

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2408/OL1
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT FOR AIR SOURCE HEAT PUMP INSTALLATION (6kW)
3.	<b>Location:</b>	THE TOWER COTTAGE, BANKSPRINGS BREWERY, KIRKSANTON
4.	<b>Parish:</b>	Whicham
5.	<b>Constraints:</b>	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
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application site relates to The Tower Cottage which form part of a small cluster of properties situated within the open countryside in an isolated position in Kirksanton. The property is located on top of a hill and is accessed via a private driveway that is used for these properties only. The property itself is a Grade II Listed Building.</p>  <b>PROPOSAL</b>  <p>Listed Building Consent is sought for the installation of an external air source heat pump within the courtyard of the Tower Cottage. The unit is to be 1.1m in width, 0.45m in depth and total height to be 1.05m. The proposal includes the introduction of pipework that is internal and external to the listed building.</p> <p>This application is also being considered alongside a householder application (reference:</p>	

4/24/2359/0F1) for the same works at the site.

## **RELEVANT PLANNING APPLICATION HISTORY**

None

## **CONSULTATION RESPONSES**

Whicham Parish Council

Support the application

Conservation Officer

No objections

Environmental Health

A standard MCS020 Noise assessment has been submitted with the application, and this demonstrates that the proposed ASHP will meet the required noise level standard of 42 Dba within one metre of the nearest neighbouring door or window opening. As such, there are no objections to this development from Environmental Health.

The applicant should note that noise disturbance from the tonal and intermittent nature of the ASHP, particularly in an area with a quiet acoustic background, is possible. The ASHP should be kept in good order and maintenance also, as models can be subject to wear and tear over time and become noisier as a result. In such circumstances, the statutory nuisance provisions of s79 Environmental Protection Act 1990 can apply.

It is advisable to install the unit in the loft space on anti-vibration mounts. Air borne and structure-borne noise from the unit in the loft space to an adjoining dwelling is possible, particularly from tonal noise, and the statutory nuisance provision of s79 Environmental Protection Act 1990 would apply in such circumstances. The applicant should be aware of fire risk.

Public Representations

The application has been advertised by way of a site notice and a press article placed in the local newspaper.

No representations have been received as a result of this consultation process.

## **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**



## Cumberland Council

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 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 2021 - 2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:-

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy BE1 – Heritage Assets

Policy BE2 – Designated Heritage Assets

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Design Guide (NDG)

Cumbria Development Design Guide

Planning (Listed Buildings and Conservation Areas) Act 1990.

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its siting, scale, design and appearance and its impact upon heritage assets.

#### Principle of Development

The proposed application relates to a Listed Building Consent on a former brewery and tower which is located within the open countryside and an isolated position. Policy H14 supports

alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the proposal satisfies Policies DS6 and HS14 of the Copeland Local Plan and the National Planning Policy Framework.

#### Scale and Design

Policy H14, BE1 and BE2 and section 12 of the NPPF seek to promote high quality designs. Policy H14 supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

BE1 seeks to preserve and enhance heritage assets and their setting by ensuring proposals are sympathetic to the local character and history. Any harm to, or the loss of, the significance of a designated heritage asset will require clear and convincing justification.

The proposed Air Source Heat Pump is considered to be suitably located within the site and is to be sited on an existing hardstanding area. There will be pipework to the external and internal of the building. The applicant has provided additional information to indicate clearly where these are to be installed within the listed building. The works are not considered to remove any historical features of the building and the proposal is relatively modest in scale. Although there will be the introduction of pipework and boxes to the building itself, it is considered to conserve the traditional character of the building and is not considered to impact upon its character and setting.

On this basis, the proposal is considered to meet Policy H14, BE1 and BE2 of the Copeland Local Plan and NPPF guidance.

#### Heritage Impacts

Policies BE1 and BE2 of the Copeland Local Plan seek to preserve and enhance designated heritage assets and their settings. Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification.

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 202 of the National Planning Policy Framework 2023 states ‘in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.’



## Cumberland Council

	<p>Paragraph 205 of the National Policy Framework 2023 states 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.'</p> <p>The Conservation Officer has raised no objections to the proposed works. Given the proposed works are modest in scale and will not remove or impact upon historical features to the Listed Building the proposal is not considered to result in substantial harm to the Grade II Listed Building. Therefore, the proposal would not impact upon the heritage assets itself, nor would it impact upon the character and setting of the Grade II Listed Building.</p> <p>On this basis of the above, it is considered that the proposal is considered to satisfy Policies BE1 and BE2 of the Copeland Local Plan and the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed air source heat pumps and associated works are considered to be acceptable in terms of its scale and design. The proposal is not considered to impact upon the character and setting of the Listed Building and locality.</p> <p>On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <p>1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>In order to comply with Section 18 (1) of the amended Planning (Listed building and Conservation Areas) Act 1990.</p> <p>2. The works hereby permitted shall be carried out solely in connection with the following plans:</p> <p>Application Form, received 10/12/2024</p> <p>Site Location Plan, scale 1:1250 received 10/12/2024;</p> <p>Proposed Floor Plans and Elevations, scale 1:100 received 10/12/2024;</p> <p>Air Source Heat Pump Details received 10/12/2024;</p>

	<p>Noise Assessment Calculations received 10/12/2024;  Indoor Unit and Buffer Location, additional information received 10/12/2024;  Primaries Location, additional information received 10/12/2024;  Proposed Heat Pump Location, additional information received 10/12/2024;</p> <p><b>Reason</b></p> <p>In order to ensure the works are carried out in complete accordance with the approved plans to preserve the historic and architectural qualities of this heritage asset.</p> <p>3. The air source heat pump shall be installed in accordance with the approved documents 'The aira heat pump outdoor unit information' and 'noise assessment calculations' undertaken by Aira Home dated 17 September 2024 and maintained and retained as such for the lifetime of the development.</p> <p><b>Reason</b></p> <p>In order to ensure the works are carried out in complete accordance with the approved plans to preserve the historic and architectural qualities of this heritage asset.</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 the duty contained within section 16 of the Listed Buildings Act 1990, the assessment informed by the provisions of policy S27 of the Allerdale Local Plan Part 1 (2014) and the National Planning Policy Framework as well as having taken into account any stakeholder representations.</p>
<b>Case Officer: K. Bamford</b>	<b>Date : 09/01/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 13/01/2025</b>
<b>Dedicated responses to:- N/A</b>	