

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2281/OF1
2.	Proposed Development:	CONVERSION OF PUBLIC HOUSE TO CREATE THREE TERRACED HOUSES
3.	Location:	THE BROOK, 93 TRUMPET TERRACE, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, 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: INTRODUCTION <p>This application relates to the public house known as The Brook, situated at 93 Trumpet Terrace in Cleator. The building fronts onto the A5086 and is flanked by Brookside and the entrance road into the former Kangol site. Traditional residential terraced properties lie immediately to the east and south of the site.</p> PROPOSAL <p>This application seeks full planning permission for the change of use and conversion of the property to form 3 residential units. The properties will be terraced, with access to two of the units achieved directly from the highway. The third dwelling will be accessed from the rear of the site.</p> <p>Each dwelling will comprise a living room and kitchen on the ground floor and 2 ensuite bedroom on</p>	

the first floor.

The proposed external alterations are minimal and include the following:

East Elevation

- Removal of signage associated with the public house;
- Replacement window on first floor;
- Change of door to window on ground floor;
- Blocking up of window on ground floor.

South Elevation

- Replacement of two windows on first floor;
- Removal of extraction fan on ground floor.

North Elevation

- Removal of signage associated with the public house;
- Replacement of 4 windows on first floor.

The stone wall to the front and side of the site will be retained and there will be a small yard to the rear for bin storage.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

Flood and Coastal Defence Engineer

1st Response

With regards to this application, it is in Flood Zone 3, yet no Flood Risk Assessment has been submitted.

Some information has been provided on flood resilience / resistance products, but this is not sufficient.

Can you ask that a suitable flood risk assessment is provided, otherwise I will put in an objection to this application.

2nd response

In practical term, based on the what the proposed development is, the information about flooding in the Design and Access Statement is sufficient to satisfy what I would want to see.

The only issue with what is included is that the flood risk is considered to be at a low/medium risk, which isn't what the "expert modelling" identifies, particularly as the effects of climate change have not been considered.

In general terms, I don't think that there is sufficient information for this to comply with the NPPF guidance, with the following general points to note:

- Consideration should be given to all potential forms of flooding to the development, even if it is just to dismiss some of these totally for obvious reasons.
- The drainage hierarchy should be considered for the disposal of surface and reasons why the preferred options have been discounted.

For the purpose of this development, it would be a paperwork exercise in box ticking, rather than a useful exercise to do so and I don't think it would be necessary to do so, as it is fairly obvious that the development isn't at risk of flooding from reservoirs or canals and there would be nowhere to install a soakaway for surface water disposal.

The EA Product 4 Data is a bit confusing - it only shows that the development at risk during an undefended scenario, with no flood risk showing during a defended scenario, with the only existing defences actually being on the River Ehen, not the tributary!

As long as the Planning Officer doesn't need you to complete the box ticking exercise, from a flood risk and drainage perspective, I think the information provided is sufficient.

Environment Agency

1st Response

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The proposed development site is located in an area of Flood Zone 3, which is defined as having a high risk of flooding.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

The FRA comprises Chapter 2 of the Design and Access Statement (DAS). It does not comply with the pre application advice provided by Copeland Borough Council (included in Fig.4 of the appendices) requiring a full FRA and therefore as a result does not adequately assess the flood risks posed by the

development. In particular, the FRA fails to:

- identify and describe the source of the flood risk
- consider the likely depth and duration of any flooding and how a range of flooding events (including extreme events) will affect people and property
- take the impacts of climate change into account
- having defined the design flood event, be clear about which flood resistance measures are most appropriate and applicable in the circumstances to the proposed development, and which will be implemented as part of the development..
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

2nd Response

Environment Agency position

We have been consulted on Design and Access Statement (DAS) Rev A dated 22/07/2022, and we are satisfied we can withdraw our previous objection (our ref NO/2022/114596/01 dated 14 July 2022).

We are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Local Lead Flood Authority and Cumbria Highways

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I 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.

The Lead Local Flood Authority (LLFA) have records of minor surface water flooding to the site which and the Environment Agency (EA) surface water maps indicate that the site is in an area of risk, you should consult the Environment Agency in relation to flood risk assessment.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued

to 5 no. properties.

One neutral response has been received requesting that sufficient parking for the proposal is ensured.

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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Policy DS6PU - Design and Development Standards
- Strategic Policy DS8PU - Reducing Flood Risk Policy
- Strategic Policy DS9PU: Sustainable Drainage
- Strategic Policy R4PU: The Key Service Centres
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic

ASSESSMENT

Policies within the Copeland Local Plan seek to protect existing community facilities and for new residential development to be sited in sustainable localities.

The main issues raised by this application are the loss of a community facility, principle of the change of use, and issues relating to design, flooding risk and parking provision.

Loss of the Community Facility

Policies SS4 and DM24 of the CS and Policy R4PU of the ELP seek to resist the change of use of a community facility where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere. Cleator and Cleator Moor have the provision of further drinking establishments including the Ennerdale Country House Hotel and the Little Arms on Trumpet Road locally and Moffats and The Crown within the neighbouring Cleator Moor. These are all within reasonable walking distance of the site and this is likely to fulfill the needs of local residents. Given the

alternative provision locally the closure of “The Brook” is therefore considered to be acceptable.

