

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No: | 4/24/2106/0F1 |
| 2. | Proposed Development: | CONVERSION OF THE EXISTING DWELLING HOUSE TO FORM 3 APARTMENTS |
| 3. | Location: | 4 TODHOLES ROAD, CLEATOR MOOR |
| 4. | Parish: | Cleator Moor |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change |
| 6. | Publicity Representations &Policy | Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report |
| 7. | Report: Site And Location This application relates to 4 Todholes Road, a terraced property situated within the town centre of Cleator Moor. The building was previously in use as a single residential property. Proposal Planning Permission is sought for the conversion of the property to create 3 no. one bedroomed flats. There will be space for bins and a small amenity yard to the rear to serve the residential units. The ground floor flat will have one bedroom, one bathroom and an open plan kitchen/living/dining space. It will cover a floor area of 51 square metres. The first floor flat will be 37square metres in area and will be a studio type apartment with an open plan | |

bed/living/dining room and a separate shower room. The second floor flat will be similar to the first floor studio with a floor space of 39 square metres.

There are no external alterations proposed as part of the conversion.

Relevant Planning Application History

Proposed dormer to the front elevation, approved in July 2023 (application reference 4/23/2147/0F1 relates).

Consultation Responses

Cleator Moor Town Council

Members wish the concerns regarding traffic increase and parking on an already busy street be noted. Whilst not a planning issue relating to this application members raised concerns regarding the number of applications being granted to this group in the area that see no progress.

Highways 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.

Housing Manager

I would say that there is a shortage of 1 bedroom accommodation in our area, and I have no objections to this, especially if it is bringing an empty unit back into use.

Environmental Health

Further to the above planning application.

There is no objection to this development from Environmental Health, though several aspects are of interest.

Given the age of the building, it is likely that the dividing floors are of timber construction. The noise transmission between the 3 converted apartments is therefore of potential concern.

Whilst Approved Document E of the Building Regulations 2010 provide the minimum standard for resistance to sound in a converted dwelling, a standard above this would be welcomed by Environmental Health and it may be useful to see the noise insulation measures laid out in a detailed scheme. An optional condition for this is laid out below.

Noise / dust transmission from any construction works are also a concern and standard



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construction working hours and dust mitigation measures are requested.

Building Regulations should also oversee the fire protection measures in the conversion though, again, an optional condition is laid out below should planning approval be granted.

The following conditions are noted:

- Sound Insulation – submission of scheme and retention thereafter (optional)

No development shall take place until a detailed scheme of noise insulation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation shall be prepared by a suitably qualified person and shall take into account the provisions of BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of residential occupiers, and the details are needed prior to the start of work so that measures can be incorporated into the build.

- Noise / Dust from Construction Works

Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Measures for the mitigation of dust and other airborne pollutants should also be taken at all times during the construction phase.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

- Fire Safety Scheme – Submission of scheme and retention thereafter (optional)

No development shall take place until a detailed scheme of fire safety measures has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include, but not be limited to:

- Provision of fire doors and protected escape route;
- Provision of fire protection to structure (walls and ceilings);
- Emergency lighting system of protected escape route;

- Provision of fire escape windows in all habitable rooms of upper floor/s that are no higher than 4.5 m above the exterior ground level;
- A minimum ceiling height of 2.2 m of loft room/s;
- A linked fire alarm and detection system;
- A maintenance and testing programme.

The approved scheme shall be implemented prior to the commencement of the use and to be permanently retained thereafter.

Reason: In order to safeguard the amenity of occupiers and adjoining occupiers. Details are needed prior to the start of the work so that measures can be implemented into the build.

Countryside Access Officer

We have no objection to the proposed development. However, it should be noted that Public Right of Way FP 403013 passes along Todholes Road.

The applicant must be advised that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Public Representation

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

No correspondence has been received as a result of 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.



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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

Policy ST2 – Spatial Development Strategy

Policy SS3 – Housing Needs, Mix and Affordability

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

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

Policy DM22 – Accessible Developments

Emerging Copeland Local Plan 2017 - 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is 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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the

consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Strategic Policy H1PU: Improving the Housing Offer

Policy H6PU: New Housing Development

Policy H13PU: Conversion and sub-division of buildings to residential uses including large HMO's

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Copeland Housing Strategy 2023

Copeland Borough-Wide Housing Needs Survey 2020

Copeland Strategic Housing Market Assessment 2023

Assessment

Principle of Development

Planning policies ST1 and DM13 of the CS and DS1PU and H13PU of the ELP seek to encourage the re-development of existing buildings within the settlement boundary in accordance with a list of criteria. Policies DM12 and DM22 of the CS and H1PU of the ELP seek to ensure that new residential properties meet the minimum acceptable standards whilst including a suitable access and parking.

