

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2393/OF1
2.	Proposed Development:	CONVERION OF EXISTING PROPERTY TO FORM A RETAIL SPACE FOR THE SALE OF ART AND CRAFTS PRODUCED BY LOCAL ARTISTS AND MINOR INTERNAL AND EXTERNAL ALTERATIONS INCLUDING THE CREATION OF A NEW DISABLED ACCESS TOILET
3.	Location:	ST JOHN THE EVANGALIST, LECONFIELD STREET, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to the church know as St John the Evangelist, located off Leconfield Street in Cleator Moor.</p> <p>The building was used as a place of worship until 19th March 2017 and has been vacant and redundant since. It is Grade II Listed</p> <p>Access is gained from Crossfield Road to a parking area between the church and the hall. Pedestrian access connects with Leconfield Street and runs to the north west of the church.</p> <p>This application has been submitted in tandem with Listed Building Consent for the same works (application reference 4/21/2394/OL1 relates).</p>

PROPOSAL

Planning Permission is sought for the change of use of the church to a retail space for the sale of art and crafts created by local artists. The proposal will include the following works:

- The creation of a disabled parking bay;
- The creation of a ramp for disabled access;
- The moving of the stepped access further north;
- The repositioning of the pews;
- The removal of the existing timber raised platforms/staging;
- The removal of the organ and creation of a new WC in its place;
- The restoration of the south west window.

RELEVANT PLANNING APPLICATION HISTORY

There have been no relevant previous planning applications on the site.

CONSULTATION RESPONSES

Cleator Moor Town Council

Members would like to mention the issue of parking for traders and visitors as no parking provision appears to be included in the proposal although the business plan attached does suggest a possible provision of an electric charging point for vehicles.

Conservation Officer

1st Response

These applications cover conversion of this empty church to form a community arts and crafts facility.

- In pre-app discussions, the possibility of retaining the organ façade and pipes, which are still within the church, was considered. This proposal disposes with these elements and inserts a plasterboard studwork box to house the new WC. Justification for this is given that the organ is already only partially complete and in a state of dilapidation. I would view loss of its remaining elements as less-than-substantial harm to the significance of the building, justified by the need to provide a practical WC facility in a space where access would have necessitated further alteration to the organ façade. Based on the current information, my view is that the remains of the organ are not practically reusable and a clean, simple replacement is appropriate, while fulfilling an important need.
- The pews will be retained in the church, so although their layout is altered, there will be no loss of historic fabric and the work remains in principle reversible.
- The insertion of freestanding screens falls somewhere between no impact and minimal on the significance of the building, depending on how permanent they end up being. This is not something that can be controlled, and I would view the harm as negligible as they block views

up the aisle (which are secondary) while retaining the main views up the nave, and are removable.

2nd Response

New detailing has been supplied to provide ramped access at the main door and two disabled parking bays in the car park.

I would view the harm caused by the painting of the disabled parking bays to have a negligible impact on the setting of the building, justified by the better provision for those who may need the spaces.

The ramp appears to have been designed with no goal other than to serve the need for ramped access, and is an unattractive compromise solution. Historic England helpfully provides guidance specifically on accessible design for historic buildings, and suggests that such “temporary” solutions are rarely satisfactory and often end up staying in place for years.

The galvanised metal will not be attractive, and I also have come concern that the ramp will be an obstruction as much as an assistance, as ambulant visitors coming from the car park will have to walk past the ramp, turn 180 degrees to go up the steps, and they turn again to go into the church.

Is a better layout possible? Would it be possible to slide the ramp towards the church, so it adjoins the new landing adjacent to the building, leaving space for a symmetrical pair of staircases, allowing access from both directions?

I would suggest timber would be more attractive and less utilitarian-looking, so would invite a design making attractive and deliberate use of timber.

The drawings in the Full application have been updated, but those in the Listed application have not, and the Access Statement for each also needs updating to reflect the proposal.

