

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2143/0L1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR THE INSTALLATION OF 1 NO. GPS NODE, TO BE LOCATED EXTERNALLY MOUNTED OFF AN UPGRADED ANTENNA SUPPORT POLE, INTERNAL WORKS, AND ANCILLARY DEVELOPMENT THERETO
3.	Location:	ST MARYS AND ST MICHAELS, CHURCH STREET, 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 St Marys and St Michaels Church, a Grade II listed building situated on Church Street, Egremont. The building is constructed of sandstone and benefits from a tower which currently

accommodates existing telecommunications equipment.

The listing entry for the property states the following:

NY 01 SW (INSET) EGREMONT SOUTH STREET (East side) Egremont

9/43 Church of St Mary 9.3.67 & St Michael G.V. II

Parish Church. 1881 by T. Lewis Banks (London and Whitehaven) replacing late C12 church, parts of which were incorporated. Western baptistry gift of local Freemasons 1883. Tower raised in 1901 by Oliver & Dodgshun (Carlisle). Hammer-dressed, snecked, sandstone blocks with quoins; moulded plinth, strings, eaves cornice, and pilaster buttresses. Graduated slate roofs with outshuts to either side of chancel; stone copings, kneelers, and apex crosses. Embattled tower to north-west corner, nave with aisles, short transept, and chancel. Early English style. 4-stage tower has panelled door to ground floor; pointed arch-head of 4 orders with foliate capitals to jamb-shafts. Similar 2-order door in gabled porch on south side. Lancet windows, some in chancel and north nave aisle re-used late C12; corbels of similar date to north aisle. Interior: Pointed arches throughout; 5-bay nave arcade carried on columns with foliate capitals. Nave roof carried on corbels. Transept arms separated from nave by 2-bay arcade carried on tall quatrefoil pier. 2-seater sedilia, pillar piscina, and shelf, under wall arcade in chancel. Late C19 fittings. Pulpit of Caen stone with alabaster figures, supported on marble shafts. Kneeling angel supports scalloped font bowl. Drawings and description of earlier church by T. Lewis Banks in C.W.A.A. Transactions, Old Series, Vol. 6, pp163-175.

Listing NGR: NY0112410568

The site is also situated within Egremont Conservation Area.

Proposal

Listed Building Consent is sought for the installation of 1 no. GPS node, which will be externally mounted onto an upgraded antenna support pole, along with internal works and ancillary development.

The internal works comprise of the replacement of 3 no. existing antennas with 3 no. upgraded antennas and the installation of 1 no. new cabinet and 1 no. rack, and ancillary works thereto in the existing equipment room.



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Relevant Planning Application History

There is no relevant planning history at the site.

Consultation Responses

Egremont Town Council

No objection.

Conservation and Design Officer

No objection.

National Amenities Society

No comments received.

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 T2 – Information and Communications Technology

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM23 – Information and Communications Technology

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 BE1PU – Heritage Assets



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Policy BE2PU – Designated Heritage Assets

Policy CO1PU – Telecommunications and Digital Connectivity

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 enhancing the character or appearance' of a conservation area.

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.

The application is supported by a Design, Access and Heritage Statement which provides justification for the proposed telecommunications upgrade.

It is confirmed there is no requirement for any new drilling of equipment to the material of the listed building. The upgraded antenna support poles will be fixed to existing clamps and steel plates which are already in situ. The mesh will be fixed to the existing timber frames once the timber boards are removed. The proposed cabinet and ERS rack will be bolted to an existing steel grillage floor which is already in position.

The Conservation and Design Officer raised no objections as the proposal aims to provide 4G coverage across the surrounding area of Egremont town centre by mounting various transmitters and cabling onto existing clamps and mounts within the church tower. This includes an external GPS note which requires a clear line of sight and therefore the external location is justified.

It is considered that the proposal consists of negligible harm to the appearance of the tower. There will be no harm to the historic fabric and the change in appearance will be extremely minimal.

The public benefit in terms of 4G coverage appears reasonable justification for the change.

	<p>On this basis, 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 impact on the character of the Listed Building and Conservation Area, justified by the public benefit of the 4G coverage 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: Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <li data-bbox="159 1019 1484 1164">1. The works hereby permitted must commence before the expiration of three years from the date of this consent. Reason 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. <li data-bbox="159 1355 1484 2002">2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: - Application Form, received 17th May 2023; Site Location Plan, scale 1:1250, drawing no. 1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023; Existing Site Plan, scale 1:200, drawing no. 1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023; Existing Elevation A, scale 1:200, drawing no. 1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023; Proposed Site Plan, scale 1:200, drawing no. 1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023; Proposed Elevation A, scale 1:200, drawing no. 1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023; Existing and Proposed Antenna Layout, scale 1:50, drawing no.



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1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023;
Existing and Proposed Equipment Room Layout, scale 1:50, drawing no.
1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023;
Plan on Antenna Fixing Details with Apertures, scale 1:10, drawing no.
1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023;
Typ. Section on Antenna fixing details with apertures, scale 1:20, drawing no.
1208338_COP020_12086_CA0190_M002 Issue B, received 17th May 2023;
ICNIRP Declaration with Clarification Letter, received 17th May 2023;
Consultation Letters and Responses, received 17th May 2023;
Supplementary Information (including Design and Access Statement/Heritage Statement), received 17th May 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.

Statement

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.

Case Officer: C. Unsworth

Date : 07/07/2023

Authorising Officer: N.J. Hayhurst

Date : 12/07/2023

Dedicated responses to:- N/A