

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2378/0L1	
2.	Proposed Development:	APPLICATION FOR LISTED BUILDING CONSENT FOR NEW OPENING IN STONE BOUNDARY WALL AND INSTALLATION OF ELECTRIC CAR CHARGER (PART RETROSPECTIVE)	
3.	Location:	SELLA PARK HOUSE, 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, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	This application relates to a vacant sandstone barn which is located at the entrance to Sella Park County House Hotel to the south west of Calderbridge. The barn sits within the overall	

development of the Hotel, which includes a principal Grade II Listed hotel building and a detached cottage. The barn, which is currently utilised as storage for the business, fronts onto the highway between Calderbridge and the Sellafield site.

Relevant Planning History

4/23/2135/0F1 – Conversion of barn to form additional letting bedrooms associated with Sella Park Hotel – Approved.

Proposal

This application seeks Listed Building Consent for the installation of a new opening within an existing sandstone boundary wall located to the north of the existing Sella Park Hotel, which separates the site from the adjacent barn. The barn was granted planning permission (ref: 4/232135/0F1) in December 2023 for conversion into additional letting rooms associated with Sella Parks Hotel.

The proposed opening within the stone wall will provide direct pedestrian access between the two buildings, in order for guest to access the facilities within the main hotel. The works will see the existing wall propped and secured with a new red sandstone lintol. The existing stone made good and motor will match the existing.

This application also seeks retrospective Listed Building Consent for the retention of two electric car chargers which have been installed along this boundary wall to serve residents of the Hotel. The charging points are demountable and a non-permanent installation.

Consultation Responses

Ponsonby Parish Council

Support. The Parish Council have no issue with this application.

Cumberland Council – Conservation & Design Officer

Conclusion: No objection

Assessment:

- The wall is considered to be part of the curtilage of the main building, and therefore to be part of the listed fabric.
- An opening is needed in the wall to provide pedestrian access from the main hotel building to the new section being created in a disused barn on the north side.
- As observed in the D, A and H statement, the wall is brick faced on one side and sandstone rubble on the other, and this may be to present a more polite façade



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towards the main house. Additionally, the walls of walled gardens are often constructed using masonry e.g. red sandstone on one side yet faced with brick on the other (this can be observed, for example, at the walled garden at Pelham House, a short distance away). The purpose of this was that the brick absorbs and then re-releases heat very slowly and evenly, which keeps the wall evenly warmed and therefore suitable for growing. I note that the brick elevation also faces due south, and wonder if this may have been to make the wall more suitable for growing plants against, and whether it played a role in evening out hot and cold spots caused by the shadow of the building tracking across the wall during the day.

- I would view the insertion of the opening as consisting of a minor level of less-than-substantial harm, justified by the need to access the barn and mitigated by the detailing.
- I raise the question of whether the narrow section of wall abutting the corner of the barn will be stable once the opening is made. Perhaps this will need tying into the barn wall.
- The car charging points appear minimal in scale, minor in impact, and justified by the need to provide a charging service.

In summary, I view both aspects of the proposal as sufficiently justified by the need and mitigated by the execution as to be supportable.

Public Representation

This application has been advertised by way of a site notice 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

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 – Strategic Development Principles

Policy ER6 – Location of Employment

Policy ER10 – Renaissance through Tourism

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM8 – Tourism Development in Rural Areas

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

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

Strategic Policy DS3PU: Settlement Hierarchy



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Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Strategic Policy T1PU: Tourism Development

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Cumbria Development Design Guide

Assessment

The main issues raised by this application relate to the principle of the development and the impact on heritage assets.

Principle of Development

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate growth of the Borough's local economy.

Policy ST1, ER10, DM8 and DM9 of the Copeland Local Plan seeks to maximise the potential of tourism in the Borough and will seek to expand tourism outside of the Lake District National Park boundaries to take pressure off the National Park's busiest locations and deliver economic benefit in the Borough.

Within the Emerging Local Plan, Policy T1PU states that the Local Plan supports the creation, enhancement and expansion of tourist attractions, new build visitor accommodation and infrastructure in line with the settlement hierarchy.

In December 2023, planning permission (ref: 4/232135/0F1) was granted at this site to convert a sandstone barn into additional letting rooms associated with Sella Parks Hotel. The proposed access will create a direct pedestrian link between the barn accommodation and the Hotel in order to ensure guests can access the existing facilities within the main site

without walking along the highway. The proposal will therefore enhance the existing tourism facility within the Borough.

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The installation of two electric charging stations at this site will ensure the visitor accommodation can meet the needs of visitors and help improve the sustainability of the business.

On the basis of the above it is considered that the proposal complies with Policies ST1, ST2, ER6, ER10, T1, DM8, DM9 and DM22 of the Copeland Local Plan, Policies T1PU, CO4PU, CO5PU and CO7PU of the Emerging Local Plan, and the provisions of the NPPF.

Impact on Heritage Assets

Policy ST1, ENV4, DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

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).

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

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)

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either



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	<p>substantial (under para. 201) or less-than-substantial harm (under paragraph 202).</p> <p>The proposed works are minimal in scale and are justified in terms of providing a charging service and an internal pedestrian link between accommodation. The works are therefore considered to protect and enhance the Heritage asset. The Council's Conservation Officer has confirmed that he has no objections to the application. He views the insertion of the opening as minor level of less-than-substantial harm, justified by the need to access the barn and mitigated by the detailing.</p> <p>On this basis, the application is considered to comply with Policies ST1, ENV4, DM27 of the Copeland Local Plan, Policy BE1PU and BE2PU of the Emerging Local Plan, and provisions of the NPPF.</p> <p><u>Planning Balance & Conclusion</u></p> <p>The proposed alterations are considered to be of an appropriate scale and conserve the character and appearance of the traditional stone wall. The works have been justified in terms of providing a charging service and an internal pedestrian link between accommodation at the Hotel and ancillary barn site. No objections have been received by the Council's Conservation Officer.</p> <p>On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</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 respective dates and development must be carried out in accordance with them:-<ul style="list-style-type: none">- Listed Building Consent: Site Location Plan, Existing and Proposed Elevations, and Photos of Site, Scale 1:100, Dwg No: 07, Rev: -, received by the Local Planning Authority on the 12th December 2023.

- Heritage Statement, received by the Local Planning Authority on the 12th December 2023.
- Pilot Group EV Datasheet Classic Double, received by the Local Planning Authority on the 5th February 2024.

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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns

Date : 05.02.2024

Authorising Officer: N.J. Hayhurst

Date : 05.02.2024

Dedicated responses to:- N/A