

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2343/OL1
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT TO INSTALL A NEW FLUE (ON QUEEN STREET ELEVATION)
3.	<b>Location:</b>	20A ROPER 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 large building which is made up of flats at 20A Roper Street in Whitehaven. The building is mid terraced and located within the town centre.</p> <p>The property is Grade II Listed, is adjoined by several Grade II Listed Buildings and lies within the Whitehaven Conservation Area.</p> <p>The listing entry for the property states the following:</p> <p><i>ROPER STREET 1. 1814 (North East Side) Nos 19 &amp; 20 NX 9717 NW 4/116 NX 9718 SW 6/116 II GV 2. No 19 has gable end to Roper Street, with a panelled door. Both C18. 3</i></p>	

storeys. Stuccoed. Original double-fronted shop window in wood, with small panes, Doric pilasters, frieze and cornice, and an entrance to living quarters above. 3 3-light windows on upper floors.

Nos 19 to 25 (consec) form a group.

Listing NGR: NX9734817998

## **PROPOSAL**

Listed Building Consent is sought for the installation of an external flue to the outside elevation of the top floor flat. It will be 100mm in diameter and made from white plastic. The flue is required due to the replacement of the boiler.

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No objections.

### Conservation and Design Officer

Description: This is a top floor flat within a grade II listed Georgian building

Conclusion: No objection

Assessment: The addition of the flue vent will have a small negative impact on the appearance of the building, mitigated by its small size, high position and white colour. I would view this impact as being very minor less-than-substantial harm, justified by the need to provide a more suitable boiler arrangement internally. Impact on the character and appearance of the conservation area will similarly be slightly harmful. I would view this as being negligible harm but justified on the basis of providing a better heating arrangement to the flat.

### 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**



## Cumberland Council

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 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The relevant policies are as follows:

Strategic Policy DS1 – Presumption in favour of Sustainable Development

Policy DS6 – Design and Development Standards

Strategic Policy BE1 – Heritage Assets

Policy BE2 – Designated Heritage Assets

### **Other Material Planning Considerations**

National Planning Policy Framework 2023 (NPPF)

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

## **ASSESSMENT**

### Principle of the Development

Policy BE1 and BE2 of the Local Plan seek to conserve and 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*

	<p><i>historic interest which it possesses’.</i></p> <p>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.</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. 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 ensuring that the building is well heated and energy efficient is supported subject to the consideration of the impact on the heritage asset. .</p> <p><u>Impact on Heritage Asset</u></p> <p>The works are minimal and involve installing a small flue measuring 100mm in diameter to the side elevation of the building to serve the top floor flat. The addition of the flue vent will have a small negative impact on the appearance of the building, mitigated by its small size, high position and white colour. I would view this impact as being very minor less-than-substantial harm, justified by the need to provide a more suitable boiler arrangement internally</p> <p>Impact on the character and appearance of the conservation area will similarly be slightly harmful. I would view this as being negligible harm but justified on the basis of providing a better heating arrangement to the flat.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The Conservation Officer considers that the completed works are justified and have a minimal impact on the listed building and the overall character and appearance of the surrounding Conservation Area. The works are therefore considered to be in accordance with Policies BE1 and BE2 of the Local Plan.</p> <p>In applying the tests of the Copeland Local Plan 2021-2038, the LBCA and the NPPF, the proposal would preserve the heritage significance of the listed building so is therefore supported.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Listed Building Consent (start within 3yr)</p>



## Cumberland Council

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 3rd October 2024; Site Location Plan, scale 1:1250, received 3rd October 2024; Location of flue, received 3rd October 2024; Design, access and heritage statement, received 3rd October 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 : 25/11/2024
Authorising Officer: N.J. Hayhurst		Date : 28/11/2024
Dedicated responses to:- N/A		