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| Agenda Item | A11 |
| Application Number | 21/01588/LB |
| Proposal | Listed Building application for internal alterations to provide kitchen and WC including new treatment plant, provision of water supply and ventilation pipes and grills, reset floor levels, works to create ceilings, insulation, new partition doors, architraves, skirting and relocation of wall panel |
| Application site | Sunderland Point Mission Heritage Centre The Lane Sunderland Point Morecambe Lancashire LA3 3HS |
| Applicant | Mr Brian Holmes |
| Agent | Mr Nigel Atkinson |
| Case Officer | Ms Charlotte Greenhow |
| Departure | No |
| Summary of Recommendation | Approval |

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, as the full planning application for the installation of a sewage treatment plant (ref: 22/00284/FUL) was called into Committee and these two applications are inextricably linked, this application was brought forward to be determined by the Planning Regulatory Committee. The scheme was presented before Planning Committee on 18 July 2022 and again on 15th August 2022 following a deferral for a committee site visit, however, is being re-presented due to the provision of the water supply being included on the plans.

1.0 Application Site and Setting

1.1 Sunderland Point Mission Heritage Centre is a Grade II Listed former mission church dating back to 1894. The building was designed by Austin and Paley and illustrates the process of spreading the Church of England mission to remote coastal locations during the late 19th century and early 20th century. The building is rectangular in shape and has been constructed from local Claughton red brick with a Westmorland slate roof. Its use as a Church has recently ceased with the building now under the ownership of the Mission Heritage Centre Trust. The building stands as an independent structure on the south side of 'The Lane' and is bounded by open fields. The site forms part of Sunderland Point Conservation Area.

1.2 The official Historic England listing is as follows:

EXTERIOR: a five bay, single-storey building of red brick laid in stretcher bond beneath a pitched roof of Westmorland slate, that sweeps low over the projecting porch and vestry and WC in the form of lean-to roofs. Windows and door openings mostly have brick, camber heads. The west end has a central, projecting timber bell canopy that retains the bell, above an external, stepped brick chimney stack with tumbling-in brickwork. To the left is the main camber-headed entrance, and to the right is a secondary opening of similar style; both with plain boarded doors. The north elevation has projecting end bays, the porch to the right with a plain window beneath a stone lintel, and the vestry with a camber-headed entrance. The blind central bay is demarcated by a pair of slim pilasters, and a flanking bay to either side has a camber-headed window fitted with a six-light fixed timber window. The east end is rendered obscuring the brickwork, but there is a single camber-headed window. The south elevation is similarly detailed to the north elevation but only the westernmost bay is projecting, with a pair of short ventilation slits to its east wall.

INTERIOR: the porch has painted brick walls with three rows of coat hooks, and opens into the main body of the church through double boarded doors. There is a timber baffle screen to the left, and horizontal wainscoting to the lower parts of the walls, which are painted brick above, and there is a boarded floor. The original stove to the west end has been removed but its semi-circular opening remains. At the east end there is a raised dais with an altar and timber rails to the front; the wainscoting raises above the altar table, and above this is a large camber-headed timber panel. The roof structure comprises four triangular tie-beam trusses supported by cast-iron struts. The small vestry niche to the left has wainscotted walls.

2.0 Proposal

2.1 Listed Building Consent is sought for internal alterations to provide kitchen and wc including new treatment plant, provision of water supply and ventilation pipes and grills, reset floor levels, works to create ceilings, insulation, new partition doors, architraves, skirting and relocation of wall panel.

2.2 The application has been amended since submission following concerns raised by the Conservation Officer and Case Officer. The internal layout has been changed and only one WC is now proposed.

2.3 It is worthy of note that the LPA have re-advertised the application following the submission of details regarding the water supply and its routing through the building.

3.0 Site History

3.1 Relevant planning history includes:

| Application Number | Proposal | Decision |
|--------------------|--|--------------------|
| 22/00284/FUL | Installation of sewage treatment plant | Approved July 2022 |

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees. The application has been publicised three times due to the submission of amended plans. The consultation expiry date was 21.10.2022. Any further representations received will be verbally relayed to councillors.

| Consultee | Response |
|-------------------------|--|
| Parish Council | Object to the proposal. |
| Conservation Officer | No objections , conditions for details of panelling, joinery and doors recommended. |
| Lancaster Civic Society | Supports this application to bring a near-derelict listed building back into community use. |

4.2 Public representations – 77 letters of objection and 89 letters of support have been received at the time of compiling this report. These are summarised as follows:

4.3 Letters of support:

- This will be a great asset to Sunderland Point
- This is a positive change to the Mission Centre
- To bring this building up to modern standards will make this a great asset, instead of allowing a listed building to become derelict
- Its lovely to see this church holding is rightful place within the community
- These plans will rejuvenate an historic community asset and ensure it remains available for future generations
- The building would otherwise become overlooked, under used and fall into decay
- The new facilities will help to attract tourists
- The building will provide refuge in case of flooding
- Providing accessible and disabled toilets in the centre ensures all people can be included in this experience
- The additional facilities will be a benefit for all
- All events will be low-key, and footfall will be minimum
- The heritage centre will enable people to gain information and historical facts about the area

