



Planning & Heritage Statement

**Conversion of Former Public House to
Provide Flatted Residential
Accommodation**

**5-6 High Street & 10 North Street,
Cleator Moor, Cumbria CA25 5AH**

Prepared on behalf of Cleator Moor Developments Ltd

Document:

Planning & Heritage Statement

Site:

5-6 High Street & 10 North Street, Cleator Moor, Cumbria
CA25 5AH

Project:

Conversion of Former Public House to Provide Flatted
Residential Accommodation

Client:

Cleator Moor Developments Ltd.

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1. Introduction

- 1.1 Prism Planning has been engaged to prepare this Planning & Heritage Statement and to provide planning advice, support and guidance in the preparation and submission of the application for planning permission regarding the proposed conversion of the former public house at 5-6 High Street & 10 North Street, Cleator Moor to provide flatted residential accommodation.
- 1.2 The application submission follows a pre-application enquiry of 21st July 2023, to which a generally positive response was received on 4th September 2023 (CC ref: PAA/23/0055). The application plans have been prepared with full cognisance of the comments in the pre-application response and have been revised accordingly from those submitted at the pre-application stage following further discussions between the applicants and Sean McLean of Sean McLean Design with input from Rod Hepplewhite of Prism Planning.
- 1.3 The purpose of this Planning & Heritage Statement is to support the planning application by setting out the context of the proposed development; outlining the planning policy framework relevant to the consideration of the proposed development; identifying the built heritage considerations relevant to the site and its surroundings and appraising the significance of the impact of the proposals on those built heritage interests; and considering those matters relevant to land use planning and material to the consideration and determination of the application.
- 1.4 In addition to this Planning & Heritage Statement, the planning application submission includes the following documentation:
 - Application form;
 - Location plan; and
 - Architectural plans; and
 - Structural Survey.
- 1.5 It will be shown that the proposed development represents an appropriate form of sustainable development at this location; is acceptable in planning terms, including with reference to built heritage considerations; and that it accords with relevant prevailing local planning policies (Copeland Local Plan 2013-2028), adopted December 2013, together with government guidance as set out in the National Planning Policy Framework, 2023 and relevant policies of the emerging Copeland Local Plan 2021-2038. It will also be shown that the development will have positive impact upon the character and appearance of the Cleator Moor Conservation and will not adversely impact the setting of nearby listed buildings and structures.

2. The Site and Surrounding Area

- 2.1 The application site comprises the former public house known as 'The Commercial', which it is understood closed in 2006 with the building standing vacant ever since. The building lies on the northern side of High Street and immediately east of North Street, as shown on the Google Earth image below. The unlisted building is prominently situated within Cleator Moor town centre and lies within the Cleator Moor Conservation Area. Having stood vacant for many years, the appearance of the building is slowly but steadily deteriorating.



Figure 1: The application site and surrounding area Source: Google Earth (image date 30th June 2018)

- 2.2 On the opposite (western side) corner of North Street to the application site is situated a 'BetFred' betting office with a pair of semi-detached bungalows to the north (rear) of it. To the immediate east of the application site lies 'Popeye's' hot food takeaway at no.7 High Street. The High Street comprises a number of small shop units including a good number of hot food takeaways. To the rear(north) of the application site lies the Wyndham Manor residential & dementia care home on Cross North Street. On the opposite side of High Street to the application site are two listed buildings (Council offices and Library) and a listed structure (Memorial Fountain), all listed at Grade II and grouped around the Market Place.
- 2.3 The application site comprises two distinct elements. The first is 5-6 High Street, which fronts onto High Street but also wraps around into North Street, and is three storeys in height. This element is the original 'Commercial Inn'. Behind this element and to the immediate north is the conjoined 10 North Street, which fronts onto North Street and is two storeys in height. It comprises a former terraced house, which became another public house known as 'The Albert' before becoming subsumed into 'The Commercial' (see also paragraph 5.2.5 below).

- 2.4 Prior to closure of the public house the property comprises the following accommodation:

Ground Floor:

Open plan public house with two serveries, main bar, lounge, games area and toilets plus two bedroomed self-contained flat

First Floor:

Two reception rooms, six bedrooms, two kitchens, two bathrooms, toilets and two store rooms.

Second Floor:

Four double bedrooms and three single bedrooms.

The property was without off-street parking or servicing facilities but there is on-street parking available on North Street. There is also a public car park off Jacktrees Road on the opposite side of High Street to the application site.

- 2.5 The site lies within Flood Zone 1 and is therefore at the lowest risk of flooding from rivers or the sea (fluvial flooding). The site is also at very low risk of surface water flooding and is not at risk from flooding from reservoirs (see Section 6.3 below for further information).
- 2.6 Photographs of the site and surrounding area, taken on the morning of 10th November 2023, are provided at Appendix A.

Relevant Planning History

- 2.7 Planning permission was granted by the former Copeland Borough Council on 5th March 2014 (ref: 4/13/2470/OF1) for the conversion of the building to provide two semi-detached houses and six flats.

3. Proposed Development

- 3.1 This application seeks planning permission for the conversion of the former public house, 'The Commercial' at 5-6 High Street & 10 North Street, Cleator Moor to provide flatted residential accommodation. In total, 9no. of self-contained flats are proposed, 6no. 1-bed, 2no. 2-bed and 1no. 3-bed flats are proposed.
- 3.2 As shown on the plans prepared by Sean Mclean Design, the proposed conversion works would provide the following accommodation:
- Ground Floor (232.5m²): 3no. 1-bed and 1no. 2-bed flats;
- First Floor (232.5m²): 3no. 1-bed and 1no. 2-bed flats; and
- Second Floor (122m²): 1no. 3-bed flat.
- 3.3 Each of the flats on the ground and first floors comprises a lounge/kitchen/dining room, a bathroom and either one or two bedrooms. The flat on the second floor comprises a lounge/kitchen/dining room, a bathroom and three bedrooms, master en-suite.
- 3.4 The overall scale, form and design of the building will not alter to any great degree although a small ground and first floor extension is proposed within the internal yard area to replace an existing ground floor extension in order to provide a bedroom for both Flats 1 and 5; and a small second floor extension is proposed towards the northern end of the building to provide access to the second floor flat. The building is to be re-roofed in natural black slate (like for like) and the entire building, including the proposed extensions, will be re-rendered with Antique White K-render.
- 3.5 The external alterations proposed, in the form of new and altered openings, have also been kept to a minimum and designed to be sympathetic to existing window and door openings. In this regard, the front (south elevation) will remain unaltered; an existing door on the North Street (west) elevation will be converted to a window and two doors blocked up; and on the yard (east) elevation three windows will be re-sized, three will be blocked up and two new windows formed, an existing double door will be replaced by double patio windows.
- 3.6 Access to the flats will be via a communal entrance off North Street. Historically the property has been without off-street parking or servicing. One car (or two cars end-to-end) could be parked at the rear of the building off North Street. Motorbikes could be parked within the yard area and secured cycle storage could be provided within the yard area too, if so required.
- 3.7 The application submission also includes a Structural Survey, prepared by WDS Ltd. Their report concludes that although the building is generally in a poor structural condition, with the recommended remedial works implemented the existing building structure will be suitable to be retained and converted to flatted residential accommodation. WDS Ltd further comment that the proposed conversion of the property into dwellings will remedy all current faults and strengthen the buildings thus securing its long-term retention as a non-designated heritage asset.

