

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2024/OL1	
2.	Proposed Development:	LISTED BUILDING CONSENT FOR REPAIR, REBUILD & STABILISATION OF PELHAM WALLED GARDEN'S PERIMETER WALL & OUTBUILDINGS; INTALLATION OF NEW ROOFING SYSTEM; REPAIR & REPLACEMENT OF RAINWATER GOODS; INSTALLATION OF SECURITY SCREENS AND OTHER GENERAL REPAIRS	
3.	Location:	PELHAM HOUSE, PELHAM DRIVE, CALDERBRIDGE	
4.	Parish:	Ponsonby	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letters	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to Pelham House, a Grade II* Listed Building, located off Pelham Drive to the south west of Calderbridge. The application relates specifically to the walled gardens to south of the main building.	
	Planning History		

4/18/2533/0F1 – Replacement of timber sliding sash windows with new timber sliding sash windows – Approved

4/18/2534/0L1 – Listed building consent for replacement of timber sliding sash windows with new timber sliding sash windows - Approved

4/19/2218/0F1 – Replacement of defective timber sliding sash windows on rear elevations (69 in total) with new timber sliding sash windows – Approved

4/19/2219/0L1 – Listed building consent for replacement of defective timber sliding sash windows on rear elevations (69 in total) with new timber sliding sash windows – Approved

Proposal

This application seeks listed building consent for the following works:

- Repair, rebuild and stabilisation of Pelham Walled Garden's perimeter wall and outbuildings;
- Installation of new roofing system;
- Repair and replacement of rainwater goods;
- Installation of security screens;
- Other general repairs.

Consultation Responses

Seascale Parish Council

Support the application with no objections. The Parish Council welcome the restoration and repair of this historic building and outhouses.

Copeland Borough Council – Conservation & Design Officer

9th February 2023

Conclusion: Request further information

Assessment:

The following works are broadly proposed:

- Vegetation removal and repair/replacement of copings to walled garden and outbuildings. Repointing as needed. Replacement of missing masonry as needed.
- Gutterings and downpipes to be made good
- Roof coverings to outbuildings replaced and strapped to purlin ends to resist wind uplift.

Green oak, resin-anchor bolted to masonry, roof cladding.

- Local rebuilding to repair crack at corner of Outbuilding 1a
- Rebuilding of Wall 5 pt. 2 at location of a bulge.

Much of the work is localised repair and small-scale rebuilding on a like-for-like basis. In the interest of maintaining the asset for this and future generations, these proposals are beneficial in principle.

In terms of details, I have a few questions. My apologies if info is already included in the specification; I haven't been able to find it so would be grateful for comment:

- What mortars are to be used, either for repointing the wall face or for rebuilding sections of wall?
- Will replacement facing stones or bricks need to be sourced, and if so what?
- What new copings will be sourced?
- Where are the security screens to be used? What is the need for them; is trespassing a problem? Are they intended to be temporary or permanent?
- Proposed cement fibre roofing appears to be roughly comparable to existing material, therefore expected impact negligible.

2nd March 2023

Conclusion: No objection

Assessment:

Additional information has been received, clarifying some of the questions I had initially, which were as follows:

- *What mortars are to be used, either for repointing the wall face or for rebuilding sections of wall?*
 - The mortars are to be a non-hydraulic lime gauged pozzolan for pointing and a natural hydraulic lime for bedding and localised rebuilding.
- *Will replacement facing stones or bricks need to be sourced, and if so what?*
 - On-site materials will be reused, and where additional is needed, sourced on a like-for-like basis.
- *What new copings will be sourced?*
 - See above.
- *Where are the security screens to be used? What is the need for them; is trespassing a problem?*

Are they intended to be temporary or permanent?

- These are intended for the range of outbuildings to provide security and ventilation without the need to recreate windows and frames. Given that the buildings are out of use, this appears reasonable.
- The appearance will constitute less-than-substantial harm to the asset on account of visual impact, however, given that the garden itself will remain in use, this is probably the best compromise at this stage, and is easily reversible in future.