4.4 Letters of objection:

- Impact on interior of Grade II listed building
- Interior fittings already removed without consent
- Concerns over parking and highway safety
- No evidence of a bat survey
- No evidence that the application has considered flood risk
- Increase in tourists / would create a tourist attraction
- No economic or social benefits
- Lack of / improper consultation
- Lack of clear and detailed Heritage Assessment
- Concerns that the site is of Special Scientific Interest and is home to a series of endangered birds
- Not clear why toilets and a kitchen are needed
- The views of Historic England have not been sought
- A community facility already exists 225m away in the form of 'The Reading Room'
- The structural report carried out in 2017 has been ignored
- Letters of support have been submitted which do not relate to this listed building consent, but rather relate to the funding and conversion from Mission Church to Heritage Centre
- Questions over ownership certificates and that the correct notices have been served
- Concerns over the size of the disabled WC not meeting standards

4.5 Notwithstanding the above comments, it should be acknowledged that this application simply relates to works to the listed building and not the intended use. The applicant has noted that the use of the building has not changed and that the Heritage Centre will continue to run educational events, exhibitions, celebrations (including religious celebrations) and performances for the benefit of residents, the local community and visiting public. As such, a change of use application has not been applied for. However, should the use of the building change, this would require planning permission and may be investigated by the Enforcement Team for further action.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Impact on Listed Building and Conservation Area
- Impact on bats
- Other matters

5.2 Impact on Listed Building and Conservation Area (Sections 16 and 72 of the Listed Buildings and Conservation Area Act; Policy SP7 of the Strategic Policies and Land Allocations DPD; Policies DM29, DM30, DM37, DM38, DM53 of the Development Management DPD, and Sections 12 and 16

of the NPPF:)

- 5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building and or a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. Any harm (substantial or less than substantial) to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. This is reiterated by the relevant heritage policies in the Development Plan DPD.
- 5.2.2 The revised submitted heritage, design and access statement outlines the aims of the proposed works. It is stated that the proposals have been put forward by the Trustees as the minimum requirement using the available funding and aim to provide facilities not previously provided within the building over the previous century. These developments include the provision of a WC, a small kitchen area, new partition ceilings and walls, new matching framed doors in Oak natural finish, and resetting of the uneven floor.
- 5.2.3 The Councils Conservation Officer has offered detailed advice throughout this application. Following receipt of amended plans, the Conservation Officer has raised no objections to the scheme citing that the alterations are relatively low key and would enable the building to be understood in terms of its historic use. In addition, the proposed improved facilities will allow the building to become a valuable resource for the local community and given the rich local heritage and ecology in the area, and the nature of the former use of the building, the proposals seem entirely appropriate.
- 5.2.4 Details of the water supply have also been submitted. The incoming position of the mains water is to be moved to the front corner of the building within the kitchen area, with the existing unauthorised works to the rear being made good. The 15mm cold water pipework will then be suspended below the timber floor in a duct formed between two floor joists, with return waste running alongside this to the stub stack in the corner of the disabled WC. Foul drainage within the disabled WC will be connected to the new bio disc via 2 new manholes. An external cast iron vent pipe will be inserted along the west side elevation between the lobby and main hall.
- 5.2.5 In terms of the above, whilst these works would result in some 'less than substantial harm' to the historic fabric of the building, this is considered justified given the small-scale nature of the works and aim to install essential services. Furthermore, given that the former church services have recently ceased and that the proposals seek to bring the building back into viable public use, the less than substantial harm caused to the building is considered justified in this instance. The proposed WC and kitchenette are considered to be simple additions to the building which would be both useful and valuable to the local community and visiting public alike.
- 5.2.6 As part of the re-consultation process, the Councils Conservation Officer has presented no objections to the proposed water supply amendments. However, further details of how the panelling would be removed and reinstated is requested via condition given the poor unauthorised works initially carried out in the building. In addition, a condition for large scale details of the panelling and joinery details are also recommended to ensure that all new joinery is sympathetic to the existing.
- 5.2.7 Concerns have been raised within the letters of objection that all of the furniture within the building including the alter, benches and timber railings have been removed/relocated from the site. According to Historic England Advice Note 16 paragraph 27 "Broadly speaking, anything fixed to the building, such as staircases, chimneypieces, wall panelling, fitted cupboards internally, or attached walls and ancillary connected buildings externally, will be covered by listing; free-standing things internally, will not (pictures on hooks, tables and chairs which are not built in, etc). There are, however, grey areas for which legal tests are used to decide whether consent is needed for works to a listed building". Briefly described, these tests are:
- a) the method and degree of annexation (i.e. fixing) and
 - b) the purpose of annexation
- 5.2.8 In this case, the Councils Conservation Officer has reviewed the site and deems the items to be freestanding elements that would not amount to fixtures and fittings. As such, they would not form part of the listed fixtures and fittings of the listed building. The timber handrails are to be retained

within the building and are proposed to be set in from of the existing wall panelling to the rear of the building.

