

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2402/OF1
2.	<b>Proposed Development:</b>	CONVERSION TO FORM 3 NO. ONE BEDROOMED APARTMENTS (USE CLASS C3) AND 2 NO. SHORT LET HOTEL SUITES (USE CLASS C1), 2 NEW DORMER WINDOWS TO REAR, REPLACE EXISTING FRONT AND SIDE WINDOWS, ENLARGEMENT OF 3 EXISTING REAR WINDOWS, ERECTION OF SECURE CYCLE SHED TO REAR
3.	<b>Location:</b>	3 MARKET STREET, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: YES  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to 3 Market Place a semi-detached property situated within the town centre of Cleator Moor. The building was previously in use as a single residential property and lies within the Conservation Area boundary.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the conversion of the property to create 3 no. one bedroomed apartments and 2 no. short let hotel suites. The conversion will include the addition of 2 new dormer</p>

windows to the rear, the enlargement of 3 of the existing windows and their replacement with double glazed units. A secure cycle shed is also to be erected to the rear of the building. All guttering and downpipes will be replaced and the building will be painted in pastel shades as part of this proposal. A refuse area will be provided on the hardstanding at the rear.

Each apartment will include a bedroom, bathroom and open plan living/dining/kitchen room and will cover a floor area of 37 square metres. Each hotel let will have a similar layout but will have a reduced floor area of 25 square metres in total.

### **RELEVANT PLANNING APPLICATION HISTORY**

Change of use to guest house, approved in January 1990 (application reference 4/89/1193/0 relates;

Change of use from multi-occupied accommodation to private house, approved in December 1999 (application reference 4/99/0712/0 relates).

### **CONSULTATION RESPONSES**

#### **Cleator Moor Town Council**

No objections.

#### **Cumbria Highways**

Although there is no off-street parking included within this proposal, the applicant has referenced a reasonable public transport network in the area as well as providing bicycle storage within the site. There is on-street parking and public car parks in the area.

Taking into account the existing use of the property, it is considered that the proposal will be unlikely to have a material effect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

#### **Conservation Officer**

##### First Response

Externally, the main question here is of the impact on the settings of listing buildings and the conservation area, although the impact on the building itself, and those next door and behind, should also be taken into consideration.

- Giving this building a viable use is desirable.
- Windows are currently uPVC top-hinged casements that have a detract effect. Law requires development to preserve or enhance conservation areas, although NPPF 206 urges

opportunities be taken to enhance or better reveal significance. In this sense, I would request the use of uPVC sliding sashes for replacement windows, and also request details of such windows to be submitted with the application.

- To the rear, the elevation is somewhat hidden, although the view between the non-designated heritage assets on Victoria Street and the listed buildings in the square will be noticeably impacted by the proposed rear dormers, and also to a lesser extent by the enlargement of the first floor rear windows.
- It would be preferable here to make use of conservation style rooflights for admitting light to the attic space, and if more headroom is needed then installing gabled dormers more in the manner of those on the front elevation would provide a more subtle and familiar design. The current dormer proposal will give the appearance of a flat roofed three-storey building to the rear, and does not preserve or enhance the character of the conservation area, or preserve the settings of the listed buildings (the Library and the Local Government Offices, specifically).
- The rear windows do not make a particularly strong contribution to the building's significance, and are relatively concealed from the conservation area. I would view the proposal to enlarge them as justifiable in the course of providing a better interior quality.

In summary:

- I could support the use of uPVC as the windows are currently uPVC, however request that these be of a sliding sash design, and that details are provided with the application.
- I could support the enlargement of the rear openings, which could be considered less-than-substantial harm to the settings of the nearby listed assets and the conservation area at the negligible end of the scale. There is slight harm to the significance of the heritage asset itself, but this is minor and justifiable in the aim of creating a more viable interior environment.
- The dormers to the rear should be revised, ideally to heritage style rooflights. I appreciate this will impact the interior layout, but do not consider that to justify the harm.

