

<b>Planning Application Reference Number:</b>	4/23/2275/0F1
<b>Application Type:</b>	Full Planning Application
<b>Application Address:</b>	Cleator Moor Library, Market Square, Cleator Moor
<b>Proposal</b>	Extension and alteration of existing building to create a community hub including café, relocation of existing sculptures to rear of building, public realm improvements including restoration of memorial fountain and creation of new landscaped areas, accessibility improvements
<b>Applicant</b>	Cumberland Council
<b>Agent</b>	Day Cummins Ltd
<b>Valid Date</b>	02 <sup>nd</sup> October 2023
<b>Case Officer</b>	Sarah Papaleo

### **Cumberland Area and Region**

Copeland and Cleator Moor Parish

### **Relevant Development Plan**

Copeland Local Plan 2021-2039.

### **Reason for Determination by the Planning Committee**

The application has been submitted by Cumberland Council and relates to a scheme that is likely to be of public interest.

### **Recommendation**

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

## **1. Site Location**

- 1.1 The Cleator Moor Library is located within Market Square in the centre of Cleator Moor. The building is adjoined by Council offices to the west, the Civic Hall to the southwest and a car park to the south. High Street which comprises terraces of shops and commercial premisses is situated to the north. There is an area of public realm to the north and south of the building.
- 1.2 The proposal will cover an area of 1002.4 sqm. of floor space with an overall site area of 0.39 hectares.
- 1.3 Both buildings are grade II listed and fall within the Cleator Moor Conservation Area.

## **2. Relevant Planning Application History**

- 2.1 Recreational facilities and war emergency headquarters, approved in March 1989 (application reference 4/89/0069/0 relates);
- 2.2 Commemorative plaque, approved in April 1993 (application reference 4/93/0119/0 relates);
- 2.3 Environmental enhancement, resurfacing and railings, approved in March 1993 (application reference 4/93/0044/0 relates);
- 2.4 Extension to accommodate new entrance for area, office and disabled access lift, approved in January 1997 (application reference 4/96/0888/0 relates);
- 2.5 Listed Building Consent for works associated with the provision of handrails to two external ramps, approved in July 1998 (application reference 4/98/0322/0 relates);
- 2.6 Listed Building Consent for works associated with sub-division of main hall to form office accommodation, approved in March 1998 (application reference 4/98/0008/0 relates);
- 2.7 Listed Building Consent to fix notice board to the left of the doorway (on wall), approved in July 2005 (application reference 4/05/2392/0 relates);
- 2.8 Listed Building Consent for installation of corduroy paving flags, handrails and contrast nosing to the entrance steps, approved in June 2006 (application reference 4/06/9008/0 relates);
- 2.9 Install 22cm DIA. Microwave antenna, approved in May 2007 (application reference 4/07/2211/0 relates);
- 2.10 Listed Building Consent for removal of boarding to 1 no. window, installation of new textured glazing and new extract fans, approved in June 2009 (application reference 4/09/2156/0 relates);

- 2.11 Listed Building Consent for repointing of building with lime mortar, refurbishment of external sandstone, replacement timber windows and new disabled ramp, approved in October 2011 (application reference 4/10/2590/OL1 relates);
- 2.12 Listed Building Consent to attach a security light to the premises, approved in August 2017 (application reference 4/17/2219/OL1 relates);
- 2.13 Listed Building Consent for the renewal of lime lath and plaster ceilings, replacement windows, repairs to roof and pointing to chimney stack in lime, approved in October 2019 (application reference 4/19/2294/OL1 relates);
- 2.14 Listed Building Consent for works associated with the opening up of three previously bricked up windows and installation of new windows, approved in June 2021 (application reference 4/20/2452/OF1 relates);
- 2.15 Opening up of three previously bricked up windows and install new windows, approved in Jun 2021 (application reference 4/20/2451/OF1 relates).

### **3. Proposal**

- 3.1 Planning Permission is sought for the extension and alteration of the existing building to create a community hub including a café, the relocation of the existing sculptures to the rear of the building, public realm improvements including the restoration of the memorial fountain and the creation of new landscaped areas.
- 3.2 Whilst some of the works are internal and do not requiring planning permission, full details of all alterations proposed are listed is below:
  - New build extension between the library and former Council building;
  - Change of use of inside to form café and community hub;
  - Demolition of small out-rigger;
  - Increase in width of structural openings to the rear of the library and Council building;
  - Removal of the windows/stonework on the side elevation of the Council building;
  - Re-alignment of the roof over the existing side elevation to reinstate the main eaves line;
  - Removal of the existing internal partitions throughout the existing buildings;
  - Installation of new stairs and platform lift;
  - Like for like repairs to the buildings fabric;
  - New mechanical and electrical installations;
  - New reversible tanking solution;
  - New ceiling treatments;
  - Removal of the external metal railings;

- Removal of some existing wall tops;
- Refurbishment of some of the retained railings;
- The restoration and reinstatement of the Memorial Fountain;
- Cleaning and relocations of various existing sculptures;
- Restoration of clock;
- Rationalisation of external façade lighting;
- Improved accessibility with new ramps and stairs;
- Increased planting;
- New boundary treatments;
- The addition of street furniture;
- Artwork;
- The addition of a green roof bus shelter;
- Electric vehicle charging points;
- Cycle rack provision.

- 3.3 The details of the application have been modified since it was originally submitted following a review of the proposals by the project team and also to address the issues raised by the consultees.
- 3.4 This application has been submitted in tandem with an application for Listed Building Consent (application reference 4/23/2253/0L1 relates).