4. Planning Policy Review

4.1. Introduction

- 4.1.1 The statutory development plan is the starting point for decision making and is indicated to be of paramount importance under the Town and Country Planning Act 1990, as reaffirmed by the Planning and the Compulsory Purchase Act 2004. Applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. Central government guidance, especially where it post-dates older development plans, can also be particularly relevant.
- 4.1.2 The development plan for the area comprises the Copeland Local Plan 2013-2028, adopted December 2013. Relevant Local Plan policies will be considered below.
- 4.1.3 Section 143 of the Localism Act also requires the Local Planning Authority to take local finance considerations into account where they exist.
- 4.1.4 The Planning Authority shall therefore have regard to:
- the provisions of the development plan outlined above, so far as material to the application;
 - any local finance considerations, so far as material to the application, and;
 - any other material considerations.
- 4.1.5 Government planning policy and relevant to the consideration of this proposal is set out in the National Planning Policy Framework (as revised, September 2023). The National Planning Policy Framework (The Framework) sets out the national requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. Although not a statutory component of the development plan, The Framework is the most significant of material considerations and significant weight is therefore to be given to this policy document. Relevant extracts will be considered below.
- 4.1.6 Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2021-2038. The emerging Local Plan comprising the Publication Draft (January 2022) and Addendum (July 2022) has recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited. Given the stage of preparation of the emerging Copeland Local Plan, 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 Framework. Relevant policies of the emerging Cumberland Local Plan 2021-2038 will be considered below.
- 4.1.7 Given the site's location within the Cleator Moor conservations Area., consideration will also be given to the contents of the Copeland Conservation Area Design Guide SPD (2017)

4.2 Local Planning Policy

Copeland Local Plan 2013-2028

- 4.2.1 The Copeland Local Plan (Core Strategy and Development Management Policies DPD), adopted December 2013, sets out the vision and overall development strategy for the Borough and how it will be achieved for the period up until 2028. The Local Plan contains thirteen policies that are considered relevant to the consideration and determination of the subject planning application. These policies are summarised below.

ST1, 'Strategic Development Principles'

- 4.2.2 Policy ST1 sets the strategic development principles that inform and underpin the Borough's planning policies with regards to economic and social sustainability; environmental sustainability; the protection, enhancement and restoration of Copeland's valued assets; and ensuring the creation and retention of quality places.

ST2, 'Spatial Development Strategy'

- 4.2.3 Policy ST2 identifies Cleator Moor as a 'Key Service Centre', one of the 3 smaller towns alongside Egremont and Millom, where moderate levels of development will be supported reflecting the respective scale and functions of the settlements and contributing to the regeneration of their town centres

SS1, 'Improving the Housing Offer'

- 4.2.4 Policy SS1 advises that the Council will work to make Copeland a more attractive place to build homes and to live in them by, amongst other things, requiring new development to be designed and built to a high standard.

SS2, 'Sustainable Housing Growth'

- 4.2.5 Policy SS2 advise that house building to meet the needs of the community and to accommodate growth will be provided for by, amongst other things, seeking to achieve 50% of new housing development on previously developed 'brownfield' sites.

SS3, 'Housing Needs, Mix and Affordability'

- 4.2.6 Policy SS3 advises that applications for housing development should demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone. The supporting text to Policy SS3 does not specify a threshold for proposed housing developments above which affordable housing would be required nor does the Policy specify the proportion of affordable housing that would be required. However, the response to the pre-application enquiry did not indicate that any of the proposed flats would have to be provided as affordable homes.

SS4, 'Community and Cultural Facilities and Services'

- 4.2.7 Policy SS4 seeks to protect the range of services and facilities serving the Borough's communities including, wherever possible, retaining the site of a facility that is lost for some other form of community use.

ENV4, 'Heritage Assets'

- 4.2.8 Policy ENV4 advises that the Council aims to maximise the value of the Borough's heritage assets by:

"A Protecting listed buildings, conservation areas and other townscape and rural features considered to be of historic, archaeological or cultural value;

- B Supporting proposals for heritage led regeneration, ensuring that any listed buildings or other heritage assets are put to an appropriate, viable and sustainable use; and*
- C Strengthening the distinctive character of the Borough's settlements, through the application of high quality urban design and architecture that respects this character and enhances the settings of listed buildings."*

Reference is also made to Policy DM27, which sets out the Council's approach to development which affects built heritage and archaeology (see below).

DM10, 'Achieving Quality of Place'

- 4.2.9 Policy DM10 advises that the Council expects a high standard of design and the fostering of 'quality places' in new development with development proposals being required to: respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness; incorporate existing features of interest including local vernacular styles and building materials; address vulnerability to and fear of crime and anti-social behaviour; and Create and maintain reasonable standards of general amenity.

DM11, 'Sustainable Development Standards'

- 4.2.10 Policy DM11 advises that the Council will ensure that development proposals reach high standards of sustainability by, amongst other things, requiring housing to be of an appropriate density (generally at least 30 dwellings per hectare); and encouraging developers to achieve high energy efficiency standards.

DM13, 'Conversion of Buildings Within Settlement Limits'

- 4.2.11 Policy DM13 advises that proposals for the conversion of suitable non-residential buildings to provide new residential accommodation will be permitted provided that: adequate internal space standards and exclusive use of kitchen and bathroom facilities can be achieved without extensive alterations or additions to the property; off street car parking is provided in accordance with parking standards; adequate and appropriate external amenity space is provided; the conversion works conserve the character of the building; and no alterations or associated works create amenity problems for residents of adjacent properties.

DM21, 'Protecting Community Facilities'

- 4.2.12 Policy DM21 advises that the loss of an existing social, community, cultural or sports facility through change of use will be resisted where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

DM22, 'Accessible Developments'

- 4.2.13 Policy DM22 the Council will require development proposals to be accessible to all users.

DM27, 'Built Heritage and Archaeology'

- 4.2.14 Policy DM27 advises that

"Development proposals which protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites and their settings will be supported.

....

Development within Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the area and, where appropriate, views in and out of the area. The Council will pay particular attention to:

- i) *How new development respects the character of existing architecture and any historical associations, landscape features, open spaces, trees, walls and quality of townscape;*
- ii) *The impact of any proposed works to trees with regard to policy DM28;*
- iii) *The design of any proposals for new or altered shopfronts and / or signage, which should be an integral part of the design and avoid the use of internally illuminated signage.*

Development which affects Listed Buildings or their setting will only be permitted where it:

- i) *Respects the architectural and historic character of the building;*
- ii) *Avoids any substantial or total demolition, or any demolition that is not related to proposed development affecting the building;*
- iii) *Does not have a significant adverse effect on the setting or important views of the building;*
- iv) *Involves a change of use to all or part of the listed building which contributes to the conservation and overall economic viability of the building, and where the use can be implemented without any adverse alterations to the building.*

....”

4.3 National Planning Policy & Guidance

National Planning Policy Framework

4.3.1 The National Planning Policy Framework (The Framework), as revised September 2023, sets out the Government’s planning policies for England on a number of topics and advises how these are expected to be applied. It sets out the national requirements for the planning system, but only to the extent that it is relevant, proportionate and necessary to do so. The Framework is a material consideration in decisions on planning applications.

