

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2434/OF1
2.	Proposed Development:	CONVERSION OF A FORMER ANNEX TO HOTEL TO FORM A FOUR BEDROOMED DWELLING WITH EXTENSION AND ALTERATIONS AND ASSOCIATED EXTERNAL WORKS
3.	Location:	GROVE COURT HOTEL, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, 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: SITE AND LOCATION This application relates to a separate wing of the Grove Court Hotel situated off the A5086 in Cleator Moor. The building has been vacant for a number of years after a kitchen fire forced the hotel to close. PROPOSAL Planning Permission is sought for the conversion of the building to form a single 4 bedroomed dwelling. The conversion will include the removal of the link corridor from the main hotel building to the separate building and alterations to create a feature window at first floor level on the south elevation. Internal alterations will convert the first floor to create living space for the property with an open plan kitchen/diner, utility room, study and sitting room, with the retention of 4 bedrooms,	

each with en-suite on the ground floor.

The existing stone wall to the east and timber fence to the south will be retained, with a new 900mm high masonry, rendered wall to the north and north west and post and wire fence with hedge planting to the west.

Grassed amenity space will be provided to the north and south with a tarmacked parking area in the far northern corner of the site.

RELEVANT PLANNING APPLICATION HISTORY

Erection of extension for functions, room/conversion of outbuildings to staff accommodation (2 units), approved in March 1988 (application reference 4/88/0026/0 relates);

Conservatory, approved in December 1992 (application reference 4/92/0848/03 relates);

Replacement of internal conservatory with an extension to the function room, approved in November 1998 (application reference 4/98/0760/0 relates);

Conservatory, approved in January 2002 (application reference 4/01/0811/3 relates);

Erection of building for staff accommodation, approved in November 2009 (application reference 4/09/2390/0 relates);

Proposed redevelopment of an existing hotel to accommodate 13 supported living units along with associated communal facilities and staff office space, approved in February 2021 (application reference 4/20/2476/0F1 relates);

Application to determine if Prior Approval is required to demolish the main hotel building, refused in November 2021 (application reference 4/21/2451/0F1 relates).

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

Cumbria Highways/LLFA

First response:

The application should submit a 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), this shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Second response:

The plan proposes the access will not be adjacent to Highway A5086 but instead will be adjacent to

Cross Grove therefore Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Conservation and Design Officer

First response:

- The Grove Court Hotel should be viewed as a non-designated heritage asset, and the annexe sits comfortably alongside it.
- Grove Court conveys a positive impression to the locale, contributing to the setting of the grade II listed church with attractive early 20th century red sandstone gables and grass stretching down to the white fence dividing the plot from the road.
- Reuse of this building is desirable (as it is with any building, on grounds of the embodied energy of the building), however the proposal to insert a new driveway is less desirable as this will entail removal of a section of the fence and the replacement of greenery with tarmac and parked cars. This could not be said to have a positive impact on the setting of the listed church, which requires giving “special consideration” under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as outlined below.
- The impact on the attractive setting of Grove Court itself should also be taken into consideration, as a non-designated heritage asset.
- Regarding the proposed changes to the fenestration on the south gable, I would view the large glazed upper area as reasonably subtle on account of the building being well set back and the proposed colours quite dark and the detailing neat, although I question whether the new upper floor windows and the current rather fussy lower windows will sit well together – It may be worth taking the opportunity to find a lower floor window, at least on this elevation, that better complements those proposed for the upper floor.
- I question whether the best solution involves providing the access from the front, or whether it would be preferable to make use of Grove Court’s access point and provide parking to the rear of the annexe. An alternative should be found if one is available.
- Ideally, the proposal to adapt this annexe and a proposal to adapt the Grove Court would be considered at the same time, as this may allow opportunities to be found such as relating to the access and parking.
- I would request more information on the proposed boundary treatment. Introducing boundaries to this attractive area of garden is not desirable, but I appreciate may be unavoidable given options for future use. However, walls or hedges are likely to be preferable

to wooden fences.

