

Eden District Council

Planning Committee Agenda
Committee Date: 21 April 2022

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Item No	Application Details	Officer Recommendation
1	Planning Application No: 20/0637 Creation of retaining wall, floating deck and platform over stream for solar panels, and alterations to existing walls for flood defence, part retrospective The Meeting House, Quakers Lane, Sockbridge, Penrith, CA10 2JR Mr Ian Graham	Recommended to: APPROVE Subject to Conditions
2	Planning Application No: 21/1054 Listed building consent for the replacement of existing timber shop front door with UPVC 38-39 Great Dockray, Penrith Mr J Willan	Recommended to: APPROVE Subject to Conditions

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REPORTS FOR DEBATE

Agenda Item 1
REPORTS FOR DEBATE

Date of Committee:	21 April 2022		
Planning Application No:	20/0637	Date Received:	2 September 2020
OS Grid Ref:	NY 350105, 526666	Expiry Date:	28 October 2020 (time extension to 26 April 2022)
Parish:	Sockbridge and Tirril	Ward:	Eamont
Application Type:	Planning Permission		
Proposal:	Creation of retaining wall, floating deck and platform over stream for solar panels, and alterations to existing walls for flood defence, part retrospective		
Location:	The Meeting House Quakers Lane Sockbridge Penrith CA10 2JR		
Applicant:	Mr Ian Graham		
Agent:	N/A		
Case Officer:	Gemma Gaskell		
Reason for Referral:	Proposal has been called for determination at planning committee on material planning grounds by an objection from the Parish Council.		



A detailed street map of the area around Ladbroke Grove, London. The map shows a network of residential streets, including Ladbroke Grove, Ladbroke Park, and various smaller lanes like Ladbroke Lane and Ladbroke Road. Numerous houses and buildings are depicted as grey shapes. Green areas represent parks and open spaces. A red outline highlights a specific plot of land located between Ladbroke Grove and Ladbroke Park, near the intersection of Ladbroke Lane and Ladbroke Road. The map also shows the location of several schools, including Ladbroke Grove School and Ladbroke Park School. The overall layout is typical of a suburban residential area.

A Survey provided by Astute Data Services

1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

Approved Plans

1. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i. Amended proposed site and located plan, referenced REF1, received on 22 January 2021
 - ii. Amended proposed block plan, referenced PLAN 6a, received on 22 January 2021
 - iii. Amended proposed south boundary wall elevation plan, titled Wall Profile, received on 22 February 2021
 - iv. Proposed south boundary wall site plan, referenced PLAN 2b, received on 2 September 2020
 - v. Proposed eastern boundary wall elevation plan, referenced PLAN 20b, received on 15 January 2021
 - vi. Proposed retaining wall and northern boundary treatment plan, referenced PLAN 1c, received on 2 September 2020
 - vii. Solar Array Platform Drawing referenced 21-355-DWG001 Rev: A received 3 October 2021
 - viii. Floating Platform/Balcony Drawing referenced 21-355-DWG002 Rev: A received 3 October 2021
 - ix. Proposed rear garden, retaining wall, deck and platform site plan, referenced 5a, received on 2 September 2020
 - x. Proposed Structures Adjacent Watercourse, Tirril - Structural Details received 3 October 2021

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Before the development is completed or other stage conditions

2. Prior to completion of south boundary treatment to the Quaker burial ground, red triangular coping stones shall be installed across the entire approved south boundary wall to match the adjacent boundary treatments to the Quaker burial ground, and shall be retained as such at all times thereafter.

Reason: In the interest of visual amenity of the area and the setting of the listed building.

3. Prior to completion of the retaining wall to Lady Beck and prior to the commencement of the approved floating deck and solar platform, all external elevations to the retaining wall shall be externally finished in natural limestone with recessed mortar to match the adjacent beck headwall, and shall be retained as such at all times thereafter.

Reason: In the interest of visual amenity of the area and the setting of the listed building.

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<p>4. Prior to the commencement of the approved floating deck and solar platform, details of the surface treatment and balustrades to these developments shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details, and retained as such at all times thereafter.</p> <p>Reason: In the interest of visual amenity of the area and the setting of the listed building.</p> <p>5. Any drainage infrastructure should be cut back to the wall structure so as to avoid any potential risk of damage to the pipe work and or risk of being wash downstream and causing a blockage or pollution issues.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.</p> <p>6. The solar panels and platform hereby permitted shall be removed within 6 months of the expiry of 25 years from the date when electricity from the development is first supplied, or within 6 months of the development failing to produce electricity for a continuous period of 12 months, whichever the earlier. The development shall be decommissioned and all related above-ground infrastructure shall be removed from the site.</p> <p>Reason: In the interests of the visual amenity of the area and in regard to the degradation of energy generations from panels over time.</p>
<p>Informatives:</p> <p>1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement.</p> <p>It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.</p> <p>2. Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Council's Building Control Team should be consulted before works commence. You contact the team directly at building.control@eden.gov.uk</p> <p>3. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on telephone: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.</p>