4.3.2 Paragraph 38 of The Framework is of key importance with reference to the consideration of planning applications and states:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

4.3.3 Paragraph 47, referring to the determination of planning applications, acknowledges that the planning system is plan-led and that planning law requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise, and advises that decisions on applications should be made as quickly as possible and within statutory timescales, unless a longer period has been agreed by the applicant in writing.

Part 2, Achieving Sustainable Development

4.3.4 Part 2 of the Framework sets out the broad objectives of sustainable development, noting in paragraph 8 the three interlinked strands of social, economic and environmental objectives that make up sustainability as a concept. Paragraph 9 advises that the three sustainable objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework and stresses that they are not criteria against

which every decision can or should be judged. Indeed, local circumstances should be taken into account, to reflect the character, needs and opportunities of each area.

The Presumption in Favour of Sustainable Development

- 4.3.5 Paragraphs 10-14 of The Framework refer the presumption in favour of sustainable development. Paragraph 10 confirms that the presumption in favour of sustainable development is at the heart of The Framework while paragraph 11 provides the following guidance for decision makers:

- *“approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 4.3.6 Paragraph 12 clarifies the relationship between sustainable development principles and up to date local plans, noting that the later would normally take precedence and stating:

“Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 4.3.7 The Framework identifies a number of ways in which sustainable development can be delivered. Those relevant to the proposed development will be considered below.

Part 5, Delivering a Sufficient Supply of Homes

- 4.3.8 There is an identified need to increase housing in the England & Wales, and the issue is regularly discussed in the media. In this regard, paragraph 60 of the Framework clearly states that:

“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

- 4.3.9 Paragraph 62 further advises that:

“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”

- 4.3.10 Paragraph 69 recognises that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly”.*

- 4.3.11 Paragraph 79 advises that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*

Part 9, Promoting Sustainable Transport

- 4.3.12 Paragraph 111, refers to the consideration of traffic impact arising from new development, advising that *“development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”*.

Part 11, Making Effective Use of Land

- 4.3.13 Paragraph 119 advises that LPAs should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Continuing on this theme, paragraph 120 advises that LPAs should encourage multiple benefits from both urban and rural land, including through mixed use schemes; give substantial weight to the value of using suitable brownfield land within settlements for new homes; promote and support the development of under-utilised land and buildings for new homes.

Part 12, Achieving Well Designed Places

- 4.3.14 Paragraphs 126-136 note the importance of good design and producing high quality development, advising that they are key factors of sustainable development. In this regard, paragraph 130 that decision makers should ensure that developments:

- Function well and add to the long-term quality of the area;
- Are visually attractive through effective architecture, layouts and landscaping;
- Are sympathetic to local character and history whilst not discouraging innovation or change;
- Establish or maintain a strong sense of place through street layout, spaces and building materials;
- Optimise site potential to encourage mixes of development including green and public space; and
- Create safe inclusive accessible developments that promote health and wellbeing.

Part 14, Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 4.3.15 Paragraph 152 advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Part 16, Conserving and Enhancing the Historic Environment

- 4.3.16 Paragraph 189 advises that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 4.3.17 Paragraph 194 advises that when determining applications affecting heritage assets, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

4.3.18 Paragraph 197 provides further guidance, advising that:

“In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

4.3.19 In relation to the consideration of potential impacts, paragraph 199 refers to potential impacts, advising that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

4.3.20 Paragraph 202 refers to impacts amounting to less than substantial harm, advising that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

4.4 Other Relevant Planning Policy Considerations

Emerging Copeland Local Plan 2021-2038

4.4.1 The emerging Copeland Local Plan 2021-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) has been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited. Given the stage of preparation of the emerging Copeland Local Plan, some weight can be attached to policies of the Plan. The emerging Local Plan contains seventeen policies that are considered relevant to the consideration and determination of the subject planning application. These policies are summarised below.

DS1PU, ‘Presumption in favour of Sustainable Development’

4.4.2 Strategic Policy DS1PU is a general sustainable development local planning policy, reflecting guidance in the National Planning Policy Framework and advising that the Council will take a positive approach to sustainable development, seeking to work proactively with developers to overcome any conflict with the Development Plan or any material issues that arise.

DS2PU, ‘Reducing the impacts of development on Climate Change’

4.4.3 Strategic Policy DS2PU advises that the Council will support development proposals that make a positive contribution towards achieving the Cumbria wide goal of net zero carbon by 2037 and where they accord with the Development Plan.

DS3PU, ‘Settlement Hierarchy’

4.4.4 Strategic Policy DS3PU advises that the Council will support development within the specifically identified settlements, including Cleator Moor, a Key Service Centre, where the focus will be

for town centre developments, employment development and medium scale housing developments, windfall and infill development.

DS4PU, 'Settlement Boundaries'

- 4.4.5 Strategic Policy DS4PU advises that development proposals within settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. In this regard, the application site lies within the settlement boundaries of Cleator Moor as shown on the Proposals Map.

DS6PU, 'Design and Development Standards'

- 4.4.6 Strategic Policy DS6PU advises that the Council will expect all new development to meet high-quality standards of design through a number of identified means, including making use of existing buildings on site wherever practicable and deliverable, unless they have a negative impact upon the street scene.

DS8PU, 'Reducing Flood Risk Policy'

- 4.4.7 Strategic Policy DS8PU advises that the Council will ensure that development in the Brough is not prejudiced by flood risk through directing development to sites outside areas of flood risk where possible.

DS9PU, 'Sustainable Drainage'

- 4.4.8 Policy DS9PU advises that where appropriate, new development must incorporate sustainable drainage systems.

H1PU, 'Improving the Housing Offer'

- 4.4.9 Strategic Policy H1PU advises that the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by, amongst other things, supporting proposals which aid the regeneration of the wider residential environment; and approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan.

H4PU, 'Distribution of Housing'

- 4.4.10 Strategic Policy H4PU advises that 30% of all new housing is expected to be delivered in the three Key Services Centres, of which Cleator Moor is one.

H6PU, 'New Housing Development'

- 4.4.11 Policy H6PU advises that proposals for housing development on allocated and windfall sites will be supported where the design, layout, scale and appearance of the development is appropriate to the locality; and the proposal clearly demonstrates that consideration has been given to surrounding natural, cultural and historical assets and local landscape character.

H7PU, 'Housing Density and Mix'

- 4.4.12 Strategic Policy H7PU advises that developments should make the most effective use of land through appropriate densities and housing mix while helping to meet regeneration aims and being of a form appropriate to the character of the surrounding area and the setting of the site. Applicants should also demonstrate how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment and Housing Needs Assessment in terms of house type, size and tenure.

H8PU, 'Affordable Housing'

- 4.4.13 Policy H8PU advises that on sites of 10 units or more (or of 0.5ha or more in size), at least 10% of the homes provided should be affordable. In this regard, the proposal is for 9 flats and the site area is just under 0.3 hectare, according affordable housing is not required in this instance.

H13PU, 'Conversion and sub-division of buildings to residential uses including large HMOs'

- 4.4.14 Policy H13PU advises that the conversion of existing properties within the Borough's settlement boundaries, including those which create Houses in Multiple Occupancy, will be supported subject to a number of qualifying criteria being met.

