

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2154/OF1	
2.	Proposed Development:	REINSTATMENT OF COTTAGE AND EXTENSION INTO ATTACHED BARN TO FORM A NEW DWELLING; AND THE CREATION OF A NEW ACCESS	
3.	Location:	MOORLEYS, EGREMONT	
4.	Parish:	St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, Coal - Off Coalfield - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a detached property, known as Moorleys. The former cottage and attached barn are Grade II Listed, and are located within the open countryside. The site is accessed from a single track road.	
		Permission has previously been granted at this site for the reinstatement of the cottage and the extension into the attached barn to from a new dwelling. Planning permission was subsequently granted in 2009 and again in 2012, however these works have not been commenced. In line with Section 56 of the Town and Country Planning Act, therefore this current application is a resubmission	

of the previous approvals with some alterations.

### **Relevant Planning History**

4/09/2434/0 – Listed building consent for reinstatement of cottage and extension into attached barn to form new dwelling (resubmission) - Approved

4/09/2435/0 – Reinstatement of cottage and extension into attached barn to form new dwelling (resubmission) – Approved

4/12/2388/0F1 – Amendment to approved barn conversion (4/09/2435) – Approved

4/12/2406/0L1 – Listed building consent for amendment to approved barn conversion (4/09/2435) – Approved

### **Proposal**

This current application seeks planning permission for the reinstatement of the cottage and extension into attached barn to form a new dwelling. The proposed conversion will be within the existing footprint of the cottage and barn, with no extensions proposed. Within the ground floor of the property the development will incorporate a study, a shower room, a living room, a kitchen/dining room, a large hall, a utility room, a double bedroom with an ensuite. The proposed first floor of the development will accommodate a double bedroom, a mezzanine above the living room, and two double bedrooms with an ensuite. As part of the development external alterations are proposed including the insertion of five roof lights, the insertion of a new window opening within the south west elevation of the property, and the siting of PV arrays on the south facing roof slope of the barn building.

This application also seeks planning permission for a new access. The property is currently accessed from the east of the application site. This access was previously included as an entrance within the previous planning consents at this site. The current application however seeks to create a new access to the front of the site. The entrance gates for this access will be set back 4.5m from the highway edge and the access will provide visibility splays of 100m to the south west and 85m to the north east. The existing access will be retained as a pedestrian access.

This application is being considered alongside a Listed Building Consent application (ref: 4/21/2155/0L1) for the same works at this site.

### **Consultation Responses**

#### St Bees Parish Council

The Parish Council has no objections to the applications. This property has been in a very poor state for some time and the works proposed seem to be in keeping with the traditional character of the building.

Cumbria County Council – Cumbria Highways & LLFA

The Highway Authority and Lead Local Flood Authority has no objections to the proposal, subject to the inclusion of number of recommended conditions from previous application 4/12/2388 being attached to any decision notice. These conditions relate to surfacing of the access drive and access gates.

Natural England

No comments to make on this application.

Cumbria Wildlife Trust

No comments received.

Copeland Borough Council – Conservation Officer

Initially the Council's Conservation Officer requested more information and a detail revision for this proposed scheme. Within this initial assessment the Officer stated that he is mindful of the fact that the property has previously had work carried out that was not ideal, although this is also true of many if not most historic buildings. The current application therefore seeks to find an efficient way of moving forward. The Officer had a number of concerns with the proposal and therefore requested additional justification in relation to the cavity walling, pv arrays, damp proofing, and loss of the chimney. Additional detail was also requested with regard to the proposed windows and doors, roof timbers and the proposed timber treatment.

Following the submission of this additional information the Council's Conservation Officer again requested more information and a design revision for this development as he was concerned that previous advice has not been fully embraced. Although the Officer stated that he is highly supportive of the principle of the development and is glad to see the building brought back into use, he still had a number of concerns with the building. The Officer therefore requested the following; additional detail and justification of the proposed PV arrays, a rethink of the internal insulation, a clearer strategy for addressing damp, details of proposed windows and doors, new roof coverings, paved surfaces, driveway materials, new masonry, staircases, external renders, internal plasters, wood burner and chimney pots/cowls, and confirmation on the reuse of the roof timbers.