Cumbria County Council – Historic Environments Officer

I defer to any forthcoming comments that your conservation officer may make regarding the acceptability of the scheme.

National Amenities Society

No comments received.

Natural England

No comments received.

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 ST2 – Spatial Development Strategy

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been subject to examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Assessment

The main issues raised by this application are the principle of development and impact on the

heritage asset; and ecology.

Principle of Development and Impact Heritage Asset and Conservation Area

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 134 of the National Planning Policy Framework (NPPF) asserts that "Development that is not well designed should be refused".

NPPF para. 197 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).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206)

The Council's Conservation Officer has stated the majority of the works are considered localised repair and small-scale rebuilding on a like-for-like basis which are beneficial for the maintenance of the asset of this and future generations. The Officer however requested clarification on a number of details, including materials and need for security screens. Based on the additional information provided by the agent for this application to address these matters the Officer offered no objections to the application.

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.

All bat species are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017 (CHSR). Regulation 9(1) states that a competent authority must exercise the functions which are relevant to nature conservation, so as

to secure compliance with the requirements of the Habitats Directive.

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 application is supported by a Preliminary Ecology Appraisal which was carried out in 2019. This survey concludes that none of the habitats identified on site were considered to be of significant ecological value and are not considered to represent a constraint to the proposed works. This appraisal made the following recommendations:

- Bats: Evidence of bats use was identified and building considered to possess 'moderate' potential to supporting bats. The proposed works to the two buildings only comprise of pointing and bat roosting potential in these areas was considered to be limited, an endoscope inspection of these areas to be potentially impacted is recommended. In the apparently unlikely event that roosting bats are identified nocturnal survey work should be completed. If, following these further bat surveys, the proposed works are determined to likely cause destruction/disturbance to any bat roosts then a EPS licence will need to be sought from Natural England. This licence would need to detail how the works would avoid any harm to bats in addition to potentially providing appropriate compensatory roosting sites. The perimeter wall surrounding the site also possessed some features with the potential to support roosting bats and was assessed to be of 'low' suitability for roosting bats. Given that potential roost sites were identified in the wall an endoscope survey is recommended prior to pointing works commencing. In the apparently unlikely event that any roosting bats are identified then nocturnal survey work should be completed in-line with the methods described above, prior to a EPS licence being sought/the site registered by a RC under the BML scheme.
- Badgers: No Badger activity was noted within the site, although an active sett was located 60m to the south and the occasional presence of foraging Badgers within the site is considered possible. Badgers should therefore be considered within renovation works by covering trenches after works or include a means of escape for animals, and by capping any temporarily exposed pipes.
- Reptiles: The proposed works to buildings/walls are unlikely to impact reptiles (if present), however, impacts to habitats with the potential to support reptiles during preparatory works and through the storage of materials should be avoided. If reptiles are encountered during site work, works should cease in that area and advice of an appropriately experience ecologist sought.
- Birds: If possible, any vegetation clearance/building renovation works should be completed outside the bird nesting season (1 March to 31 August), although it should be noted that the nesting period may extend beyond these dates. Should an occupied bird nest or a nest in the

process of being constructed be encountered during works, clearance must cease in this area and should only re-commence once the birds have fledged or the nest is abandoned. If works must be undertaken during the nesting season, a survey to identify any nests which may be impacted will be required.

- Opportunities for enhancement: Opportunities may exist to create small habitat areas and to use native species in any landscape planting. Opportunities also exist to enhance the site for bat and bird species through the incorporation of bat/bird boxes into built structures or on retained trees.