R4PU, 'The Key Service Centres'

- 4.4.15 Strategic Policy R4PU advises, with reference to the subject proposal, that development that supports the roles of Cleator Moor, Egremont and Millom as the Key Service Centres, strengthens and diversifies their offer and improves vitality and viability will be encouraged, particularly where it: diversifies the range of residential accommodation; promotes the reuse of Brownfield Land; results in the repair and renovation of derelict and historic buildings; and protects and enhances the special character and appearance of Conservation Areas within town centres designated for their special architectural or historic interest.

SC2PU, 'Sporting, Leisure and Cultural Facilities (excluding playing pitches)'

- 4.4.16 Policy SC2PU advises that the Council will seek to protect and enhance existing sport, leisure and cultural facilities. Proposals resulting in the loss of such a facility will only be permitted where this is fully justified to the satisfaction of the Local Planning Authority.

BE1PU, 'Heritage Assets'

- 4.4.17 Strategic Policy BE1PU advises that heritage assets and their setting will be conserved and enhanced and, with reference to the consideration of the subject proposals that:

- a heritage impact assessment or heritage statement will be required where the proposal would affect a heritage asset;
- great weight will be given to the conservation of Copeland's designated heritage assets when decision making;
- new development will be required to be sympathetic to local character and history;
- proposals for the appropriate reuse of vacant historic buildings will be supported, recognising that putting buildings into viable uses consistent with their conservation can help sustain and enhance their significance; and
- high-quality design that respects the character and enhances the setting of heritage assets will be required.

BE2PU, 'Designated Heritage Assets'

- 4.4.18 Policy BE2PU advises that development proposals should preserve or enhance designated heritage assets and their setting. The more important the asset, the greater weight that will be given to its conservation. Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Development that will lead to substantial harm to, or total loss of significance to, a designated heritage asset, will only be accepted where there are substantial public benefits that outweigh the harm or in such cases listed within National Policy. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Proposals that preserve or enhance the character or appearance of a Conservation Area, especially those elements which have been identified in a Conservation Area Appraisal as

making a positive contribution to its significance will be supported. Demolition within a Conservation Area will only be permitted where the building does not make a positive contribution to the character and appearance of the Area.

Copeland Conservation Area Design Guide SPD (2017)

- 4.4.19 The Copeland Conservation Area Design Guide was adopted by Copeland Borough Council as a Supplementary Planning Document (SPD) to guide future development and assist the Council in managing change within and in the setting of the eight conservation areas within the former Borough. It is a material planning consideration when determining planning applications within, or in close proximity to, a conservation area boundary.
- 4.4.20 The Design Guide aims to help property owners, designers and developers to achieve good, respectful design and thus protect the heritage interests of the conservation areas.. It provides examples of authentic architectural components, that contribute to the streetscape of the conservation areas and demonstrate what should be retained, and how new building elements should be designed and constructed to sensitively make their contribution whilst not harming the historic environment.
- 4.4.21 The advice and guidance provided by the Conservation Area Design Guide will be considered further in the following chapter, 'Heritage Statement', of this Statement.

4.5 Concluding Planning Policy Remarks

- 4.4.1 Thirteen Development Plan policies have been identified as bearing relevance to the consideration and determination of the subject planning application. Overall, it is considered that the proposed development is compliant with the identified Development Plan policies. A detailed consideration of these policies is provided in Chapter 6 of this Statement.
- 4.4.2 Similarly, it is our firm opinion that the prevailing message of The Framework, the presumption in favour of sustainable development supplemented by the call for development proposals that accord with the Development Plan to be approved without delay, strongly favours the granting of planning permission in respect of the proposed development. The identified extracts from The Framework will be considered in greater detail in Section 6 of this Statement.
- 4.4.3 Furthermore, a further seventeen policies of the emerging Copeland Local Plan 2021-2038 have been identified as bearing relevance to the consideration and determination of the subject planning application. Again it is considered that the proposed development is compliant with the identified policies. A detailed consideration of these policies is also provided in Chapter 6 of this Statement.

5. Heritage Statement

5.1 Introduction

- 5.1.1 The Assessment below considers the history of the application site and the significance of built heritage with regards to the proposed development, namely the impact of the proposals on the character and appearance of the Cleator Moor Conservation Area and the setting of listed buildings in the vicinity of the application site.
- 5.1.2 A site visit was undertaken to the application site and the surrounding area on Friday 10th November 2023. The site visit was limited to the exterior of the building (internal inspection was not possible) and to the surrounding area, particularly the nearby listed buildings and structure.
- 5.1.3 We undertook an online search of the Cumbria Archives Service Catalogue (CASCAT) and an in person visits to the Cleator Moor Library and Whitehaven Library to review local history publications, in particular 'Cleator and Cleator Moor Past and Present' by C. Caine (1988) and 'Cleator Moor Revealed: An Illustrated History' by T. Duffy (2019). Copeland Borough Council's 'Cleator Moor Conservation Area Appraisal' (2021) also provided an interesting insight to the Conservation Area and the buildings of interest within it.

5.2 A Brief History of Cleator Moor and the Application Site

- 5.2.1 Although Cleator Moor's history dates back to the 12th century or possibly earlier, the modern day Cleator Moor is primarily a product of industrial and mining activity during the late Victorian period, in an area which had previously been entirely rural. The town grew in response to the discovery of high-quality iron ore in the area and its exploitation from the 1860s onwards tallied with the ready supply of locally mined coal. The growth of the town was linked to the development of a network of railway lines serving the iron ore and coal mining and steel manufacturing industries.
- 5.2.2 The attractiveness of Cumbria's iron ore was due to its low phosphor content, which made it suitable for the Bessemer process of steel manufacture, the first such inexpensive mass production technique. However, by the early 20th century other forms of steel manufacture were gaining traction, which left the relatively expensive Cumbrian haematite at a disadvantage. Following the First World War, mining in the area steadily declined and in this sense, the story of Cleator Moor closely resembles that of Millom in the south of Cumbria – an expansion from 1860 onwards and then a decline after the end of the First World War due to declining viability of local iron ore mining and steel manufacture.
- 5.2.3 Historic Ordnance Survey mapping shows that even in the mid-1860s the area was largely rural with small, isolated areas of terraced housing and iron mining, however by the 1890s the town was fully developed had largely assumed its modern form. Historic OS maps for 1863, 1896, 1926 and 1956-57 are provided as Figures 2, 3, 4 and 5 overleaf and on the following page.



