

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2350/0F1
2.	<b>Proposed Development:</b>	NEW SHOPFRONT, EXTRACT DUCTS, AIR CONDITIONING CONDENSER UNITS
3.	<b>Location:</b>	53-54 HIGH STREET, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Development Referral Area - Data Subject to Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>INTRODUCTION</b>  <p>This application relates to the retail unit at 53-54 High Street within the town centre of Cleator Moor. The premises is located within the main shopping area and falls within the Conservation Area.</p> <p>The unit is currently vacant.</p> <b>PROPOSAL</b>  <p>This application seeks full planning permission for a new shopfront and the installation of extractor ducts and air conditioning condenser units. The work is proposed in order for the unit to be occupied by Greggs who plan to relocate from an existing smaller store within the town centre.</p> <p>The shopfront will be constructed of a dark grey aluminum frame and has been designed to include self-closing doors. It will be mostly glazed with the Greggs graphic on the front and side elevations.</p>	

The existing extraction system will be upgraded on the south west (rear) elevation with the addition of a vent which is to be 400mm x 400mm.

This application has been submitted in tandem with an application for Advertisement Consent (application reference 4/24/2349/0A1 relates).

### **RELEVANT PLANNING APPLICATION HISTORY**

Formation of new access stair and conversion of first floor to staff facilities, approved in April 1990 (application reference 4/90/0131/0 relates);

Projecting sign, approved in May 1990 (application reference 4/90/1082/0 relates);

Change of use from hairdressers into extension of existing turf accountants, approved in July 2000 (application reference 4/00/0359/0 relates).

### **CONSULTATION RESPONSES**

#### Cleator Moor Town Council

No objections.

#### Conservation Officer

Description: This building is a single-story commercial premises within Cleator Moor conservation. It has some architectural merit but is in a poor condition and would benefit from refurbishment.

Assessment: The building does not currently make a positive impression on the conservation area or the settings of nearby heritage assets. It is in a poor condition and has been left with a somewhat garish colour scheme from a previous use. The more attractive colour scheme of the proposal, smarter appearance, and refurbishment of the façade will have a positive impact, as well as give the building a new use that appears suited to it. I'd view the impact caused by the changing of the external HVAC plant and additional vent in the rear elevation as having neutral impact. Overall, the impact of this proposal appears positive.

Conclusion: No objection

#### 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.

#### Environmental Health

There are no objections to this development from Environmental Health subject to the following comments.

The proposed opening hours of the store are not shown on the application. Presumably the opening hours of the current Cleator Moor Greggs store are to be continued.

In terms of possible noise disturbance, there is a flat above part of the ground floor shop though this appears not be registered for Council Tax and is not in habitation. There are other nearby residential dwellings at the rear of the store, and nighttime noise from the air conditioning condensers could be a concern. Standard construction working hours are requested during the construction phase.

A generic Odour Impact Assessment has also been submitted. Given that all the Greggs stores are of a similar design, use standard plant equipment and offer a standard food menu, this is considered acceptable. The nearest odour-sensitive premises is less than 5 metres away from the new store.

There have been no complaints lodged with Environmental Health about odour or noise associated with any of the Greggs stores in the district to date.

The following conditions are therefore suggested:

- Noise from plant and equipment (optional) The rating level of any plant and equipment of this development shall not exceed noise rating curve NR30 as measured inside the nearest noise sensitive premises. The noise rating curve should be measured and assessed against a 15 minutes linear LEQ at the octave band centre frequencies 31.5 Hz – 8 KHz.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

- Cooking Odour from the development The approved carbon filtration odour mitigation measures on the cooking extract plant at the development shall be installed in accordance with the approved details and shall be operational before the use commences. The measures shall be maintained operational for the lifetime of the development.

Reason: To safeguard the amenity of nearby premises and the area generally.

- Noise 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 Holiday. 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.

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

#### Public Representation

The application has been advertised by way of a site notice, a press notice and neighbour notification letters issued to 7 no. properties.

6 letters of objection have been received raising concerns relating to anti-social parking along Main Street.

One letter of support has been received.

### **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 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 2021 – 2039 (LP)**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this proposal are:

Strategic Policy DS1: Settlement Hierarchy

Policy DS2 - Settlement Hierarchy

Strategic Policy R1: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2: Hierarchy of Town Centres

Strategic Policy R4: The Key Service Centres

Policy DS4 - Design and Development Standards

Strategic Policy BE1 – Heritage Assts

Policy BE2 – Designated Heritage Assets

Policy N3 – Biodiversity Net Gain

Policy CO7 – Parking Standards

**Other Material Planning Considerations**

National Planning Policy 2023 (NPPF)

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

Cumbria Development Design Guide

**ASSESSMENT**

Principle of Development

Cleator Moor is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. They also act as service hubs 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.

The settlement boundary for Cleator Moor is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Policies R1 seeks to enhance the vitality and viability of town centres and villages identified in the settlement hierarchy

Policy R4 seeks to encourage development that supports the role of Cleator Moor as a Key Service Centre, strengthens and diversifies its offer and improves its vitality and viability.