Based on these comments the agent for this application raised concerns that the details requested by the Conservation Officer could not be addressed until contractors were on site. The agent therefore requested that permission was granted and conditions were used to secure the relevant information. In response to this the Conservation Officer stated that were there to be more time a fuller exploration of the likely outcomes of taking the current insulation approach would be possible, but the question at this point should be whether the risk of harm to the fabric in pursuing the current approach, offset by the clear benefit in converting it and giving it a new use, outweighs the quite likely harm the property will experience if it remains as it is currently, given its consistent downward

trajectory over the past decades. The Officer has stated that there is obviously considerable benefit to converting the building and giving it a viable use. Both the cottage and the barn are in a poor condition and the harm he has been able to identify in the form of potential interstitial moisture and cold bridging is a potential harm only, the probability of which will be reduced by the improved drainage to the rear of the property. The Officer summarised by stating that is his view the proposed insulation system has the potential to entail less-than-substantial harm to the property, and has the potential to not function as intended, but that the proposals viewed overall entail substantial benefit to the property. On this basis the Officer requested conditions relating to the following:

- Extent to which the barn roof timbers can be retained and reused to be discharged when the opportunity to investigate them fully is possible.
- Details of the PV system fixing method and location of inverters etc.
- Details of the proposed new roof slates (images; physical samples not necessary).
- Details of windows and doors, any new chimney pots/cowls and material for the driveway.

#### Cumbria County Council – Historic Environments Officer

The buildings were adequately recorded as part of earlier applications, the building recording report was submitted and the condition was discharged. The buildings do not need any additional recording. The Officer therefore confirms that he have no objections to the applications and has no recommendations to make.

#### Public Representation

This application has been advertised by way of a site notice. One letter of objection was received in relation to this application which raised concerns with regard to the loss of two trees to create the new access as there is a need for all trees within the St Bees Parish.

#### **Planning Policy**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### **Development Plan**

#### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM15a – Conversion of Rural Buildings to Residential Use

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM27 – Built Heritage and Archaeology

**Other Material Planning Considerations**

National Planning Policy Framework (2019)

National Design Guide (NDG).

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ECLP):

The emerging Copeland Local Plan 2017-2035 has recently been subject to a Preferred Options Consultation which ended on 30th November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

## **Assessment**

### Principle of Development

Policy ST1 and ST2 of the Copeland Local Plan seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. Policy ST2 restricts development outside of defined settlement boundaries other than that which have a proven requirement, including conversion of rural buildings to residential use. Policy DM15a aims to restrict development that involves the conversion of rural buildings, to those that are structurally sound and capable of conversion works, conserve the traditional appearance and character, incorporate reasonable standards of amenity, and are within or well related to a village or existing group of buildings.

The principle of re-establishing the use of the cottage and the extension into the attached barn to form a new dwelling has already been established by a number of previous planning permissions at this site. Planning permission was granted in 2009 and again in 2012, however these works have not been commenced. In line with Section 56 of the Town and Country Planning Act, therefore this current application is a resubmission of the previous approvals with some alterations.

The proposed conversion would be achieved within the existing footprint of the existing property, with no extensions proposed. The development does include some minor alterations to the extension appearance of the property, including an additional windows within one of the gable, roof lights, and PV arrays, however the development is considered to conserve the traditional character of the building. On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

### Highway Safety

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

This application also seeks permission for a new access to serve the property. The building is currently accessed from the east of the application site. This access has previously been utilised within the previous planning consents at this site, however this current application seeks to create a new access to the front of the site. Cumbria Highways have been consulted as part of this application and have confirmed that they have no objection to the proposed development, subject to the inclusion of conditions relating to the access drive and access gate.

