation area.

Neighbour Responses:	
The application has been advertised by way of a planning application site notice and press notice.	
No representations have been received.	

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 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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Policy DS4: Design and Development Standards
Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity
Strategic Policy N3: Biodiversity Net Gain
Strategic Policy BE1: Heritage Assets
Policy BE2: Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

[Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(PLBCAA\)](#)



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Assessment:

Strategic Policy BE1 and Policy BE2 seek to protect, conserve and where possible enhance designated and non-designated heritage assets and their settings.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires that in respect of listed buildings local planning authorities have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraphs 212 to 220 of the NPPF relates to heritage impacts.

It is required that in assessing the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It is stated that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

It is stated 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.

It is confirmed that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

The existing top hung timber mock sliding sash windows at ground floor level and second floor level at the Application Site are of poor design and poor quality. The windows are installed flush with the elevation in what was previously a glazing/aluminium curtain wall.

The existing tilt and turn windows with internal "Georgian bar" glazing bars at first floor level do not benefit from planning permission; however, are immune from enforcement action.

The proposed windows being uPVC are contrary to the Conservation Area Design Guide, which argues that timber should be used when specifying windows, doors and shopfronts of traditional appearance within the conservation area.

	<p>The Conservation Officer has investigated the potential to revise the design of the proposed windows including the installation of uPVC sliding sash windows at ground floor level and plant on glazing bars to deliver enhancement of the window designs; however, the Applicant has confirm that that this is not deliverable due to budgetary constraints.</p> <p>Notwithstanding, given the poor quality of the existing windows and the character of the existing building and wider street, it is considered that the replacement windows despite themselves being of low quality, would have a neutral impact upon the character of the conservation area and that the impact on the setting of the grade II listed St Nicholas' Tower would be negligible/neutral.</p> <p><i>Ecology</i></p> <p>The building by virtue of its age and construction is identified as a building with the potential for the presence of bats in the Bat Conservation Trust Bat Surveys Good Practice Guidelines; however, given the location of the building in an extremely exposed coastal position and the presence of extensive artificial sources of light and the nature of the works proposed i.e. replacement windows in a modern masonry elevation, there is considered to be 'negligible' potential for roosting bats to utilise the building; therefore, a Bat Survey has not been requested.</p> <p>Policy N3PU seeks that development achieve a biodiversity net gain of 10%.</p> <p>The proposed development does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats such as hedgerows; therefore, an exemption from biodiversity net gain is applicable.</p> <p>Planning Balance</p> <p>In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Development Plan, it is considered that the development proposed will result in a neutral impact upon special interest of Whitehaven Town Centre Conservation Area and that the impact on the setting of the grade II listed St Nicholas' Tower would be negligible/neutral.</p> <p>The development will deliver minor improvements in the energy efficiency of the building and thus help maintain the building in a viable use.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of</p>



Cumberland Council

this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Application Form

Site Location Plan

Proposed Side Elevation To Addison Street 1:100

PVC WINDOWS CHURCH STREET, WHITEHAVEN – Drawing No. E04024 001 01

Design and Access Statement / Heritage Statement

Biodiversity Net Gain – Exemption - 22 – 23 Church Street, Whitehaven

Reason

For the avoidance of doubt and in the interests of proper planning.

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: C. Harrison

Date : 12.12.2024

Authorising Officer: N.J. Hayhurst

Date : 18.12.2024

Dedicated responses to:- N/A