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This application seeks planning permission for the alteration and rebuilding of boundary treatments to the site, with a floating deck and platform for the siting of solar PV panels to the north of the site over Lady Beck. Retrospective consent is sought for a retaining wall to Lady Beck and the engineering operation of altering adjacent land

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levels. Glass panel boundary treatments and metal balustrades to the development adjacent to and above Lady Beck also form part of this proposal.

- 2.1.2 Other works proposed at this site were considered under a concurrent listed building application 20/0638, however these do not constitute development requiring full planning permission, but did require an assessment on the character and setting of the adjacent Grade II Listed former Quaker Meeting House. This application was approved at Planning Committee on 23 March 2021.

2.2 Site Description

- 2.2.1 The site that forms the subject of this application is Meeting House, a Grade II Listed Building located in the small village/hamlet of Sockbridge. To the south/front of the site is an associated Quaker burial ground, with Lady Beck emerging and flowing to the north/rear of the site.
- 2.2.2 The Meeting House was constructed as a Quaker meeting room in 1731 as a single storey building, with a front porch added two years later. Although converted to a dwelling following its closure as a meeting house in 1861, the building is notable for its simple proportions and large sash windows to front and rear, black painted stone surrounds contrasting with the white painted render finish. The rear elevation is not rendered but the stone rear wall is painted white, and internally the original panelled partition survives. At the time of this application, extensions and development regularised through consents 19/0090 and 19/0102 are currently under construction at the site.
- 2.2.3 The application site is located within Flood Zone 1, and there are no planning constraints affecting the site which are relevant to the determination of this planning application.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Highway Authority and Lead Local Flood Authority	<p>Cumbria County Council as both the Local Highway Authority and Lead Local Flood Authority has no objection to the proposed works. It is noted that the applicant has provided detailed calculations produced by Kingmoor consulting which indicate that the Solar Array Platform would be built to Drawing No 21-355-DWG001 Rev: A and the Floating Platform/Balcony to Drawing No 21-355-DWG002 Rev: A.</p> <p>The Plans provided in conjunction with surface water flow route plans and works which have been undertaken by the applicant should improve the situation and would not exacerbate the existing surface water flooding and flow routes indicated on the mapping.</p> <p>It is still noted that one of the asks from CCC as LLFA in the email dated the 8 July 2021 was with regards to the Drainage Outlets from the new wall, in the email it was requested that the drainage</p>

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	<p>pipes would be cut flush with the wall structure to prevent any damage or potential plastic piping being washed away. This is a minor detail but should still be undertaken and as such could be addressed with a suitably worded condition.</p> <p>CCC would still advise that much of the works would be carried out on or in the Ordinary Watercourse, and as such the applicant would still be required to apply for an Ordinary Watercourse Flood Defence Consent from Cumbria County Council as Lead Local Flood Authority and as such I would request the inclusion of the following informative in any consent.</p>
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3.2 Discretionary Consultees

Consultee	Response
Environment Agency	No observation received
Conservation Officer	<p>1) Proposed retaining wall - low visual harm to the setting of rural character of the listed building. Justification should be provided for this harm. Whilst the proposed glass balustrade is not of traditional character, it is accepted in this case that it would mitigate the visual barrier effect created by the new wall.</p> <p>2) The proposed low wall would not cause any visual harm to the setting of the listed building. The proposed wall should match in materials and design the existing front boundary walls.</p> <p>3) The proposed floating deck, by its proposed width, and together with the proposed solar panels platform, would obscure most of the view on the stream from the west and cause moderate harm to the setting of the listed building. Recommendation that only the solar panel deck is retained in its proposed width and location to provide both access to the other bank and the installation of the solar panels. Viewed in the context of surrounding modern domestic paraphernalia, it is considered that the proposed solar panels in this location would be acceptable in this location. Details of the proposed material and design of the balustrade of the solar deck should be provided as it is not clear on the drawings.</p>

4. Parish/Town Council Response

Parish Council	Please Tick as Appropriate			
	Object	Support	No Objection	No View Expressed
Sockbridge and Tirril	✓			

- 4.1 A response was received on the 27 October 2020 advising that they object to each aspect of the planning proposal.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 30 October 2020.

