

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2232/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR THE REMOVAL AND RECONSTRUCTION OF A CHIMNEY AT A REDUCED HEIGHT
3.	Location:	3 MARINE TERRACE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See reportc
7.	Report: SITE AND LOCATION This application relates to 3 Marine Terrace on Oakbank, Whitehaven. The building is Grade II Listed and forms part of a terrace of residential properties. The listing entry for 3 Marine Terrace states the following: Statutory Address:	

OAK BANK ROAD 1. 1814 Nos 1 to 6 (consec) (Marine Terrace) NX 91 NE 2/176

II GV 2. A terrace of Victorian larger town houses, and set, like Oak Bank Terrace, with their backs to the road and their fronts facing over a steep embankment with views down to the harbour. Stuccoed. 3 storeys. Each has a panelled door in a moulded stone frame with cornice (some cornices on console brackets); a bay window on ground floor with stone mullions, cornice and sashes; 2 sash windows each upper floor, the main one over the bay window having moulded architrave and cornice. Rear facades have round-headed staircase windows and low kitchen wings. Less good quality than Oak Bank Terrace, but the 2 terraces together form a total street group.

Nos 1 to 6 (consec) form a group. Also forms a group with Nos 1 to 10 (consec) Oak Bank Terrace, Oak Bank Road.

Also forms a group with Nos 1 to 10 (consec) Oak Bank Terrace, Oak Bank Road should be amended to read.

Also forms a group with Nos 1 to 10 (consec) Oak Bank.

In line eight of the descriptive notes Oak Bank Terrace should be amended to read Oak Bank.

Listing NGR: NX9790718836

PROPOSAL

This application seeks Listed Building Consent for the removal of an existing chimney and its reconstruction at a reduced height. The chimney was previously 3.5m in height and will be reduced to 1m.

The proposed works are required to overcome a structural defect with the existing structure and a structural appraisal has been submitted in support of the application.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

Description: This is a substantial mid-terrace grade II listed house, dating to the latter half of the Victorian period.



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Conclusion: No objection

Assessment:

- There is some harm in lowering the chimney as it is a distinctively tall feature. The properties can be viewed from Oakbank Road, to the rear, where the two remaining chimneys on the row are a notable feature.
- A structural report has been provided, advising that the chimney is at risk of collapse in wind conditions due to poor construction and material defects, and that it be taken down and rebuilt to a lower height due to the risk of tension forces occurring during a 1-in-50 year wind event.
- Due to the risk of structural collapse, I view the harm to the building's appearance as justifiable, and the proposal to rebuild the chimney to a lower height, as opposed to remove it completely, provides some mitigation to this harm.

Ecology Team

1st response

The County Ecologist notes that this building is on the edge of favourable foraging habitat for bats and, being an old building with hanging roof tiles on the pitched roof adjacent to the chimney, may be suitable for roosting bats. Therefore, a Preliminary Bat Roost Appraisal, and any required further bat surveys, are required on the pitched roof adjacent to the chimney prior to this application progressing.

Draft Suggested Planning Conditions

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

2nd response

Due to the works already having been carried out, the County Ecologist makes no further comments.

Environmental Health

There are no objections to this proposed development from Environmental Health. Planners may wish to limit the construction working hours in order to provide some protection to local amenity during works –

- Noise from construction works Following approval of the development, construction

activities that are audible at the site boundary shall be carried out only between the following hours Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Highways and Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Public Representation

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

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 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-



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2016.

The relevant policies are as follows:

Strategic Policy DS1 – Settlement Hierarchy

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

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

Principle of the 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'.*

Policies HE1 – HE10 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; however, 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 Building and situated within a terrace of Grade II

	Listed Buildings. The principles of safety and ensuring a future use for the building carry significant weight within the planning balance. <u>Works Proposed and Impact on Heritage Asset</u> The external works are minimal and include the reduction of the height of the chimney stack only. These works were required to be carried out due to the failure of the structural integrity of the chimney. The Conservation Officer remarked that whilst there is some harm in lowering the chimney due to its distinctive height, there are chimneys remaining on neighbouring properties that provide this feature. The Officer accepts that the works completed were justifiable due to the risk of the chimney's collapse and supports its lowering as opposed to its complete removal. The proposal is therefore considered to be mitigated harm and is considered to be acceptable. No objections were raised from statutory or neighbouring consultees. <u>Ecology</u> Policy N1 of the Copeland Local Plan seeks to ensure that bioiversity and geodiversity including protected species and habitats are conserved and where possible, compensated for. The initial response from the Council's Ecologist raised concerns that there could be bats roosting within the roof of the dwelling and therefore requested a Preliminary Bat Roost Appraisal. Furthermore, work should be completed outside the breeding bird period (March-August inclusive). As the work has been urgently undertaken as a matter of safety concern, the Ecologist withdrew these requests and raised no further comments. Noise Issues As the works have been completed already it is not considered to be reasonable to impose any condition limiting construction activity as requested by the Environmental Health Officer. <u>Planning Balance and Conclusion</u> The Conservation Officer raised no objections to the proposal. 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 2021-2039, the LBCA and the NPPF, the proposal, as amended, would preserve the heritage significance of the Listed Building.
8.	Recommendation: Approve Listed Building Consent (start within 3yr)



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9.	Conditions: 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 20th July 2026; Site Location Plan, scale 1:1250, received 20th July 2026; Plans and Elevations, received 20th July 2026; Structural Inspection, written by WDS.Ltd, received 20th July 2026; Stuctural Plan, received 20th July 2026; Heritage Statement, received 20th July 2026. 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. 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 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 : 08/09/2026
Authorising Officer: N.J. Hayhurst		Date : 14/09/2026
Dedicated responses to:- N/A		