On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

#### Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

The building to which this application relates falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines. The bat survey submitted for this application concludes that the property is considered to offer negligible potential for roosting bats, however there may be a small risk that individual bats could opportunistically occupy gaps whilst works are underway. The report highlights a number of measures to minimise the risk to these bats, therefore a condition is proposed to ensure that the development is completed in accordance with these proposed mitigation measures. An informative can also be included within the decision notice to ensure that if any bats, or evidence of this species, are found during construction works the applicant informs the relevant bodies. On this basis, it is considered that the proposed mitigation is acceptable and the development complies with ENV3 of the Copeland Local Plan.

#### Impact on Conservation Area & Listed Building

Policy ST1, ENV4, DM27 of the Copeland Local Plan seek to protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Paragraph 192 of the National Planning Policy Framework (NPPF) states that "In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation..."

NPPF para. 193 states, in the case of designated heritage assets, "great weight should be given to the asset's conservation", irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 196).

From a review of the initial information and the amended/additional information submitted to

support this application, the Council's Conservation Officer has raised some concerns with the development and has therefore requested more details for this proposal. The agent for this application has however stated that these concerns can only be addressed once contractors were on site, and has therefore requested that the outstanding details are dealt with by planning conditions. In response to this the Conservation Officer stated that were there to be more time a fuller exploration of the likely outcomes of taking the current insulation approach would be possible, but the question at this point should be whether the risk of harm to the fabric in pursuing the current approach, offset by the clear benefit in converting it and giving it a new use, outweighs the quite likely harm the property will experience if it remains as it is currently, given its consistent downward trajectory over the past decades. The Officer has stated that there is obviously considerable benefit to converting the building and giving it a viable use. Both the cottage and the barn are in a poor condition and the harm he has been able to identify in the form of potential interstitial moisture and cold bridging is a potential harm only, the probability of which will be reduced by the improved drainage to the rear of the property. The Officer summarised by stating that is his view the proposed insulation system has the potential to entail less-than-substantial harm to the property, and has the potential to not function as intended, but that the proposals viewed overall entail substantial benefit to the property. The Council's Conservation Officer has therefore requested conditions relating to the following:

- Extent to which the barn roof timbers can be retained and reused to be discharged when the opportunity to investigate them fully is possible.
- Details of the PV system fixing method and location of inverters etc.
- Details of the proposed new roof slates (images; physical samples not necessary).
- Details of windows and doors, any new chimney pots/cowls and material for the driveway.

On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan and the NPPF.

#### Planning Balance & Conclusion

The principle of re-establishing the use of the cottage and the extension into the attached barn to form a new dwelling has been established in the past by a number of previous planning permissions at this site. Given that there are no major external alterations to the property to accommodate the change of use, the development is considered to conserve the historic, cultural and architectural character of the Boroughs historic site. The Council's Conservation Officer has stated that there is considerable benefit to converting the building and giving it a viable use. Whilst the Officer has some concerns with the proposal he is happy that these issues can be dealt with through the inclusion of suitably worded planning condition. The proposed development is therefore considered to be compliant with the objectives of Policies ST1, ENV4, DM15a and DM27 of the Copeland Local Plan 2013-2018 and the relevant provisions of the National Planning Policy Framework and LBCA Act.