No of Neighbours Consulted	8	No of letters of support	2
No of Representations Received	9	No of neutral representations	
No of objection letters	7		

- 5.2 Letters of objection raised the following material considerations to the application:
- Annexing of adjacent public amenity land into private garden area (subsequently removed from the proposal) and use of this area to store materials during construction.
 - Floating deck and solar panels harm character and setting of the Grade II Listed Building, and extending beyond the midpoint of the beck.
 - Lack of justification for flood mitigation due to being outside of designated flood risk area.
 - Disproportionate scale of retaining wall.
- 5.3 Letters of support raised the following comments:
- Restoration and renovations of a Listed Building that was in a dilapidated condition.
 - Prevent further damage from flooding.
 - Solar PV panels reduce carbon footprint.
 - Replacement of windows with uPVC framed heritage equivalents difficult to distinguish from traditional windows and appropriate to the building (subsequently removed from the listed building proposal).

6. Relevant Planning History

Application No	Description	Outcome
21/0463	Discharge of condition 3 (materials), attached to Listed Building Consent 19/0102	Active
20/0638	Listed Building Consent for flood defence works and reinstatement of drip stone to West facing gable elevation	Approved 23 March 2021

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Application No	Description	Outcome
19/0090 and 19/0102	Extension and renovation. Re-submission of 17/1083	Approved 8 August 2019
17/1082 and 17/1083	Extension and renovation	Approved 12 February 2018
05/0541 and 05/0542	Extensions and alterations to existing dwelling	Approved 9 August 2005
88/1634	Renovation of existing building. conversion of attic to bedroom	Approved 26 January 1989

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-32)

- DEV1 – General Approach to New Development
- DEV2 – Water Management and Flood Risk
- DEV5 – Design of New Development
- ENV6 – Renewable Energy
- ENV10 – The Historic Environment

7.2 Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance (NPPG)

National Design Guide (2019)

Listed Building and Conservation Areas Act 1990

7.3 The policies and guidance detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle of the development.
- Scale, design and impact on the character and appearance of the built environment and heritage assets.
- Landscape and amenity impacts.
- Infrastructure and flood risk.

8.2 Principle of the development

8.2.1 In terms of the principle of any development, consideration is given to the Development Plan. This consists of the adopted Eden Local Plan (2014-2032) and the policies which it contains.

8.2.2 The proposal seeks further renovations and restoration to the Meeting House site, in this case to the grounds and boundary treatments to the site. The extensions and

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restorations permitted through 19/0090 and 19/0102 are currently under construction. This planning application seeks consent for the development to boundary treatments, plus retaining walls and floating decks/platforms above Lady Beck to the north of the curtilage to the Meeting House Listed Building. The heritage, design, landscape and flood risk implications of these will be discussed in the following sections, however the principle of such developments, sought to protect the Listed Building from flooding and providing boundary treatments and renewable energy technologies for the dwelling house, are considered to be acceptable in principle when assessing the proposal against Policy of the Eden Local Plan.

8.3 Scale, design and impact on the character and appearance of the built environment and heritage assets

- 8.3.1 Policy DEV5 of the Eden Local Plan seeks to ensure that all new development is of an appropriately high quality design, which shows a clear understanding of the form and character of the locality.
- 8.3.2 Policy ENV10 attaches great weight to the conservation and enhancement of the historic environment, heritage assets and their setting, requiring all proposals for development to conserve or enhance the significance of heritage assets and their setting.
- 8.3.3 The Meeting House is a Grade II Listed Building, a heritage asset of national importance. The property had deteriorated into a poor condition, and whilst the site is within Environment Agency Flood Zone 1, with a low probability of flooding, it is understood that the site and surroundings have been impacted by surface water flooding events over recent years.
- 8.3.4 This planning application seeks developments to the curtilage and extended surrounding area of the listed building, namely to boundary treatments, retaining wall and change to land levels adjacent to Lady Beck, with a floating deck and solar panel platform above this beck. To the front south boundary treatment, a new limestone wall is proposed in place of the existing vegetation to the adjacent burial ground, retaining the existing metal fencing on the inside of this boundary. The proposed wall is to be finished in limestone with triangular red sandstone copings atop to match the surrounding walls to the burial ground, measuring 0.9 metres tall. The proposed boundary treatments are of modest scale, finished in natural stone and congruent to the surrounding walls to the Listed Building, and are considered suitable for the site, causing no harm to the heritage asset or its setting, subject to being constructed in accordance with these details.
- 8.3.5 To Lady Beck to the north, this application seeks retrospective consent for the construction of a retaining wall on the southern bank of this beck, and changes to land levels to create a level rear garden area to the site. The land previously sloped down to the beck, containing large trees and vegetation, which has been cleared through the developments to the beck headwall, the retrospective creation of the sought retaining wall and to provide access to an electricity infrastructure pole on the opposite bank of the beck. This has created a much more open view of the beck compared to the mature vegetation near the new headwall in previous years, increasing the visual prominence of the sought works adjacent to and above the beck.
- 8.3.6 The sought retaining wall will appear as an engineered boundary to the beck, as opposed to the previous more natural banking down to the beck. However, given the fact this beck and retaining wall is subterranean, beneath the adjacent pavement and