Figure 2: OS map 1863. Source: Centre Maps Live

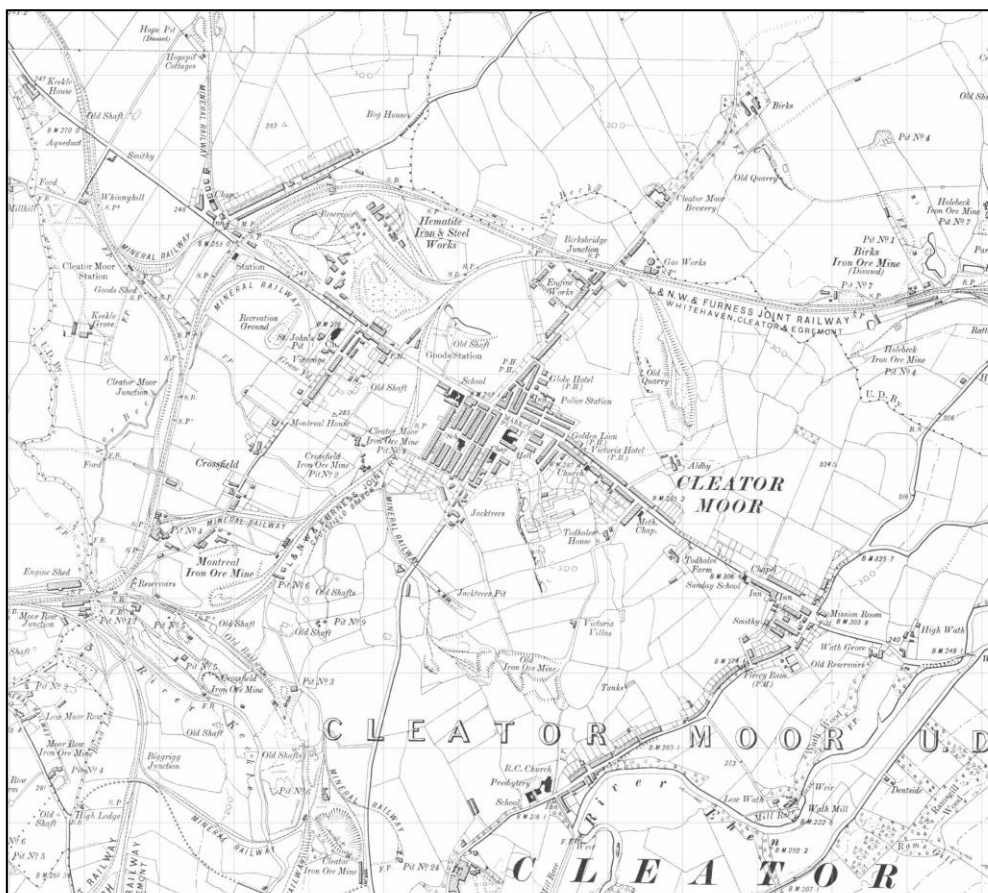


Figure 3: OS map 1898. Source: Centre Maps Live

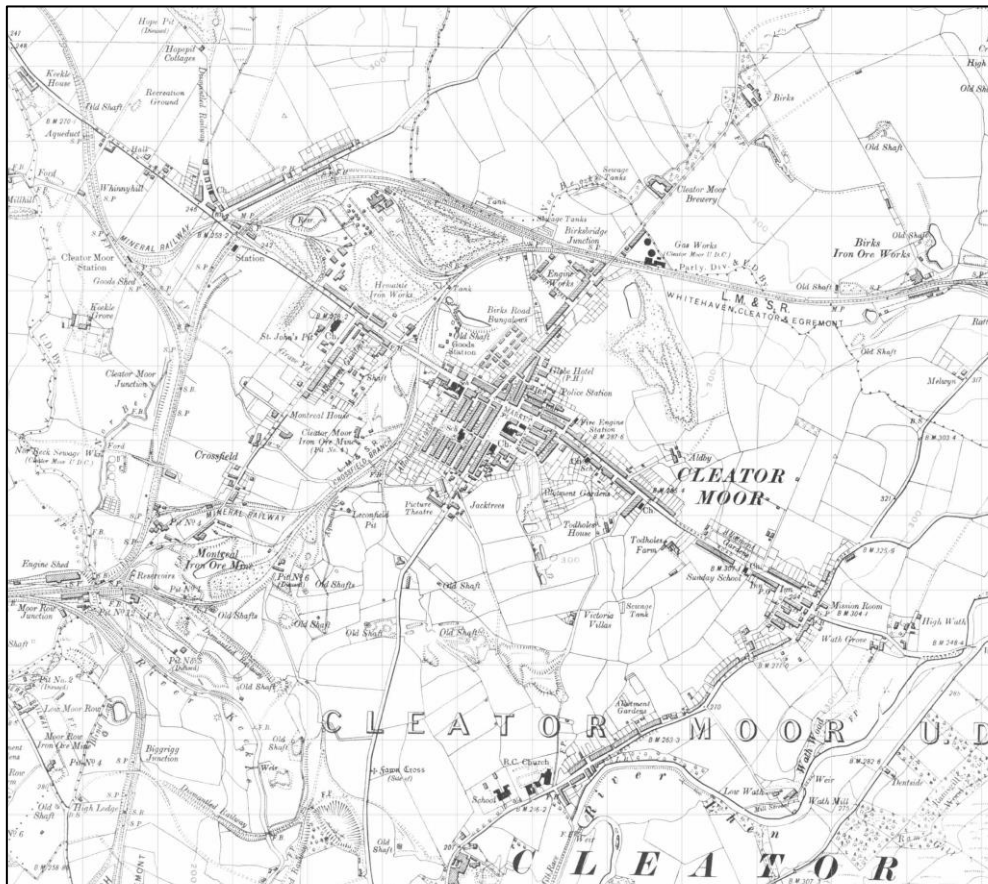


Figure 4: OS map 1926. Source: Centre Maps Live

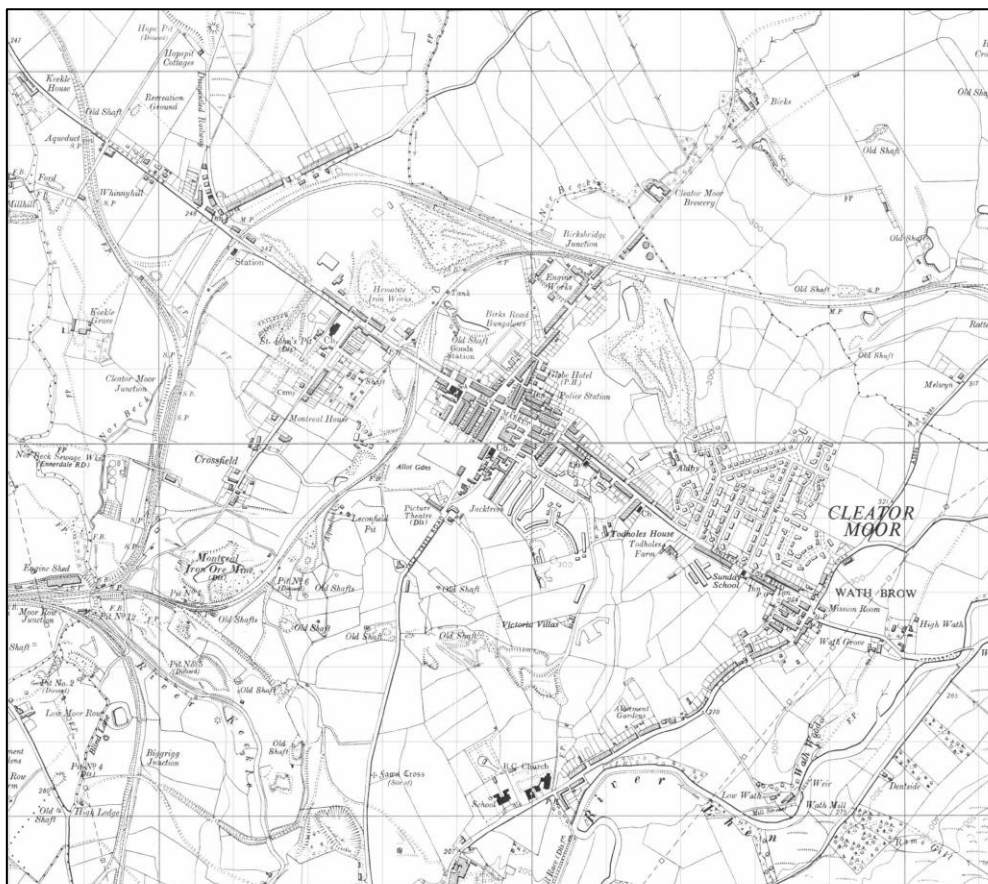


Figure 5: OS map 1956-57. Source: Centre Maps Live

- 5.2.4 The local history book “Cleator and Cleator Moor Past and Present” by C. Caine (1998) details the history of ‘The Commercial’ public house, which is believed to date from the 1870’s although the building appears as part of a terrace of properties on the OS map of 1863, provided as Figure 2 above, which suggests it may be of an earlier date.
- 5.2.5 Initially known as ‘The Beehive Inn’, the pub changed its name to ‘The Commercial’ c.1885. At this time there were two public houses on the applications site, ‘The Commercial’ fronting onto High Street and ‘The Albert’, fronting onto North Street. The two were combined into a single property at some unknown date. The name change from ‘The Beehive Inn’ to ‘The Commercial’ corresponded with a programme of building works comprising the installation of a new bottle & jug bar and a snug. In 1941 the building was the subject of a further programme of minor internal refurbishment works by the Cleator Moor Brewing Company, comprising the installation of a new fireplace, the removal of an internal partition and the redecoration of the lounge.
- 5.2.6 ‘The Commercial’ was later taken over by the Matthew Brown Brewery based in Blackburn, in 1943 although little appears to have changed at the pub until 1965 when the brewery company undertook another phase of refurbishment and building works comprising the construction of a new lounge bar and public bar within the existing building. It is understood that the final refurbishment of ‘The Commercial’ was carried out in 2005 but the pub closed shortly afterwards in 2006.

5.3 Cleator Moor Conservation Area