#### **4. Consultation Responses**

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

No response received.

##### **Highways Authority/LLFA**

###### 1<sup>st</sup> Response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

##### **Local Highway Authority**

###### Infrastructure Planning

The Infrastructure Planning and Transport team are supportive of the development proposal and suggest that there needs to be further consideration of walking, cycling and wheeling opportunities within the proposal.

Connectivity for Active and Leisure Travel / Connected Cleator Moor

The proposals sit within a wider programme which includes improvements to connectivity throughout Cleator Moor. The Design and Access Statement focusses heavily on the design and less on access and the relationship of the site to the wider Town Deal proposals.

The site is also located within 300m of the C2C cycle route. This long-distance cycle route runs from Whitehaven to Tynemouth / Sunderland. The C2C route is traffic free and follows former railway lines from Whitehaven to Rowrah. The value of connectivity to a traffic free route should not be underestimated in terms of an accessible route for all.

Further information on access including access by active travel is requested. This should include catchment for leisure trips to the café using the traffic free rail trail routes.

### Cycle Parking

Within the wider Town Deal programme Connected Town Cleator Moor and the re-development works on Leconfield will be creating a network of active travel routes. The community hub proposals have a key role to play in providing more high-quality cycling facilities. They should be designed for people of all ages so they can choose to walk and cycle with ease. This includes having the ability to park their cycles. Related to this is better planning for walking and cycling in terms of parking provision and improving the public realm.

The team have concerns about the quantity, nature and location of cycle parking proposed within the development. The primary concern is under provision and location of cycle parking within the site which, as it stands, will not realise the full active travel journey potential.

The main concerns with cycle parking are:

- 4 Sheffield Stands (8 cycles spaces) is under capacity for the scale of the proposals;
- Sheffield stands are only appropriate for short stay parking not long stay. The latter is important for staff;
- lack of provision for 'non-standard cycles'. Adaptive cycles, tandems, trikes or cargo bikes have not been provided for;
- parking is only located at the front of the building and does not serve all the accessible entrances to the town hall or the café building; and
- there is no apparent capacity for growth.

It is suggested that the existing proposal should revisit the quantity, nature and location of cycle parking at the application site through:

- the provision of additional short stay cycle parking;

- the provision of long stay cycle parking;
- the provision of adaptive parking;
- the provision of short term and adaptive parking at the rear of the building to serve the café, youth area and town hall accessible entrances;
- the consideration of future growth in capacity;
- the consideration of provision of secure under cover parking provision within the car parking area; and
- following the guidance set down in LTN 1/20 and the principles set out in the UK governments Cycling and Walking Investment Strategy (2017).

### Quantity Cycle Parking

Current parking is 4 Sheffield stands, equating to 8 cycle parking spaces. This type of provision is generally considered to be 'short stay'. No long stay provision is indicated nor is any adaptive provision.

The expected provision of short stay would be at least 19 cycle parking spaces with a minimum of 1 adaptive cycle parking space.

It is difficult to assess long stay provision due to lack of information provided within the application documentation. It is therefore suggested that provision is at least 5 long term cycle space and at least 1 adaptive cycle parking space.

Table 11-1 of LTN 1/20 (Cycle Infrastructure Design) sets out recommended minimum provision of cycle parking Leisure and Institutions which includes Leisure centres, assembly halls, hospitals and healthcare. The figures are based on building area as information is not available on capacity / employees. It should be noted LTN 1/20 advises provision should be the higher of the area or capacity figures.

LTN 1/20 sets out two methods to calculate the number of cycle spaces required by Land Use Type and splits this into subcategory. Levels of provision are generally based on area but can also be on seating capacity or number of employees.

- Short Stay: 1 space per 50m<sup>2</sup> or 1 space per 30 seats/ capacity;
- Long stay should be 1 space per 5 employees;
- Adaptive cycle provision is advised at 5% of total capacity co-located with disabled car parking; provision levels apply to both long and short stay.

### Cycle Parking Security

The proposed location of the 4 Sheffield Type stands (8 cycles) at the front of the Town Hall provides a degree of surveillance for short stay. People visiting the café would likely be more comfortable with parking their cycles in view of the café. It should be noted recreational cyclists, especially those on the C2C, may be carrying

equipment for a multi-day trip. Luggage security and being able to see the loaded bike will be important here.

It is felt the current provision is not suitably secure for long stay cycle parking. If there is not the option within the building, then an external secure cycle parking structure should be considered. This would bring the additional benefit of enabling people to make active travel journeys connecting with local transport.

### Accessible Parking

The location is close to the accessible entrance of the Library and would give a degree of proximity for adaptive cyclists. The provision should be further reviewed to ensure there is enough space for an accessible cycle.

The current cycle provision does not serve the café area and Town Hall building. It is located away from the accessible entrances to both. Additional accessible parking provision is required.

### **Lead Local Flood Authority (LLFA) response:**

The LLFA have no objection in principle but would like the following points addressed before a final response can be issued

- It is assumed there is no change to the existing drainage system that serves the current property as no drainage details have been submitted in support of this application.
- The LLFA would welcome some detail on how the surface water from the proposed new extension will either connect to the existing system of the building, or connect to its own surface water system.

Conclusion:

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.

### 2<sup>nd</sup> Response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

### 3<sup>rd</sup> Response

#### **Active Travel :**

The revisions to the cycle parking locations and increase provision is welcomed, as is the CCTV coverage of cycle parking locations. The cycle parking could still be considered as short stay – suitable for visitors but potentially not suitable for staff. Suitability will depend on the type of bike visitors/staff may have. Visitors/staff

may be happy putting a low value cycle outside but an e-bike or higher value cycle may be classed as high risk. The email response doesn't reference long stay cycle parking for staff or secure cycle parking for visitors.