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garden area to Meeting House, the visibility of this circa 1.8 metre retaining wall is concealed to a degree. Viewed in the visual context of the recently constructed headwall, neighbouring domestic rear boundary treatments and walls to the beck as existing, this retaining wall development will appear visually acceptable in its setting and cause no harm to the heritage asset or visual amenity of the area. This is subject to the retaining wall being finished in limestone facing walls with a flat red sandstone coping to match the headwall.

- 8.3.7 Whilst the previous tree lined beck had a more natural appearance, the clearing of trees in the vicinity increases the visibility of the beck but also the surrounding domestic properties, gardens and paraphernalia immediately abutting the beck, and in this visual context the proposed retaining wall will appear appropriate finished in suitable natural materials.
- 8.3.8 A top of the retaining walls, a 1 metre tall glass safety panel boundary is proposed. This will assist in retaining some visual interconnectivity between the beck and the contemporary additions permitted to the rear of the Listed Building under approved applications 19/0090 and 19/0102. The use of high quality contemporary finishes that are lightweight and clearly distinct from the heritage asset can help distinguish original features of the asset from sympathetic contemporary additions, whereas some matching or similar finishes can confuse the visible evolution of the site. The proposed glazed boundary is considered to strike a balance between retaining the connectivity between the beck and the listed building, without causing harm to the heritage asset. The terracing and small boards to the opposite bank is similarly a lightweight development considered visually appropriate to allowing vegetation growth to the opposing bank, and in any case are of insufficient scale to constitute an engineering operation or development.
- 8.3.9 A floating deck and platform to contain solar PV panels is proposed beyond the rear curtilage area, approximately 1.7 metres above Lady Beck water level. The proposed decking and platforms above the beck will conceal some aspects of the beck, particularly beyond circa 8 metres from the headwall where these developments are situated. This will extend the domestic appearance and development into the visual space of the beck, resulting in a further loss of the natural aspects of this beck. The recent developments around the headwall have already introduced some engineered aspects to the area, and the wider visual context beyond the headwall are domestic boundary treatments, sheds and more modern dwelling houses beyond.
- 8.3.10 The beck is considered to contribute positively to the visual and heritage setting of the Meeting House. However, the listed building and beck cannot be viewed in isolation, but amongst the mid-20th century properties and development immediately around the beck and listed building. From the public perspective of the headwall, the proposed decking, platform, solar PV panels would be viewed as a contemporary domestic addition in the same context as the housing to the east of the site in the background, with the beck still visible from aspects where the backdrop is directly to the listed building. These developments would appear lightweight intervention, with the floating deck cantilevered with glass boundaries, whilst the solar PV platform would be below the surrounding ground levels attached either side of the beck bank with minimal metal balustrades, the details of which can be confirmed through planning condition. Until relatively recently, this area around the beck would have been partially concealed and shadowed by large trees and vegetation.

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- 8.3.11 These sought developments above the beck would appear congruent to the surrounding residential character of the area and contemporary addition, clearly distinguishable from the listed building, particularly due to the proposed modern glazed panels between the decking/platform and the listed building. Furthermore, the rear elevation of the Listed Building is now predominantly occupied by recently approved extensions currently under construction, and the proposed floating deck, platform and balustrades would be viewed in the context of these modern interventions to the Listed Building. Whilst the visual concealment of further aspects of the beck would result in a small degree of less than substantial harm to the setting of the listed building and visual amenity, which weighs against the proposal, this can be partially mitigated by use of high quality external finishes to surface and boundary treatments to these developments, to be controlled through planning condition.
- 8.3.12 As such, whilst the views and concerns of the Parish Council and neighbouring residents are duly noted and not without merit, for the reasons detailed above, it is considered that the design and scale of the developments sought are proportionate, and subject to the external materials being controlled through planning conditions to ensure these are high quality materials appropriate to the setting of the Listed Building, these would be in accordance with the requirements of Policies DEV5 and ENV10 of the Eden Local Plan.

