

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2091/0B1	
2.	<b>Proposed Development:</b>	VARIATION OF CONDITIONS 2 (PLANS ADDITIONAL WINDOWS FOR FIRE/SMOKE VENT & ALTER ROOFLIGHTS) AND 3 (BAT ROOST MITIGATION) OF PLANNING APPROVAL 4/23/2135/0F1 CONVERSION OF BARN TO FORM ADDITIONAL LETTING BEDROOMS ASSOCIATED WITH SELLA PARK HOTEL	
3.	<b>Location:</b>	BARN ADJACENT TO SELLA GRANGE, SELLA PARK HOTEL, 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, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies	Yes Yes Yes See Report See Report
7.	<b>Report:</b>  <b>Site and Location</b>	This application relates to a vacant sandstone barn, located at the entrance to Sella Park County House Hotel sited 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**

In December 2023, planning permission was granted for the conversion of an existing barn to form additional letting bedrooms associated with Sella Park Hotel. This current application seeks to vary the following conditions attached to this original planning permission.

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:-
  - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 18<sup>th</sup> September 2023.
  - Proposed Block Plan, Scale 1:500, received by the Local Planning Authority on the 18<sup>th</sup> September 2023.
  - As Proposed Plan (Amended), Scale 1:50, Dwg No: 02, Rev: L, received by the Local Planning Authority on the 30<sup>th</sup> November 2023.
  - Structural Mark Up (Amended), Scale 1:500, Dwg No: 06, Rev: A, received by the Local Planning Authority on the 14<sup>th</sup> November 2023.
  - Preliminary Roost Assessment Survey and Presence/Likely Absence Survey for Bats (Amended), Prepared by Lakeland Ecology December 2023, received by the Local Planning Authority on the 11<sup>th</sup> December 2023.
  - Design and Access Statement (Amended), Prepared by Green Swallow Nov 2023, Rev: B, received by the Local Planning Authority on the 14<sup>th</sup> November 2023.
  - Email from Agent – Ecology Update Statement, received by the Local Planning Authority on the 15<sup>th</sup> November 2023.
  - Timber Frame Details – Typical Elevations & Vertical Section, received by the Local Planning Authority on the 27<sup>th</sup> November 2023.
  - Email from Agent, received by the Local Planning Authority on the 1<sup>st</sup> December

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.

Prior to Works/First Use/Installation

3. Prior to the commencement of any structural works, and/or works to the first floor or roof of the building, the European Protected Species Mitigation (EPSM) Licence secured from Natural England must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within the approved Licence and retained thereafter.

**Reason**

To protect the ecological interests evident on the site

**Consultation Responses**

Ponsonby Parish Council

No comments received.

Natural England

No comments received.

Cumberland Council – Conservation and Design Officer

*10<sup>th</sup> April 2024*

No objection

**Assessment:**

- An application has been made to vary conditions 2 and 3 on the prior planning approval, as outlined above.
- Physically, this some internal layout changes, and externally, the removal of one rooflight on the West elevation and removal of another, and the addition of two small windows in the elevation.
- I would view these changes as having a negligible impact on the significance of the building, and to be justified in making the building regulation compliant.

13<sup>th</sup> May 2024

I don't have any additional comments to make on this one.

#### Public Representation

This application has been advertised by way of a site notice, press notice and neighbour notification letters issued to seven properties. 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 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER10 – Renaissance through Tourism

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets



## Cumberland Council

Policy ENV5 – Protecting and Enhancing the Borough’s Landscape

### Development Management Policies (DMP)

Policy DM8 – Tourism Development in Rural Areas

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM15b – Conversion of Rural Buildings to Commercial or Community Use

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

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 ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or ‘modifications’ that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> March 2024. The Planning Inspectors Report is 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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. As the consultation on the main modifications to the ELP is now complete significant weight can also be afforded to the policies of the ELP where modifications are proposed.

