



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2352/OB1	
2.	Proposed Development:	VARIATION OF CONDITION 12 (CHANGE OF WINDOW MATERIAL) OF PLANNING APPROVAL 4/18/2207/OL1, LISTED BUILDING CONSENT FOR INTERNAL & EXTERNAL REFURBISHMENT WORKS	
3.	Location:	SEASCALE HALL FARM, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, Gas Pipeline - Northern Gas Pipeline - 135m buffer, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a Grade II Listed building, known as Seascale Hall, located approximately 350m to the east of Sellafield. The building is two storeys in height and finished with roughcast stone. Historically parts of the house were used and left to become virtually derelict, however the dwelling	

is now being slowly brought back to good repair by the present tenants. The site is currently undergoing extensive refurbishments following the granting of Listed Building consent in 2018 (ref: 4/18/2207/OL1).

### **Planning History**

4/18/2207/OL1 – Listed Building Consent for Internal and External Refurbishment Works

4/20/2361/DOC – Discharge of condition 3 (Engineers Report) of approved Listed Building Consent

4/18/2207/OL1 – Discharged in part in relation to barn 1 of the application

4/20/2490/DOC – Discharge of condition 4, 6, 7, 8, 9, 11, 12 & 13 of planning approval 4/18/2207/OL1

4/21/2244/DOC – Discharge of condition 3 of approved Listed Building Consent 4/18/2207/OL1 – Discharged in part in relation to barn 1 of the application

4/21/2332/DOC – Discharge of condition 10 of approved Listed Building Consent 4/18/2207/OL1 – Discharged in part

4/21/2348/OL1 – Listed building consent for ground floor removal of all ground floor suspended timber floors for replacement with limecrete; ground floor toy room limecrete floor level reduction by 250mm to allow a sufficient ceiling level, following above floor joist replacement; removal of the wall between the kitchen and entrance hall due to condition; steel beam installs below existing kitchen ceiling timber beams to be boarded out and fire protected to mitigate upper floor deflection; install of additional fire wall and door to the bottom of the stair to ensure building regulations compliance; single door opening between lounge 2 and the meat room - Approved

4/21/2391/DOC – Discharge of condition 5 and 10 of approved Listed Building Consent

4/18/2207/OL1 – Discharged in part

4/21/2552/DOC – Discharge of condition 3 of planning approval 4/21/2348/OL1 - Approved

4/22/2203/OL1 – Listed building consent for steel beams installation to lounge 1 ceiling (retrospective) and replacement of existing front door – Approved

### **Proposal**

In October 2018, Listed Building consent was granted (ref: 4/18/2207/OL1) for internal and external refurbishment works to this property. This current application seeks permission to vary the following condition attached to this Listed Building consent:

12. Prior to installation detailed and dimensioned drawings including double glazing profiles of each type of new windows shall be submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained at all times thereafter.

Reason

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

This condition has previously been discharged under reference 4/20/2490/DOC, however works have not been carried out as per the details approved therefore an application has been submitted to vary these details to reflect what has been installed at this site.

### **Consultation Responses**

#### Seascale Parish Council

No objections.

#### Copeland Borough Council – Conservation Officer

Conclusion: No objection

Assessment:

Due to a difference between the previously approved documents and the windows as installed, this variation application has been made to regularise the difference.

The installed windows are alike to the windows previously installed in the property. They are single-glazed and made from redwood.

I do not believe the new windows have made any harm to the building when compared with the previous ones, and therefore do not have any objection to the principle of the change.

In terms of the wording of the condition, I have no objection.

#### Cumbria Council County – Resilience Unit

No objections to the proposed works. However, it should be noted that the location of the property is situated within areas outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises. These areas are referred to as the Inner Emergency Planning Zone (IEPZ) and the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site. In view of the fact that this

application could increase the number of persons in the area (including trade people) I request that (in the event of the application being granted) the applicant liaises with this office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure that the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

#### Public Representation

This application has been advertised by way of a site 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.

	<p><b>Assessment</b></p> <p>Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.</p> <p>In terms of the conditions attached to the previous decision notice (4/18/2207/OL1), the development has commenced, therefore it is not necessary to repeat the condition relating to timescales. Condition 2 will be repeated to ensure that works are carried out as per the approved details. Condition 3 will be amended to reflect the details approved when this condition was discharged in January 2022. Conditions 4, 6, 7, 8, 9, 11, &amp; 13 will be amended to reflect the details approved when these conditions were discharged in March 2021. Conditions 5 and 10 will also be amended to reflect the details approved when these conditions were discharged in September 2021.</p> <p>The current application seeks to vary condition 12 of the original planning approval ref: 4/18/2207/OL1.</p> <p>Condition 12 relates to the details of the windows to be used within the development under application 4/18/2207/OL1. This condition has previously been discharged by the agent under application ref: 4/20/2490/DOC., however works have not been carried out as per the details approved therefore the condition needs to be varied to reflect the windows which have been installed within this property.</p> <p>The Council's Conservation Officer has stated that he has no objections to the alterations as the installed windows are alike to the windows previously installed, therefore the new windows do not harm the building.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. –</li> <li>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:- <ul style="list-style-type: none"> <li>- Site Location Plan, Scale 1:1520, received by the Local Planning Authority on the 9<sup>th</sup> May</li> </ul> </li> </ol>

2018.