8.4 Landscape and amenity impacts

- 8.4.1 Within the Eden Local Plan, Policy DEV5, in part, seeks to ensure that all new development *'protects the amenity of existing residents and business occupiers'*.
- 8.4.2 The use of land to the west of the site and creation of a new boundary treatment and gate to delineate this space originally formed part of this application, however this has been removed from the proposal. Concerns were raised regarding ownership of this land, access to the beck headwall for maintenance, and detractions of the loss of this publically accessible space for the wider use of the community, as this would have monopolised views of the beck from the recently developed headwall and adjacent public space. Under the amended proposal, this element of the application has been removed, and the original low western boundary wall is to be rebuilt in its original location through the amended proposal, which is considered to be acceptable. It is noted that this area of land is currently bounded by a temporary fence and used to store material as part of the current construction works, however now that this does not form part of the proposal and on the assumption the land is restored following completion, this does not form part of the current application under consideration.
- 8.4.3 The proposed developments will provide a clear delineation between the domestic site and the burial ground to the front and publically accessible amenity land to the west of the site, improving the residential amenity standards of the occupants of the property whilst also demonstrating that the wider areas beyond this are accessible for the enjoyment of the public, offering positive amenity impacts. Furthermore, the sought floating deck and changes to land levels through the retrospective retaining wall will improve the residential amenity standards of occupants by protecting providing more usable private external garden area, improving the present situation with regarding flooding, whilst causing no harm to neighbouring residential amenity.
- 8.4.4 Therefore, for the reasons detailed above, it is considered that the proposed development would not result in any undue or adverse harm being generated to any nearby neighbouring dwelling or public amenity. As such, the proposed development is

considered to be in-accordance with the requirements of Policy DEV5 of the Eden Local Plan.

8.5 Infrastructure and flood risk

- 8.5.1 Within the Eden Local Plan, Policy DEV2 requires proposals to meet the sequential approach to development in flood risk areas, preventing inappropriate development areas at risk of flooding, whilst adhering to the hierarchy of surface water management.
- 8.5.2 Policy ENV6 of the Eden Local Plan provides support for renewable and low carbon energy schemes, whilst ensuring local landscapes are protected from inappropriate development and significant adverse effects are avoided.
- 8.5.3 The removal of the enclosure of land to the west of the site allows continued unfettered access to the headwall of the beck, which will allow access to the recently installed drainage infrastructure for maintenance by the relevant authority. The majority of the developments sought through this proposal are intended to reduce the impact of surface water flooding to the site and Listed Building, in particular the retaining wall to Lady Beck and the boundary wall between the site and the burial ground to the south.
- 8.5.4 Whilst the site is within flood zone 1, calculated to be at less than 0.1% chance of flooding in any year from rivers or the sea, it is understood that the site and surrounding area has suffered from surface water flooding in recent years. The sought measures to mitigate this do not appear to have been designed by a drainage engineer, however the installation of walls with surface water drains directing water through pipes to Lady Beck is likely to reduce the levels of surface water flooding reaching the Listed Building by directing this to the watercourse. These works to prevent erosion of the rear curtilage, and trying to direct water around the site through boundary treatments and beneath ground drainage, are considered to be unobtrusive methods of reducing the risk of the Listed Building flooding without directly impacting upon the historic fabric of the building itself. A similar approach appears to have been taken to the burial ground, which has a floodgate to the gate access to this land. The proposed measures to provide flood-resistance are considered to be likely to redirect or at least delay and reduce the risk of surface water flooding entering the site and impacting the Listed Building. This view is supported by the Lead Local Flood Authority in their assessment of the application, and as such it is considered that this benefit can be afforded a moderate degree of weight in the planning balance.
- 8.5.5 Kingmoor Consulting Structural Engineers has provided detailed calculations of the proposed solar array platform and walkway, and the Lead Local Flood Authority are satisfied that the plans provided in conjunction with surface water flow route plans and works which have already been undertaken by the applicant should improve the situation and would not exacerbate the existing surface water flooding and flow routes.
- 8.5.6 The platform above the stream is to contain solar PV panels, and similar panels existing to the south front facing slopes of neighbouring dwelling houses along the B5320. Solar PV slate tiles were also permitted to the south facing elevation of the approved rear extension of the Meeting House through permission 19/0090. The proposed solar panels are detached from the Listed Building, with a clear separation between the heritage asset and beyond the glazed rear boundary. These panels are modest in scale and thus modest in energy production potential. However modest, the generation of renewable energy is considered to be a benefit to the proposal, supported by policy ENV6, which encourages the decentralised energy and reduction in reliance on fossil fuels.

