

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2154/OL1	
2.	Proposed Development:	LISTED BUILDING CONSENT FOR INCLUSION OF A WATERPROOFING MEMBRANE AND ASSOCIATED DRAIN, BEHIND APPROVED DRY-LINING, TO PREVENT WATER INGRESS TO SECTIONS OF INTERNAL WALLS THAT ARE BELOW THE EXTERNAL GROUND LEVEL	
3.	Location:	GHYLL FARM, EGREMONT	
4.	Parish:	Egremont, Lowside Quarter, St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Listed Building - Listed Building, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies	No Yes Yes See Report See Report
7.	Report: Site and Location	<p>This application relates to a Grade II Listed Building, known as Ghyll Farm, located to the south of St Bees. The property is located within a small group of barn conversions located off the B5345.</p> <p>The Listing entry for the property states the following:</p>	

NX 90 NE ST BEES B5345 (West side) to south of St Bees 10/58 Gill Cottage G. V. II Cottage c1803. Rendered rubble. Graduated slate roof with brick chimney to south end. Symmetrical 2-storey 3-bay front has 2 ground floor sashes and one central sash above, all with glazing bars in stone surrounds. Single-storey lean-to against south return, door under porch on north return. Linked to farmhouse by single-storey range adjoining north return. Included for group value.

Listing NGR: NX9879709937

Relevant Planning History

4/15/2404/0L1 – Listed Building Consent for reinstatement of cottage as annex including works to demolish rear two storey extension and increase the height of existing ground floor extension – Approved.

4/18/2337/0F1 – Change of use from use Class C1 (guest house) to use Class C3 (residential) – Approved.

4/20/2438/0L1 – Insulation of external exposed walls; repoint stoneworks with traditional lime method in place of cement and dash internal walls – Withdrawn.

4/22/2206/0L1 – Listed building consent for replacement of aluminium windows on front elevation with timber sliding sash windows; replace existing aluminium front door with timber door; replace existing aluminium front door with timber door; replace existing aluminium windows (excluding the stained glass window to rear elevation) to rear and side with UPVC windows; replace existing rainwater goods with cast iron throughout and cast iron gutters with cast iron throughout & cast iron gutters and downpipes; replace existing cement/stone dash render to sides & rear elevations with like for like – Approved.

4/23/2140/0F1 – Alterations to attached cottage to facilitate existing annex use, including increased height of existing ground floor store & installation of new doors, window openings and proposed access ramp – Approved.

4/23/2141/0L1 – Listed building consent for alteration to form ensuite bathroom within main house; alterations to attached cottage to facilitate existing annex use, including increased height of existing ground floor store & installation of new doors, window openings and proposed access ramp; external alterations to existing cottage extension; and repairs to existing cottage chimney – Approved.

Proposal

This application seeks Listed Building Consent for the inclusion of a waterproofing membrane and associated drain, behind the approved dry-lining to prevent water ingress to sections of the internal walls that are below the external ground level. These works form part of the wider scheme approved under Listed Building Consent (ref: 4/23/2141/0L1) and planning



Cumberland Council

permission (ref: 4/23/2140/0F1) in October 2023 to comply with Building Regulations.

Existing first floor joists in the cottage will be replaced again to comply with Building Regulations.

Consultation Responses

St Bees Parish Council

No objections.

Lowside Quarter Parish Council

No comments received.

Egremont Town Council

Councillors are happy to support the application; it will have minimal impact on the listed building and ensure it can remain in a viable use with a sustainable future.

Cumberland Council – Conservation & Design Officer

Conclusion: No objection

Assessment:

- It is proposed to fit a cavity drain system to the sections of the building that are affected by the high ground level outside.
- There is no alteration to the internal finish, which was previously approved as dry lining, so no new impact on the internal character of the building.
- The difficulty with tanking or membrane systems on solid masonry walls is that the wall remains damp and can indeed even become more so due to the impediment. Where this occurs, its thermal conductivity increases and so there is a possibility of making the inside of the building cold, introducing black mould and damaging timber that is in contact with the wall.
- However, the chance of a situation like this occurring is fairly low and if it did, the cavity system could be removed and an alternative investigated.
- In summary, I do not think this should be reason to prevent use of the cavity drain, as it may give satisfactory results.

National Amenities Society

No comments received.

Public Representation

This application has been advertised by way of a site notice, press notice and neighbour notification letters issued to four 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 ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

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.



Cumberland Council

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. 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.

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Planning Practice Guidance (NPPG)

Planning (Listed Building and Conservation Areas) Act 1990

Assessment

The main issue raised by this application relates to the impact of the development on the heritage asset.

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)].

NPPF para. 197 states that “In determining applications, local planning authorities should

	<p>take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”</p> <p>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).</p> <p>It is proposed to fit a cavity drain system to internal sections of the properties walls which retain higher ground levels to the rear of the property. The Council’s Conservation Officer has confirmed that he has no objections to the works and that there will be no alteration to the internal finished previously approved so will have no new impact on the internal character of the building.</p> <p>On this basis, the application is considered to preserve the existing Heritage Asset and therefore the proposal 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 and Conclusion</u></p> <p>The proposed internal work to the property are considered to preserve the character and appearance of the Heritage Asset as the internal appearance will not be altered. No objections to the works 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, Emerging 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

	<p>respective dates and development must be carried out in accordance with them:-</p> <ul style="list-style-type: none"> - Location and Block Plan, Scale 1:500 & 1:2500, Drawing No: 02, Rev: A, received by the Local Planning Authority on the 8th May 2024. - Proposed Ground Floor Plan, Scale 1:100, received by the Local Planning Authority on the 8th May 2024. - Addendum Design, Access & Heritage Statement, Prepared by Day Cummins May 2024, received by the Local Planning Authority on the 8th May 2024. <p>Reason</p> <p>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.</p> <p>Statement</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>
Case Officer: C. Burns	Date : 28.06.2024
Authorising Officer: N.J. Hayhurst	Date : 28/06/2024
Dedicated responses to:- N/A	