- Separate from the above, I note the Planning Statement shows the proposal as part of a wider development taking place across the entire structure of the Grove Court, and would draw attention to the requirement in NPPF 134 to refuse development that is anything less than well-designed. Of particular weight should be development that accords with local policies/guidance, or outstanding or innovative design that promotes high levels of sustainability. Nothing in the indicative site plan hints at outstanding or innovative design, or high levels of sustainability. The agents should consider this when looking at the opportunities that may be found in adapting the annexe alongside the main building as a well-designed unified scheme. On this point, I would draw the agents' attention to NPPF 194 below, which is a part of national policy because it is desirable on principle.

Second response:

- The two main concerns I previously had with this proposal were that the insertion of a driveway to the front WHICH would have a harmful effect on the setting of the nearby listed church (as well as Grove Court itself), and that the fenestration to the front elevation was unresolved.
- The revised scheme makes use of parking to the rear, and maintains a much more positive appearance from the front, preserving views in which the church and Grove Court are experienced.
- A different lower front window has been proposed, consisting of a pair of French windows/patio doors. These sit better with the new upper floor feature windows.
- A post and wire fence with mixed planting is proposed for the new front garden boundary. This should fit in well. The other boundaries remain as existing.
- I request proposed colours for window/door frames to the front elevation. Avoiding white would seem advantageous (e.g. dark grey), but I wouldn't wish to make assumptions. For the avoidance of doubt therefore, paying mind to 66(1) of the Act mentioned below regarding setting of listed buildings, I would be grateful to have an annotation on the proposed elevation drawing, providing proposed frame colours for front elevation doors/windows.

Third response:

Following my last query over frame colours for doors and windows to the frontage, an annotation has been added to the proposed elevation confirming that they will be anthracite grey. This would seem appropriate so I have no objection to the proposal.

Historic Environment Officer

No objections and I do not wish to make any comments.

Local Flood Authority

The Environment Agency (EA) surface water maps indicate that the site is in Flood Zone 1, but is also very close to an area shown as Flood Zone 2 & 3. The planner may wish to consider if they need to contact the Environment Agency regarding a flood risk assessment.

The LLFA surface water maps show that the site is very close to an area of flooding and indicates that a 1 in 30 chance of flooding occurring close to the site each year.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 15 no. properties.

One letter was received in response to these advertisements, requesting that a decision be placed on hold until the outcome of an application for Listed status of the Grove Court Hotel is known.

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 SS3 – Housing Needs, Mix and Affordability
Policy ENV1 – Flood Risk and Risk Management
Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

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 DM24 – Development Proposals and Flood Risk
Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

The Planning (Listed Buildings and Conservation Areas) Act 1990

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 properties within the defined settlement boundaries. The policies seek to direct most development into Whitehaven which is designated as Copeland's Principal Town.

Policies DM12 and DM22 seek to ensure that new residential properties meet the minimum acceptable standards whilst including suitable access and parking arrangements. Policies ENV4 and DM27 protect the local heritage assets including the Conservation Area.

Principle of development

The conversion of the building to a residential use is acceptable in principle as it is located within the defined settlement limits for Cleator and would result in the re-use of an existing building. Furthermore, there are other residential properties to the south and west of the building therefore the use for residential purposes will be compatible with its surroundings. Bringing vacant buildings back into use is supported throughout national and local planning policy and the provision of a dwelling will help to increase the housing supply for Copeland within an area identified as being a sustainable location.

The Applicant has indicated that the hotel has been closed for some time after a kitchen fire and that the outbuildings are making a sale of the main hotel difficult. The conversion will allow for the building to be repurposed before it falls into further disrepair.

On this basis, it is considered that the development satisfies policies ST1, ST2, SS3, DM12 and DM13 of the Copeland Local Plan.

The Effect on the adjacent Listed Building

The building is considered by the Council's Conservation and Design Officer to be a non-designated Heritage Asset due to its age and local history. Furthermore, it is located adjacent to the Grade II Listed Church of St Mary and adjoining priory, approximately 55m to the east.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

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..."

NPPF para. 193 states, in the case of designated heritage assets, "great weight should be given to the asset's conservation", irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 196).