Secure cycle parking is important for visitors as e-bikes are now a more common form of transport. We welcome the developer to provide some cycle lockers as part of the development.

### **Lead Local Flood Authority response:**

The LLFA have no objection in principle but would like the following points addressed before a final response can be issued

- It is assumed there is no change to the existing drainage system that serves the current property as no drainage details have been submitted in support of this application.
- The LLFA would welcome some detail on how the surface water from the proposed new extension will either connect to the existing system of the building, or connect to its own surface water system.

Conclusion:

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.

### 4<sup>th</sup> Response

#### **Active Travel**

Although long stay cycle storage would be preferable it should not be achieved by the removal of proposed car parking spaces, therefore the latest proposed cycle storage is acceptable.

#### **Local Highway Authority (LHA)**

The LHA has no objection to the proposed Development.

#### **Lead Local Flood Authority (LLFA)**

The LLFA welcome the additional proposed drainage plan and have no objection in principle, although we have no objection the following needs addressed before a final response can be submitted.

- Proposed Foul and surface water pipes shown on plan (25-C-18146/17 Rev D) should not flow through existing or proposed new buildings, all proposed drainage systems should be easy accessible if repairs are needed in the future.

The above point could be addressed through a pre start condition, please see below condition 1.

The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant:

#### Condition 1:

Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

#### Reason

In the interests of highway safety and environmental management.

#### Condition 2:

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway; • Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)

- Surface water management proposals during the construction phase
- Specific measures to manage and limit the impact on town centre working, including working hours, special measures to accommodate pedestrians.

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

#### 5<sup>th</sup> Response

Having reviewed the additional drainage plan and statement and taking into account the various constraints of a previously developed urban site such as this, in terms of drain routing, space and opportunities for attenuation and discharge destination etc, it is considered that the surface water drainage design is acceptable.

The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant:

#### Condition 1:

The approved surface water drainage system shall be implemented prior to the development being completed and shall be maintained operational thereafter.

#### Reason

In the interests of highway safety and environmental management.

#### Condition 2:

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;

- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management proposals during the construction phase
- Specific measures to manage and limit the impact on town centre working, including working hours, special measures to accommodate pedestrians.

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

#### **Conservation and Design Officer**

##### 1<sup>st</sup> Response

Description: Cleator Moor Library is a grade II listed single story structure dating from 1906. It is styled in the classical, stately fashion favoured for civic buildings up until about the Second World War. The building is a Carnegie library, funded by a grant from the Carnegie Corporation. It and the Local Government Offices next door, which occupies the central position in the square, form a pair, and a little civic core for Cleator Moor along with the Memorial Fountain (also grade II listed) and the Market Place in front.

Conclusion: Request further information

#### Assessment:

- The intervention proposed is fairly major, consisting of a projecting rear extension that will link together the two listed buildings, making them useable as a single space and providing new amenities.
- I would anticipate harm in the following forms:

- Material alterations to the Library in order to facilitate the extension;
  - Harm to the setting of the Library through the addition of the extension;
  - Material harm to the Local Government Offices to facilitate the extension;
  - Harm to the setting of the Local Government Offices to facilitate the extension;
  - Harm to the setting of the Memorial Fountain through addition of the extension;
  - Harm to the character and appearance of the conservation area through the addition of the extension;
  - Harm to the setting of 5-13 Jacktrees Road (grade II listed) through addition of the extension;
  - Harm to the setting of 13-20 High Street (grade II listed) through addition of the setting;
  - Harm to the settings of the remaining non-designated heritage assets positioned around the square.
- Taking those in order:

#### Material alterations to the Library

- Removal of small rear extension to the Library to facilitate access. This is fairly low impact. The extension makes a neutral or possibly slightly negative impact on the appearance of the building.
- The alterations to the foyer and entrance will improve the appearance of the building, which is currently rather enclosed upon entry. The building retains historic features, and this will enable them to be better appreciated.

#### Harm to setting of the Library

- Status as a prominent standalone building is eroded. This is fairly low impact as the prominence of the building from the front is maintained, and the additional elements are attractive and carry a considerable functionality increase that will be to the building's long term benefit.

#### Material harm to Local Gov Offices

- Removal of two windows; opening up of lower ground floor at rear. Loss of some historic fabric. The lower ground floor to the rear is less sensitive, but the loss of the windows on the gap between the buildings is more moderate. Given that this space will be internal, and there are clear functional benefits to allowing access to the upper floor, I would view the level of direct harm to the building to be justified.

#### Harm to the setting of the Local Gov Offices

- Erosion of status as standalone building. I would view this as low impact, as the building is already connected at the rear to a projecting wing, and the frontage of the building, where its character is communicated most strongly, will retain its prominence. The value addition of the extension justifies this low level of harm.
- The building has experienced substantial refitting, stripping out and partitioning over the 20th century, and these features harm the significance of the building. The

alterations to the interior layout and circulation could be expected to have a positive effect.

#### Harm to the setting of the Memorial Fountain.

- The level of harm here is low and more than compensated for by the benefits. The public realm scheme can be expected to have a positive impact on the setting of the Fountain, and on the frontages of the two main buildings.

#### Harm to the character and appearance of the conservation area

- I would view this as minimal and more than compensated for by the benefits, which will be considerable. The removal of the clutter of the 1993 railings scheme from Market Place and replacement with more varied, thoughtful and high quality materials will improve its appearance and useability considerably. To the rear, what is currently an open space little used save for accessing the surrounding buildings will become much more animated and a place in and of itself. This too could be expected to bring considerable benefit.