- Currently, I do not view the justification for this specific design as being particularly strong, and there is no evidence in the application that other solutions have been explored.
- The drawings in the Listed application, and in the Design, Access and Heritage in both, still need updating.

3rd Response

New detailing has been supplied showing a revised ramped access design at the main door.

- I note that the Design section of the D&A statement has not been updated, which would seem necessary as this is quite a major external alteration. It still says under section 2.7 “The external fabric will remain as existing”, which is obviously not the case. It also says (all the pages are numbered “page 1”, but it’s actually page 5) “There is no structural change to the fabric of the building internal and external”, which I would say is not true now.
- It would be useful to have some consideration of the heritage implications of the proposed ramp added to the Heritage Statement (e.g. impact of removing original front steps, visual impact, mitigation strategies and alternatives considered etc.)
- The following questions remain to be answered:

- What materials will be used and why (with photograph sample)?
- Can the existing steps and masonry be re-used?
- Will there be any impact on rainwater goods/downpipes, as the elevation drawings don't appear to show any?
- Does the ramp surface require any kind of non-slip detail, and if so what?
- Does the ramp require a concrete footing to be dug?
- There also ought to be a more detailed drawing than what's shown here. Although these drawings are useful up to a point, I would expect something like a detail short section through the ramp (e.g. from the SW angle), showing how it is constructed and detailed (balustrade, handrail etc.) and how it interfaces with the church wall, and annotated with proposed materials for reference against the Design statement.

4th Response

Revised documentation has been received, which provides a welcome step-up in detail.

The D&A statement has been revised to correct the omission of mention of the access ramp.

The heritage statement has been expanded and assesses the significance (as well as impact) in more detail.

Detail sections have been provided, showing the construction and proposed materials. The application also now elaborates on the extent of re-use of existing steps, relevant presence of RWPs, and footings.

The drawings do not refer to a non-slip finish, so I take that as confirmation that the sandstone slabs will be the finish.

These revisions address the outstanding concerns I had. I welcome the proposal to give this building a use as this has the potential to protect it from decline and offer an amenity to Cleator Moor.

Copeland Disability Forum

1st Response

1] Is there level access into the Church and whereabouts is this situated?

2] If there is existing wheelchair access to the Church is this reached by a level path that is tarmacked – not gravel

3] Where would blue badge holders be able to park i.e. will there be dedicated disabled parking spaces? We read in the document parking could be at the adjacent supermarket but this is accessed via several steps.

2nd Response

Following a response from the Applicant:

CDF cannot support this application. The Equality Act 2010 states independent access into a building,

this is obviously not possible with a ramp “only a wooden ramp utilised when needed” Also there will be no suitable parking for blue badge holders.

3rd Response

In light of the new information and plans provided Copeland Disability Forum would fully support this application which allows independent access for all and provides disabled parking.

We would ask that if the planning department (committee) agrees to this application then they would ensure the changes are carried out by the applicant.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 10 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 DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

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 loss of the community asset and the potential effect on the heritage asset.

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. Policies SS4 and DM21 seek to protect community facilities where that service cannot be met elsewhere.

The loss of the place of worship is regrettable, however, it has been closed and vacant since 2017 and has been for sale through the diocese. It is therefore unlikely to be re-used as a place of worship and there is an alternative provision within Cleator Moor which is described as “the largest building in the circuit”. The use of St John’s Church as a community project to showcase and sell local artists work is encouraged. This will ensure that it does not fall into further disrepair, with the external traditional features of the building being retained, but also provide a community hub for the residents of Cleator Moor.

A business plan has been submitted with the application to detail how the Applicant intends to make the business profitable. This includes a number of potential stall holders who have shown interest. It is considered that the Applicant has proven potential viability for the building.

On this basis the principle of the use is considered to be acceptable and complies with Policies ST2, SS4 and DM21 of the Copeland Local Plan.

