

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2265/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONIDITON 3 OF PLANNING APPLICATION 4/23/2024/0L1	
3.	<b>Location:</b>	PELHAM HOUSE, PELHAM DRIVE, CALDERBRIDGE	
4.	<b>Parish:</b>	Ponsonby	
5.	<b>Constraints:</b>	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.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>		
	<b>Site and Location</b>		
	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

4/23/2024/0L1 – Listed building consent for repair & stabilisation of Pelham walled garden's perimeter wall and outbuildings – Approved.

## **Proposal**

In March 2023, Listed Building Consent was granted (ref: 4/23/2024/0L1) for the repair and stabilisation of Pelham walled garden's perimeter wall and outbuildings. This current application seeks to discharge pre commencement condition 3 attached to this Listed Building Consent 4/23/2024/0L1. This condition states:

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.

The information submitted in support of the application comprises the following:

- Application form, received by the Local Planning Authority on the 20<sup>th</sup> September 2023.
- Covering Letter, received by the Local Planning Authority on the 20<sup>th</sup> September 2023.
- Preliminary Ecological Appraisal, Prepared by BiOME Consulting January 2019, Version 2, received by the Local Planning Authority on the 20<sup>th</sup> September 2023.
- Bat Survey Report, Prepared by BiOME Consulting December 2022, Version 2, received by the Local Planning Authority on the 20<sup>th</sup> September 2023.



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- Updated Bat Survey Report, Prepared by BiOME Consulting August 2023, Version 2, received by the Local Planning Authority on the 20<sup>th</sup> September 2023.

### **Consultation Responses**

#### Natural England

Natural England currently has no comment to make on the discharge of condition 3.

If any of the conditions relate to protected species, please note the following:

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced [standing advice<sup>\[1\]</sup>](#) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

#### **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 (2023)

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 submitted for 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**

As part of the 2023 Listed Building Consent (ref: 4/23/2024/0L1) a bat survey was submitted which concluded that additional survey work was required for buildings 1 and 2, and the garden wall due to the time of year of the original survey and the presence of bats identified. This was secured by a pre commencement condition.



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	<p>In order to discharge this condition an updated bat survey report has been submitted carried out in the timescale recommended by the 2022 survey.</p> <p>A preliminary roost assessment was undertaken of buildings 1 and 2 which concluded results were consistent with the 2019 and 2022 survey. A nocturnal survey was also undertaken for both buildings and noted occasional foraging/commuting.</p> <p>A preliminary roost assessment was also undertaken for the wall which found no evidence of bats, however the wall was assessed to be of moderate suitability for roosting bats. Two nocturnal surveys were also undertaken for the wall which identified two Soprano Pipistrelle roosted within the wall, with foraging activity focused to the west of the survey area.</p> <p>The updated report concludes that the proposed works will result in the loss of both roost within the wall, therefore a licence will be required from Natural England for the works to proceed lawfully. As part the original Listed Building Consent (ref: 4/23/2024/OL1 the likelihood of a license being granted by Natural England was considered in accordance with the CHSR.</p> <p>The report also sets out mitigation measures in terms of timings of work, updates to reports, supervision of works, use of temporary bat boxes, and compensation including the installation of two double front bat boxes are installed on trees around the periphery of the site prior to works with two bat boxes installed on the rebuilt wall. The development would be required to be carried out in accordance with the mitigation and compensation measure set out within the updated report as per the wording of the original condition.</p> <p>Natural England have been consulted on this application and offered no comments.</p> <p>Based on the information provided condition 3 can be formally discharged.</p> <p><u>Conclusion</u></p> <p>Discharge condition 3.</p>
8.	<b>Recommendation:</b> Approve discharge of condition 3.
<b>Case Officer:</b> C. Burns	<b>Date :</b> 01.11.2023
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 02.11.2023
<b>Dedicated responses to:-</b>	