#### Harm to the setting of 5-13 Jacktrees Road

- There will be very little impact to the setting of this building, save from the public realm works to the Market Place, which are an improvement. The roof of the 1996 entrance extension on that side will be reprofiled.

#### Harm to the setting of 13-20 High Street

- I would anticipate mainly enhancement by virtue of the public realm works. The frontage of the connecting volume between the two buildings will erode their prominence as standalone buildings from the same period, but only slightly due to its smallness and modesty of detailing.

#### Harm to the settings of the remaining non-designated heritage assets

- The Conrad Atkinson sculpture is proposed to be relocated. This will entail moving the three elements several metres from their current position and reorientating them through 90°.

- To my knowledge, the orientation and location of the sculpture is not a part of the artistic impact of the piece, and the new location close by will preserve its artistic value while allowing it to be appreciated by more people, as it is framed both within the composition of the redesigned square and in the view from the café windows.

- I anticipate benefit to the views from the windows of the buildings overlooking the square, and benefit to views from within and across the square in which those buildings appear.

#### Questions arising:

- The access ladder onto the upper extension roof is slightly questionable. I have seen these integrated in new development in a way that seems appropriate,

however, are more discreet positions or types available here, as the ladder may clutter the linear rooflines of the new extension?

- Could the windows on the historic buildings be repainted in an alternative colour, e.g. a grey to complement the extension? Brilliant white looks anachronistic and modern, and grey may be both subtler and make a link with the new elements. Alternatively, a dark green for the windows and doors of the historic buildings could be bold and attractive in an Edwardian way and really give the historic buildings some freshness. The shade of the Local Government Office's front door would probably work well across all the historic windows and doors, but would need testing carefully.
- As the red sandstone is a strong colour, it would be good to have a better understanding of the larch colour. How is it expected to look when it first goes in, and is it expected to fade? If so, over what period? I've found an example called House for a Chemist by Brown and Brown Architects, and the combination of larch cladding with red sandstone looks great, which reassures me of this example, but it would be good to understand the specifics with samples or photos of where the product has been used elsewhere previously.
- I'm unclear about the purpose of the timber clad section to the left hand side of the rear upper floor of the Local Gov Offices. I note from photos that there is an unsightly pink diagonal section here where a part of building to the rear appears to have been historically demolished. Is the cladding to cover this?
- With the large expanse of glass on the south elevation of the café, is there a risk of it overheating on hot days?
- There is little detail relating to the PV array installation. Are the panels to be installed flush with the roof surface, or on top of it? Will holes need to be made for new services, and where will the inverters, control units etc. be mounted within the building(s)?
- Is it proposed to clean the masonry as part of the work?

Summary:

The proposal appears to be well designed when considered against the National Design Guide, bringing benefits to the buildings in a wide range of aspects.

Though there are some harms proposed, mainly through loss of prominence of the two main buildings from some angles, and removal of some historic fabric, I would consider this to be acceptable and compensated for the by the benefit, with judgement reserved on certain aspects, outlined above in Questions Arising.

2<sup>nd</sup> Response

Description: Cleator Moor Library is a grade II listed single story structure dating from 1906. It is styled in the classical, stately fashion favoured for civic buildings up until about the Second World War. The building is a Carnegie library, funded by a grant from the Carnegie Corporation. It and the Local Government Offices next door, which occupies the central position in the square, form a pair, and a little civic core for Cleator Moor along with the Memorial Fountain (also grade II listed) and the Market Place in front.

Conclusion: No objection

Assessment:

Updated details have been received:

- Repositioned rooftop plant to lower level
- Clad rooftop flue with lead grey panels

I would view both of these changes as having had a positive effect on the impact of the proposal.

My view is that the extension, while a simple structure, is neatly detailed and with an attractive material palette. It will involve some removal of late-19th and early-20th century fabric where it interfaces with the two existing buildings, but I view this as justified by the necessity of tying the three together, visually and in circulation, for this project to function properly. In so doing, it will unlock considerable public benefit, placing not only these heritage assets, but the heart of the conservation area itself, onto a more secure footing.

This will enhance the buildings' viable usage and allow people to better appreciate their significance (and that of the other affected heritage assets – the fountain, the public artworks). I expect this to re-establish the Square as the civic heart of Cleator Moor, a function that has been undermined over the decades by the increased priority of the highways and the relative isolation of the Square and its buildings.

## **The Coal Authority**

### 1<sup>st</sup> Response

The Coal Authority Response: Material Consideration I have reviewed the site location plan, the proposals and supporting information submitted and available to view on the LPA website and can confirm that the application site falls partly within the defined Development High Risk Area.

The Coal Authority's information indicates that the western corner of the site lies in an area where historic unrecorded underground coal mining is likely to have taken

place in the past. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support their planning application.

However, in this instance the only development which will take place within the Development High Risk Area will be the refurbishment of the existing car parking area, which is unlikely to require significant groundworks or foundations. As such, we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature and scale of development proposed in the High Risk Area in this particular case and we do not object to this planning application.

However, the Coal Authority's Planning & Development Team does recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note on any Decision Notice:

The application site lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

If any suspected coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities has the potential for court action.

