

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/24/2251/0F1
2.	Proposed Development:	PROPOSED REPLACEMENT OF DOORS AND WINDOWS
3.	Location:	B C GOULDING JOINERY, MARLBOROUGH STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>INTRODUCTION</p> <p>This application relates to a large, detached warehouse situated on Marlborough Street which lies between the main shopping area in the town centre of Whitehaven and the Whitehaven Harbour. It is currently occupied by BC Goulding Joinery</p> <p>The building is flanked to the rear by New Lowther Street to the north east and Marlborough Street to the south west.</p> <p>The property lies within the Whitehaven Conservation Area.</p>

PROPOSAL

This application seeks full planning permission for the replacement of the external timber windows and doors to all elevations of the building.

The timber windows will be replaced with Flush Casement UPVC units and the doors with one Upvc pedestrian door and one roller shutter door.

The windows will reflect the style of the existing frames but involve a change in materials from timber to grey UPVC.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for retail, restaurant/residential development with associated car parking, approved in May 1998 (application reference 4/98/0266/0 relates);

Change of use from storage to retail of electrical and electrical equipment, approved in August 1998 (application reference 4/98/0524/0 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

1st Response

Description: This is an apparently mid-20th century building used as a workshop, of simple square form, constructed in partially rendered brick.

Conclusion: Request design revision

Assessment:

- The building does not make a positive architectural impression on the character and appearance of the conservation area overall.
- This is however largely due to its relationship with its immediate setting, which consists of various concrete and tarmac aprons that are unattractive in their own right and also allow the building's sides and silhouette to be prominent. Were the building part of a row or group, with only the frontage visible, it would be both less visible and more attractive.
- However, it is also almost the only surviving remnant of the harbourside's former industrial character, which extended up until the late 20th century, with the transformation to today's leisure and tourism focus largely following the 1980s.
- I would consider its contribution to the conservation area's character and appearance overall to be neutral or slightly positive.



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- The proposal does not seek to change the use, but it does seek to change the windows and doors, which are of a timber construction and featuring some simple ornamentation in the form of glazing bars and moulded panelling. These enhance the appearance of the frontage of what is otherwise a fairly unattractive building.
- The proposal is to replace all of the window and doors with uPVC replacements. This would be contrary to the guidance provided in the Conservation Area Design Guide, however, it is reasonable to balance this against the type of building it is.
- For a building with a more industrial character such as this, I feel that extending the palette to include metal, e.g. steel or aluminium, would be in keeping.
- Also worth noting is the Shop Front Design Guide. Though not exactly a shop front, the front of the workshop shares characteristics that make it suitable to consider in the context of this guidance.
- The Shop Front Design Guide urges avoidance of roller shutters as they are unattractive. The existing four-panel sliding door is by comparison much more attractive, and similar in principle to another example located on Cross Street.
- This similarly applies to the single pedestrian door on the front.
- The replacement windows on the front and side elevations is lower impact, being a very similar style.
- The replacement windows on the rear elevation appears to be an improvement in terms of style, being side hinged rather than top-hinged quarterlights, although this elevation is almost totally hidden.

Summary:

- I suggest making use of timber or a suitable metal alternative for the replacement windows to preserve the character of the building and conform to the Conservation Area Design Guide, which explicitly urges avoidance of plastic windows and doors.
- I suggest that the modest ornamentation of some of the windows and doors on the frontage help improve the building's appearance, and that more consideration should be given to either retaining it or finding a new way to accomplish something similar.
- The roller shutter doors are not attractive and are also contrary to our design guidance.
- Collectively, these proposals constitute loss of elements that make a modest positive impact on the character and appearance of the conservation area, constituting less than substantial harm.
- There is also a very minor negative impact on the setting of the grade II listed Number 1 Marlborough Street with Attached Warehouse, situated opposite on the harbourside.

2nd response

Description: This is an apparently mid-20th century building used as a workshop, of simple square form, constructed in partially rendered brick.