On this basis the principle of the proposed development is considered to be acceptable.

Design and Heritage Impacts

Policy DS6 outlines the requirement for new development to meet high-quality standards of design.

Strategic Policy BE1 and Policy BE2 seek to protect, conserve and where possible enhance designated and non-designated heritage assets and their settings

Policy DS4 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 are required to accommodate the functional needs of the new occupiers Greggs. The building is currently vacant so its re-use is encouraged.

The external shopfront will be re-modelled with a new flush glazed aluminium frame with self closing doors. It will be grey with black stall risers to be finished with ceramic tiles.

The rear elevation will include the replacement of two air conditioning condenser units and the addition of a new extractor grille.

The Conservation Officer considers that the refurbishment will have a neutral effect on the Conservation Area but is likely to create a positive impact overall due to the refurbishment and re-use of the building. The alterations will ensure that the building has a longevity of use and the setting of the building within the Conservation Area is maintained.

Overall, the proposed alterations will comply with policies DS4, BE1 and BE2 of the local plan, respecting the character and appearance of the Cleator Moor Conservation Area.

#### Noise and Odour Impact

Policy DS6 includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.

The application was submitted with an Odour Impact Assessment and Noise Levels for the air conditioning units. This information was thoroughly considered by the Council’s Environmental Health Officer and no objections were raised. Planning conditions can be imposed to ensure that any noise and odour are kept to a minimum.

#### Highways and Parking

Policy CO7 of the LP requires that proposals for new development provided adequate parking provision in accordance with the Cumbria Development Design Guide.

The application relates to works proposed as part of the change of use of the unit from a betting shop to a Greggs store. This change of use does not require planning permission, therefore consideration within this application can only be made to the external alterations proposed.

	<p>However, there have been 6 letters of objection to the application which raise concerns about road safety and anti-social parking. At present, the Greggs store is situated on the opposite side of High Street. This new store will replace it. Furthermore, the unit is situated within the town centre where there is ample public parking. On this basis, it is not considered that there will be a material change to the existing situation. The Highways Authority raised no objections to the proposal.</p> <p>It is considered that the proposal complies with Policy CO7 of the Copeland Local Plan.</p> <p><u>Biodiversity Net Gain</u></p> <p>Policy N3 of the Copeland Local Plan requires that qualifying new development provide an uplift of 10% local biodiversity.</p> <p>It is considered that this planning application is within the scope of the de minimis exemption. This is predominantly an application for new shopfront, window frames, and replacement air conditioning condenser units, where there is no impact on onsite habitat. Furthermore, there is no net increase in the footprint of the building and it is therefore below the threshold of minor development requiring a BNG assessment.</p> <p><u>The 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 carry significant weight within the planning balance.</p> <p>The impact on residential amenity can be controlled through appropriately worded planning conditions.</p> <p>No objections have been received to the application from statutory consultees</p> <p>Some local objection has been received to the proposal due to concerns around parking. As this is a town centre use and the replacement store will not change the existing situation, this is considered to be of neutral impact.</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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol>

	<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 15th October 2024;  Site Location Plan, scale 1:1250, received 15th October 2024;  Proposed Floor Plans, scale 1:50, drawing number RNTH/S6653/02P, received 15th October 2024;  Existing and Proposed Sections, scale 1:50, drawing number RNTH/S6653/039 A, received 15th October 2024;  Existing and Proposed Elevations, scale 1:50, drawing number RNTH/S6653/03P A, received 15th October 2024;  Proposed HVAC, scale 1:50, drawing number RNTH/S6653/05, received 15th October 2024;  Odour Impact Assessment, written by Accon UK, received 15th October 2024;  Vent-Axia Details, received 15th October 2024;  Fan Specification for main extractor 1, received 15th October 2024;  Fan Specification for main extractor 2, received 15th October 2024;  Noise Levels for air condensor unit, received 15th October 2024;  4 way blow ceiling cassette system, received 15th October 2024;  Biodiversity Net Gain Exemption Statement, received 15th October 2024;  Design, Access and Heritage Statement, received 15th 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 rating level of any plant and equipment of this development must not exceed noise rating curve NR30 as measured inside the nearest noise sensitive premises. The noise rating curve must be measured and assessed against a 15 minutes linear LEQ at the octave band centre frequencies 31.5 Hz – 8 KHz.</p> <p>Reason</p> <p>In order to safeguard the amenities of adjoining residential occupiers in accordance with Policy DS4 of the Copeland Local Plan.</p>
4.	<p>The approved carbon filtration odour mitigation measures on the cooking extract plant at the development must be installed in accordance with the approved details and</p>



must be operational before the use commences. The measures must be maintained operational for the lifetime of the development.

**Reason**

To safeguard the amenity of nearby premises and the area generally in accordance with Policy DS4 of the Copeland Local Plan.

5. Following approval of the development, 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 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.

**Reason**

In the interests of the amenities of surrounding occupiers during the construction of the development and in accordance with Policy DS4 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 : 09/12/2024**

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

**Date : 10/12/2024**

**Dedicated responses to:-**