- 5.3.1 Cleator Moor Conservation Area, which was designated in 2001, is quite compact and centred upon the Market Square and a short section of High Street. Within the formal market square stand the former council offices and the town council office and the library, both built in red sandstone, a memorial fountain and the more recently constructed Civic Hall beyond. Further imposing, predominantly rendered buildings, face the square from across the surrounding streets (Market Street to the east, Jacktrees Road to the west and High Street to the north).
- 5.3.2 There are five listed buildings and one listed structure within the Conservation Area, these are detailed in Section 5.4 below. Not all is well, however, as Cleator Moor Conservation Area was placed on the Heritage at Risk register in 2019 due to the dilapidation of some of the buildings, including the application site, within it.
- 5.3.3 The Conservation Area’s urban grain is rectilinear, with streets meeting at right angles and lying parallel with each other. This gives a strong sense of corners with straight edges enclosing blocks between them. Buildings are a mixture of two and three storeys, with those lying around the square generally taller than those within it, which gives a sense of an open space that is partly given over to car parking, surrounded by a clearly defined edge. High Street is framed by a series of two and three storey frontages that are varied in quality. This section of the Conservation Area features two or three attractive higher status buildings that are slightly taller and more elaborate than those around them, including the listed former NatWest bank at number 58 and the attractive 13-20 High Street.
- 5.3.4 The boundaries of the Conservation Area and the locations of the five listed buildings within it are shown on the plan provided at Figure 6 are shown overleaf.

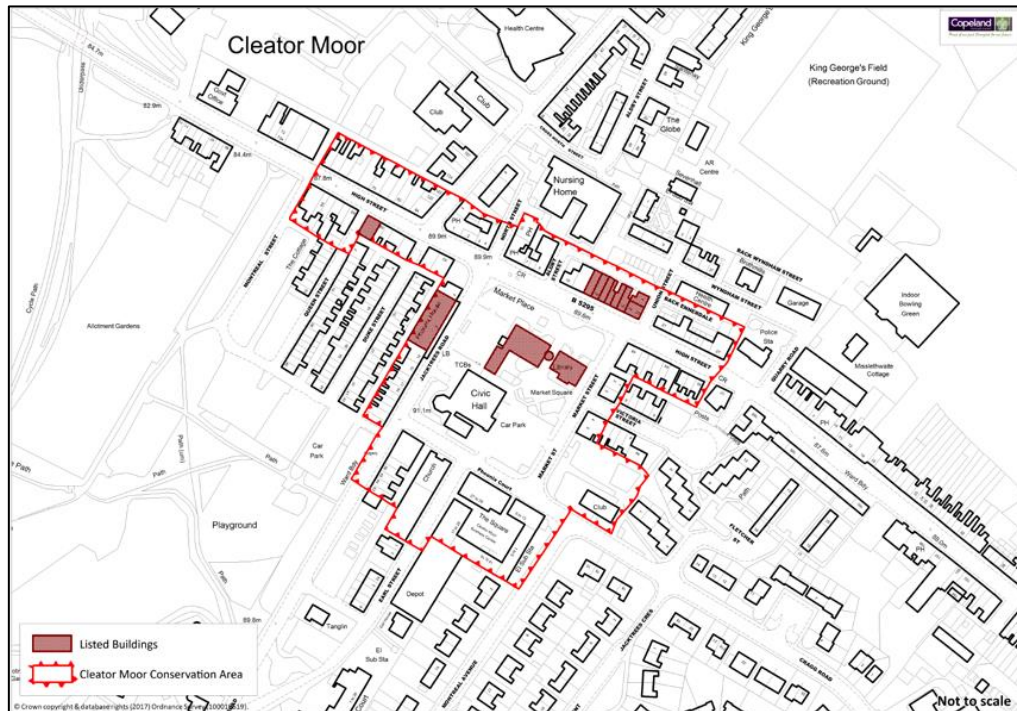


Figure 6: Map of Cleator Moor Conservation Area

Source: Conservation Area Design Guide (2017), Copeland Borough Council

5.4 Listed Building and Structures in the Vicinity of the Application Site

5.4.1 As indicated on the extract from the heritage Map, provided as Figure 7 below, taken from Historic England's website, there are six listed building/structures in the vicinity the application site. Each will be detailed in turn below.