8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.</li> </ol> <p>Reason</p> <p>To comply with Section 92 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"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-             <ul style="list-style-type: none"> <li>- Site Location Plan, Scale 1:2500, Drawing Number 2102-PL-100, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.</li> <li>- Existing Site Layout with Ground Level Survey from 2021-02-03, Scale 1:200, Drawing Number 2102-EX-200, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.</li> <li>- Proposed Site Layout, Scale 1:200, Drawing Number 2102-PL-200, Rev A, 4/21/2252/0F1, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.</li> <li>- Existing Floor Plans and Elevations, Scale 1:100, Drawing Number 2102-EX-300, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.</li> <li>- Proposed Elevations, Scale 1:50 &amp; 1:100, Drawing Number 2102-PL-500, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.</li> <li>- Proposed Sections (Amended), Scale 1:50, Drawing Number 2102-PL-400, Rev B, received by the Local Planning Authority on the 28<sup>th</sup> May 2021.</li> <li>- Proposed First Floor Plans (Amended), Scale 1:50 &amp; 1:100, Drawing Number 2102-PL-301, Rev B, received by the Local Planning Authority on the 28<sup>th</sup> May 2021.</li> <li>- Proposed Ground Floor Plans (Amended), Scale 1:50 &amp; 1:100, Drawing Number 2102-PL-300, Rev B, received by the Local Planning Authority on the 28<sup>th</sup> May 2021.</li> <li>- Garden Retaining Walls, Scale 1:20, Drawing Number D1588/Sk.08, Rev A, received by the Local Planning Authority on the 28<sup>th</sup> May 2021.</li> <li>- Report on Visual Inspection of Farmhouse and Barnhouse Structure, Prepared by Bingham Yates Limited on the 27<sup>th</sup> November 2020, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.</li> </ul> </li> </ol>

- Planning Statement, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.
- Design and Access, Heritage and Other Statement, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.
- Site Inspection (Bats), Prepared by Hesketh Ecology on the 23<sup>rd</sup> March 2021, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.
- Additional Planning Statement, received by the Local Planning Authority on the 28<sup>th</sup> May 2021.
- Heliscope: Residential Roof Summary, received by the Local Planning Authority on the 28<sup>th</sup> May 2021.

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.

Prior to Works/First Use/Installation

3. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

4. Prior to their first installation within the development hereby approved, full details of the PV system, including fixing method and location of inverters, must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and must be maintained at all times thereafter.

Reason

In the interest of protecting the heritage asset.

5. Prior to their first use within the development hereby approved details of the proposed new roof slates must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and must be maintained at all times thereafter.

Reason

In the interest of protecting the heritage asset.

6. Prior to their first installation within the development hereby approved, full details of the proposed doors and windows, including specifications, must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out and maintained in accordance with this approved detail at all times thereafter.

Reason

In the interest of protecting the heritage asset

7. Prior to their first installation within the development hereby approved details of the any new chimney pots/cowls must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and must be maintained at all times thereafter.

Reason

In the interest of protecting the heritage asset.

8. Prior to their first use within the development hereby approved details of the proposed driveway materials must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and must be maintained at all times thereafter.

Reason

In the interest of protecting the heritage asset.

Other Conditions

9. Access gates, if provided, must be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

10. The development must implement all of the mitigation and compensation measures set out in

the approved document Site Inspection (Bats), Prepared by Hesketh Ecology on the 23<sup>rd</sup> March 2021, received by the Local Planning Authority on the 8<sup>th</sup> April 2021.

Reasons

To protect the ecological interests evident on the site.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking or re-enacting that Order with or without modification) no external alterations, including replacement windows, doors or skylights and roof coverings, or painting or rendering shall be carried out to the property, nor shall any building, enclosure, extension, porch, domestic fuel container, pool or hardstanding be constructed within the curtilage without the prior written consent of the Local Planning Authority.

Reason

To safeguard the traditional appearance of the barns / buildings in the interests of visual amenity.

12. All rooflights to be installed in the building hereby approved must be of a conservation design and, fitted flush with the slated roof surface and must remain as such at all times thereafter.

Reason

To safeguard the traditional appearance of the converted building in the interests of visual amenity

**Informative:**

During construction if any bats or evidence of bat is found within this structure the application should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.

**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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

<b>Case Officer:</b> C.Burns		<b>Date :</b> 23.06.2021
<b>Authorising Officer:</b>		<b>Date :</b>
<b>Dedicated responses to:-</b>		