## 2<sup>nd</sup> Response

We last commented on this application in a letter to the LPA dated 18th October 2023. In this letter we noted that the only development taking place within the Development High Risk Area is the refurbishment of the existing car parking area, which is unlikely to require significant groundworks or foundations. As such, we advised that we did not consider that a Coal Mining Risk Assessment is required to support the proposal and did not object to the application. We understand that the

LPA is now in receipt of amended plans and information. However, we note that it remains the case that the proposed development within the Development High Risk Area does not appear to require significant groundworks or foundations.

In light of the above, the Coal Authority's Planning & Development Team wishes to raise no further comments regarding the application. We do however consider that our previous comments, set out in our initial consultation letter of 18th October 2023 remain valid and relevant to the decision-making process.

However, we do recommend that, should planning permission be granted for this proposal, the following updated wording is included as an Informative Note on any planning permission granted:

The proposed development lies partly within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

What is a permit and how to get one? –

<https://www.gov.uk/government/publications/permit-process/permit-process>

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>.

3<sup>rd</sup> Response

### **The Coal Authority response: Material Consideration**

We initially commented on this application to the LPA dated 18th October 2023. In this letter we noted that the only development taking place within the Development High Risk Area is the refurbishment of the existing car parking area, which is unlikely to require significant groundworks or foundations. As such, we advised that we did

not consider that a Coal Mining Risk Assessment is required to support the proposal and did not object to the application.

We understand that the LPA is now in receipt of additional and updated information in support of this planning application. However, we note that it remains the case that the proposed development within the Development High Risk Area does not appear to require significant groundworks or foundations.

In light of the above, the Coal Authority's Planning & Development Team wishes to raise no further comments regarding the application. We do however consider that our previous comments, set out in our initial consultation letter of 18th October 2023 remain valid and relevant to the decision-making process.

However, we do recommend that, should planning permission be granted for this proposal, the following updated wording is included as an Informative Note on any planning permission granted:

The proposed development lies partly within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mineon-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mineon-your-property)

What is a permit and how to get one? –

<https://www.gov.uk/government/publications/permit-process/permit-process>

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>.

### **The National Amenities Society**

No response received.

## Crime Prevention Officer

From a policing perspective, the Market Square area continues to demand sporadic yet persistent calls for service due to youth related anti-social and nuisance behaviour. The establishment of the new Hub is therefore welcomed, by transforming the existing environment and by generating new community related activity into the locality.

The extended presence of patrons to new social activities will optimise and enhance natural surveillance opportunities around Market Square, whereby unwelcome and anti-social behaviour can be more readily noticed and reported.

However, when the daily facilities close for business and become unoccupied, the buildings should be resistant to nuisance behaviour and malicious damage, as has previously been experienced around Market Square.

The buildings should therefore incorporate these measures:

- All new exterior pedestrian door products shall be certified to LPS 1175, or LPS 2081 or PAS 24:2022+A1:2024 – or equivalent security standard - and an appropriate Class to BS 6375 (Fit-for Purpose standard)
- All ground floor (and easily accessible) glazing shall incorporate one pane of laminated glazing or glass certified to BS EN 356:2000. The presence of laminated glazing (ideally the outer pane) greatly improves impact resistance, whether by accidental or deliberate contact. Instead, consideration should be given to the incorporation of 'Hammerglass'<sup>TM</sup>, which vastly improves impact resistance
- Noted cycle parking is positioned in 'active' and easily supervised locations
- The extensions must avoid or mitigate against features that can be exploited as climbing aids to reach the flat roofs, e.g. external rainwater pipes, adjacent structures (handrails, retaining walls, etc.). The presence of prominent Occupier's Liability Act signage shall reinforce the risk of personal injury due to climbing
- The new vertical profile larch cladding to the rear elevations may attract graffiti. Consideration to be given to the application of a suitable coating to aid cleaning
- Presence and configuration of an Intruder Alarm System (if police attendance is required, compliance with National Police Chiefs' Council Security Systems Policy is mandatory). Consideration to be given to the inclusion of a 'Hold-up' facility, i.e. to protect cash-handling functions  
[NPCC Security Systems Policy](#)
- Presence of insurance-approved safe(s) – if appropriate – compliant with BS EN 1143:2019 or LPS 1183

- Robust internal access controls – physical separation of public and communal areas from private offices / stores / plantroom etc.
- Provision of secure storage for staff personal belongings
- Presence and configuration of CCTV to observe external and internal communal areas. The presence of covert equipment alongside overt is permissible. Image standard and compliance with GDPR legislation issues to address. The Client should be involved in the preparation of the 'Operational Requirement' schedule and not merely rely on an appointed contractor to design and commission the scheme. Integration with the Intruder Alarm system will provide visual confirmation in the event of activations. The scheme should permit remote (audited) access to approved users and managers.

### **Public Representations**

The application has been advertised by way of neighbour notification letters to 7 no. properties, a site notice and a press notice. No responses have been received as part of these advertisements.

## **5. Planning Policies**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise

### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2028.

**Copeland Local Plan 2021-2039 (LP):**

The following policies are relevant to this proposal:

Strategic Policy DS1 - Settlement Hierarchy

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards

Policy DS5 – Hard and Soft Landscaping

Strategic Policy DS6 - Reducing Flood Risk

Policy DS7 - Sustainable Drainage

Strategic Policy E1 - Economic Growth

Strategic Policy E2 – Location of Employment

Strategic Policy R4 – The Key Service Centres

Strategic Policy T1 – Tourism Development

Strategic Policy SC1 - Health and Wellbeing

Policy SC5 - Community and Cultural Facilities

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3 - Biodiversity Net Gain

Strategic Policy BE1 – Heritage Assets

Policy BE2 – Designated Heritage Assets

Policy BE4 – Non-Designated Heritage Assets

Strategic Policy CO4 – Sustainable Travel

Policy CO5 – Transport Hierarchy

Policy CO7 – Parking Standards

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Policy Statements (NSP)

The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Planning (Listed Building and Conservation Areas) Act 1990 (LBCA).  
Cumbria Development Design Guide (CDDG).

