

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2245/0F1	
2.	Proposed Development:	DEMOLITION OF SINGLE STOREY TOILET EXTENSION AND SMOKING SHELTER; AND ERECTION OF REPLACEMENT SINGLE STOREY REAR EXTENSION	
3.	Location:	CAT INN, 25 MAIN STREET, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to the Cat Inn, located on Main Street within the centre of Egremont. The property is located within a group of terrace properties within the centre of the Conservation Area.		
	Proposal		
	This application seeks planning permission for the demolition of the existing flat roofed single storey toilet extension and smoking shelter and the erection of a replacement single storey rear extension.		
	The proposed extension will project from the rear of the property by 10.8m, with a maximum width of 2.8m and a minimum width of 1.7m. The development will benefit from a dual pitched roof with an eaves height of 2.7m and an overall height of 3.95m. The extension will create a males toilet, a		

staff change, a kitchen and a store. The development will also incorporate the reconfiguration of the female toilet to create an equal access and single ladies toilet. Externally the proposal will be finished with Edgemere Interlocking Slate Concrete tiles, timber doors and white render. There will be no windows proposed within the development.

Consultation Responses

Egremont Town Council

The Town Council have stated that they are supportive of this application to provide a place where more couples, families & tourists can partake of a meal and it will encourage them to remain and invest in the other town centre outlets too. It may also encourage other pubs to start selling food which would further benefit the town and the community. The application will tidy up the rear part of the property but Councillors would like to see (if at all possible) a toilet facility for the disabled incorporated in the new plans too.

Based on the amended information provided the Town Council have confirmed that they have no objection to the proposal. Councillors are pleased that the Female toilets have been re-arranged to provide an equal access WC and single ladies toilet. They feel this will attract customers and will encourage people to actively support the area even more.

Conservation Officer – Copeland Borough Council

Initially the Council's Conservation Officer requested more information regarding the proposed materials to be utilised within this development. The applicant does not propose to use slate for the roof, which is a pity but the Officer does not think that this changes the fact that the proposal will be an improvement. However, the information about the materials proposed is very minimal

Based on the amended information provided the Conservation Officer has stated that the applicant has described the roof tiles as Marley Interlocking Slate Grey Concrete tiles and the doors as stained timber boarded. The Officer has confirmed that this is satisfactory given the location and nature of the proposal and will enhance the character and appearance of this part of the Conservation Area. The Officer therefore offers no objections to the proposal.

Environmental Health – Copeland Borough Council

No objections as the layout of the kitchen is reasonable. The owners will need to contact Environmental Health Food once the kitchen is completed and before it becomes operation for an inspection.

Scientific Officer – Copeland Borough Council

The Officer stated that his initial thoughts with the proposal are about the potential for noise, the existing plans already show an area for outdoor seating and this looks to remain in the proposal. As

EH have no noise complaints regarding this the Officer has no objections on this front. The main noise source is likely to be the kitchen extraction system, the plans look like it might be a vent straight out of the wall, additional information is therefore requested on this matter. The vent could also lead to complaints about fumes, particularly if it is a low level one. However, if there are no residential properties nearby then the proposal may be suitable. Normally the Officer would request for a grease trap to be used but it looks like they are proposing some kind of dosing system. The Officer hasn't come across this before but there is no reason for it not to work provided it is maintained and the cleaning fluid replaced when needed.

Following the submission of additional information from the agent in relation to this matter the Scientific Officer has stated that the type of extraction system proposed has been properly considered. Border Food Machinery note that a more expansive extraction system was considered for the site but given the location it was felt that the simpler extraction system was more appropriate. It appears that there are no adjacent residencies so the risk of nuisance should be greatly reduced. As such the Officer has confirmed that he is happy the proposed extraction system to be used, however if any complaints about noise or odour are received in the future it would need to be investigated under the statutory nuisance legislation.

Licensing – Copeland Borough Council

The current licencing hours for the Cat Inn are Monday – Thursday 11:00 – 00:30, Friday – Saturday 11:00 – 01:30, and Sunday 10:00 – 00:30. The applicant will need to apply to amend their current licence should they wish to amend these hours.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to three 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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other Service Areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (2019)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Assessment

Principle of Development

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The site lies within Egremont, which is identified as one of the Borough's Key Service Centres, where opportunities for expansion of existing employment sites will be encouraged. As such the principle of development is considered to be acceptable.

