

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2064/OL1
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT TO REPLACE EXISTING TIMBER WINDOWS WITH DOUBLE GLAZED TIMBER WINDOWS
3.	<b>Location:</b>	3 CASTLE MEWS, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  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 a mid-terrace dwelling that forms part of a larger building complex known as Whitehaven Castle. The former Castle is a Grade II listed building, and this dwelling constitutes a curtilage listed building.</p> <p>The site is located within the Whitehaven Town Centre Conservation Area.</p>	

The listing entry for Whitehaven Castle states the following:

*FLATT WALKS 1. 1814 Whitehaven Hospital or Infirmary (formerly listed as Whitehaven Castle) NX 9717 SE 9/35 20.7.49. II*

*2. Built 1769 by Sir John Lowther as his own residence. 3 storeyed stone building of symmetrical design, battlemented. Centre block has semi-circular 3 storeyed turret containing centre 3 windows. Each end of facade has projecting rectangular tower. All windows have labels but new glazing.*

*Listing NGR: NX9770517846*

## **PROPOSAL**

Listed Building Consent is sought for the replacement of the existing timber windows with double glazed timber windows on the front elevation of 3 Castle Mews.

A separate planning application has been submitted for the same works under reference 4/24/2295/0F1.

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No objections.

### Conservation Officer

Description: Castle Mews is a row of houses within the curtilage of Whitehaven Castle.

Conclusion: No objection

Assessment:

- The window details have been revised to make use of a slim double-glazed unit. This requires omitting the spacer bar, however as the unit is much thinner, this shouldn't make much difference visually.
- I am satisfied that the proposed windows entail negligible impact on the building's significance, or that of surrounding heritage assets, and is justified through improving the performance and condition of the building.

### 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 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 policies relevant to this proposal are as follows:

Strategic Policy DS1 – Settlement Hierarchy  
Strategic Policy DS2 – Settlement Boundaries  
Policy DS4 – Design and Development Standards  
Strategic Policy BE1 – Heritage Assets  
Policy BE2 – Designated Heritage Assets

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)  
Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)  
Conservation Area Design Guide

## **ASSESSMENT**

Principle of Development

Policies BE1 and BE2 of the LP 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 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 building is a Listed Curtilage Building in association with Whitehaven Castle.

The principle of ensuring that the building is well heated and energy efficient is supported throughout local and national planning policy. It is therefore considered that the replacement windows are deemed to be necessary and should be encouraged in principle.

#### Impact on Heritage Asset

The replacement of the existing timber windows with double glazed units will result in a minor change to the exterior of the building.

The window details have been revised to make use of a slim double-glazed unit. This requires omitting the spacer bar, however as the unit is much thinner, this shouldn't make much difference visually.

Based on the information received, it is considered that the windows will entail negligible impact on the significance of the building or the surrounding heritage asset. Any minimal harm created is considered to be justified due to the improvement in energy efficiency of the building.

#### Planning Balance and Conclusion

The Conservation Officer considers that the completed works will be justifiable and have a minimal impact on the building and the overall character of the surrounding Conservation Area. Any minimal harm created is considered to be justified due to the improvement in energy efficiency of the building.

	<p>The proposed works are therefore considered to be in accordance with Policies BE1 and BE2 of the Local Plan and satisfies the tests set out in the LBCA.</p> <p>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.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li> <p>The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.</p> <p>Reason</p> <p>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.</p> </li> <li> <p>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> <p>Application Form, received 25th February 2025;  Site Location Plan, scale 1:1250, received 25th February 2025;  Site Block Plan, scale 1:500, received 25th February 2025;  Existing and Proposed Elevations, scale 1:100, received 25th February 2025;  Proposed Window Replacement Details, sheet 1 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 2 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 3 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 4 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 5 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 6 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 7 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 8 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 9 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 10 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 11 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 12 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 13 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 14 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 15 of 16, received 25th February 2025;  Proposed Window Replacement Details, sheet 16 of 16, received 25th February 2025;</p> </li> </ol>

	<p>Design, Access and Heritage Statement, received 25th February 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. The replacement windows must be of a timber construction in accordance with the approved plans and shall be maintained as such at all times thereafter.</p> <p>Reason</p> <p>In order to ensure that the heritage value of the curtilage listed building is retained in accordance with Policies BE1 and BE2 of the Copeland Local Plan.</p> <p><b>Statement</b></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 Listed Building Consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<b>Case Officer:</b> S. Papaleo	<b>Date :</b> 30/04/2025
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 02/05/2025
<b>Dedicated responses to:-</b> N/A	