The application is also supported by a Bat Survey carried out in 2022. This survey concluded and recommended the following:

- Building 1 & 2: A nocturnal survey of these buildings did not identify the presence of roosting bats. However, only a single survey was completed, and this was towards the end of the survey season. It is recommended that once the scope of work is determined in relation to the buildings the potential requirement for further survey work is considered by a SQE.
- Wall: The PRA identified the presence of many, substantial PRFs and the presence of a roosting bat was confirmed during a single survey of a small section of wall. No works to the wall should be completed until further survey work is completed. This survey work should comprise a minimum of two (maximum of three) nocturnal surveys of all sections of the wall with the potential to support roosting bats to determine roost locations, species present and numbers. These surveys should be completed between May and August (inc.). The confirmation of a roosting bat within the wall means that a licence from Natural England will be required to enable the proposed works to proceed lawfully.

The mitigation measures set out within the 2019 ecology appraisal and the 2019 bat survey will be secured as part of any decision notice for this application.

In accordance with the CHSR, it is necessary to consider the likelihood of a license being granted by Natural England and in doing so engage with the three derogation tests. The rigour and stringency with which the tests are applied increase with the importance and significance of the roost.

Is the proposed development necessary for imperative reasons of overriding public interest?

The proposed works will help secure the future maintenance of Listed Heritage Asset. For these reasons it is considered that the test is passed.

Is there a satisfactory alternative?

It is unlikely that the development could proceed in such a way as to avoid the licensable activities. In conclusion there is no satisfactory alternative.

	<p>Will the favourable conservation status of the species be maintained within its natural range?</p> <p>Taking into account the use of the site by bats, together with required additional surveys, and the potential mitigation and compensation measure to be secured as part of the licencing application the favourable conservation status of the species will be maintained within its natural range. It is therefore considered that the three tests are met and a licence would be likely to be granted by Natural England.</p> <p>Natural England have offered no comments to this application.</p> <p><u>Conclusion & Planning Balance</u></p> <p>The proposed works to the Heritage Asset are considered to be justified and will secure future of the asset. Following clarification from the agent, no objections have been raised by the Council's Conservation Officer. Additional survey works are required to secure the protection of bats present at the site, these will be secured by condition.</p> <p>In all aspects, the proposed development is 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.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The works hereby permitted must be commenced before the expiration of three years from the date of this consent. <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"> 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:- <ul style="list-style-type: none"> - Site Location Plan, Scale 1:2500, received by the Local Planning Authority on the 18th

January 2023.

- Covering Letter, received by the Local Planning Authority on the 18th January 2023.
- Site Plan, Scale 1:1250, received by the Local Planning Authority on the 18th January 2023.
- Bat Survey Report, Prepared by BiOME Consulting December 2022, received by the Local Planning Authority on the 18th January 2023.
- Specification of Works, received by the Local Planning Authority on the 18th January 2023.
- Heritage Statement, Prepared by Lanpro November 2022, received by the Local Planning Authority on the 18th January 2023.
- Preliminary Ecological Appraisal, Prepared by BiOME Consulting January 2019, received by the Local Planning Authority on the 18th January 2023.

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.

Pre Commencement Conditions:

3. Prior to the commencement of any works hereby approved additional protected species survey must be undertaken and submitted to and approved in writing by the Local Planning Authority as set out in the approved document 'Bat Survey Report, Prepared by BiOME Consulting December 2022, received by the Local Planning Authority on the 18th January 2023'. The development must be carried out in accordance with and implement all of the mitigation and compensation measure set out within this approved document and retained thereafter.

Reasons

To protect the ecological interests evident on the site.

Other Conditions:

4. The development hereby approved must implement all of the mitigation and compensation measures set out in the approved documents:
 - Bat Survey Report, Prepared by BiOME Consulting December 2022, received by the Local Planning Authority on the 18th January 2023.

	<p>- Preliminary Ecological Appraisal, Prepared by BiOME Consulting January 2019, received by the Local Planning Authority on the 18th January 2023.</p> <p>Reasons</p> <p>To protect the ecological interests evident on the site, in accordance with policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF.</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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: C. Burns	Date : 30.03.2023
Authorising Officer: N.J. Hayhurst	Date : 30.03.2023
Dedicated responses to:-	