

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2290/0F1
2.	Proposed Development:	REFURBISHMENT AND REPAIR OF EXISTING OFFICE BUILDING INCLUDING SOLAR PANELS (SET IN PANELS) TO PART OF THE COURTYARD SIDE SLOPE ROOF; THERMAL UPGRADE & RECOVERING OF THE EXISTING ROOF; REPLACEMENT OF ALL WINDOWS; NEW VENTS IN ASSOCIATION WITH INTERNAL ALTERATIONS; REPLACEMENT CAST IRON EFFECT UPVC GUTTERING & DOWNPIPES
3.	Location:	PHOENIX COURT, EARL STREET, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: INTRODUCTION	This application relates to Phoenix Court, a large 3 storey commercial property located on

Earl Street within the centre of Cleator Moor.

The application relates to the building on the north west side of the court. There are 4 other buildings within the square with other commercial and residential properties within the surrounding area.

The building is flanked by Earl Street to the west and Cragg Road to the north.

The property is situated within the Cleator Moor Conservation Area.

PROPOSAL

This application seeks full planning permission for the refurbishment and repair of the existing office building. The works include the addition of solar panels (set in panels) to part of the courtyard side roof slope, the thermal upgrade and recovering of the existing roof, the replacement of all windows, new vents and the replacement of the cast iron effect UPVC guttering and downpipes.

There will be a total of 21 solar panels fitted to the south facing elevation of the property around the existing velux window.

The replacement windows will be multi paned, arched and will be bottom opening.

RELEVANT PLANNING APPLICATION HISTORY

Change of use to offices, approved in February 1993 (application reference 4/92/0994/0 relates);

Conversion of second floor to offices and canteen, approved in November 1992 (application reference 4/92/0752/0 relates);

Change of use from office to client based therapy unit, approved in July 1998 (application reference 4/98/0462/0 relates);

Change of use to B1 – offices, approved in April 2001 (application reference 4/01/0784/0 relates).

CONSULTATION RESPONSES

Cleator Moor Town Council

No response received.



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Conservation Officer

1st Response

Description: Phoenix Court is an unlisted former flour mill building dating from the early 1890s. It is located within Cleator Moor Conservation Area.

Conclusion: Design revision suggested

Assessment:

- ☐ Addition of PV array. This makes a slight negative impression on the appearance of the building from the south-west, but as there are almost no positions from which the building can be viewed that way, I'd view the impact as negligible. There is no impact from this on the conservation area.
- ☐ Replacement of the windows with double-glazed replacements. Due to the scale of the building, the fact it's not domestic, and the lack of significance of the existing windows, which are of a fairly simple and chunky design, I'd view their replacement with new double-glazed timber examples as justified in the course of improving the building's thermal performance.
 - o The relocation of the opening section from the top row of panes to the middle row may end up looking rather strange, particularly when combined with the thickness of a standard double-glazed unit.
 - o The inward-opening top section of panes currently employed on these elevations suits the appearance of a mill building, and the use of a hooked pole to open these windows doesn't seem too onerous. It may therefore be a better compromise to retain that opening arrangement on these elevations, to preserve the character and appearance of the conservation area.
- ☐ Replacement of rain water goods and soil vent pipes with new cast-iron effect uPVC examples. This could be expected to have a positive impact compared with the existing rain water goods.

2nd response

I note the reasons for the proposed change, and also the justification that other mills have windows with central opening areas. This is true, although in the examples shown, the arrangement of thicker sections is in the form of mullions and transoms that preserve the proportions of the window and follow typical glazing arrangements, whereas the proposal here was for a horizontal slot of thicker opening area across the centre of the window, which to me looks a little clunky.

The suggestion to make the top 2/3rds of each window opening sounds like quite a good one to me. I see the example of Derwent Mill in Cockermouth has openings that appear taller in comparison to their width than at Cleator, but think it should still work. I'd be happy therefore

to see detailing of the sort proposed in the alternative option.

3rd response

I think the window design looks good, and an improvement over the version where the middle row of lights hinged. This should provide an appearance in keeping with the building and its context.