## **6. Assessment**

### **Principle of Development**

- 6.1 Cleator Moor is identified in Strategic Policy DS1 as a Key Service Centre which provides a wide range of services, including convenience stores, employment opportunities, schools and healthcare. It also acts as a service hub for nearby villages. It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.
- 6.2 The settlement boundary for Cleator Moor is defined in Strategic Policy DS2. The application site is located within this boundary and is therefore considered to be suitable for development in principle.
- 6.3 The proposed application relates to the extension of the library serving Cleator Moor in the form of a small extension to the front of the building linking it to the adjoining Council building, a rear extension to create a seating area for the café, plus alterations to the existing property. Policies within the local plan support the development of a broad range of services within Cleator Moor. Policy DS1 seeks to support the retention and growth of small-scale existing services and businesses.
- 6.4 The introduction of further space within the library building and its connection to the neighbouring Council building will facilitate an increase in availability of space within the building to support the existing use and allow other community services to be able to utilise the space.
- 6.5 The refurbishment and regeneration of the surrounding public realm is supported by Policy SC5 which seeks to improve the facilities for local people and ensuring the longevity of the building and surrounding area for future use.
- 6.6 On this basis, the principle of the development is therefore considered to be acceptable with the proposal satisfying the requirements of Policies DS1, DS2, DS4 and SC5 of the Copeland Local Plan 2021-2039.

### **Development of Tourist and Leisure Facility**

- 6.7 The NPPF outlines under paragraph that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and

productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 6.8 Strategic Policy T1 of the Local Plan supports the creation, enhancement and expansion of tourist attractions, new built visitor accommodation and infrastructure in locations consistent with the settlement hierarchy. All tourism development must be of an appropriate scale, located where the environment and infrastructure can accommodate the visitor impact, and where it does not result in unacceptable harm to environmental assets or the character of the area.
- 6.9 Strategic Policy SC1 promotes health and well-being in Copeland by supporting a range of new development types that: improves health, social and cultural wellbeing; creates mixed communities through new or improved developments that are located in areas with access to key services to reduce social isolation and create community resilience; and implements the policies within the Local Plan that promote active travel and protect or deliver new open spaces, sports, cultural and community facilities.
- 6.10 The Application seeks to diversify the use of the existing Cleator Moor library building. This proposal seeks to enhance and expand the offer at this site by developing a new cafe and enhancing the existing facilities and features within the building. The proposal is therefore considered to diversify the tourist offer within the north of Copeland which will attract more visitors to the Key Service Centre and will create economic benefits for the town and the wider Borough. The development will also develop the existing recreation space for the local community.
- 6.11 It is therefore considered that the proposal to develop this existing provision complies with Policies T1 and SC1 of the LP and the provisions of the NPPF.

### **Scale and Design**

- 6.12 Policy DS4 and section 12 of the NPPF seek to promote high quality designs, the Local Plan seek to ensure extensions and alterations are of an appropriate scale and design which is appropriate to their surroundings and does not adversely affect the amenities of adjacent occupiers.
- 6.13 The scale of the extensions are modest and will infill the gap between the two buildings on the front elevation and protrude in line with the Council building to the rear. The extension will be in keeping with the existing built form.
- 6.13 The existing buildings have traditional pitched roofs with projecting gables to the rear. Whilst the new extension to the front of the building will have a flat roof and

be of a modern design, this will create a pleasant juxtaposition between the old and the new.

- 6.14 Whilst the main view of the proposed extension is on the front elevation adjacent to the highway, it will not be widely visible from a public perspective as it is to be set back between the two buildings. Given the modest scale and projection of the extension on the rear, it is considered that the development will not have any adverse impacts on the appearance of the building from a public point of view; nor, have any adverse effects on the street scene. The use of glazed panels will allow the extension to be subtle and largely maintain the existing visual effects of the buildings from the front. The extensions are small in scale in the context of the existing site and are seen to be ancillary scale to the host property.
- 6.15 The design and materials have been chosen to have a minimal effect on the existing building and would not be out of character with the property.
- 6.16 The improvements to the public realm areas are considered to be very positive which would involve the replacement of the existing dated features and the modernisation of the space. The surrounding area will be made more user friendly with a more coherent design and the provision of more practical seating.
- 6.17 The scale and design of the proposal is considered to be acceptable and complies with policy DS4 of the LP and section 12 of the NPPF.

### **Residential Amenity**

- 6.18 Policy DS4 of the Local Plan and Chapter 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.
- 6.19 Given the distances from the nearest residential properties and use of the existing building, it is considered that the residential properties within the area would not be affected by the proposal.
- 6.20 Given its existing use as a library, the introduction of a further small extension would not increase in noise levels above the existing situation.
- 6.21 It is considered that no significant residential amenity issues are raised by the proposal over and above the existing arrangement and therefore is considered to comply with Policy DS4 of the LP and section 12 of the NPPF.

