

**COPELAND BOROUGH COUNCIL**  
**CONSULTATION RESPONSE**

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**Proposal:** Conversion from a public house into a shop and 6. No flats

**Address:** The Commercial, 5 High Street, Cleator Moor

**Reference:** 4/21/2299/OF1

**Date:** 11/05/23

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**Description:** The Commercial is an unlisted former public house located in a prominent location within Cleator Moor conservation area. It remains a characterful building, and although its potential has not been capitalised upon, it could be an impressive contributor to its locale, an area that needs improvement. Cleator Moor conservation area is on the Heritage at Risk register, in large part due to the dilapidation of its buildings.

**Conclusion: Request further information**

**Assessment:**

- I'd be grateful for clarification on how the false window signage panels will appear and be used in reality. Are there specific signs to go on them or are they intended to be more like pin-boards?
  - These will be used for specific advertising signage
- The Dutch gable should be inspected to ensure it's stable. From the picture (and the fact it's curved in plan) it probably is stable, however it appears to have tilted outward slightly, probably due to timber beneath it rotting.
  - The agent has suggested a condition for handling a survey, and I'd suggest carrying out the survey as soon as possible to avoid any doubt about the condition and works needed to the corner gable.
  - Therefore, I suggest the report be submitted prior to determination of the application.

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**Relevant Policies and Guidance:**

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Section 72 of the 1990 Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

Paragraph 192 of the National Planning Policy Framework (NPPF) states that "In determining applications, local planning authorities should take account of the desirability of sustaining and

enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 193 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 196).

Paragraph 197 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Referring to assets in a conservation area, NPPF para. 201 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 195) or less-than-substantial harm (under paragraph 196). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 200).

Copeland Borough Council’s Local Plan contains a number of relevant policies:

- Local Plan Policy ST1C(ii) highlights the importance of protecting, enhancing and restoring the Borough’s cultural and heritage features and their settings.
- ST1D emphasises the council’s commitment to creating and retaining quality places.
- ENV4A stresses the importance of protecting listed buildings, conservation areas and other features considered to be of historic, archaeological or cultural value.
- ENV4B outlines support for heritage-led regeneration, ensuring assets are put to appropriate, viable and sustainable uses.
- ENV4C aims to strengthen the distinctive character of Copeland’s settlements through high quality urban design and architecture that respect character and setting.
- DM10 emphasises the need for high quality design and quality places. Part B requires design to respond to local character at multiple scales, paying attention to plot size and arrangement, massing and scale, interstitial spaces, and materials. Part C requires the incorporation of existing features such as landscape and vernacular style.
- DM13D outlines the need, in converting non-residential buildings within settlement limits, or in subdividing large residential buildings within settlement limits, for conversion works to conserve the character of the building.
- DM27A outlines support in principle for developments that “protect, conserve and where possible enhance the historic, cultural and architectural character of the borough’s historic sites and their settings”.
- DM27C outlines the restriction in principle of development within conservation areas to that which preserves or enhances the character or appearance of the area.
- DM27D highlights the necessity of avoiding disrespectful alterations, substantial demolition, adverse effects on setting or views, or changes of use that harm the conservation or economic viability of a listed building.

The Conservation Area Design Guide is a supplementary planning document adopted in 2017 that is a material consideration in the determination of planning applications within conservation areas. It is therefore applicable to this application.

Sammy Woodford

Conservation and Design Officer