



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2372/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT TO INSTALL A WOOD BURNING STOVE AND EXTERNAL FLUE
3.	Location:	ORCHARD HOUSE, 115 MAIN STREET, ST BEES
4.	Parish:	St. Bees
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Conservation Area - Conservation Area,</p> <p>Listed Building - Listed Building,</p> <p>Coal - Standing Advice - Data Subject To Change,</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: NO</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>This application relates to Orchard House, 115 Main Street, which is a Grade II listed end-of-terrace property situated within St Bees.</p> <p>The property is a late Georgian residential dwelling and it is situated within St Bees Conservation Area.</p> <p>The listing entry for the property states the following:</p> <p style="padding-left: 40px;">NX 91 SE ST BEES MAIN STREET (West side) St Bees 12/88 No 115 (Orchard House) II</p> <p style="padding-left: 40px;">House, late C18/early C19. Pebble-dashed rubble. Parallel roofs with rendered end chimneys;</p>	

graduated slate to front, welsh slate to rear. Cast-iron moulded gutter on brackets. Symmetrical 2-storey, 3-bay front has central part-glazed door in stone surround; two 16-pane sashes in stone surrounds to each floor.

Listing NGR: NX9712011716

PROPOSAL

Listed Building Consent is sought for the installation of a log burner and flue.

The log burner is to be installed within the family room at the rear of the property and the external flue will run vertically up the north facing gable end. The flue will be finished in black and it will extend to a total height of 7 metres.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- The conversion of garage into extra living space for the main house, including new conservatory (ref: 4/02/0788/0).

Listed Building Consent has previously been granted for:

- Replacement windows (ref: 4/89/0194/0);
- The erection of a front railings, removal of chimney stacks, replacement rear windows and new rear patio doors (retrospective) (ref: 4/15/2343/0L1);
- The installation of three new terracotta chimney cowls at the gable end (ref: 4/19/2287/0L1);
- The removal of concrete based from the front of house and replace with gravel, install channel drain adjacent to gable end wall (ref: 4/21/2446/0L1).

CONSULTATION RESPONSES

St Bees Parish Council – No objection.

Conservation and Design Officer – No objection.

Public Representation

The application has been advertised by way of a site notice.

No consultation responses have been received as a result of this advertisement.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Conservation Area Design Guide 2017

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

ASSESSMENT

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings

	<p>and their settings.</p> <p>The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.</p> <p>Section 16.2 requires that: <i>‘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’.</i></p> <p>Section 72 requires that: ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance’ of a conservation area.</p> <p>Paragraphs 189 – 208 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.</p> <p>The application is supported by a Design and Access/Heritage Statement and a Structural Report. This provides justification as to why the re-use of the existing chimney stack was not practical. On this basis, the external flue is considered to be suitable for its use and justified by the existing chimney restrictions would require more invasive modifications to bring it back into use.</p> <p>The Conservation and Design Officer has indicated that the proposed log burner and flue would entail less-than-substantial harm to the building externally through loss of fabric and additional visual clutter, however this is towards the negligible end of the scale. It will be located within a discreet location within the rear garden and it will be relatively modest in scale.</p> <p>In addition, due to the siting within the rear garden, it is also not anticipated that the proposed works will impact the character or appearance of the Conservation Area.</p> <p>On this basis, the works are justified and the benefits will outweigh the any harm.</p> <p>The Conservation Officer has raised no objections to the proposed log burner and flue and therefore the proposal is considered to meet Policy DM27, thereby satisfying the duties and test set out in the LBCA and the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposal is considered to have a negligible harm to the character of the Listed Building and Conservation Area and therefore in applying the tests of the Copeland Local Plan 2013-2028, the LBCA and the NPPF, the proposal would preserve the heritage significance of the listed building. The application is therefore considered to be an acceptable form of development.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>

<p>9.</p>	<p>Conditions:</p> <p>1. The works hereby permitted must commence before the expiration of three years from the date of this consent.</p> <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> <p>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: -</p> <p>Application Form, received 9th September 2022; Site Location Plan, scale 1:1250, received 9th September 2022; Block Plan, scale 1:200, received 9th September 2022; Proposed Flue Plans, received 9th September 2022; Structural Report, received 9th September 2022; Design and Access/Heritage Statement, received 9th September 2022.</p> <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>Statement</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 Listed Building Consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p>Case Officer: C. Unsworth</p>	<p>Date : 28/10/2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 02/11/2022</p>
<p>Dedicated responses to:- N/A</p>	