Impact on Neighbouring Amenity

The building was previously in use as a community facility, and the application seeks a commercial use that is unlikely to be materially different. The closest residential property to the church is on Crossfield Road to the east and is around 30m away. As a result of the proximity and given the previous use of the building, it is considered that there is unlikely to be an adverse effect on any neighbouring amenity within the locality. The proposal is therefore considered to accord with Policy DM10 of the Copeland Local Plan.

Effect on the Heritage Asset

Policies ENV4 and DM27 of the Copeland Local Plan relate to the protection and enhancement of the

Listed Building and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the local plan requires good design.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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'.*

Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

The internal alterations to the property do not require planning permission. The only external alteration is the installation of a ramped access for disabled use which is considered to not only be acceptable, but welcomed. The ramped access will be constructed from materials to match the church and will be in a position where it will not be seen from surrounding public viewpoints.

The use as an arts and crafts centre is considered to be sympathetic to the Listed Building as it does not require the loss of any of the fabric of the building or any traditional features.

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 Listed Building and its setting.

Parking and Highway Safety

The Cleator Moor Town Council raised concerns with regards to parking at the property. During discussions with the Copeland Disability Forum, it was agreed that a disabled parking bay would be provided outside the church, close to the ramped access. Furthermore, there is some parking between the church and the community hall to the south. Overspill parking can be accommodated on street generally within Cleator Moor, however, due to the central location, it is hoped that sustainable transport options such as cycling, bus and walking will be utilized.

Overall, due to the location of the development it is considered to be accessible and complies with Policy DM22 of the Copeland Local Plan.

Planning Balance and Conclusion

No objections have been received to the proposal.

The proposal seeks to change the use of an existing vacant building to an independent business in a satisfactory location within a Key Service Centre. Current Local Plan policies and Government guidance encourage the re-use of vacant buildings and the use as an arts and crafts centre is both

	<p>appropriate and encouraged within Cleator Moor.</p> <p>The alterations involved to facilitate the conversion of the building are minimal and will not have an effect on the fabric of the listing building or its setting within Cleator Moor.</p> <p>The proposed use is considered to be compatible 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 policies in the adopted local plan and guidance set out within the NPPF.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <li data-bbox="181 751 1505 1018"> <p>1. 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 data-bbox="181 1062 1505 1831"> <p>2. 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 23rd August 2021; Proposed Block Plan, scale 1:100, drawing number 012C, received 6th January 2022; Existing Floor Plan, scale 1:100, drawing number 001A, received 23rd August 2021; Existing North West Elevation, scale 1:100, drawing number 002A, received 23rd August 2021; Existing NE and SW Elevation, scale 1:100, drawing number 003A, received 23rd August 2021; Existing South East Elevation, scale 1:100, drawing number 004A, received 23rd August 2021; Existing Internal Elevations, scale 1:50, drawing number 009A, received 23rd August 2021; Proposed Internal Elevations, scale 1:50, drawing number 010A, received 23rd August 2021; Proposed South East Elevation, scale 1:100, drawing number 008A, received 23rd August 2021; Proposed South West Elevation, scale 1:100, drawing number 011B, received 1st November 2021; Proposed Floor Plan, scale 1:100, drawing number 005C, received 1st November 2021; Proposed North West Elevation, scale 1:100, drawing number 006C, received 1st November 2021; Proposed North East Elevation, scale 1:100, drawing number 007D, received 1st November 2021;</p>

Section through ramp (1 of 3), drawing number 013A, received 6th January 2022;
Section through ramp (2 of 3), drawing number 014A, received 6th January 2022;
Section through ramp (3 of 3), drawing number 015A, received 6th January 2022;
Design and Access Statement, received 6th January 2022.

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 development hereby approved, the disabled parking bay and ramped access must be constructed and brought into use in accordance with the approved plans.

Reason

To ensure the development is fully accessible for all in accordance with Policy DM22 of the Copeland Local Plan.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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: Sarah Papaleo

Date : 11/02/2022

Authorising Officer: N.J. Hayhurst

Date : 17/02/2022

Dedicated responses to:-