

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2009/0F1
2.	<b>Proposed Development:</b>	CONVERSION OF FORMER PUBLIC HOUSE TO PROVIDE 9 FLATS
3.	<b>Location:</b>	5-6 HIGH STREET, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b> <b>INTRODUCTION</b> <p>This application relates to the former public house known as the The Commercial Inn, situated at 5-6 High Street in Cleator Moor. The building occupies a prominent corner location between High Street and North Street. High Street comprises a number of mixed uses including retail and residential.</p> <p>The building is situated opposite to several Grade II Listed Buildings and lies within the Cleator Moor Conservation Area.</p>	

## **PROPOSAL**

This application seeks full planning permission for the conversion of the building to provide 9 flats.

There will be 6 one bedroomed 40m<sup>2</sup> flats, 2 two bedroomed 70m<sup>2</sup> flats and 1 three bedroomed 104m<sup>2</sup> flat.

The overall external appearance of the building will remain similar to the existing but a small ground and first floor extension is proposed within the existing yard to provide space for flats 1 and 5. Furthermore, a small second floor extension will provide access to the second floor 3 bedroomed flat.

The building will be re-roofed in natural black slate (like for like) and the walls, including the proposed extension will be re-rendered using Antique White K-rend.

The front of the property will remain largely unaltered with the only changes involving the conversion of a door to a window and the blocking up of two doors on the elevation facing North Street.

Access to the flats will be taken from a communal entrance off North Street.

Motorbike and cycle parking can be accommodated within the yard area.

## **RELEVANT PLANNING APPLICATION HISTORY**

Refurbishment and structural alterations to combine two public houses into one, approved in July 1996 (application reference 4/96/0376/0 relates);

Conversion of public house to 2 no. semi-detached houses and 6 no. flats, approved in February 2014 (application reference 4/136/2470/0F1 relates).

## **CONSULTATION RESPONSES**

### Cleator Moor Town Council

No objections.

### Highways Authority and Local Lead Flood Authority

Cumberland 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.

### Conservation Officer



## Cumberland Council

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

**Description:** 5-6 High Street is an unlisted former public house located in a prominent location within Cleator Moor conservation area. It remains a characterful building, though its condition is concerning and because of this it exerts a negative effect on the appearance of the area. Cleator Moor conservation area is on the Heritage at Risk register, in large part due to the dilapidation of its buildings.

**Conclusion:** Request design revision

#### **Assessment:**

- ☐ I am supportive of the proposal to convert this building and bring it back into use.
- ☐ The removal of the dormer on the west side, nearest the Dutch gable, is unfortunate and making some adjustments to the interior layout so as to allow retention of the dormer would be of clear benefit to the external appearance of the building.
  - o There is less-than-substantial harm to the conservation area character and appearance entailed in this removal, and to the settings of the listed buildings nearby. I would consider both of these to be towards the negligible end of the scale, but not nothing.
  - o There is additionally some harm to the significance of the building itself, though I appreciate the benefit of bringing it back into use is considerable.
  - o If bringing the building back into use and also retaining the full complement of dormers (and rebuilding the Dutch gable) could be accomplished, that would be the best outcome.
- ☐ In a previous consultation response (May 2023), I draw attention to the need for the Dutch gable on the corner to be inspected as it appeared in the photos to be leaning outward. The inspection photos submitted here show that the central section has been removed (manually, I presume, rather than through collapse). The existing and proposed drawings show this gable still in situ, so I take it that it will be rebuilt to its former appearance and the finial reinstated as part of the structural work.
- ☐ I have no objection to the proposed extension and roof alterations and welcome the return of this buildings to its former glory.

#### **Summary:**

I am supportive of the general proposal but would urge an adjustment to the 2<sup>nd</sup> floor interior layout to enable retention of the dormer window that is proposed for removal.

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

**Description:** 5-6 High Street is an unlisted former public house located in a prominent location within Cleator Moor conservation area. It remains a characterful building, though its condition is concerning and because of this it exerts a negative effect on the appearance of

the area. Cleator Moor conservation area is on the Heritage at Risk register, in large part due to the dilapidation of its buildings.

**Conclusion: No objection**

**Assessment:**

- ☐ Updated information has been provided showing that the dormer formerly slated for removal can be retained.
- ☐ Clarification has been provided that the Dutch gable on the corner, which has been partially dismantled, will be reinstated

**Summary:**

I am supportive of this proposal and welcome the plan to bring the building back into use, with its characterful roofline reinstated.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 4 no. properties.

No responses have been received with respect to these advertisements.

**PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

**Development Plan**

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 the 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.

**Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

Core Strategy

Policy ST1 – Strategic Development Principles



## Cumberland Council

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 ENV4 – Heritage Assets

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

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

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

### **Emerging Copeland Local Plan (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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 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
- Strategic Policy BE1PU – Heritage Assts
- Policy BE2PU – Designated Heritage Assets
- Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy 2023 (NPPF)

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

### **ASSESSMENT**

#### Principle of Development

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 building is located within the development boundary for Cleator Moor. The town is classed under Policy ST2 as one of the Borough's Key Service Centres where the conversion of existing buildings to residential use is supported within the confines of the settlement boundary.

The building is situated on a street which contains other residential uses and is within easy walking distance of services required for day to day living. The principle of residential use in this location is considered to be acceptable.

#### Loss of the Community Facility



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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. The Commercial has been closed as a Public House since 2016 and Cleator Moor town centre contains other drinking establishments including The Crown, Moffats and Little Arms. This provision is likely to fulfill the needs of local residents, therefore the permanent loss of The Commercial is considered to be acceptable.