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- 8.5.7 For the reasons detailed above, whilst the solar PV panels would generate a relative small quantity of electricity, Paragraph 154 of the National Planning Policy Framework, in part, advises that when considering proposals which include renewable energy element, Local Planning Authorities should, *'...recognise that even small-scale provide a valuable contribution to cutting greenhouse gas emissions'*, such as in the case of the current proposal. These developments are considered to provide modest benefits in terms of renewable energy generation and likely reduction to the risk of surface water flooding reaching or impacting upon the Listed Building. These factors weigh in favour in the planning balance and are considered to be compatible with Policies DEV2 and ENV6.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:
- 10.2 The proposed developments are to be finished in matching natural materials or high quality lightweight contemporary finishes, and subject to the confirmation of these details through planning condition, both approaches are considered to be appropriate to the setting of the Listed Building and visual amenity of the area. The sought floating deck and platform would conceal part of the visibility of the adjacent Lady Beck, which would have formed part of the original setting of the Listed Building, and this beck is considered to contribute positively to this heritage setting.
- 10.3 However, the wider setting within which these are viewed is now mid-20th century dwelling houses with associated curtilages, boundary treatments and domestic paraphernalia in very close proximity to the beck and heritage asset. In this context, whilst the floating deck and platform would conceal part of the further visibility of the

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beck, these would not affect the immediate foreground of the Listed Building from public perspectives, and the harm to the setting of this heritage asset is considered to be small in this case. The justification for the proposal, to provide a large usable domestic garden area, generate decentralised renewable energy to the property, and walls to endeavour to mitigate and reduce the impacts of surface water flooding to the heritage asset are considered to weigh in favour of the proposal, and outweigh the small degree of visual and heritage harm from the visual concealment of part of the beck away from the headwall viewpoint.

- 10.4 The proposal would deliver economic and social benefits through the financial expenditure of development, improve residential amenity standards and protect the Listed Building dwelling house from future surface water flooding events, which weighs in favour of the proposal in an overall planning balance without resulting in any adverse harm being caused to the appearance, character, setting or significance of this important heritage asset.
- 10.5 Therefore, this application is considered to be policy compliant and is recommended for approval subject to planning conditions.

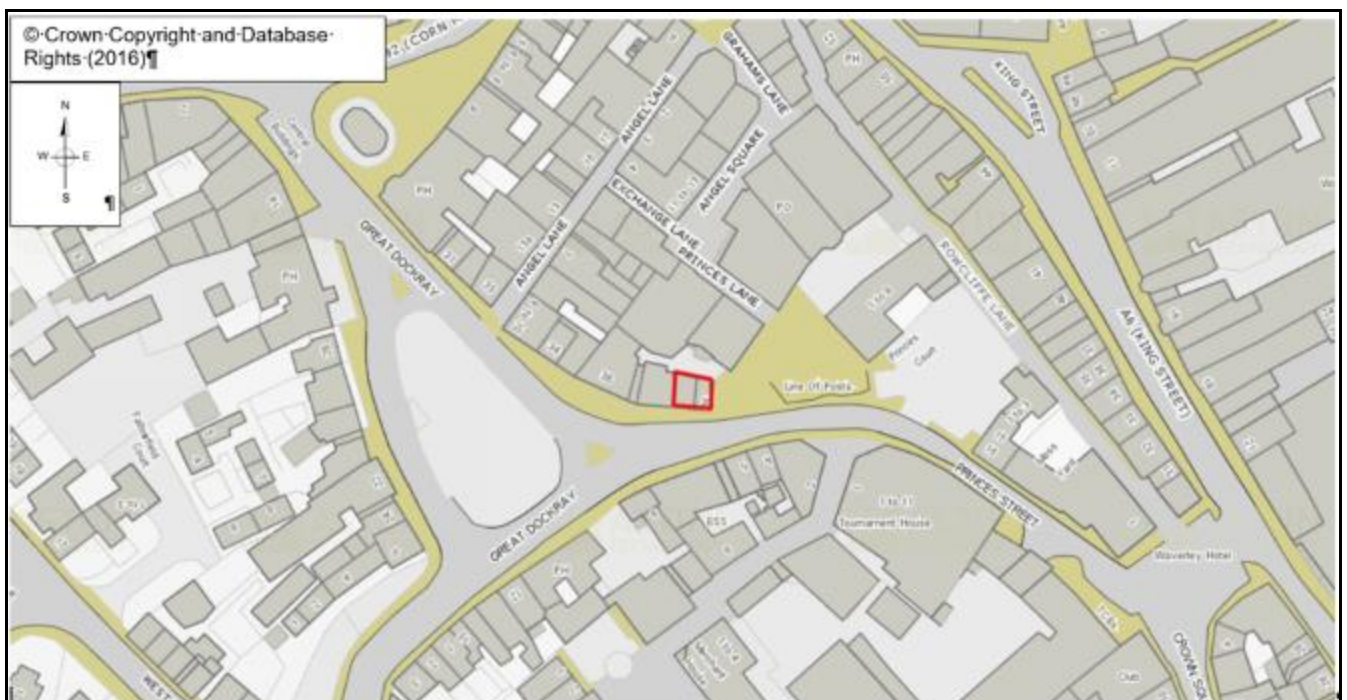
Fergus McMorrow
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	06.04.22
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Background Papers: Planning File 20/0637

