

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2358/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR THE INSTALLATION OF NEW GAS BOILER WHICH REQUIRES OUTLET VENT AND COWL ON FRONT ELEVATION
3.	Location:	8 CROSS STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION <p>8 Cross Street is a grade II listed mid terrace building which is typical of the Whitehaven style. It is three storeys, with a ground floor accessed up a flight of steps, sliding sash windows with architraves, and a rendered front elevation.</p> PROPOSAL <p>This property requires a new boiler. Although the new boiler can be fitted into the same space as the old one, the flue cannot be routed up the chimney, so a new flue outlet is required. Due to the mid terrace configuration, the only place this can go is out of the frontage. This will be accomplished using a small outlet coloured to match the wall background.</p> CONSULTATION RESPONSES <u>Conservation Officer</u> <p>No objections to the works</p>	

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 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

The following policies are relevant to this proposal:

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)

ASSESSMENT

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'.

	<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>Basic information has been provided by the Applicant in respect of the impacts of the proposed development; and, the proposals have been fully reviewed and assessed by the Conservation Officer of the Council and by the Planning Officer.</p> <p>The works are minimal and would not result in the loss of any major historic fabric.</p> <p>The Conservation Officer has confirmed that there would be no significant impact on the fabric of the building and that they were supportive of the principle of the development. The less than substantial harm is justified in this instance by the inability to use the existing chimney for the flue routing and the minor impact imposed by the proposed outlet.</p> <p>Planning Balance and Conclusion</p> <p>Given the minor alterations proposed it is considered that the works would have a less than substantial impact on the Listed Building. These impacts are outweighed by the positive benefits of ensuring the future proofing of a listed building.</p> <p>The works will allow for the long term preservation of the building. The works are minor and would amount to the natural evolution of this historic building, in an acceptable manor.</p> <p>The works are therefore considered to be in accordance with Policies BE1 and BE2 of the Local Plan. 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 and Conservation Area, so is therefore supported.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. <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> <ol style="list-style-type: none"> 2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

	<ul style="list-style-type: none"> - Application Form - Site Location Plan - Boiler and Cowl Location - Cowl details <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>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: D, Gibson		Date : 02/12/2025
Authorising Officer: N.J. Hayhurst		Date : 05/12/2025
Dedicated responses to:- N/A		