

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2100/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT TO INSTALL A WINDOW IN THE KITCHEN
3.	Location:	10 ABBEY FARM, ST BEES
4.	Parish:	St. Bees
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
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 10 Abbey Farm, which is a Grade II listed late 18 th century property with later additions and alterations, and is the end house within a converted barn range adjoining Abbey Farm house situated within the St Bees Conservation Area. The listing entry for the property states the following: NX 91 SE (INSET) 8/65 ST BEES B5345 (West side) St Bees Barn range adjoining south end of Abbey Farmhouse G.V.II	

Barn range (noted residential Aug. 2016), probably C18 with later additions. and alterations. Sneaked rubble with quoins. Graduated slate roof with 2-storey outshots to rear, facing road. Wagon entrance to centre rear between outshots which have door and window openings to each floor. Farmyard elevation has doors and windows of various dates. Included for group value.

Listing NGR: NX9684112211

PROPOSAL

Listed Building Consent is sought for the insertion of a new kitchen window located on the ground floor side elevation.

The window is proposed to be 1800mm in width and 1050mm in height, and constructed of rosewood timber.

RELEVANT PLANNING APPLICATION HISTORY

4/88/0134/0 CONVERT VACANT BARN TO 3 NO. HOUSES

4/88/0078/3 CONVERSION OF BARN TO 3 NO. DWELLINGS (STAGE 3)

CONSULTATION RESPONSES

St Bees Parish Council – No objection.

Conservation and Design Officer

1st Response - Request further information and design revision

- I note that this listed barn has been fitted with uPVC windows. Though there is not such a strong typological precedent for a certain type of window here as there might be with another building type – the frontage of a Georgian town house for example – this is against the guidance of our Conservation Area Design Guide, has had a small negative impact on the appearance of the building, and would be resisted were it proposed. However, I also note that the windows have a similar appearance to the brown stained wooden windows that were consented when the building was converted into houses c. 2000.
- I am not aware of listed building consent having been granted for the replacement of those timber windows with these uPVC ones, and unless one can be produced, I therefore request that new windows be in timber.
- I note that the new window is similar in proportions to a couple of the windows on the roadside elevation of the barn range.



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- I request that the new opening be formed using sandstone surrounds and sill, similar to the other two windows already in the gable elevation.
- For durability, a sustainably sourced hardwood such as sapele or iroko, or an engineered timber such as Accoya, or Douglas Fir, would all be options I'd recommend considering. Softwood other than Douglas Fir are unlikely to last.
- I request the sketch be updated to show that the proposed window will feature a stone banding and sill to match the existing, and that the supporting info be updated to refer to the proposed material (stating timber would be sufficient; I'd be happy for the species to be at the applicant's discretion). I also request that the sketch show the dimensions of the existing ground floor window in that elevation to allow comparison with the new window's dimensions to be made.
- When the existing plastic windows are replaced at a future date, the replacements should be of timber construction. The Council should be approached at that time for advice.

2nd response following amended information -

- I think it looks fine as far as proportions and detailing. The sketch doesn't show the fenestration, but that is shown on the drawing originally included with the application.
- However, the design, access and heritage statement still needs updating to refer to the use of timber. I don't think uPVC in this location is acceptable and other uPVC windows here are unconsented and therefore, it's against our guidance.

3rd response following amended design, access and heritage statement –

- Bearing in mind it's a very small, simple intervention and the other supporting information also shows what is intended, I would be happy to accept this, and would have no objection to the proposal.

Public Representation

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

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 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 28th 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. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The following policies are relevant to this proposal:



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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 of the Adopted Local Plan and Policy BE1PU of the Emerging Local Plan 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 and Access/Heritage Statement. This provides justification for the location of the proposed kitchen window as the current kitchen is lacking light, particularly during the day.

The Conservation and Design Officer requested in his first response that the new windows should be of a timber material. However, he did qualify that there is not such a strong typological precedent for a certain type of window here as there might be with another building type – the frontage of a Georgian town house for example – this is against the guidance of our Conservation Area Design Guide, has had a small negative impact on the appearance of the building. On this basis he advised that when the plastic windows are replaced at a future date, the replacements should be of timber construction.

Following further discussions with the applicant regarding the use of 1 timber window in an already converted barn with upvc windows, the Conservation and Design Officer was reconsulted. In his second response, he stated that the amended information submitted looks fine with regards to proportions and detailing. The sketch doesn't show the fenestration, but

	<p>that is shown on the drawing originally included with the application. However, the design, access and heritage statement still needs updating to refer to the use of timber. I don't think uPVC in this location is acceptable and other uPVC windows here are unconsented and therefore, it's against our guidance. On this basis, it was advised that the design, access and heritage statement be amended.</p> <p>Following receipt of the amended design, access and heritage statement, the Conservation and Design Officer was asked to provide additional comments. He concluded that the installation of the new window is considered to be a very small, simple intervention and it is anticipated that the proposed works will not significantly impact on the character or appearance of the Conservation Area and the proposed works are justified.</p> <p>The Conservation Officer has raised no objection to the proposal following the third consultation and therefore the proposal, as amended, is considered to meet Policy DM27, thereby satisfying the duties and test set out in the LBCA and the NPPF.</p> <p>Planning Balance and Conclusion</p> <p>The proposal is not considered to have a negligible harm to the character of the Listed Building and Conservation Area and therefore in applying the tests of the Copeland Local Plan 2013-2028, the Emerging Copeland Local Plan 2021-2038, the LBCA and the NPPF, the proposal would preserve the heritage significance of the listed building.</p> <p>On this basis 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> <ol style="list-style-type: none"> 1. The works hereby permitted shall 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. 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>- Application Form, received 27th March 2024;</p>



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- Site Location Plan, scale 1:1250, received 27th March 2024;
- Proposed Plans & Elevations, received 27th March 2024;
- Existing window photograph showing size, received 18th May 2024;
- Design and Access/Heritage Statement (amended), received via email 9th 20th May 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.

Informative Note

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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: Demi Crawford

Date : 21/05/2024

Authorising Officer: N.J. Hayhurst

Date : 21/05/2024

Dedicated responses to:- N/A