Agenda Item 2
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Date of Committee:	21 April 2022		
Planning Application No:	21/1054	Date Received:	10 January 2022
OS Grid Ref:	351572, 530022	Expiry Date:	7 March 2022 (time extension agreed to 22 April 2022)
Parish:	Penrith	Ward:	Penrith South
Application Type:	Listed Building		
Proposal:	Listed building consent for the replacement of existing timber shop front door with UPVC		
Location:	38-39 Great Dockray, Penrith		
Applicant:	Mr J Willan		
Agent:	None		
Case Officer:	Caroline Zalkind		
Reason for Referral:	Proposal has been called in due to the recommendation being contrary to the views of the Town Council.		



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1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

- i. Application Form received 1 December 2021
- ii. Site Plan received 9 January 2022
- iii. French Door Details (QT004833) received 1 December 2021
- iv. Heritage Asset Statement received 9 January 2022

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Before the development is commenced

3. Samples of the materials to be used shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the historic interest of the building. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.

Note to Developer

- Please note that as your property is a listed building and/or within a conservation area then any replacement windows or doors cannot be carried out under a competent person scheme and you must notify the Council's Building Control team directly at building.control@eden.gov.uk

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This listed building application seeks consent to replace the existing timber shop front door with a UPVC door in the same style.
- 2.1.2 The listing states '*Early C18. Two storeys, scored stucco over stone, old slate roof, 2 chamfered stone doorways, and modern doors inserted in former coach-house entrance which has a segmental head. Small square shop window and 2 sashes down, 3 sashes up, also 2 older windows of 2 and 3 lights with stone mullions*'.

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- 2.1.3 It is duly noted that the listing states that modern doors have been inserted in the former coach house entrance, which is subject to this listed building application.
- 2.1.4 The reason of the proposed change in material of the doors is due to the current wooden doors not always closing due to swelling in certain temperatures which poses a security risk for the business in this premises.

2.2 Site Description

- 2.2.1 The site is located in the centre of Penrith in an area that sees a variety of businesses, shops, takeaways and residential properties.
- 2.2.2 The host site is a hair and beauty salon.
- 2.2.3 The site is grade II listed, within the Penrith conservation area and within a flood zone 1.

3. Consultees

3.1 Discretionary Consultees

Consultee	Response
Conservation Officer	A response was received on the 14 February 2022 advising that <i>'in general, UPVC is not considered an appropriate material for use in Listed Buildings. The modern and rigid character of UPVC which does not age is at odds with the character of traditional buildings. I have no issue with the replacement of the proposed door as it is a modern timber door infilling the former arched stone entrance and will not cause harm to the character of the Listed Building. If approval for the use of UPVC is awarded the overall impact on the character and significance of the Listed Building will be minor however from a conservation p.o.v. a replacement in timber would be highly preferable'</i> .

4. Town Council Response

Town Council	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Penrith	✓			

- 4.1 A response was received on the 8 February 2022 objecting to the proposal on the following grounds:
1. The building is a Grade II listed building within the conservation area which has some of the oldest buildings in Penrith.
 2. The use of uPVC fails to conserve or enhance the significance of the building and there are no public benefits which outweigh the harm caused to the significance of the listed building.

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3. The proposal doesn't accord to Policy ENV10 of the ELP nor the Shopfront and Advertisement Design SPD which requires replacement of windows on a like for like basis.

5. Representations

- 5.1 The site notice was posted on 1 February 2022.

No of Neighbours Consulted	5	No of letters of support	0
No of Representations Received	0	No of neutral representations	0
No of objection letters	0		

6. Relevant Planning History

Application No	Description	Outcome
10/0274	Replacement of fully glazed double doors with half glazed doors	LBC Refused – 01/07/10
15/0296	Creation of a doorway/link between 38 and 39 Great Dockray	LBC Approved – 10/06/15
15/0309	Change of use from taxi office (use class sui generis) to hair and beauty salon (use class A1)	Full Approval – 10/06/15

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- DEV5 – Design of New Development
- ENV10 – The Historic Environment

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 16 Conserving and enhancing the historic environment

Shopfront and Advertisement Design SPD

- 7.3 The policies and documents detailed above are the most relevant policies relating to the determination of this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- The Historic Environment

8.2 Principle

- 8.2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 s 66(1) requires a decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to 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.