- As Existing Drawings (Amended), Scale 1:100, Drawing No A101, Rev A, received by the Local Planning Authority on the 13<sup>th</sup> September 2018.
- Specification for Repair, Damp Proofing, Structural and Insect Treatment Works, received by the Local Planning Authority on the 9<sup>th</sup> May 2018.
- Images Showing the Extent of the Damp Penetration, received by the Local Planning Authority on the 9<sup>th</sup> May 2018.
- Damp & Timber Report, received by the Local Planning Authority on the 9<sup>th</sup> May 2018.
- Heritage Statement, received by the Local Planning Authority on the 9<sup>th</sup> May 2018.
- Conditional Supplement to the Design and Access Statement, received by the Local Planning Authority on the 13<sup>th</sup> September 2018.

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. The development hereby approved must be carried out in accordance with the Remediation and Demolition Plan, and Inspector Report, approved as part of condition 3 of 4/18/2207/0L1, as detailed within correspondence dated 28th May 2021 (ref: 4/21/2244/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

In additional to these approved details, any further deflections to roof and walls should be identified within an engineers report including the extent of the deflections and methods of stabilising and repairing appropriate repairs should be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained at all times thereafter.

Reason

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

4. The development hereby approved must be carried out in accordance with the design and construction of the replacement rainwater goods and fittings approved as part of condition 4 of 4/18/2207/0L1, as detailed within correspondence dated 8th March 2021 (ref: 4/20/2490/DOC). Development must be carried out in accordance with the approved details

and so maintained thereafter.

Reason

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

5. The development hereby approved must be carried out in accordance with the Materials shown in the Digital Images approved as part of condition 5 of 4/18/2207/OL1, as detailed within correspondence dated 15<sup>th</sup> September 2021 (ref: 4/21/2391/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

6. The development hereby approved must be carried out in accordance with the Photographic Record and Specifications approved as part of condition 6 of 4/18/2207/OL1, as detailed within correspondence dated 8th March 2021 (ref: 4/20/2490/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

7. The development hereby approved must be carried out in accordance with the Specifications approved as part of condition 7 of 4/18/2207/OL1, as detailed within correspondence dated 8th March 2021 (ref: 4/20/2490/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

8. The development hereby approved must be carried out in accordance with the Specifications approved as part of condition 8 of 4/18/2207/OL1, as detailed within correspondence dated 8th March 2021 (ref: 4/20/2490/DOC). Development must be carried out in accordance with

the approved details and so maintained thereafter.

Reason

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

9. The development hereby approved must be carried out in accordance with the Specifications approved as part of condition 9 of 4/18/2207/OL1, as detailed within correspondence dated 8th March 2021 (ref: 4/20/2490/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

10. The development hereby approved must be carried out in accordance with the Specifications and Details approved as part of condition 10 of 4/18/2207/OL1, as detailed within correspondence dated 15th September 2021 (ref: 4/21/2391/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

In additional to these approved details any further details of defective timber, including floors, to be removed and replaced, and details of replacement timbers, must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained at all times thereafter.

Reason

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

11. The development hereby approved must be carried out in accordance with the Specifications approved as part of condition 11 of 4/18/2207/OL1, as detailed within correspondence dated 8th March 2021 (ref: 4/20/2490/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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



12. The development hereby approved must be carried out in accordance with the following approved plan:

- Cover Letter, Prepared by Avison Young, Dated 23<sup>rd</sup> August 2022, received by the Local Planning Authority on the 23<sup>rd</sup> August 2022.
- As Existing Drawings, Scale 1:100, Drawing No: A101, Rev: 1, received by the Local Planning Authority on the 23<sup>rd</sup> August 2022.
- Window Details: W11: Utility, Scale 1:10, Drawing No: AY/AT/21/02, received by the Local Planning Authority on the 23<sup>rd</sup> August 2022.
- Window Details: W9: Toy Room, Scale 1:10, Drawing No: AY/AT/21/03, received by the Local Planning Authority on the 23<sup>rd</sup> August 2022.
- Window Details: W23 & 24: Bedroom 5, Scale 1:10, Drawing No: AY/AT/21/04, received by the Local Planning Authority on the 23<sup>rd</sup> August 2022.
- Window Details: W26 & 27: Bathroom, Scale 1:20, Drawing No: AY/AT/21/01, received by the Local Planning Authority on the 23<sup>rd</sup> August 2022.
- Window Details: W25: Staircase, Scale 1:10, Drawing No: AY/AT/21/01, received by the Local Planning Authority on the 23<sup>rd</sup> August 2022.
- Schedule of Works, received by the Local Planning Authority on the 23<sup>rd</sup> August 2022.

The development must be retained in line with the approved details at all times thereafter.

Reason

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

13. The development hereby approved must be carried out in accordance with the Specifications approved as part of condition 13 of 4/18/2207/0L1, as detailed within correspondence dated 8th March 2021 (ref: 4/20/2490/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

	<p><b>Informative:</b></p> <p>The applicant should liaise with the CCC Resilience Office via <a href="mailto:emergency.planning@cumbria.gov.uk">emergency.planning@cumbria.gov.uk</a> to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.</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 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>
<b>Case Officer:</b> C. Burns	<b>Date :</b> 13.10.2022
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 14.10.2022
<b>Dedicated responses to:-</b> N/A	