### **Access and Highway Safety**

- 6.22 Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where

appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

- 6.23 Policy CO5 of the LP details the Transport Hierarchy and prioritises sustainable methods of transport such as walking, cycling and public transport.
- 6.24 Policy CO7 of the LP requires that new development provides adequate parking provision.
- 6.25 The access into the site would remain unchanged with the car park to the rear of the building retained. The car park will provide 15 parking spaces, resulting in the loss of one space from the existing situation. Furthermore, one additional disability space will be provided including an accessible EV charging bay. 14 cycle spaces will be provided in the form of Sheffield bike stands.
- 6.26 The Highways Authority initially requested additional cycle parking, which was increased by the Applicant to a sufficient level and also included CCTV to provide surveillance and increase safety within the area. Cycle lockers were also requested, however this addition would have resulted in a reduction in the available parking and therefore it was agreed that these could be omitted from the proposal.
- 6.27 It is considered that there is sufficient parking and turning within the curtilage of the site as a whole for the proposed use without compromising the parking available.
- 6.28 The potential small increase in vehicles using the facility would not be significant and does not justify the provision of additional parking. There is also on street parking within the vicinity of the site.
- 6.29 The site is located within Cleator Moor town centre where there are frequent bus services to other parts of Copeland.
- 6.30 The Highways Authority requested that a Construction Traffic Management Plan should be provided prior to the commencement of development on the site. This can be secured by a suitably worded planning condition.
- 6.31 On the basis of the amended plans and the inclusion of the planning condition requested by the Highway Authority, the proposal is not considered to have a detrimental impact on highway safety in accordance with Policies CO4, CO5, and CO7 of the LP and the provisions of the NPPF.

## **Biodiversity Net Gain**

- 6.32 Policy N3 of the LP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1 above. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.
- 6.33 In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements.
- 6.34 Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain plan before development is begun. This is because the application falls within the exemption of having been submitted prior to 12<sup>th</sup> February 2024 when the requirement for BNG was introduced.

### **Ecology and Landscaping**

- 6.35 The application site is not identified as being ecologically important as it is previously developed brownfield land and there are no identified species.
- 6.36 Whilst there is no requirement for BNG, Policies N1 and N3 of the Copeland Local Plan seek to create habitat where possible in order to enhance new development for local wildlife. The development will include the following:
- A total area of 366m<sup>2</sup> of new introduced shrub through ornamental planting;
  - A total area of 127m<sup>2</sup> of green roof atop the bus shelter and proposed cafe;
  - A total of 6 medium sized trees and 6 small trees to be planted.
- 6.37 Policy DS5 seeks to ensure that new development is suitably landscaped including both hard and soft landscaping techniques. A comprehensive landscaping plan has been included as part of the application to include the following:
- Trees to be removed and planted;
  - Existing sculptures to be retained and relocated;
  - Memorials to be retained and relocated
  - The retention of lamp posts;
  - The retention and refurbishment of existing walls and railings;
  - The removal of some hard landscaping;
  - Various areas of planting;

- The addition of a café green roof;
- Various public seating options;
- A bus stop shelter;
- Cycle racks;
- Refuse bins;
- EV charging;
- Replacement and new lighting;
- Paving.

6.38 The landscaping plan provides betterment from the existing situation which has been in need of an upgrade and refurbishment for some time. The public realm works have been produced with input from the Council's Conservation and Design Officer in order to ensure that the works are suitable for the siting within the Cleator Moor Conservation Area. It is considered that the proposed landscaping meets the objectives of Policy DS5 providing a coherent high quality landscaping scheme whilst retaining the permeability and function of the site.

### **Flood Risk and Drainage**

6.39 Policy DS7 of the LP requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

6.40 Policy DS6 seeks to direct development where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

6.41 The entirety of the Application Site is located within Flood Zone 1 (lowest probability of flooding) and therefore a Flood Risk Assessment was not a requirement of the application.

6.42 On the request of further information from the Local Lead Flood Authority, a full drainage plan and drainage statement were submitted to accompany the application. The development will reduce the percentage of the site covered in hardstanding from 92.05% to 89.33%, therefore providing a scheme that is less likely to create issues with surface water on site and in the surrounding area. Currently, the surface water is drained through downpipes and gullies to manholes on the northern and southern elevation of the buildings before discharging into the combined main drainage on Market Street which lies to the eastern boundary. As the ground is not suitable for infiltration and there are no bodies of water nearby, the existing situation will be retained and there is expected to be a reduced flow due to the use of green roofs.

6.43 The foul water is also to remain as existing with discharge to the combined sewer on Market Street.

- 6.44 The Local Lead Flood Authority has raised no objections to the scheme, but requested that the surface water drainage scheme be implemented prior to the development being completed.
- 6.45 Subject to the inclusion of the requested planning condition it is considered that a satisfactory drainage scheme can be achieved for the site to ensure the proposal will not have a detrimental impact on flood risk in the area in accordance with Policies DS6 and DS7 of the LP and the provisions of the NPPF.

## **Heritage**

- 6.46 Strategic Policy BE1 and Policy BE2 seek to protect, conserve and where possible enhance designated and non-designated heritage assets and their settings.
- 6.47 Policy DS4 of the LP requires good design.
- 6.48 The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires that in respect of listed buildings local planning authorities have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.49 Paragraphs 212 to 220 of the NPPF relates to heritage impacts.
- 6.50 Paragraph 212 sets out that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 6.51 Paragraph 213 states that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”
- 6.52 Paragraph 215 states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

- 6.53 Paragraph 220 clarifies that “not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”

The application site is set within the Cleator Moor Conservation Area and both the Cleator Moor Library and Council building are Grade II Listed. The application was therefore accompanied by a Design, Access and Heritage Statement.