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.

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.

### 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. Policy DM13 of the CS lists the criteria required for the conversion of properties within the settlement limits and these include:-

A Adequate internal space standards and exclusive use of kitchen and bathroom facilities can be achieved without extensive alterations or additions to the property

Minor external alterations are required for the conversion to flats with the addition of two small extensions behind the frontage on North Street. All alterations will retain the character of the property and there will be little difference in the external appearance.

A structural survey has been submitted as part of the application which concludes that the building requires comprehensive redevelopment, but that it is structurally capable of conversion.

B Off street car parking is provided in accordance with parking standards

Whilst no off street parking is available for the development, the building is situated within the Town Centre and within walking distance of the services required for day to day living including sustainable transport options.

C Adequate and appropriate external amenity space is provided

A small yard will be retained for the building, but public open space is available on the opposite side of the road for use by occupants of the flats.

D The conversion works conserve the character of the building

This issue has been fully considered under the heading of Effect on the Conservation Area, elsewhere in this report. However, the external adaptations are minimal and will conserve the overall appearance of the building. Whilst the materials to be utilized have been specified as like for like, it is considered to be prudent to include a suitably worded planning condition to ensure that materials are approved prior to their first use on the building to ensure that the

character of the property and surrounding Conservation Area are respected.

E No alterations or associated works create amenity problems for residents of adjacent properties

High Street currently contains a mixed use. It is likely that the use of the building for flats would create a less intensive use than as a public house with less implications for amenity issues from noise or anti-social behaviour.

The proposed development will give the building a new purpose and allow for its redevelopment and significant external improvements.

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 and DM13 of the CS and DS6PU of the ELP.

#### Effect on the Conservation Area

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the CS and DS6PU of the ELP requires good design.

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

Section 66.1 requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

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

The changes proposed to the exterior of the building are minor. Whilst two small extensions are proposed, these are unlikely to be highly visible within the Conservation Area. The initial details included the removal of the existing Dutch Gable and dormer. A re-design has been submitted which now proposes to retain these features which was considered to be preferable to conserve the heritage of the building and ensure that it remains an important feature within the Conservation Area. The Conservation Officer welcomes the reinstatement and upgrade of this building and it is likely that there will be a positive improvement to this part of the Conservation Area.

Overall, the proposed alterations will comply with policies ENV4 and DM27 of the Copeland Local Plan and BE1PU and BE2PU of the emerging local plan, respecting the character of the Cleator Moor Conservation Area.





## Cumberland Council

### Parking Provision

The building currently utilizes on street parking on North Street and High Street with public parking available nearby within the town centre. In relation to the previous use as a public house, the use as flats is expected to reduce vehicle movements on and around the site, therefore creating a less intensive usage. Furthermore, the site is located on a regular bus route with cycling and walking opportunities widely available for nearby local services.

Overall, it is considered that the proposal complies with Policy DM22 of the Copeland Local Plan and Policy CO7PU of the ELP and will provide an accessible development.

### Planning Balance and Conclusion

No objections have been received to the proposal, with support for the re-use of the building from statutory consultees.

The loss of the community facility is acceptable as there is alternative provision within the vicinity of the site. This affords neutral weight to the application.

The principle of residential development in this location complies with planning policy due to its situation within the settlement boundary for the Key Service Centre of Cleator Moor. This carries great weight within the planning assessment and the provision of dwellings within sustainable locations is encouraged and will boost the housing supply locally.

There are no issues raised relating to parking

The existing building is in a poor condition and is having a negative impact within the locality. The proposed alterations and conversion of the building will both preserve and enhance the character and appearance of this part of the Conservation Area. This is afforded significant weight.

The benefits in terms of bringing the building back into a viable use outweighs the lack of car parking in this instance. There is existing car parking nearby and also sustainable transport options within the town centre. This is afforded neutral weight in the planning balance.

On balance this is considered to be an acceptable form of sustainable development which complies with the planning policies set out in the adopted Local Plan, the Emerging Local Plan and also national guidance set out in the NPPF.

8.

### **Recommendation:**

Approve (commence within 3 years)

9.

### **Conditions:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

	<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>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Application form, received 20th December 2023;</p> <p>Site Location Plan, scale 1:1250, drawing number 2367/01, received 20th December 2023;</p> <p>Proposed Site Plan, scale 1:250, drawing number 2367/03, received 8th February 2024;</p> <p>Existing and Proposed Roof Plan, scale 1:100, drawing number 2367/10, received 8th February 2024;</p> <p>Proposed Elevations South and West, scale 1:100, drawing number 8th February 2024;</p> <p>Proposed Elevations North and East, scale 1:100, drawing number 2367/09, received 20th December 2023;</p> <p>Visual Structural Inspection, written by WDS Ltd, drawing number WDS/05/8466/REP01, received 20th December 2023;</p> <p>Planning and Heritage Statement, written by Prism Planning, received 20th December 2023;</p> <p>Design and Access Statement, written by Prism Planning, received 20th December 2023.</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. Prior to their first use on the development hereby approved, full details of the materials to be used on the external surfaces of the building must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and retained as such at all times thereafter.</p> <p>Reason</p>
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## Cumberland Council

In order to maintain the character of the building within the Conservation Area in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

4. The replacement doors and windows shall be of a timber construction. Once installed they shall remain as such at all times thereafter.

### Reason

To ensure a satisfactory form of development and to preserve and enhance the character and appearance of the building and the surrounding Conservation area.

### Informative

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

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

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

### Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer: Sarah Papaleo**

**Date : 04/03/2024**

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

**Date : 05/03/2024**

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