	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
	Strategic Policy DS4PU: Settlement Boundaries
	Policy DS6PU: Design and Development Standards
	Policy DS7PU: Hard and Soft Landscaping
	Strategic Policy DS8PU: Reducing Flood Risk
	Policy DS9PU: Sustainable Drainage
	Policy E1PU: Economic Growth Strategic
	Policy E2PU: Location of Employment Strategic
	Policy E5PU: Employment Sites and Allocations
	Policy RE3PU: Conversion of rural buildings to commercial or community use
	Strategic Policy T1PU: Tourism Development
	Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity
	Strategic Policy N2PU: Local Nature Recovery Networks
	Strategic Policy N3PU: Biodiversity Net Gain
	Strategic Policy N6PU: Landscape Protection
	Strategic Policy N9PU - Green Infrastructure
	Strategic Policy BE1PU: Heritage Assets
	Policy BE2PU: Designated Heritage Assets
	Strategic Policy CO4PU - Sustainable Travel
	Policy CO5PU - Transport Hierarchy
	Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure
	<b>Other Material Planning Considerations</b>
	National Planning Policy Framework (2023)
	National Design Guide (NDG)
	Cumbria Development Design Guide (CDG)



## Cumberland Council

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Wildlife and Countryside Act 1981

Copeland Economic Development Needs Assessment (EDNA)

### Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (4/23/2135/0F1), development has not yet commenced in line with Section 91 of the Town and Country Planning Act 1990 therefore it is necessary to amend condition 1 to reflect the timescale for commencing development. Furthermore, it is necessary to repeat conditions 4, 5, 6, 7, 8, and 9 to ensure that works are carried out as per the approved details. Condition 10 will be altered to ensure the amended plans are reflected within this condition to ensure compliance.

The current application seeks to vary condition 2 of permission 4/23/2135/0F1, due to alterations to the external appearance of the barn including the installation of two windows for fire vents within the west elevation, and the alteration and reduction in the number of rooflights within the western roof slope. The alterations to the approved scheme are required to ensure the development is compliant with Building Regulations. The Conservation Officer has confirmed that he has no objections to the alterations and they have a negligible impact on the significance of the building.

This application also seeks permission to vary condition 3 of the original planning approval which requires the submission of the European Protected Species Mitigation (EPSM) Licence secured from Natural England prior to the commencement of any structural works, and/or works to the first floor or roof of the building. The original application was supported by an Ecology Survey which identified the presence of bat in the roof of the building, therefore there was a requirement to secure a bat licence. However, the Ecology Survey did not account for the amendments which were approved under the original scheme, therefore the current application is supported by a further statement from the Ecologist confirming that as no works are proposed within the section of roof where the bat roost were identified, and all three will be retained during and post works a Mitigation License from Natural England will no longer be required. The Ecologist has also submitted a precautionary working methodology outlined in the Non-Licensed Method Statement, which details measures to avoid harm or significant

	<p>disturbance to bats using the building, as well as working methods around the identified bat roosts. It also includes a toolbox talk conducted for site workers by the licensed bat ecologist and instructions relating to the new bat loft for the brown long-eared bats. No comments have been received from Natural England in relation to this amendment. Condition 3 will therefore be amended to ensure that works are carried out in accordance with the precautionary working methodology and updated Ecologist statement.</p> <p>Conclusion</p> <p>The proposed changes are minor and the application as submitted is considered to be acceptable.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be commenced before the 15<sup>th</sup> December 2026.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>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"> <li>- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 18<sup>th</sup> September 2023.</li> <li>- Proposed Block Plan, Scale 1:500, received by the Local Planning Authority on the 22<sup>nd</sup> March 2024.</li> <li>- As Proposed Plan, Scale 1:50, Dwg No: 02, Rev: M, received by the Local Planning Authority on the 22<sup>nd</sup> March 2024.</li> <li>- Structural Mark Up (Amended), Scale 1:500, Dwg No: 06, Rev: A, received by the Local Planning Authority on the 14<sup>th</sup> November 2023.</li> <li>- Design and Access Statement (Amended), Prepared by Green Swallow Nov 2023, Rev: B, received by the Local Planning Authority on the 14<sup>th</sup> November</li> </ul> </li> </ol>



2023.

- Timber Frame Details – Typical Elevations & Vertical Section, received by the Local Planning Authority on the 27<sup>th</sup> November 2023.
- Email from Agent, received by the Local Planning Authority on the 1<sup>st</sup> December 2023.
- Bat Roost Mitigation Supporting Statement, received by the Local Planning Authority on the 22<sup>nd</sup> March 2024.
- Statement from Ecologist Lakeland Ecology, received by the Local Planning Authority on the 16<sup>th</sup> April 2024.
- Non-Licensed Method Statement in Respect of Bats, Prepared by Lakeland Ecology April 2024, received by the Local Planning Authority on the 23<sup>rd</sup> April 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.