- 6.54 Whilst the Council’s Conservation Officer was supportive of the scheme on the whole, he initially requested some design amendments and further justification of the harm proposed by the works.
- 6.55 Further information was received from the Applicant and the Conservation Officer raised no further objections to the proposal. The relocation of the rooftop plant and cladding of the rooftop flue with lead grey panels were considered to have a positive effect on the impact of the proposal.
- 6.56 The Officer considers that the extension will provide a “simple structure, neatly detailed with an attractive material palette”. Whilst there will be some harm to the material of the Listed Building, this will be justified in order to visually and literally join the buildings together. The ongoing function of the buildings will provide longevity of use and this is considered to be a positive for both the Listed heritage assets and the surrounding Conservation Area.
- 6.57 Overall, the development is considered to be in the public interest and will re-establish the square as the heart of Cleator Moor. The proposals are considered to comply with Policies BE1 and BE2 of the LP and the guidance set out in the NPPF.

### **Ground Conditions**

- 6.58 Policy DS8 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 6.59 The site lies partly within the defined Development High Risk Area for Coal Mining and therefore The Coal Authority were consulted on the application. Their response stated that the only part of the development within this area would be the refurbishment of the existing car park, whereby the works would be minimal

and unlikely to require significant groundworks or foundations. As a result, a Coal Mining Risk Assessment was not required and no objections were raised. The Coal Authority has requested an informative note to be attached to any approval granted.

## **7. Planning Balance**

- 7.1 The application site is located within the settlement boundary for Cleator Moor, a designated Key Service Centre within Policy DS1 of the LP. Policy DS2 of the LP allows for development within the settlement boundary, with a particular emphasis on public service improvement. The principle of the development is therefore supported, and this carries significant weight in the planning balance.
- 7.2 The proposal will help to diversifying the tourist offer which will attract more visitors to Cleator Moor vice Centres which will result in some economic benefits to the town, the development will also develop the existing recreation space for the local community which will help to promote health and wellbeing in accordance with Policies R4, T1, SC1 and SC5 of the Copeland Local Plan. This is given significant weight.
- 7.3 The existing access and parking provision at the site is retained. The proposals will enhance the provision of cycle parking, and the development is within the town centre where there are various sustainable transport options. The proposal therefore complies with Policies CO5 and CO7 of the LP. This is given great weight.
- 7.4 In accordance with Policies DS6, DS7 and DS8 of the LP, the development would not result in unacceptable impacts in respect of land stability and drainage subject to the imposition of a planning condition and a planning informative. This is given moderate weight.
- 7.5 Overall, the development is considered to be in the public interest and the less than substantial harm to the designated heritage assets that would result are outweighed by the public benefits of the proposals in accordance with Policies BE1 and BE2 of the LP.

## **Recommendation**

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

## APPENDIX 1

### List of Conditions and Reasons

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.

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: -

Application form, received 8th October 2025;

Site Location Plan, scale 1:1250, drawing number CLM-OPE-00-ZZ-DR-A-300101 04, received 2nd October 2023;

Proposed Site Plan, scale 1:200, drawing number 6046 02 PIA, received 8th October 2025;

Proposed Lower Ground Floor Plan, scale 1:100, drawing number 6046 13 P2, received 5th February 2026;

Proposed Ground Floor Plan, scale 1:100, drawing number 6046 14 PIA, received 8th October 2025;

Proposed Upper Ground Floor Plan, scale 1:100, drawing number 6046 15 P1, received 8th October 2025;

Proposed Roof Plan, scale 1:100, drawing number 6046 08 P2, received 5th February 2026;

Proposed Elevations North and South, scale 1:100, drawing number 6046 16 P2, received 5th February 2026;

Proposed Elevations East and West, scale 1:100, drawing number 6046 17 PIA, received 8th October 2025;

Proposed Landscaping Plan, scale 1:200, drawing number 6046 20 PIA, received 8th October 2025;

Design, Access and Heritage Statement, written by Day Cummins, received 13th October 2025;

Annotated Heritage Statement, written by Day Cummins, received 13th October 2025;

Drainage Statement, written by AL Daines and Partners, received 5th February 2026;

Drainage Plan, scale 1:100, drawing number 25-C-18146/17 D, received 5th February 2026.

#### Reason

In order to ensure that the development shall be carried out in complete accordance with the approved plans

#### Pre-commencement Condition

3. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of
  - Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - Cleaning of site entrances and the adjacent public highway;
  - Details of proposed wheel washing facilities;
  - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - Construction vehicle routing;
  - The management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Details of any proposed temporary access points (vehicular / pedestrian)
  - Surface water management proposals during the construction phase
  - Specific measures to manage and limit the impact on town centre working, including working hours, special measures to accommodate pedestrians.

#### Reason

To ensure the undertaking of the development does not adversely impact upon

the fabric or operation of the local highway network and in the interests of highway and pedestrian safety and in accordance with Policy DS3 of the Copeland Local Plan.

#### Prior to Installation Condition

4. Prior to the first installation at the site, an external lighting scheme for the proposal and associated car park and public realm area must be submitted to and approved in writing by the Local Planning Authority. The external lighting must be installed in accordance with the approved details and retained as such for the lifetime of the development.

#### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

#### Prior to Completion Condition

5. The approved surface water drainage system must be implemented prior to the development being completed and must be maintained operational thereafter.

#### Reason

In the interests of highway safety and environmental management and in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

### **Informative Notes**

#### **Coal Mining Legacy**

The proposed development lies partly within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations,

piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mineon-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mineon-your-property)

What is a permit and how to get one? –

<https://www.gov.uk/government/publications/permit-process/permit-process>

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at:

<https://www.gov.uk/government/organisations/mining-remediation-authority>.

### **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions: Application submitted before 12<sup>th</sup> February 2024.

### **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.