5.2.9 Further concerns relating to impact of the proposals on the fabric and visual amenity of the building have also been noted. However, for the reasons noted above, the proposed internal works are considered acceptable in this instance.

5.2.10 Consequently, the proposed internal works are considered to comply with Policies DM37 and DM38 of the Development Management DPD, Sections 16 and 72 of the Listed Buildings and Conservation Area Act, and Sections 12 and 16 of the NPPF.

5.3 **Impact on bats (Policy DM29 of the Development Management DPD, Section 15 of the NPPF, and Conservation of Habitats and Species Regulations 2017)**

5.3.1 Regulation 9 of 'The Conservation of Habitats and Species Regulations 2017' states that the "competent authority must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the [Habitats] Directives". Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions.

5.3.2 Several letters of objection raise concerns that the application has not been accompanied by a bat survey. Whilst this would usually be required for a building of this age, it is noted that the building benefits from visible high vaulted ceiling inside and thus bats are unlikely to nest here. Furthermore, other than the creation of new ceilings above the proposed WC, no works are proposed to the existing roof. A distance of approximately 0.75m would remain between the proposed WC ceiling and existing roof eaves. It is therefore not considered that the proposals would affect the use of a potential roost site.

5.4 **Other Matters**

5.4.1 A number of comments have been received by the LPA relating to the impact of the works on the listed building and impact on roosting bats, and these have been considered in the paragraphs above.

5.4.2 In relation to the other comments, it should be noted that this application simply seeks listed building consent for the works proposed and not any perceived future use. As such, comments relating to parking, highway safety, impacts on residents, flood risk, use of the building, influx of visitors, existing community facilities, lack of Environmental Assessment, ownership and wider site designations are not material considerations in the determination of this application.

5.4.3 In terms of the lack of Environmental Impact Assessment, it should be noted that the application is not of a threshold that would require an Environment Impact Assessment as defined in the EIA regulations 2017. However, these were assessed within the recently approved application for the sewerage treatment plant.

5.4.4 Questions were also raised in regard to the submitted ownership certificate and whether the correct notices have been served. This is ultimately down to the applicant, not the local planning authority to ensure that they have served the relevant notices upon anyone with an interest in the land. In any case, it was noted that when the LB application was first received, certificate B had been signed, rather than certificate A. This was queried with the agent and has since been rectified.

5.4.5 In addition, and as previously mentioned within this report, there is no formal proposal to change the use of the building. The intention to run educational events, exhibitions, celebrations (including religious celebrations) and performances are seen to be ancillary uses to the original church services and fall under Use Classes F1 (Learning and non-residential institutions):

Use Class F1:

- F1(a) – Provision of education
- F1(b) – Display of works or art (otherwise than for sale or hire)
- F1(c) – Museums
- F1(d) – Public libraries or public meeting rooms

- F1(e) – Public halls or exhibition halls
- F1(f) – Public worship or religious instruction (or in connection with such use)
- F1(g) – Law courts

5.4.6 In terms of this, the LPA consider to the existing church use and proposed heritage centre use to fall under Class F1 (Learning and non-residential institutions). Changes of use within Class F1 do not require planning permission. However, should the use of building deviate from use Class F1, this will require a change of use application to be submitted. Failure to submit such an application could result in enforcement investigation and action.

6.0 Conclusion and Planning Balance

6.1 In conclusion, the proposed works are considered to result in some less than substantial harm to the character, appearance, and fabric of the Grade II listed building. However, this harm is considered to be outweighed by the overall public benefits of bringing the building back into long-term viable use for the local community and visiting public. Consequently, subject to the recommended pre-commencement conditions, the proposed works are considered acceptable and comply with Policies DM37 and DM38 of the Development Management DPD, Sections 16 and 72 of the Listed Buildings and Conservation Area Act, and Sections 12 and 16 of the NPPF.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

| Condition no. | Description | Type |
|---------------|---|------------------|
| 1 | Standard LB timescale | Control |
| 2 | In accordance with amended plans | Control |
| 3 | <p>Notwithstanding the details indicated on the approved plans and supporting documents, details of how the wall panelling would be removed and then reinstated following installation of the water supply shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The works 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 the appearance and character of the listed building</p> | Pre-commencement |
| 4 | <p>Notwithstanding the details indicated on the approved plans and supporting documents, prior to their installation details and samples of the following materials shall be submitted to, and approved in writing by, the Local Planning Authority:</p> <ul style="list-style-type: none"> - Large scale details of new panelling and other joinery at a scale of 1:20 (for elevations) and 1:2 (cross sections) -Details of oak doors <p>The works 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 the appearance and character of the listed building</p> | Pre-commencement |

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None.