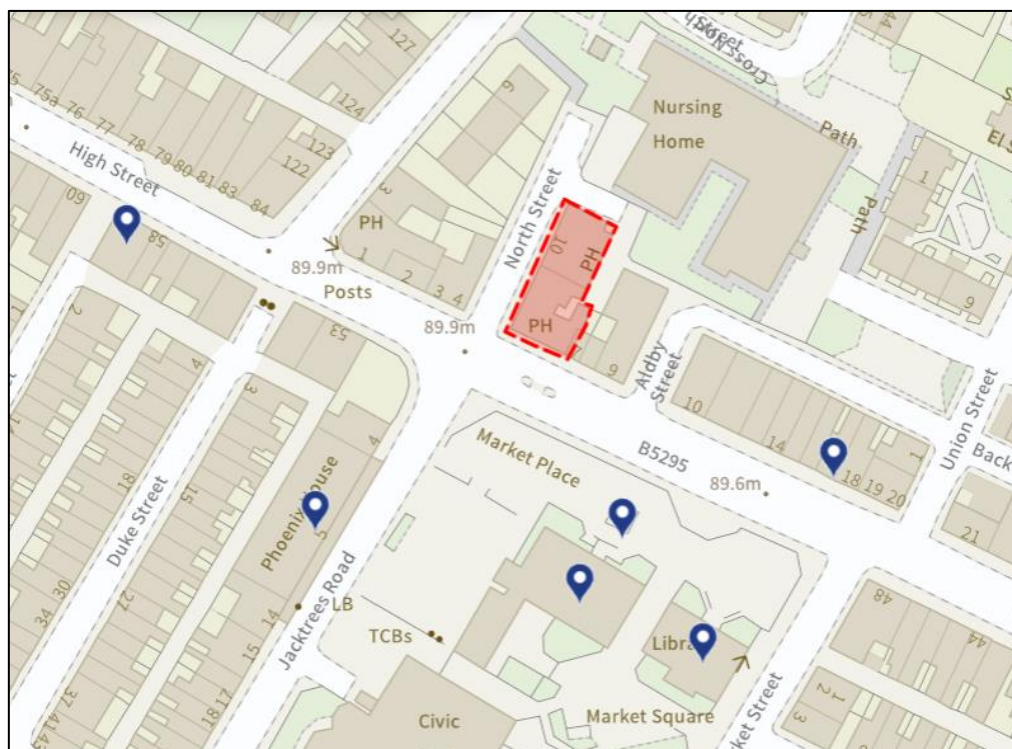


Figure 7: Listed Buildings in the vicinity of the Application Site

Source: Heritage List for England, Historic England website

National Westminster Bank, 59 High Street

- 5.4.2 The building stands some 76m to the west of the application site. The building was listed on 9th August 1984 at Grade II. The building can barely be seen from the application site and vice versa.

- 5.4.3 The listing description on the National Heritage List for England reads as follows:

“Bank, late C19. Snecked rubble on chamfered plinth; rough-dressed except for architraves and carved details. String and egg and dart cornice between floors (hidden by bank sign); string over 1st floor windows with eaves cornice. Graduated slate roof with moulded copings and kneelers; 2 gabled dormers with finials. Corniced stone end chimneys. 2 storeys, 5 bays. Central panelled door in architrave with serpentine head. 2 windows with serpentine heads to left; 3 similar to right separated by engaged Ionic columns carrying egg and dart hoodmould. 1st floor and dormers symmetrical. Single window over door and 2 to either side; polygonal pilasters carried up to sides of dormers. 3-light wood-mullioned window in each dormer has serpentine head, with keystone carried up as finial, and swag below.”

Former Cooperative Supermarket, and Cast Iron Verandah, Jacktrees Road

- 5.4.4 The building stands some 38m south south west of the application site. The building was listed on 9th August 1984 at Grade II. The building, now known as Phoenix House, operates as a local enterprise and advice centre. Although the application site is only seen obliquely from Phoenix House and vice versa, it may, nevertheless, be argued that the current appearance of the application site detracts from the setting of this listed building.

- 5.4.5 The listing description on the National Heritage List for England reads as follows:

“Former Co-operative Society shop. Previous list gives foundation date of 1856 and 1876 date for ironwork. Later additions and alterations. Rendered rubble. Welsh slate roof with stone coping to south end; brick mid and end chimneys. 3 storeys, 13 bays. Ground floor has C20 shop front divided by original fluted and panelled pilasters carrying cornice on which verandah rests. Sashes without glazing bars in stone surrounds to upper floors. Glazed verandah carried on 13 cast-iron fluted Gothic columns with pierced spandrels and antefixae; restored 1984.”

Local Government Offices, Market Place

- 5.4.6 The building stands some 37m south south east of the application site. The building was listed on 6th December 1973 at Grade II, with the listing amended on 9th August 1984. The application site is in clear view from this building and vice versa. In this regard, it is contended that the current appearance of the application site detracts from setting of this listed building.

- 5.4.7 The listing description on the National Heritage List for England reads as follows:

“Local Government Offices, incorporating Public Offices/Market Hall (facing High Street) erected 1879, and Free Library (facing Jacktrees Road) established 1894. The former of coursed, squared rubble on chamfered plinth; rough-dressed except for architraves and carved details. Strings, and eaves cornice; pilasters terminate in eaves band. Hipped, graduated slate roof with corniced stone chimneys and moulded cast-iron gutter. Symmetrical; single tall storey with cellars, 5 bays. Dog-leg steps up to central panelled door and semicircular fanlight in architrave with diapered soffit; cast-iron lamp bracket

above. Doorcase has polished granite columns carrying pediment. 2 tall sashes in architraves to either side, with panel below sill; blocked 2-light mullioned windows to cellar. Free Library similar construction and articulation but less decorative; FREE LIBRARY carved in sans-serif on frieze."

Memorial Fountain, Market Place

- 5.4.8 The structure stands some 37m south east of the application site. The structure was listed on 6th December 1973 at Grade II. It stands in from of the council offices referred to above and its setting is affected in much the same way as that of the council offices by the current appearance of the application site.

- 5.4.9 The listing description on the National Heritage List for England reads as follows:

"Commemorative fountain, 1903. Donated by townspeople to their benefactor John Stirling on the occasion of his golden wedding. Polished grey and pink granite. 3 steps on moulded plinth; squat drum, with inscription, carried large bowl surmounted by 2nd, smaller, bowl on slender column. Pelican/heron finial mentioned in previous list no longer present at time of survey."

Library, Market Place

- 5.4.10 The building stands some 55m south east of the application site. The building was listed on 6th December 1973 at Grade II with the listing amended on 9th august 1984. The application site is in clear view from the Cleator Moor library building and vice versa. In this regard, it is contended that the current appearance of the application site detracts from setting of the listed library building.

- 5.4.11 The listing description on the National Heritage List for England reads as follows:

"Library, 1906. Coursed, squared rubble on chamfered plinth; rough-dressed except for architraves and carved details. Sill band to windows; pilasters terminate in eaves band. Hipped, graduated slate roof with corniced stone end chimneys and moulded cast-iron gutters. Front, facing High Street, symmetrical; single tall storey, 5 bays. Central panelled door and semi-circular fanlight in architrave with mullioned window above. Doorcase has polished granite columns carrying pediment; LIBRARY carved in sans-serif on frieze. 2 tall 2-light mullioned and transomed windows in architraves to either side; panels below sills."

13-20, High Street & 1 Union Street

- 5.4.12 The buildings stand some 68m east south east of the application site. The buildings were listed on 6th December 1973 at Grade II and comprise retail uses at ground floor with residential flats above. Being situated on the same side of High Street, the buildings cannot be seen from the application site and vice versa although both can be viewed together from the opposite side of High Street. In this regard, it may be argued that the current appearance of the application site detracts from the setting of 13-20 High Street.

- 5.4.13 The listing description on the National Heritage List for England reads as follows:

"Description includes No 1 Union Street. Row of shops; late C19. Later alterations. Incised stucco with cornice over shop windows and sill bands to upper floors; eaves cornice. Hipped, Welsh slate, roof with corniced brick mid and end chimneys. 3 storeys."

Eight 2-bay shops separated at ground level by panelled pilasters with acanthus capitals. C20 shop fronts. 1st floor windows in stucco surrounds with pediments (alternating 2 triangular, 2 segmental) carried on corbelled half-shafts. 2nd floor windows in stucco surrounds with splayed feet. 4-bay Union Street elevation similar, but segment-headed windows and a door to ground floor. Panel between 1st and 2nd bays on 1st floor carries entwined initials: D. & A.J.S. (?). Windows variously sash and C20 casements.”