#### Prior to Works/First Use/Installation

3. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved documents:

- Bat Roost Mitigation Supporting Statement, received by the Local Planning Authority on the 22<sup>nd</sup> March 2024.
- Statement from Ecologist Lakeland Ecology, received by the Local Planning Authority on the 16<sup>th</sup> April 2024.
- Non-Licensed Method Statement in Respect of Bats, Prepared by Lakeland Ecology April 2024, received by the Local Planning Authority on the 23<sup>rd</sup> April 2024.

The development must be carried out in accordance with the approved document at all times thereafter. The approved bat loft must be installed within the site prior to the first use of the development hereby approved and must be retained at all times therefore.

#### Reasons

To protect the ecological interests evident on the site in accordance with Policies

ENV3, and DM25 of the Copeland Local Plan 2013-2028.

4. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the approved document 'Design and Access Statement (Amended), Prepared by Green Swallow Nov 2023, Rev: B, received by the Local Planning Authority on the 14<sup>th</sup> November 2023'. For the avoidance of doubt surface there will no change to the existing surface water arrangement on site. Prior to the first occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Other Conditions:

5. The development hereby approved must be carried out in accordance with the approved document 'Structural Mark Up (Amended), Scale 1:500, Dwg No: 06, Rev: A, received by the Local Planning Authority on the 14<sup>th</sup> November 2023'.

Reason

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with policy DM15a of the Copeland Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking or re-enacting that Order with or without modification) no external alterations, including replacement windows, doors or skylights and roof coverings, or painting or rendering shall be carried out to the property, nor shall any building, enclosure, extension, porch, domestic fuel container, pool or hardstanding be constructed within the curtilage without the prior written consent of the Local Planning Authority.

Reason

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with policy DM15b of the Copeland Local Plan.

7. All rooflights to be installed in the building hereby approved must be of a conservation design and, fitted flush with the slated roof surface and shall remain as such at all

times thereafter.

**Reason**

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with policy DM15a of the Copeland Local Plan.

8. The proposed windows and doors permitted within this development must be of a timber construction and a painted finished, and must installed in accordance with the approved plan 'Timber Frame Details – Typical Elevations & Vertical Section, received by the Local Planning Authority on the 27<sup>th</sup> November 2023'. The development must be maintained in accordance with these details at all times thereafter.

**Reason**

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with policy DM15a of the Copeland Local Plan.

9. Any alterations, repairs or replacements of the existing roof slates must be slate as per the existing building and must be maintained as such at all times thereafter.

**Reason**

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with policy DM15a of the Copeland Local Plan.

10. Any external lighting used within the development hereby approved must be carried out and retained in accordance with the following approved details:

- As Proposed Plan, Scale 1:50, Dwg No: 02, Rev: M, received by the Local Planning Authority on the 22<sup>nd</sup> March 2024.
- Email from Agent, received by the Local Planning Authority on the 1<sup>st</sup> December 2023.

**Reason**

In order to protect residential amenity.

**Informatives:**

1. The applicant should note that they are required to contact the Joint Emergency Management and Resilience office via

	<p><a href="mailto:emergency.planning@westmorlandandfurness.gov.uk">emergency.planning@westmorlandandfurness.gov.uk</a> to ensure information about the development can be captured and the Sellafield Off Site Emergency Plan can be updated accordingly. The type of information required to be included in the plan is the location and type of development. This information is vital to ensure public protection is in place in the event of an incident at the Sellafield Site.</p> <p>2. During the construction phase of the development, there could be an increase in the number of persons in the area (including trade people), in the event of the application being granted, it is required that the applicant liaise with this office prior to the start of construction via <a href="mailto:emergency.planning@westmorlandandfurness.gov.uk">emergency.planning@westmorlandandfurness.gov.uk</a>. This liaison is essential to ensure the applicant, and their trades people/contractors plus paying guests are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.</p> <p><b>Statement:</b></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>
<b>Case Officer:</b> C. Burns	<b>Date :</b> 23.05.2024
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 24/05/2024
<b>Dedicated responses to:-</b> N/A	