

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2416/0F1
2.	Proposed Development:	REPLACEMENT OF WINDOWS ON FRONT ELEVATION AND RETROSPECTIVE REPLACEMENT OF WINDOWS ON REAR ELEVATION
3.	Location:	32/33 DUKE STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: YES</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>INTRODUCTION</p> <p>This application relates to 32-33 Duke Street, a large mid terraced building situated within the main shopping area in the town centre of Whitehaven.</p> <p>The building is flanked by Duke Street to the north with a courtyard including parking bays to the rear.</p> <p>The property is situated within the Whitehaven Conservation Area.</p> <p>PROPOSAL</p>	

This application seeks full planning permission for the replacement of the external windows on the front elevation and retrospective planning permission for the retention of the replacement windows which have been installed on the rear elevation.

The windows on the front will be replaced with timber sliding sash windows. On the rear elevation, the timber windows have been replaced with sliding sash UPVC.

RELEVANT PLANNING APPLICATION HISTORY

Replacement windows to rear elevation only, approved in November 2020 (application reference 4/20/2363/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

1st Response

Description: This building is a modern block of flats, constructed in the “Whitehaven” style in the early 1980s in an attempt to fit in with the local Georgian townscape.

Conclusion: Request further information

Assessment:

- I have no objection to the principle of the proposal, having inspected the timber front windows and observed that they are in poor condition.
- The rear windows, in being in a fairly concealed location and on a building that is not a heritage asset, have negligible impact on the conservation area and no impact on any other heritage assets.
- We have approved plastic sliding sashes elsewhere on the rear elevation of this building, and other mock-Georgian flats, where location-appropriate.
- However, there is no specific information in the application relating to the plastic windows that have been installed. For the sake of completeness, I request some photos of these units to allow their visual appearance to be properly understood.

2nd response

Description: This building is a modern block of flats, constructed in the “Whitehaven” style in the early 1980s in an attempt to fit in with the local Georgian townscape.

Conclusion: No objection



Cumberland Council

Assessment:

- I have no objection to the principle of the proposal, although as there was no specific information included relating to the plastic windows previously installed, I requested some photos of these units to allow their visual appearance to be properly understood.
- These have now been submitted, and I can confirm that their appearance has a neutral impact on the conservation area, and no impact on the settings of any heritage assets.

Public Representation

The application has been advertised by way of a press notice, a site notice and neighbour notification letters issued to 7 no. properties.

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

Copeland Local Plan 2021-2038

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 2021-2038 (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
Strategic Policy BE1 – Heritage Assts
Policy BE2 – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy (NPPF)
Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

ASSESSMENT

Principle of Development

The building is located within the development boundary for Whitehaven as defined under Policy DS1 of the Local Plan. The town is classed under Policy DS1 of the CS as the Borough's Principal Town, where the majority of development should take place.

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

Design and the Effect on the Conservation Area

Policies BE1 and BE2 of the LP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DS4 of the ELP 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 Applicant and the Conservation Officer during the course of the application process as the initial information submitted did not include details of the windows for the front elevation. These were later received and considered to be acceptable – given the timber construction and heritage design. Whilst UPVC windows are



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	<p>usually resisted within the Conservation Area, the UPVC windows on the rear elevation have been assessed and are considered to be acceptable in this context. They face onto a courtyard for parking and are not visible from public viewpoints within the Conservation Area. It is considered that they create negligible harm to the character and appearance of the Conservation Area.</p> <p>Overall, the proposed alterations will comply with policies BE1 and BE2 of the Local Plan, preserving the character of the Whitehaven Conservation Area.</p> <p><u>Planning Balance</u></p> <p>The alterations will create a positive benefit to the building, ensuring its use in the future, its improved energy efficiency and respecting the character of the Whitehaven Conservation Area. These benefits are considered to outweigh any negligible harm created from the use of UPVC on the rear elevation of the building.</p> <p>On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</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: - <p>Application form, received 19th December 2024; Site Location Plan, scale 1:1250, received 19th December 2024; Front Elevation, received 19th December 2024; Rear Elevation, received 19th December 2024; Window Specifications, West Port Quotation, reference 539461, received 19th December 2024; Heritage Statement, received 19th December 2024; Photographs of rear windows, received 26th January 2025.</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 windows on the front elevation of the property must be constructed from timber and fitted and retained in accordance with the Window Specifications, West Port Quotation, reference 539461, received 19th December 2024.</p> <p>Reason</p> <p>In order to ensure that the alterations are undertaken to be sympathetic to the surrounding Conservation Area an in accordance with Policies BE1 and BE2 of the Copeland Local Plan.</p> <p>Statement</p> <p>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.</p>	
Case Officer: Sarah Papaleo		Date : 11/02/2025
Authorising Officer: N.J. Hayhurst		Date : 13/02/2025
Dedicated responses to:- N/A		