The conversion of this building to residential flats is acceptable in principle as it is located within the defined settlement limits for Cleator Moor and would result in the re-use of an existing building. Bringing vacant buildings back into use is supported throughout national and local planning policy and the provision of a residential flats will help to increase the housing supply for the Copeland area. The site is located in close proximity to the town centre of Cleator Moor which is defined within Policy ST2 of the CS and DS3PU of the ELP as a Key Service Centre. As the building is already a residential dwelling, the change to 3



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flats will not constitute a significant material change to the use.

Policy DM13 of the CS and H13PU of the ELP seek to ensure that any conversions can provide adequate standards of living without the need for significant alterations and additions to the property. Furthermore, any works to be undertaken should maintain the character of the building and adequate amenity space should be provided. The building will be converted without any external alterations and will not be subject to any extensions increasing the footprint. The overall character of the terraced property will be maintained and the finish will reflect the surrounding dwellings. A small amenity space to store bins is available to the rear of the property and is considered to be satisfactory for this size of the development and its town centre location.

The Council's Strategic Housing team were supportive stating that there is a lack of one bedroomed properties within the area.

On this basis, it is considered that the development satisfies policies ST1, ST2, SS3, DM12 and DM13 of the Copeland Local Plan and DS1PU, DS3PU, H1PU and H13PU of the emerging Local Plan. The principle of development is acceptable.

Access and Parking

Policy DM22 of the CS and CO7PU seek to ensure that new developments will provide sufficient off street parking and not have an adverse material effect on the surrounding road network.

The building is within easy walking distance of the town centre and there is some on street parking available to the front. Due to the existing use of the property as a five bedroomed dwelling and its future use with three bedrooms overall, it is unlikely that the proposal will have a material effect on the existing highway conditions and no objections were received from the Highways Team on this basis. This is considered to satisfy the concerns raised by the Cleator Moor Town Council.

The proposals therefore align with Policy DM22 of the Copeland Local Plan and Policy CO7PU of the emerging Local Plan relating to accessible developments.

Impact on Residential Amenity/Environmental Health Issues

Environmental Health provided a response detailing two optional conditions relating to sound insulation and fire safety. These details are considered at the Building Regulations stage and therefore it is not reasonable to impose planning conditions to secure them.

The suggested condition relating to construction noise and cleanliness is reasonable and can be secured by a suitably worded planning condition to ensure the amenity of the surrounding neighbouring properties.

Planning Balance and Conclusion

There have been no objections to the proposal.

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| | <p>The regeneration of the vacant building is welcomed and the proposed use of this vacant dwelling as flats is acceptable in this town centre location within Cleator Moor which is designated as a Key Service Centre. This is considered to carry significant weight within the planning balance.</p> <p>The overall benefit of bringing this vacant building back into a viable use and also creating 3 one bedroomed flats which are of limited supply within the area in a sustainable location are considered to outweigh any adverse impacts in terms of restricted parking provision. .</p> <p>Overall, it is considered that the proposal accords with the policies set out within the Copeland Local Plan and is an acceptable form of sustainable development.</p> |
| 8. | <p>Recommendation:</p> <p>Approve (commence within 3 years)</p> |
| 9. | <p>Conditions:</p> <ol style="list-style-type: none"> 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> <ol style="list-style-type: none"> 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: - <ul style="list-style-type: none"> Application form, received 2nd April 2024; Site Location Plan, scale 1:1250, drawing number 4THR-PAD-SLP, received 2nd April 2024; Site Block Plan, scale 1:500, drawing number SNG-4TH-P-ES8P, received 2nd April 2024; Proposed Plans and Elevations, scale 1:100, drawing number SNG-4TH-PA-A-PP, received 2nd April 2024; Design and Access Statement, written by South North Group, received 2nd April 2024. <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> |



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3. After the commencement of the development hereby approved construction activities that are audible at the site boundary must be carried out only between the following hours:

Monday to Friday 08.00 – 18.00

Saturday 08.00 – 13.00

At no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed in writing with the Local Planning Authority.

Measures for the mitigation of dust and other airborne pollutants must also be taken at all times during the construction phase.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development and in accordance with Policy ST1 of the Copeland Local Plan.

Informative Note – Public Footpath

it should be noted that Public Right of Way FP 403013 passes along Todholes Road.

The applicant must be advised that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

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.

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| Case Officer: Sarah Papaleo | Date : 24/05/2024 |
| Authorising Officer: N.J. Hayhurst | Date : 28/05/2024 |
| Dedicated responses to:- N/A | |