

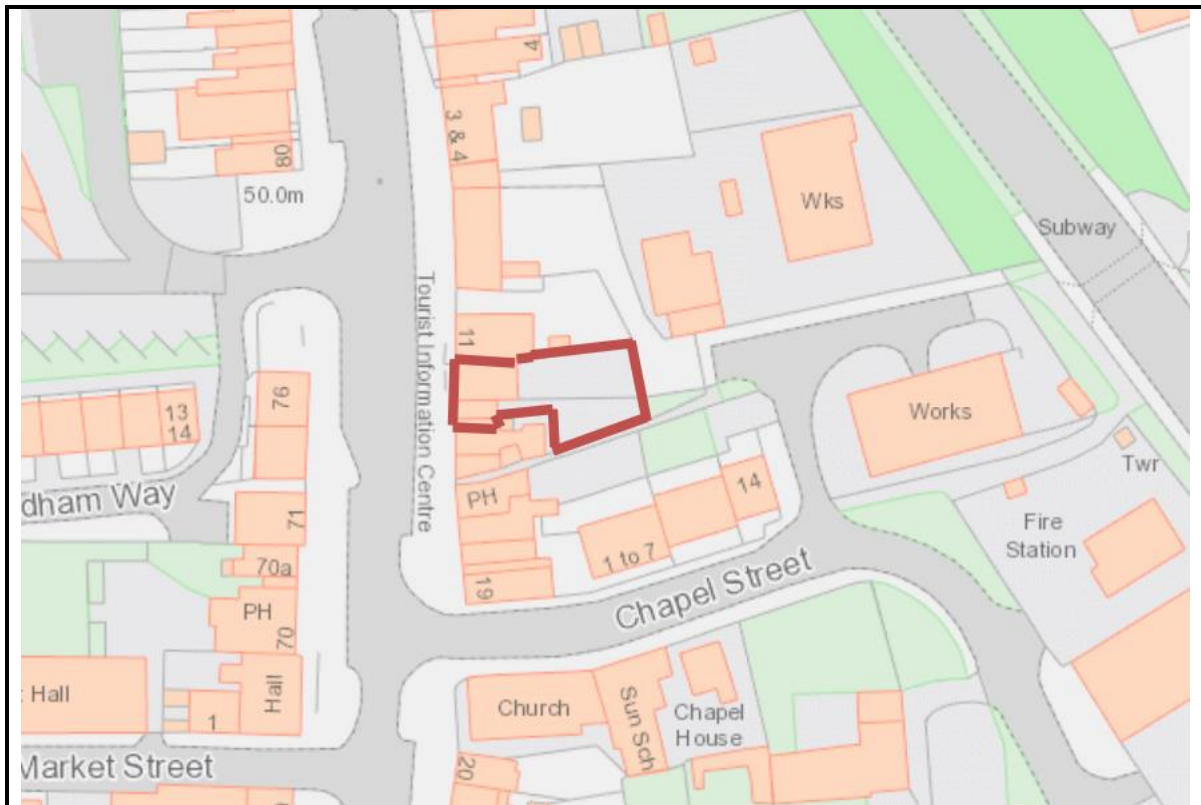


**To: PLANNING PANEL**

**Development Control Section**

**Date of Meeting: 04/08/2021**

<b>Application Number:</b>	4/21/2246/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Lowes Court Gallery CIC
<b>Application Address:</b>	12 MAIN STREET, EGREMONT
<b>Proposal</b>	REPLACEMENT OF CEILING WITHIN EXISTING GINNEL, INSTALLATION OF REPLACEMENT FRONT DOOR WITH FLOOD PROOF DOOR AND REPLACEMENT OF EXISTING WIRE FENCE FROM REAR BOUNDARY WITH NEW 1.8 METRE HIGH TIMBER FENCE
<b>Parish:</b>	Egremont
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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### **Reason for determination by Planning Panel**

This application is brought for consideration by Members of the Planning Panel as the proposal relates to a building which is under the ownership of Copeland Borough Council.

### **Site and Location**

This application relates to a Grade II Listed Building, known as Lowes Court Gallery, located within the centre of Egremont. The property is located within a small group of terrace properties which front onto Main Street, situated within the Egremont Conservation Area. The property was formally a residential property, but it's now used as an art gallery.

### **Relevant Planning History**

4/12/2227/OL1 – Listed Building Consent for replacement of two skylights on rear roof – Approved.