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- 8.2.2 Policy ENV10 'The Historic Environment' of the Eden Local Plan says the Council will require proposals for development to conserve and enhance the significance of heritage assets and their setting. Also development proposals should be of high quality and sensitive design that takes account of scale, density, height and materials.
- 8.2.3 Policy DEV5 'Design of New development' requires proposals to reflect the existing street scene and it also requires that quality materials are used which complement or enhance the local surroundings.
- 8.2.4 The principle of this proposal is considered to be very finely balanced as to its acceptability. Whilst UPVC is not normally accepted as an appropriate material for Listed Buildings, in this site specific instance, given the poor quality of the modern doors that are to be replaced and that the remaining original features of the coach house entrance would not be impacted it is considered that the character and historic interest of the building would be preserved. Whilst the use of timber rather than UPVC would enhance the building, the justification provided regarding the issues with the use of timber weighs in favour of the proposal. On balance therefore it is considered that the proposal meets the aims and requirements of the conservation policies as outlined within the Planning LBCA Act 1990, NPPF 2021 and Eden Local Plan ENV10 and DEV5 and could be supportable in principle.

8.3 The Historic Environment

- 8.3.1 The sole consideration in the determination of this application, relates to the impact of the proposed development upon the appearance, setting, character and significance of the Listed Building. In this regard consideration is given to Policy ENV10 of the Eden Local Plan and Chapter 16 of the NPPF, and the Planning (Listed Building and Conservation Areas) Act 1990, all of which seek to ensure that proposals conserve and enhance the historic environment, and avoid significant harm being caused to any heritage asset.
- 8.3.2 The Conservation Officer has commented that whilst UPVC, in general, is not considered an appropriate material for use in Listed Buildings, in this instance *'I have no issue with the replacement of the proposed door as it is a modern timber door infilling the former arched stone entrance and will not cause harm to the character of the Listed Building'*.
- 8.3.3 Whilst the Conservation Officer advises that a replacement in timber would be highly preferable, she states that *'if approval for the use of UPVC is awarded the overall impact on the character and significance of the Listed Building will be minor'*.
- 8.3.4 The Shopfront and Advertisement Design SPD (6.2) advises that *'replacement on a like for like basis will normally be required, particularly for listed buildings. Like for like means the same materials, glazing bar profiles etc. and reusing any historic glass, for example stained glass'*.
- 8.3.5 The proposed replacement doors, whilst a different material, would visually appear the same within the streetscene.
- 8.3.6 Justification for the change in material is explained, in that the current timber doors swell and will not always close, posing a security risk to the hair and beauty salon within the premises. As such, to replace them with timber again would create the same issue. This justification is considered to be a private benefit as opposed to a public benefit, however Officers understand the reasoning.

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- 8.3.7 The Penrith Town Council's objections are understood. Notwithstanding this, each proposal is considered on its own merits and given the Conservation Officers advice, it is considered that on balance, the proposed development would not result in an adverse degree of harm that would warrant its refusal.
- 8.3.8 In general, where original features of a listed building survive, it is desirable to replace them on a like-for-like basis in the same material so as to preserve the character of the building. In the case of this proposal, however, the original doors have been lost through earlier alterations prior to the building being listed. As such, in determining the appearance of the building and its contribution to the character of the surrounding area, the integrity of the building has already been compromised.
- 8.3.9 On balance the proposal is considered to be visually sympathetic to the grade II listed building, continuing to preserve the character, appearance and significance of the heritage asset and would contribute towards the long term protection of the building.
- 8.3.10 It is considered to be reasonable and necessary to include a condition requiring a sample of the material proposed to be submitted to the Council prior to installation to ensure that the finish and profile is acceptable (see recommendation).
- 8.3.11 Given the above considerations, this site specific development is considered to be in accordance with the conservation policies as outlined within the Planning LBCA Act 1990, NPPF 2021 and Eden Local Plan ENV10 and DEV5.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:

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- 10.2 The proposal is considered, on balance, to be sympathetic to the grade II listed building, which would continue to preserve the character, appearance and significance of the heritage asset.
- 10.3 The development would not result in an adverse degree of harm that would warrant its refusal, and would contribute towards the long term protection of the building. Therefore, the development is considered to be in accordance with the conservation policies as outlined within the Planning LBCA Act 1990, NPPF 2021 and Eden Local Plan ENV10 and DEV5.

Fergus McMorrow
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	04.04.2022
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Background Papers: Planning File 21/1054