Conclusion: Request design revision

Assessment:

- I note the applicant's point that the Town Council has not objected to the proposal. I am also not objecting, merely asking for some alterations to the design. The Town Council is not responsible for determining whether a proposal accords with local and national policy and guidance as it's not the local planning authority.
- Due to the character and appearance of the building, some latitude is reasonable as the guidance in the Conservation Area Design Guide is most applicable to the 17th-19th century buildings that form the bulk of the gridiron streets character area.
 - This building is on the edge of that area, and is within the setting of buildings of that description.
- There are examples of poor practice throughout the conservation area. Our understanding of what poor practice is comes in no small part from these examples. Many would have been installed prior to the creation of the Design Guide in 2017, some do not affect the kinds of buildings the Design Guide is principally aimed at, and many I would also have requested revision to, were I being asked.
- I suggest that working with the industrial character of the building while avoiding plastic windows, installing aluminium windows with a suitable powder coated finish to the front (SW) and side (NW) elevations would provide a good, high quality appearance. Additionally, powder coating should provide a long lifespan for such windows even in the coastal environment, and their slimmer frames provide a better appearance and can admit more light.
- Regarding durability of timber, Accoya or Douglas Fir with proper priming and linseed oil based paint should provide a durable result, even in the coastal environment.
- Almost the only clear advantage I can identify to using uPVC here is that it's the cheapest option, however harm to designated heritage assets (in this case, a minor less-than-substantial harm to the conservation area and setting of grade II listed Nos. 1-9 Duncan Sq. with attached warehouse) should be weighed against the public benefits. As far as I'm able to tell, the benefits of opting for plastic as opposed to wood or metal are private not public.
- I respectfully disagree on the point regarding the modest ornamentation of the existing windows and doors not contributing to the building's appearance. Small details can really make a difference, and the glazing bars, panelling and tetrapartite door together give a much-needed lift to the front of what would otherwise be a plain and austere building.
- Regarding the roller shutter, though this is not a shop front, our advice on such shutters is still relevant, and the Conservation Area Design Guide additionally highlights external roller shutters as a negative influence. The existing doors are attractive and characterful, and replacing them with a roller shutter would constitute less-than-substantial harm to the appearance of this part of the conservation area, and the setting of 1-9 Duncan Square. It seems unlikely that the existing door arrangement prevents the building having a viable use, however, if an alternative is required, though this is only a less-than-substantial harm, options should be considered that don't result in loss of an element that makes a positive contribution to the conservation area.



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- Looking again at older images of the frontage, I note that the pronounced staining on the render appears to correspond to joints in the cladding that edges the roof immediately above, as indicated. This was persistent and gradually worsening across all of the Streetview captures from 2009 to 2022, and suggests that a long-term defect with the roof system caused water to run down the frontage, onto all of the windows and doors there, and that this is likely to have contributed to moisture ingress and decay. I note the photos in the D&A statement appear different, so presume this has now been rectified.



- I would be grateful for further dialogue on the above points.

3rd response

Description: This is an apparently mid-20th century building used as a workshop, of simple square form, constructed in partially rendered brick.

Conclusion: No objection

Assessment:

- Additional information has been received on the rationale behind the various options available of window materials for the refurbishment of this building.
- Also, information has been provided on the need for the alteration of the sliding door, to provide access to a rib boat.
- Given the building's modest heritage status, and the importance of giving the building a viable new use, I feel able to support the proposal.

Public Representation

The application has been advertised by way of a press notice and a site notice.
No response has been received as a result of these advertisements.

PLANNING POLICIES

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 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.

The policies relevant to this application are as follows:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy N3: Biodiversity Net Gain

Strategic Policy BE1 – Heritage Assts

Policy BE2 – Designated Heritage Assets

Other Material Planning Considerations



Cumberland Council

National Planning Policy (NPPF)

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

Conservation Area Design Guide

Shop Front Design Guide

ASSESSMENT

Principle of Development

The application site lies within the centre of Whitehaven which is designated as the Principal Town within the Copeland area under Policy DS1. This policy clarifies that the town centre of Whitehaven should be the focus for new development.

The site falls within the designated development boundary for Whitehaven. Policy DS2 details a presumption in favour of sustainable development within the development boundary where it accords with the Development Plan unless material considerations indicate otherwise.

