

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2145/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM DOMESTIC TO AN ART GALLERY
3.	<b>Location:</b>	74 HIGH STREET, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Development Referral Area - Data Subject to Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to 74 High Street in Cleator Moor, which is an end of terrace property that is situated within the Cleator Moor Conservation Area.  The building currently has a mixed use comprising both residential and an art gallery and tattoo studio. There is a residential property adjoining it the east with and an access road to the west.  <b>PROPOSAL</b>  Planning Permission is sought for the change of use of the existing pool and dining room at the front of the building, currently associated with the residential property above, to form an extension to the art gallery.  The change of use would include the addition of a new internal wall to section the art gallery off from	

the residential property. Signage is also proposed on the front of the property and has been applied for separately (application reference 4/21/2144/OA1 relates).

#### **RELEVANT PLANNING APPLICATION HISTORY**

Conversion to dental surgery, approved in 1988 (application reference 4/88/1136/0 relates);

Change of use from dentist surgery to a tattoo and art studio and living accommodation, approved in 2014 (application reference 4/14/2310/0F1 relates);

Advertisement consent for fascia sign, to be determined (application reference 4/21/2144/OA1 relates).

#### **CONSULTATION RESPONSES**

Copeland Disability Forum - Copeland Disability Forum understand there is an existing ramped access to the rear of the premises to allow access to both the Tattoo Parlour and the proposed Art Gallery. The front access has a small step and provided the applicant can provide a portable ramp and call bell at the front entrance CDF will support this application.

Conservation Officer – No objections and only comments related to signage application.

#### Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 no. properties.

No responses have been received to these advertisements.

#### **PLANNING POLICIES**

Planning law requires 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 SS4 – Community and Cultural Facilities and Services

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

**Other Material Planning Considerations**

National Planning Policy Framework 2019 (NPPF)

Conservation Area Design Guide SPD December 2017 (CADG)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

**ASSESSMENT**

Principle of the change of use

The encouragement and expansion of new businesses is generally supported throughout national and local policy. This application raises issues with regards to the appropriateness of the location, the potential effect on neighbouring amenity and the impact on the character and appearance of the surrounding Conservation Area.

The proposal is for the change of use of a single room inside the building, which is already predominantly used for commercial purposes. Cleator Moor is designated as a Key Service Centre within Policy ST2 of the Copeland Local Plan where the retention and expansion of businesses is encouraged. It is considered that the loss of the existing pool and dining room will not have a negative impact on the residential property above as there is ample living space available.

On this basis the principle of the use is considered to be acceptable.

Impact on neighbouring amenity

The building is already in use as a tattoo and art studio, and the application seeks a modest increase

	<p>to the scale of the business premises. Given the existing use of the building it is considered that there is unlikely to be a negative effect on any neighbouring amenity within the locality. The proposal is therefore considered to accord with Policy DM10 of the Copeland Local Plan.</p> <p><u>Effect on the Conservation Area</u></p> <p>The internal alterations to the property do not require planning permission. The only external alteration is the installation of signage which has been considered under application reference 4/21/2144/OA1.</p> <p>Overall, it is considered that the proposal meets the requirements of the Conservation Policies within the Copeland Local Plan and will create less than substantial harm to the surrounding Conservation Area.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposal seeks to change the use of an existing room to expand an independent business in a satisfactory location. Current Local Plan policies and Government guidance encourage the expansion of existing commercial properties.</p> <p>The alterations involved to facilitate the conversion and expansion of the business are all internal and therefore will not have any impact on the character and appearance of the Conservation Area.</p> <p>The proposed use is considered to be a compatible use for this part of the town and will not have any significant impacts on residential amenity.</p> <p>Overall this proposal is considered to be an acceptable form of development which accords with the guidance set out in the NPPF and the adopted Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> </li> <li> <p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, received 31<sup>st</sup> March 2021;  Floor Plan, received 26<sup>th</sup> May 2021;</p> </li> </ol>

	<p>Details of Proposed Signage, received 26<sup>th</sup> May 2021; Building Elevation, received 26<sup>th</sup> May 2021.</p> <p>Reason</p> <p>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.</p> <p><b>Statement</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against 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.</p>	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 01/06/2021</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 01/06/2021</b>
<b>Dedicated responses to:- N/A</b>		