Paragraph 197 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

The Conservation and Design Officer was generally supportive of the re-use of the building, but originally raised concern with regards to the following:

- The insertion of a driveway to the front would have a harmful effect on the setting of the Listed church;
- The south facing lower floor window does not compliment the large glazed upper area;
- Boundary treatments should be walls or hedges, as opposed to fences;
- Windows and doors should be dark in colour.

Further to the parking being moved to the rear of the property, the redesign of the south facing fenestration, mixed planting on the boundaries and the confirmation of anthracite windows and doors, the Conservation Officer considered that the proposal would be acceptable.

It is considered that the proposals comply with Policies ENV4 and DM27 of the Copeland Local Plan relating to the local heritage assets and Policy DM10 in relation to design.

Access and Parking Provision

The buildings previous use as part of the Grove Court Hotel would have resulted in frequent car and pedestrian movements to and from the property. The use for residential purposes will arguably create a less intensive use for the site, lessening the activity on and around the site. The original plans showed access being taken from the A5086, which resulted in no objections from Cumbria Highways. Pedestrian visibility splays at 2.4m x 2.4m were requested in order to maintain highway safety. The design was altered in order to lessen the effect on the adjacent Listed Building, resulting in the access being taken from the rear. This raised no further requests from the Highways department and was considered to be satisfactory.

Parking for at least 2 vehicles has been demonstrated to the north of the site.

The proposals therefore align with Policy DM22 of the Copeland Local Plan relating to accessible developments.

Drainage

Drainage from the site will remain as existing, with no increase in footprint to increase surface water runoff from the site. The Local Lead Flood Authority suggested consultation with the Environment Agency due to the proximity of Flood Zones 2 and 3 to the south of the site, however the whole of the site lies within Flood Zone 1, therefore this is considered to be disproportionate in this situation.

Overall, the proposal complies with Policies ENV1 and DM24 of the Copeland Local Plan in relation to drainage.

Ecology

The application has been submitted with a Bat Report, undertaken in August 2020 by a qualified person. It concludes that no evidence of roosting bats was found during the internal inspection, however a small number of scattered droppings were found during the external inspection. Furthermore, a number of potential roosting features were identified on the building, such as gaps in the brickwork and at the eaves. As a result, two further surveys are required to determine whether or not bats are using the building to roost and should be undertaken by a suitably qualified person during the bat survey season, May to September, with at least one survey undertaken between May and August (inclusive). The conversion works should not begin until these surveys have been carried out and it is considered that a suitably worded planning condition should be added to any approval to ensure that these are undertaken.

Planning Balance and Conclusions

The re-use of an existing empty property is encouraged and it is considered that the provision of a

	<p>single dwelling will be suitable in this location which lies within the settlement boundary of Cleator that is recognized as a Local Centre in the adopted Local Plan. A number of existing residential properties lie in close proximity to the site and the proposed use is likely to have a reduced impact on residential amenity compared to the previous commercial use. The proposed external alterations are minor and will not result in any harm to the character of the non-designated heritage asset and the setting of the adjacent listed buildings.</p> <p>Overall, it is considered that the proposal accords with the policies set out within the Copeland Local Plan and therefore should be approved.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <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> <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>Proposed Site Plan, scales 1:1250 and 1:250, drawing number 5464 12, received 17th November 2021; Plans and Elevations, scale 1:100, drawing number 5500 11D, received 9th December 2021; Bat Scoping Survey, written by United Environmental Services, received 29th September 2021; Planning Statement, written by Day Cummins, received 29th September 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>Prior to the commencement of the conversion works hereby approved, two bat presence/absence surveys, undertaken by a licensed ecologist, during the bat survey season, May to September (inclusive), with at least one survey undertaken between May and August (inclusive) must be completed and submitted to the Local Planning Authority for approval. All mitigation measures recommended by the report must be carried out and where appropriate,</p>

	<p>complied with during the lifetime of the development.</p> <p>Reason</p> <p>To ascertain the presence of protected species prior to conversion works commencing and in accordance with Policy ST1 of the Copeland Local Plan.</p> <p>Informative</p> <p>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</p> <p>Statement</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>
Case Officer: Sarah Papaleo	Date : 15/12/2021
Authorising Officer: N.J. Hayhurst	Date : 20/12/2021
Dedicated responses to:- N/A	