#### Agent Response

We have revised the rear dormer design to be gabled dormers more in the manner of those on the front elevation, conservation style rooflight were not possible due to the required head heights.

I have also amended the drawing to show Sliding Sash Windows to the Front & Side.

#### Second Response

Externally, the main question here is of the impact on the settings of listing buildings and the conservation area, although the impact on the building itself, and those next door and behind, should

also be taken into consideration.

- In response to my earlier comment about the advantage of sliding sash windows in this location, details have been supplied showing sliding sashes to the front and side elevations. This is good news and will have a beneficial effect on the building's appearance.
  - The document "uPVC sliding sash details" is a bit of an information overload, containing all the options without showing which will be specified. The elevation drawing is helpful, showing a one-over-one arrangement without glazing bars or horns, but the abovementioned doc shows everything, including a rivet popper.
  - In order to condition the document, it will need to have the elements being specified indicated and drawn to match on the elevation. If there is an alternative doc with enough detail (glazed unit, arrangement of any glazing bars, horns, colour, finish etc), such as a quotation sheet, that might be a clearer option.
- In response to my earlier comment about the enormous rear dormers, I note that they have been revised to a more proportional version, which is much better.
  - I would request detail of the materials that will be used (e.g. an annotation on the drawing) and suggest that uPVC soffits and bargeboards should probably be avoided.

#### Agent Response

Please see the Revised proposals giving dormer material and window details in response to the latest conservation consultation report.

#### Third Response

Externally, the main question here is of the impact on the settings of listing buildings and the conservation area, although the impact on the building itself, and those next door and behind, should also be taken into consideration.

- Updated windows details have been provided showing some more specificity on the detailing. I would view this as reasonable for the application.
- Detail update has been provided for fascias and flashing for rear dormers, which I believe is reasonable and sufficient.

#### Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 3 no. properties.

No objections have been received to the proposal.

## 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 ER10 – Renaissance through Tourism

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV4 – Heritage Assets

#### Development Management Policies (DMP)

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM13 – Conversions of Buildings to Residential Use within Settlement Limits

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

### **Other Material Planning Considerations**

National Planning Policy Framework 2021 (NPPF)

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

Conservation Area Design Guide SPD (2017).

Copeland Housing Strategy 2019

Copeland Borough-Wide Housing Needs Survey 2020

Copeland Strategic Housing Market Assessment 2021

#### Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently 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**

### Policy context

Planning policies ST1 and DM13 seek to encourage the re-development of existing buildings within the settlement boundary allowing in accordance with a list of criteria. Policies ER10 and DM9 seek to encourage visitor accommodation within the Borough in suitable locations. Policies DM12 and DM22 ensure that new residential properties meet the minimum acceptable standards whilst including a suitable access and parking.

### Principle of development

Cleator Moor is designated as a Key Service Centre under Policy ST2 of the Local Plan.

The conversion of this building to residential and hotel use is acceptable in principle as it is located within the defined settlement boundary for Cleator Moor and would result in the re-use of an existing building. Bringing vacant buildings back into use is supported throughout national and local planning policy and the provision of a residential flats will help to increase the housing supply for Copeland, close to the town centre of Cleator Moor.

Policies ER10 and DM9 seek to encourage tourism accommodation within the Key Service Areas, provided they are of an appropriate scale.

Policy DM13 of the Copeland Local Plan seeks to ensure that any conversions can provide adequate standards of living without the need for significant alterations and additions to the property. Furthermore, any works to be undertaken should maintain the character of the building and adequate amenity space should be provided. The building will be converted with only the addition of new windows and doors and will not be subject to any extensions increasing the footprint. The overall character of the terraced property will be maintained and the finish will reflect the surrounding dwellings. A small yard is to be retained at the rear of the building which will be used as a bin store and also provide a modest area of amenity space.