As a result, the proposed alterations to a commercial building are considered to be acceptable in principle and should be encouraged in order to maintain the viable use of the building.

Heritage Impacts

The site lies within the Whitehaven Conservation Area.

Policies BE1 and BE2 of the LP seek to protect and enhance Heritage Assets including Conservation Area. Policy BE2 sets out that any harm to the significance of a designated heritage asset will require clear and convincing justification.

Policy DS4 of the LP 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.

Discussions were undertaken between the Applicants Agent and the Conservation Officer during the course of the application process. Initially the Conservation Officer was resistant to the use of UPVC construction for the windows and a roller shutter for the door. Whilst UPVC windows are usually resisted within the Conservation Area, justification was provided by the

Applicants Agent to show that they would replicate the appearance of the existing timber frames, only in UPVC. Options were explored for an industrial metal frame or replacement timber frames but these were considered to be cost prohibitive as well as requiring very regular maintenance, especially due to the location on the harbour and the marine environment. This is evident on the wooden window frames that have been used on the adjoining modern residential development.

The Agent has also set out that the roller shutter door is required for functional reasons to serve the business needs of the occupiers.

The National Planning Policy Framework requires that proposed changes to the historic environment are based on a clear understanding of significance of any heritage asset and their setting that are affected, providing information so that the likely impact of proposals can be assessed.

The National Planning Policy Framework requires consideration of whether the harm to heritage asset is outweighed by the benefits of the proposal.

Following the consideration of all of the submitted information the Conservation Officer has concluded that overall, the proposal will create negligible harm.

This is a mid-20th century workshop building of simple square form, constructed in partially rendered brick. The building does not make a positive contribution to the Conservation Area by virtue of its appearance and form.

Unusually for an industrial/commercial building, the windows have a domestic form/arrangement and appearance i.e. casements with horizontal emphasis.

Whilst the use of aluminium windows could be considered more appropriate in a commercial building with windows of a less domestic form, in the context of the form of the existing windows the use of metal windows would add little to the appearance

The alterations will ensure that the building has a longevity of use and will result in an improvement in its current appearance.

On balance, it is considered that the benefits of the development outweigh the harm which in overall terms is considered to fall at the lower end of less than substantial.

Biodiversity Net Gain

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

Biodiversity Net Gain became mandatory for small sites in the UK on 01st April 2024.



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	<p>The application falls below the threshold for BNG and the proposals will not impact more than 25m² of on-site habitat, i.e. the De Minimis Exemption. In practical terms, the current development has little or no existing habitat for wildlife and the replacement of timber windows with UPVC will make no alteration to the ability of the building to support wildlife.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The current building does not make a positive contribution to the Conservation Area by virtue of its appearance and form.</p> <p>The building has a simple form and a domestic appearance. The replacement windows and doors will replicate the existing style.</p> <p>The alterations will ensure that the building has a longevity of use and will result in an improvement in its current appearance..</p> <p>On balance, it is considered that the benefits of the development outweigh the harm which in overall terms is considered to fall at the lower end of less than substantial.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition:</p> <ol style="list-style-type: none">1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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">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 23rd July 2024; Site Location Plan, scale 1:1250, drawing number 2223-008-01A, received 23rd July 2024; Proposed Floor Plans, scale 1:50, drawing number 2223-008-10A, received 23rd July 2024; Proposed Elevations Sheet 1 of 2, scale 1:50, drawing number 2223-008-20A,

received 23rd July 2024;

Proposed Elevations Sheet 2 of 2, scale 1:50, drawing number 2223-008-21A, received 23rd July 2024;

Biodiversity Statement, received 23rd July 2024;

Design and Heritage Statement, drawing number 2223-008A, received 23rd July 2024;

Further information from Agent, received 23rd February 2025;

AluFold Flush Casement Window Brochure, received 23rd February 2025;

Resurgence Window Brochure, received 23rd February 2025.

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.

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions:

De Minimis - The development involves external alterations to the building only and does not affect any form of habitat.

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



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	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 : 02/04/2025
Authorising Officer:		Date : 14/04/2025
Dedicated responses to:- N/A		