4/20/2378/OF1 – Re-render chimneys with lime based wet dash; Installation of 3 chimney, pots & cowl; Replace rear door & window – Approved.

4/20/2379/OL1 – Listed building consent to re-render chimneys with lime based wet dash; Installation of 3 chimney, pots & cowl; Replace rear door & window – Approved.

## **Proposal**

Listed Building Consent (4/21/2247/OL1) is sought for the following works:

- Installation of a replacement front door with flood proof door;
- Replacement of an existing wire fence from rear boundary with a new 1.8m high timber fence;
- Replacement of the ceiling within existing ginnel.

This application is being considered alongside a Planning Application (ref: 4/21/2246/OF1) for the same works at this site.

## **Consultation Responses**

### Egremont Town Council

No objections.

### Copeland Borough Council – Conservation Officer

The proposals seem well justified and detailed. The Officer has stated that he does not envisage any harm from the works to the ginnel ceiling or the rear fence, both of which are likely to be an improvement over what is there currently.

In the case of the front door there is clearly a need, and the proposal to replace the existing door (which doesn't appear to be particularly significant) with one of the same design suggests minimal harm. As there are no firm details of the new door included with the application and as it's a new type of specialist door designed to keep out floods, the Officer has requested that this detail is added to the application so that its impact can be properly understood.

The applicant is unable to provide the requested detail at this time, therefore it will be necessary to secure the required details by a condition. The Officer has confirmed that he is happy to progress in this manner.

### Public Representation

These applications have been advertised by way of a site notice and press notice. No comments have been received in relation to the statutory notification procedure.

## **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 ENV4 – Heritage Assets

### Development Management Policies (DMP)

Policy DM27 – Built Heritage and Archaeology

## **Other Material Planning Considerations**

National Planning Policy Framework (2019)

Planning (Listed Building and Conservation Areas) Act 1990

### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 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**

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).

Section 72 of the 1990 Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area."

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).

Paragraph 197 of the National Planning Policy Framework (NPPF) states that the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Referring to assets in a Conservation Area, NPPF para. 201 states that loss of an element that makes a positive contribution to a Conservation Area should be treated as either substantial (under para. 195) or less-than-substantial harm (under paragraph 196). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 200).

This application seeks Listed Building Consent for the installation of a replacement front door with a flood proof door, the erection of a new timber rear boundary fence, and to replace the ceiling within the existing ginnel. The Council’s Conservation Officer has indicated that the proposals seem well justified and detailed, and that he does not envisage any harm from the proposed works to the ginnel or to the rear fence. The Officer has confirmed that both are likely to be an improvement over what is there currently. In terms of the replacement front door, the Officer has stated that one of the same design would have minimal harm, however no details are included within the application to demonstrate this. In order to ensure the impact of the proposed door is fully assessed these details will be secured by an appropriately worded planning condition.

#### Planning Balance and Conclusion

Given that there are no major external alterations to the property, and the works to the ginnel ceiling and rear boundary fence, involve replacing existing features within the site, the development is considered to preserve and enhance the historic, cultural and architectural character of the Boroughs historic site. Whilst there are limited details in relation to the replacement front door, these can be secured through an appropriately worded planning condition to ensure the impact of this element of the development is properly considered. The proposed development is therefore considered to be compliant with the objectives of Policies ST1, ENV4 and DM27 of the Copeland Local Plan 2013-2018 and the relevant provisions of the National Planning Policy Framework and LBCA Act.

#### **Conditions:**

1. The works hereby permitted must 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. This permission relates to the following plans and documents as received on the retrospective dates and development shall be carried out in accordance with them:-

- Site Location Plan, Scale 1:500, Drawing No LCG-JW-001, Rev 1, received by the Local Planning Authority on the 27<sup>th</sup> May 2021.
- Site Plan: Fence Location, Scale 1:500, Drawing No LCG-JW-001, Rev 1, received by the Local Planning Authority on the 27<sup>th</sup> May 2021.
- Timber/Wood Flood Resilient Door, received by the Local Planning Authority on the 27<sup>th</sup> May 2021.
- Image of Proposed Fence, received by the Local Planning Authority on the 27<sup>th</sup> May 2021.
- Design & Access Statement/Heritage Statement, received by the Local Planning Authority on the 27<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.

3. Prior to its first installation within the development hereby approved, full details of the proposed flood proof door, 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.

**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.