On this basis, it is considered that the principle of the development is acceptable in accordance with policies ST1, ST2, SS3, ER10, DM9 and DM13 of the Copeland Local Plan.

### Exterior Alterations and Impacts on Heritage Assets and the Conservation Area

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings, Conservation Areas and their settings and strengthening the distinctive character of the boroughs settlements through high quality urban design that respects this character.

Policy DM10 expects high standards of design and the fostering of quality places. It is required that

development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

The Conservation Area Design Guide is a material consideration in the determination of planning applications within conservation areas and is applicable to this application.

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'.

Section 72 requires that: 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance' of a Conservation Area.

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 addition of larger double glazed windows on the rear is considered to be acceptable, preserving the character of the building and ensuring that there are no amenity issues for the surrounding properties. The amended dormer windows on the rear are proportional to the building and cannot be seen from the front of the building, therefore having a neutral impact on the Conservation Area.

The proposal includes the addition of a cycle shed to the rear which will accommodate 5 bicycles. It will be modest in size and located to the rear of the yard, unseen from the public footpath.

The Conservation Officer is satisfied that the impacts of the development would not result in any significant harm that would adversely affect either the character or appearance of the Conservation Area or the setting of any Listed Buildings nearby. The use of sliding sash windows with Upvc frames is considered to be acceptable in this case as these would be an improvement on the existing Upvc frames which are present within the window openings.

Overall, it is considered that the proposal will not have a negative effect on the surrounding properties or Conservation Area and comply with Policies DM10, ENV4 and DM27.

#### Access and parking

The building is within easy walking distance of the town centre with an on street parking provision to the front and side. The Applicant has included cycle area at the rear of the property which will

	<p>accommodate 5 bicycles within the existing curtilage. Due to the existing use of the property, it is unlikely that the proposal will have a material effect on the existing highway conditions and no objections were received from the Cumbria Highways Department on this basis.</p> <p>The proposals therefore align with Policy DM22 of the Copeland Local Plan relating to accessible developments.</p> <p><u>Planning Balance and Conclusion</u></p> <p>There have been no objections to the proposal.</p> <p>This proposal will help to regenerate and provide a viable use of a vacant building which occupies a prominent position within the town centre. The proposed use will help to increase the housing supply within the town and also provide an element of tourist accommodation. These uses are considered to be acceptable in this town centre location.</p> <p>Negotiations have enabled amendments to the design of the scheme to be secured. The external alterations are modest in scale and are focused on the rear elevation and roof slope of the building. The Conservation Officer is satisfied that the impacts of the development would not result in any significant harm that would adversely affect either the character or appearance of the Conservation Area or the setting of any Listed Buildings nearby.</p> <p>Overall this proposal is considered to be an acceptable form of sustainable development which accords with the policies set out within the Copeland Local Plan and the guidance within the NPPF when taken as a whole.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  Reason  To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</li> <li>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: -  Site Location Plan, scale 1:1250, drawing number 3MS-P-SLP, received 6<sup>th</sup> September 2021;</li> </ol>



Existing Site Plan, scale 1:100, drawing number 3MS-P-ESP, received 6<sup>th</sup> September 2021;  
Proposed Site Plan, scale 1:100, drawing number 3MS-P-PSP, received 6<sup>th</sup> September 2021;  
Existing Plans and Elevations, scale 1:100, drawing number 3MS-P-EP, received 6<sup>th</sup> September 2021;  
Proposed Plans and Elevations, scale 1:100, drawing number 3MS-P-PP-B, received 18<sup>th</sup> October 2021;  
Spectus Vertical Slider details, received 18<sup>th</sup> October 2021  
Spectus Sash Window specification, received 18<sup>th</sup> October 2021;  
Design and Access Statement, received 6<sup>th</sup> September 2021.

**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.

**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](http://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 : 08/11/2021**

**Authorising Officer: N.J. Hayhurst**

**Date : 11/11/2021**

**Dedicated responses to:- N/A**