National Amenities Society

No response received.

Highways and Local Lead Flood Authority

I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

The Coal Authority

No response received.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 22 no. properties.

No response 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.

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



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Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

Emerging Copeland Local Plan (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.

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.

The Report on the Examination of the ELP was received on the 23rd September 2024. Given the advanced stage of preparation and with adoption pending, full weight can be attached to the policies of the ELP.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy BE1PU – Heritage Assts

Policy BE2PU – Designated Heritage Assets

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 allowing development to retain businesses is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies DS1PU and DS3PU of the ELP. These policies seek to promote sustainable development to meet the needs and aspirations of the Borough.

The building is existing and located within the development boundary for Cleator Moor. The town is classed under Policy ST2 of the CS as one of the Borough's Key Service Centres where the retention and refurbishment of existing buildings for commercial use is acceptable within the confines of the settlement boundary. This ethos is repeated within Policy DS3PU of the ELP where Cleator Moor continues to be identified as a Key Service Centre.

As a result, the proposed alterations are considered to be acceptable and should be encouraged.

Design and the 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 proposed alterations are modest and required due to the roof leaking and the overall energy efficiency of the building requiring improvement for the continued use of the building.

Comprehensive discussions were undertaken between the Applicant and the Conservation Officer during the course of the application process. The initial design for the replacement double glazed windows was considered to be acceptable in principle, but concerns were raised with regards to the relocation of the opening section from the top row of the panes to the middle. A compromise position was reached whereby the windows would be top opening



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	<p>and a new specification was received and agreed by the Conservation Officer. These details should be implemented and retained in order to maintain the character of the building and the Conservation Area and a planning condition added to any approval to ensure this.</p> <p>The solar panels are considered to have a slight negative impact on the overall appearance of the building, but due to their position facing into the courtyard where they cannot be seen from any public viewpoints. This harm is considered to be outweighed by the benefits of their efficiency for the building. The removal of the solar panels as soon as they are no longer in use can be secured by an appropriately worded planning condition.</p> <p>It is considered that the replacement of the rainwater goods will have a positive effect on the building, in comparison to the existing.</p> <p>The alterations will ensure that the building has a longevity of use and the setting of the building within the Conservation Area is maintained.</p> <p>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.</p> <p><u>Planning Balance</u></p> <p>The alterations will create a positive benefit to the building, ensuring its use in the future, its improved energy efficiency and respecting the character of the Cleator Moor Conservation Area. These benefits are considered to outweigh the negligible harm created by the addition of the solar panels.</p> <p>No objections have been received to the application from either statutory or neighbouring consultees</p> <p>On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p>

	<p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Application form, received 21st August 2024;</p> <p>Location and Site Plan, drawing number 6028-04, scales 1:1250 and 1:500, received 21st August 2024;</p> <p>Proposed Layout Plans, scale 1:100, drawing number 6028-02A, received 21st August 2024;</p> <p>Existing and Proposed Elevations, scale 1:100, drawing number 6028 03, received 21st August 2024;</p> <p>Biodiversity Statement, received 21st August 2024;</p> <p>Design, Access and Heritage Statement, received 21st August 2024;</p> <p>Window Details, received 17th October 2024.</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>
3.	<p>The windows must be installed in accordance with the information submitted to the Local Authority on 17th October 2024 and retained as such at all times thereafter.</p> <p>Reason</p> <p>In order to ensure that the windows maintain the character of the building and the Cleator Moor Conservation Area and in accordance with Policies DM10 and ENV4 of the Copeland Local Plan.</p>
4.	<p>In such circumstances as the renewable energy installation (roof mounted solar panels) becomes non-operational for a period in excess of 6 months, the facility must be removed and the roof fully restored to its original condition within one year of removal.</p>



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Reason

In order to ensure that there is no unnecessary impact on the character of the building and in accordance with Policy DM10 of the Copeland Local Plan.

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 : 04/11/2024

Authorising Officer: N.J. Hayhurst

Date : 05/11/2024

Dedicated responses to:-