The Brook closed in October 2020. The outbreak of Covid in the UK in 2020 has made the retention of public houses very difficult and it is understood that many are no longer sustainable as a viable business.

No objections have been received from the local community which oppose the loss of the public house.

On this basis, the loss of the community facility is acceptable and the proposal complies with policies SS4 and DM24 of the Copeland Local Plan and policy R4PU of the ELP.

Principle of a Residential Dwelling in this Location

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policy SS1 and policy H1PU of the ELP. These policies seek to promote sustainable development to meet the needs and aspirations of the boroughs housing market, as well as having consideration for the requirements of smaller settlements within the borough which respect their scale and function.

The existing building is located within the development boundary for Cleator and is adjoined by terraced residential properties on both Trumpet Terrace and Brookside. The village is classed under Policy ST2 as a Local Centre where the conversion of existing buildings to residential use is acceptable within the confines of the settlement boundary.

Given the local context the residential conversion is considered to be an appropriate use in this location.

Design

Policies DM10 of the CS and DS6PU of the ELP promote good design and the aspiration that new dwellings will respond positively to their surroundings.

Minor external alterations are required to facilitate the conversion of the building to three properties, with the removal of the signage associated with the public house and the replacement of windows throughout. All the alterations proposed will preserve the character of the property and there will be little difference in the external appearance. Internally, 3 two bedroomed properties will be created, each with sufficient private facilities for everyday living.

On this basis, the living standards are deemed to be acceptable for each property and the design overall is considered to comply with Policies DM10 of the CS and DS6PU of the ELP.

Flood Risk and Drainage

Policies ENV1 and DM24 of the CS and Policies DS8PU and DS9PU of the ELP require that development proposals consider flood risk both on site and within the surrounding area.

This building is located within Flood Zone 3, where there is a high risk of flooding. On this basis, consultations were undertaken with the Council’s Flood and Coastal Drainage Engineer, the Environment Agency and the Local Lead Flood Authority.

The submitted Flood Risk Assessment details the following mitigation measures, in order to provided betterment for the building with regards to flood risk.

- Door barriers;
- Toilet bungs;
- Flood proof composite doors;
- Non-return valve for below ground drainage;
- Non-return valve for above ground drainage;
- Waterproofing of external walls;
- Flood alerts;
- Internal tanking;
- Suitable floor materials;
- Resilient plug sockets;
- A suitable specification of boiler.

With the addition of these mitigation measures, it is considered that the flood risk will reduce from high/medium to low/medium. A suitably worded planning condition is proposed to ensure that these mitigation measures are implemented and retained for the lifetime of the development. No objections were raised from statutory consultees and the proposal is therefore considered to comply with the flood risk policies within the Local Plan.

Parking Provision

The building currently utilizes on street parking on both Trumpet Terrace and Brookside. The use as three residential dwellings is expected to reduce vehicle movements in and around the site compared to its previous use as a public house, therefore creating a less intensive usage.

Overall, it is considered that the proposal complies with Policy DM22 of the Copeland Local Plan and will provide an accessible development.

Planning Balance and Conclusions

No objections have been received to the application from either statutory consultees of the local community.

The loss of the community facility is acceptable as there are other alternative provision within the vicinity. The principle of residential development in this location is consistent with the designation of Cleator as a Local Service Centre within the Local Plan. The site falls within the designated settlement boundary.

Although the proposal relies on on-street parking the demand is likely to be reduced compared to the previous use as a public house. On-street car parking is prevalent within this part of Cleator.

	<p>The site lies within Flood Zone 3 but the mitigation measures proposed are considered to be acceptable by the statutory consultees and can be secured by an appropriately worded planning condition.</p> <p>On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.</p>
8.	<p>Recommendation:</p> <p>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>Site Location and Block Plan, scales 1:1250 and 1:500, drawing number TB-WK-009, received 1st July 2022;</p> <p>Proposed Ground Floor Plan, scale 1:50, drawing number TB-WK-007, received 1st July 2022;</p> <p>Proposed First Floor Plan, scale 1:50, drawing number TB-WK-008, received 1st July 2022;</p> <p>Proposed Elevations and Site Plan, scales 1:500 and 1:100, drawing number TB-WK-002, received 1st July 2022;</p> <p>Proposed North Elevation, scale 1:50, drawing number TB-WK-003, received 1st July 2022;</p> <p>Proposed South Elevation, scale 1:50, drawing number TB-WK-004, received 1st July 2022;</p> <p>Proposed West Elevation, scale 1:50, drawing number TB-WK-005, received 1st July 2022;</p> <p>Proposed Drainage Plan, scales 1:500 and 1:50, drawing number TB-WK-010, received 1st July 2022;</p> <p>Flood Risk Assessment Data, written by the Environment Agency, received 22nd July 2022;</p> <p>Design and Access Statement, document number DAS-001 REV A, written by Daniel Sowerby, received 22nd July 2022.</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>3. All mitigation measures and recommendations relating to drainage and flooding within Design and Access Statement, compiled by Daniel Sowerby, document reference DAS-001 Rev A and received on 22nd July 2022, must be implemented prior to the occupation of the dwellings hereby approved. Once installed these mitigation measures must be retained for the lifetime of the development.</p> <p>Reason</p> <p>In order to ensure there are protection measures against flood risk and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.</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 : 17 th August 2022
Authorising Officer: N.J. Hayhurst	Date : 17 th August 2022
Dedicated responses to:-	