

CUMBERLAND COUNCIL
CONSULTATION RESPONSE

Proposal: Outline application for proposed residential development with details of proposed access and all other matters reserved

Address: Former Grove Court

Reference: 4/23/2106/001

Date: 04/05/23

Description: Cleared site of former hotel, originally a school dating from the early 20th century in red sandstone with slate roofs.

Conclusion: No objection – see notes

Assessment:

- Heritage impact has been caused by the loss of the hotel, however that is not being considered here.
- Heritage impact will be caused by the proposed development, although this will primarily be a function of the design solution and so reserved matters. On this point, the further thoughts below are particularly important as the design response will have a substantial bearing on whether the detailed proposed can be supported.
- The proposed revised access considered here is likely to have a negligible impact on the setting of the listed St Mary's Church, but I would consider this to be justified by the need to reconfigure the entrance.

Further thoughts:

- The Grove Court demolition will have provided significant quantities of red sandstone and slate that could be reused. Retaining these securely on site to be used in a new scheme would clearly be a way of reducing the heritage impact of the replacement.
- Additionally, it would be a way of reducing the embodied carbon of the replacement through reducing demand for new materials and reducing transport costs.
- I therefore recommend that as much of the red sandstone masonry and slate from the Grove Court be retained safely on site for future use as possible.
- The design approach will have a potentially significant bearing on the outcome of the reserved matters application.
- This is since 2021 the NPPF has guided that "development that is not well designed should be refused" because mediocre or poor design cannot be considered sustainable development. Therefore a burden falls on proposed development to demonstrate it is well designed.
- The National Design Guide¹ is a useful framework for considering this, and I would also draw the applicants' and agents' attention to the Housing Design Audit for England², carried out

¹ [National design guide.pdf \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92522/national_design_guide.pdf)

² [Place Alliance - A Housing Design Audit for England 2020 A5 booklet.pdf \(adobe.com\)](https://www.placealliance.org.uk/wp-content/uploads/2020/05/Place-Alliance-A-Housing-Design-Audit-for-England-2020-A5-booklet.pdf)

by the Place Alliance with a substantial advisory group in 2021. This uses volume developments in its data, but is applicable more generally, and highlights a number of issues, e.g. relating to problems with environmental performance, integration of bins and parking, and the development of character and sense of place.

- Owing to the national planning guidance as of 2021, if the worked up scheme cannot demonstrate high design quality there is a likelihood of refusal, so coordination on design intent and principles for the site would be useful when formulating the reserved matters.
- Additionally, special regard will be given to the desirability of preserving the setting of the listed church, so the way the development appears in view, relates to its surroundings, and establishes an attractive aspect toward the road, where shared views with the church are primarily experienced, should be given careful attention.

Relevant Policies and Guidance:

I've highlighted some of the elements of national legislation and policy that will be particularly useful in assessing the detailed design solution of any future reserved matters application on design and heritage grounds.

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)

The legacy Copeland area’s Local Plan contains a number of relevant policies:

- Local Plan Policy ST1C(ii) highlights the importance of protecting, enhancing and restoring the Borough’s cultural and heritage features and their settings.
- ST1D emphasizes the council’s commitment to creating and retaining quality places.
- ENV4A stresses the importance of protecting listed buildings, conservation areas and other features considered to be of historic, archaeological or cultural value.

- ENV4B outlines support for heritage-led regeneration, ensuring assets are put to appropriate, viable and sustainable uses.
- ENV4C aims to strengthen the distinctive character of settlements through high quality urban design and architecture that respect character and setting.
- DM10 emphasises the need for high quality design and quality places. Part B requires design to respond to local character at multiple scales, paying attention to plot size and arrangement, massing and scale, interstitial spaces, and materials. Part C requires the incorporation of existing features such as landscape and vernacular style.
- DM27A outlines support in principle for developments that “protect, conserve and where possible enhance the historic, cultural and architectural character of the borough’s historic sites and their settings”.
- DM27D highlights the necessity of avoiding disrespectful alterations, substantial demolition, adverse effects on setting or views, or changes of use that harm the conservation or economic viability of a listed building.

Sammy Woodford

Conservation and Design Officer