



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2446/OL1	
2.	Proposed Development:	LISTED BUILDING CONSENT TO REMOVE CONCRETE BASE FROM FRONT OF HOUSE AND REPLACE WITH GRAVEL; INSTALL CHANNEL DRAIN ADJACENT TO GABLE END WALL TO DIRECT SURFACE WATER RUN-OFF FROM BLOCK PAVING AWAY FROM THE HOUSE; INSTALL FRENCH DRAIN UNDER BLOCK PAVING AND UNDER DRIVEWAY TO DIRECT UNDERGROUND WATER AWAY FROM THE HOUSE TO A NEW SOAKAWAY; TREAT DINING ROOM METER CUPBOARD FOR WET ROT; REPLACE EXISTING VENT TO METER CUPBOARD IN DINING ROOM WITH NEW PASSYFIER VENT; INSTALL INTERNAL VENTILATION GRILL TO DINING ROOM METER CUPBOARD TO ENABLE AIR TO FLOW TO THE PASSYFIER VENT; LIME PLASTER INTERNAL SIDE OF EXTERIOR WALLS OF STUDY; REPAIR FIREPLACE & INSTALL WOOD BURNING STOVE IN STUDY.	
3.	Location:	ORCHARD HOUSE, 115 MAIN STREET, ST BEES	
4.	Parish:	St. Bees	
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	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 Orchard House, an end of terrace property located within the centre of St Bees fronting onto Main Street. The property is Grade II Listed and is located within the St Bees Conservation Area.

### **Relevant Planning History**

4/15/2343/OL1 – Listed building consent for erection of front railings, removal of chimney stacks, replacement rear windows and new rear patio doors (retrospective) – Approve

4/19/2287/OL1 – Listed building consent for the installation of three new terracotta chimney cowl at the gable end – Approve

4/20/2356/TPO – Crown reduction of sycamore tree and felling of a beech tree situated within a Conservation Area – Approve

### **Proposal**

This listed building application seeks consent for the following works:

- Remove concrete from front of house and replace with gravel
- Install channel drain adjacent to gable end wall
- Install French drain under block paving and driveway
- Treat dining room meter cupboard for wet rot
- Replace existing vent to dining room with new Passifyer vent
- Install new vent to meter cupboard
- Lime plaster internal side of exterior walls of study
- Install wood burning stove in study

### **Consultation Responses**

#### St Bees Parish Council

No objections.

#### Copeland Borough Council – Conservation Officer

These works are well explained and I have also had the opportunity to visit the house and discuss the works with the applicant.

I would view these works as having a neutral impact on the heritage significance of the building, with obvious practical justification in addressing the damp issue that has been observed. This excludes the proposal to remove the concrete to the front of the house and to re-open the study fireplace and

install a stove, which might be said to have a positive impact on the significance of the building.

#### Public Representation

This application has been advertised by way of a site 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 (2021)

Planning (Listed Building and Conservation Areas) Act 1990

#### 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**

This Listed Building Consent application seeks consent for numerous external and internal work to a Grade II Listed Building. The main issue considered within this application relates to the impact of the development upon a heritage asset.

#### Impact on Heritage Asset

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 194 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. 199 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. 202).

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 206).

This application seeks Listed Building Consent for a number of works to both the exterior and interior of the building to improve persistent damp problems at the property. The Council's Conservation Officer has reviewed the application and has confirmed that the works are justified and will have a neutral impact on the heritage significance of the building. The Officer has also confirmed that the proposal to remove the concrete to the front of the house and to re-open the study fireplace and install a stove will have a positive impact on the significance of the building.

The proposal seeks alterations to the property to address ongoing damp issues, the development is therefore considered to protect the Listed Building in line with Policy DM27 of the Copeland Local Plan. Furthermore, the proposed alteration to the property seeks to remove undesirable elements from the site and install features to enhance the historic character of the Listed Building, also in line with this policy.

### Conclusion

The proposed works to this Listed property will help to improve the ongoing issues with damp. The

	<p>Conservation Officer has confirmed that the works are justifiable on this basis, with the majority of the works having a neutral impact on the buildings heritage significance. Element of the proposal are also considered to have a positive impact on the significant of the building. 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 the tests set out in the LBCA Act.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The works hereby permitted must be commenced before the expiration of three years from the date of this consent.</li> </ol> <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"> <li>2. This permission relates to the following plans and documents as received on the retrospective dates and development must be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 7<sup>th</sup> October 2021.</li> <li>- Site Plan, Scale 1:200, received by the Local Planning Authority on the 7<sup>th</sup> October 2021.</li> <li>- Eden Lime Insulation, received by the Local Planning Authority on the 7<sup>th</sup> October 2021.</li> <li>- Passifyer Vent Details, received by the Local Planning Authority on the 7<sup>th</sup> October 2021.</li> <li>- Design and Access Statement/Heritage Statement, received by the Local Planning Authority on the 7<sup>th</sup> October 2021.</li> </ul> </li> </ol> <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><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</p>

	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> 15.11.2021
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 02/12/2021
<b>Dedicated responses to:-</b> N/A		