Growth of Existing Business

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate growth of the Borough's local economy. Policy ER7 seeks to promote the diversification of the Borough's economy by expanding new and expanding employment sectors, and by supporting the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to retain enterprise, jobs and skills within the Borough. The NPPF also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

The current application at this site seeks to enhance and redevelop existing facilities within this business which is located within a prominent location with Egremont Town Centre. On this basis it is considered that the proposal complies with the policies ST1, ST2, ER6 and ER7 of the Copeland Local Plan and NPPF.

Impact of Development

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The proposed development will replace two existing structures within the rear yard of this property. Whilst the proposed extension will create a larger development the proposal is not considered to significantly impact on the neighbouring properties as the development will not benefit from any side facing windows. The development is visible from the car park to the rear of the site, however the development is considered to improve the site and will have a positive impact on the overall street scene.

The Council's Scientific Officer stated that EH have received no complaints regarding noise at this site, however additional information was requested in relation to the proposed extraction system. Based on the additional information provided by the agent for this application the Scientific Officer has confirmed that he is happy with the proposed extraction system that is to be used, however if any complaints about noise or odour are received in the future it would need to be investigated under the statutory nuisance legislation.

On the basis of the above it is considered that the proposal complies with ST1 and DM12 of the Local Plan and section 12 of the NPPF.

Impact on Conservation Area

Policy ST1, ENV4, DM27 of the Copeland Local Plan seek to protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites.

The Listed Building and Conservation Areas Act sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

Paragraph 192 of the National Planning Policy Framework (NPPF) 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..."

Paragraph 197 of the National Planning Policy Framework (NPPF) states the effect on the significance

	<p>of a non-designated heritage asset should be taken into account when making decisions.</p> <p>Referring to assets in a conservation area, NPPF para. 201 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 195) or less-than-substantial harm (under paragraph 196).</p> <p>Initially the Council’s Conservation Officer requested more information regarding the proposed materials to be utilised within this development. Based on the amended information provided the Conservation Officer has stated that the applicant has described the roof tiles as Marley Interlocking Slate Grey Concrete tiles and the doors as stained timber boarded. The Officer has confirmed that this is satisfactory given the location and nature of the proposal and will enhance the character and appearance of this part of the Conservation Area. The Officer therefore offers no objections to the proposal.</p> <p>In applying the statutory duties of the LBCA and the relevant provisions of the Copeland Local Plan and NPPF, the proposals will have a neutral impact on the special interest of the Egremont Conservation Area.</p> <p><u>Conclusion</u></p> <p>The proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning 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 respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Existing Plans and Elevations, Scale 1:100, Drawing No 20.23.01a, received by the Local Planning Authority on the 6th July 2020. - Proposed Sketch Plans, Elevations, Block and Site Location (Amended), Scale 1:100, 1:200

& 1:1250, Drawing No 20.23.02d, received by the Local Planning Authority on the 26th July 2020.

- Design and Access Statement, received by the Local Planning Authority on the 6th July 2020.
- Greasepak, received by the Local Planning Authority on the 6th July 2020.
- Email from agent, received by the Local Planning Authority on the 19th August 2020.

Reason

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.

3. Prior to the first use of the extension hereby approved the extraction system must be installed in accordance with the approved details:

- Proposed Sketch Plans, Elevations, Block and Site Location (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No 20.23.02d, received by the Local Planning Authority on the 26th July 2020.
- Greasepak, received by the Local Planning Authority on the 6th July 2020.
- Email from agent, received by the Local Planning Authority on the 19th August 2020.

The extraction system must be maintained as such at all times thereafter, unless agreed in writing with the Local Planning Authority.

Reason

To minimise the risk of nuisance from cooking odours and fumes to neighbouring properties.

Informative:

1. The current licencing hours for the Cat Inn are Monday – Thursday 11:00 – 00:30, Friday – Saturday 11:00 – 01:30, and Sunday 10:00 – 00:30. The applicant will need to apply to amend their current licence should they wish to amend these hours; contact email: licensing@copeland.gov.uk.
2. The owners will need to contact Environmental Health Food once the kitchen is completed and before it becomes operation for an inspection. Contact email: envhealth@copeland.gov.uk.

Statement:

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.

Case Officer: C.Burns**Date :** 08.09.20**Authorising Officer:** N.J. Hayhurst**Date :** 09/09/2020**Dedicated responses to:-** N/A