

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2059/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR REPLACEMENT OF THE EXISTING WROUGHT IRON GATE WITH A NEW GATE DESIGNED TO REFLECT THE CHARACTER OF THE WAR MEMORIAL. REPAINT RAILINGS TO DARK BLUE GREY COLOUR TO COORDINATE WITH THE REFURBISHED STREET FURNITURE.
3.	Location:	WAR MEMORIAL, MARKET PLACE, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION	This application relates to the War Memorial and Railings to Enclosure, a Grade II listed building situated on Market Street, Egremont.

The site includes a WWI memorial with an additional roll for WW2, dating from 1922 and 1952 and featuring a statue of a soldier atop a pedestal, two-stage square base and elliptical base. It is surrounded by a small iron railing with gate that appears to date from the latter 20th century.

The listing entry for the property states the following:

NY 01 SW (INSET) EGREMONT MARKET PLACE (centre) Egremont 9/36 War Memorial & railings to enclosure II

Memorial to 1914-18 War. Polished granite plinth, c6 ft high on 2 steps; square in plan. Inscription on central section of plinth; corniced top surmounted by life-size bronze of W.W.I. infantryman leaning on rifle. Wrought-iron railings, c2 ft high with square standards, to oval enclosure; gate on north side.

Listing NGR: NY0104410608

The war memorial and railings are also situated within Egremont Conservation Area.

PROPOSAL

Listed Building Consent is sought for the replacement of the existing wrought iron gate with a new gate designed to reflect the character of the war memorial.

The proposal also includes the re-painting of the railings to dark blue-grey colour to coordinate with the refurbished street furniture.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- The formation of public square and amenity area with streetscape improvements (ref: 4/93/0656/0).

CONSULTATION RESPONSES

Egremont Town Council

No objection.

Conservation and Design Officer

No objection.

National Amenities Society

No comments received.



Cumberland Council

Public Representation

The application has been advertised by way of a site notice and press 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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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 2021-2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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.

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 and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 16.2 requires that: *'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'*.

Section 72 requires that: 'special attention shall be paid to the desirability of preserving or

	<p>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 Statement which provides justification for the new poppy theme as an appropriate subject for the war memorial location.</p> <p>The Conservation and Design Officer confirmed the original ironwork was lost during WW2 and though the replacement railings/gate are acceptable, they are of no particular significance.</p> <p>The replacement gate will include a custom poppy design and it was considered that this is a more attractive and personal design, and it suits the commemorative and local nature of the memorial.</p> <p>The proposed blue-grey colour of the gate and repainting of the railings is also considered to attractively refresh the memorial. The proposal is modest in scale and it will make a positive contribution to the character of the listed building and the conservation area.</p> <p>The Conservation Officer raised no objections to the proposed replacement gate and the repainting of the railings 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 positive impact on 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>
9.	<p>Conditions:</p> <p>1. The works hereby permitted shall be commenced 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 1st March 2023; Site Location Plan, scale 1:2500, drawing no. EMS_11, received 1st March 2023; Proposed Plans, scale 1:10, drawing no. EMS_T10A, received 1st March 2023; Design and Access Statement, received 1st March 2023.</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>	
Case Officer: C. Unsworth		Date : 17/05/2023
Authorising Officer: N.J.Hayhurst		Date : 17/05/2023
Dedicated responses to:- N/A		