5.5 Assessment

- 5.5.1 Being situated within the Cleator Moor Conservation Area and bearing in mind the age and history of the building, the application site is considered to represent anon-designated heritage asset.
- 5.5.2 The application submission follows a pre-application enquiry, received by the Council on 21st July 2023, to which a generally positive response dated 4th September 2023 was received (CC ref: PAA/23/0055). The application plans have been prepared with full cognisance of the comments in the pre-application response and have been revised accordingly from those submitted at the pre-application stage following further discussions between the applicants, Sean McLean of Sean McLean Design and from Rod Hepplewhite of Prism Planning.
- 5.5.3 The application site is a prominent building centrally located within the built form of Cleator Moor and is also centrally located within both Cleator Moor town centre and the Cleator Moor Conservation Area. The present run down and dilapidated appearance of the building detracts from the character and appearance of the Conservation Area and the setting of the listed buildings and structure within Market Square opposite and the listed building in Jacktrees Road as well as that at 13-20 High Street. There are residential properties nearby, the conversion of disused commercial building to residential use is being encouraged by the government and the proposals represent the optimum alternative use for the building.
- 5.5.4 It is considered that the physical alterations to the building (as described at Section 3 above), which has itself been altered over the years prior to the designation of the Cleator Moor Conservation Area in 2001, have been well designed and are entirely appropriate to the historic use of the building and sympathetic to it. The proposals retain existing external features which contribute to the character of the building and reflect the rather simple functional form and traditional character of the building.
- 5.5.5 The overall scale, form and design of the building will not alter to any great degree. The external alterations proposed, in the form of new and altered openings, have also been kept to a minimum and designed to be sympathetic to existing window and door openings and are considered to be appropriate to the appearance and historic uses of the building.
- 5.5.6 Overall, it is considered that the proposed change of use of the building together with the proposed physical alterations to it sustains the significance of the heritage assets. Indeed, it is considered that the proposals, the renovation and reburbishment of the building and bringing it back into beneficial use will have a positive impact on the character and appearance of the Cleator Moor Conservation. It is further considered that the proposals will have a slight positive impact on the setting of listed council offices, library and memorial fountain within the Market Square and on the former Co-operative supermarket (Phoenix House) on Jacktrees Road and a

neutral impact on the setting of the listed former NatWest Bank, 58 High Street, and 13-20 High Street. Moreover, it is considered that the proposed conversion of the building to residential use will make a positive contribution to sustaining the community of Cleator Moor and to the local character and distinctiveness of the town.

- 5.5.7 In light of the above, it is considered that the proposed change of use and physical alterations to the building are acceptable with regard to built heritage considerations. They will have a positive impact upon the significance, character and appearance of Cleator Moor Conservation Area and will not adversely impact the setting of any nearby listed buildings and structures.
- 5.5.8 In the event that the LPA conclude otherwise in terms of impact of the proposed development upon the heritage assets, we would contend that such harm can only amount to 'less than substantial harm'. As advised at paragraph 202 of The Framework, *"this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."* In this regard, it is considered that the public benefits arising from the re-purposing of the building as proposed, being a use entirely compatible with the site's immediate surroundings and providing much needed additional residential units within Cleator Moor, would outweigh any harm to the significance, character and appearance of either the unlisted building itself, Cleator Moor Conservation Area or the setting of any nearby listed buildings. Furthermore, the proposed conversion of the building to residential use secures its optimum viable use.

6. Material Planning Considerations

6.1 Introduction

6.1.1 The proposed development has been assessed against national and local planning policy and guidance and other material planning considerations. It is considered that the key planning issues relevant to the consideration and determination of the subject planning application are:-

- The principle of development;
- Sustainability;
- Design and appearance;
- Impact on the surrounding area;
- Heritage considerations;
- Accordance with planning policy; and
- The planning balance.

6.2 The Principle of Development

6.2.1 The prominently situated former public house has stood vacant for many years since the pub closed in 2006. Its external appearance is slowly deteriorating into a state of dilapidation. Given the precarious state of the hospitality sector of the economy, particularly public houses which are closing on an all too frequent basis, the bringing of the property back into use as a public house cannot be anticipated. An alternative use of the property is required. The use of the ground floor as a retail shop is considered unlikely given the economic travails facing the retail sector of the economy and it is not considered that Cleator Moor needs another hot food takeaway. Residential re-use of the building is considered to be the optimum viable alternative.

6.2.2 In this regard, Policy ST1, 'Strategic Development Principles', of the adopted Copeland Local Plan advises that the Council encourages the protection, enhancement and restoration of Copeland's valued assets; and the creation and retention of quality places.

6.2.3 Policy ST2, 'Spatial Development Strategy', advises that moderate levels of development will be supported in Cleator Moor, particularly where this contributes to the regeneration of the town centre. Policy SS2, 'Sustainable Housing Growth', advises that the Council aims to achieve 50% of new housing development on previously developed 'brownfield' sites.

6.2.4 Policy DM13, 'Conversion of Buildings Within Settlement Limits', advises that proposals for the conversion of suitable non-residential buildings to provide new residential accommodation will be permitted subject to meeting certain qualifying criteria.

6.2.5 Policies SS4, 'Community and Cultural Facilities and Services, and DM21, 'Protecting Community Facilities', seek to protect social and community facilities wherever possible. In this regard, the former public house has stood vacant for over 7 years. In this time no-one has come forward to re-open the pub. In this regard, it is submitted that an alternative appropriate use of the property needs to be considered favourably, such as the proposed residential use.

6.2.6 With reference to the emerging Copeland Local Plan 2021-2038, Strategic Policy DS1PU, 'Presumption in favour of Sustainable Development', sets the positive tone of advising that the

Council will take a positive approach to sustainable development, seeking to work proactively with developers to overcome any conflict with the Development Plan or any material issues that arise.

- 6.2.7 Strategic Policy DS3PU, 'Settlement Hierarchy', advises that the Council will support windfall and infill housing development within Cleator Moor. Furthermore, Strategic Policy DS4PU advises that development proposals within settlement boundaries will be supported in principle. In this regard, the application site lies within the settlement boundaries of Cleator Moor as shown on the Proposals Map. Moreover, Strategic Policy H1PU, 'Improving the Housing Offer', advises that the Council will work with to make Copeland a more attractive place to build homes and live by, amongst other things, supporting proposals which aid the regeneration of the wider residential environment; and approving housing development on appropriate windfall sites within the settlement boundaries.
- 6.2.8 Strategic Policy H4PU, 'Distribution of Housing', advises that 30% of all new housing is expected to be delivered in the three Key Services Centres, of which Cleator Moor is one. Policy H13PU, 'Conversion and sub-division of buildings to residential uses, advises that the conversion of existing properties within the Borough's settlement boundaries to residential use will be supported subject to a number of qualifying criteria being met.
- 6.2.9 With regards to Strategic Policy H7PU, 'Housing Density and Mix', the proposed residential conversion and return to beneficial use of the former public house makes the most effective use of land and is appropriate to the character of the surrounding area and the setting of the site. With regards to the 2019 Strategic Housing Market Assessment, it is acknowledged that this indicated that the greatest need for new residential properties was for 2-bed properties. However, we have had to work with the fabric of the existing building and accept that internal structural walls need to be carried up from the ground floor to the first and second floors to meet the requirements of the Building Regulations. This in turn dictates to a large extent the layout of each floor. The end result is that proposed: 3no. 1-bed and 1no. 2-bed flats on the ground and first floors with the second floor being provided as a 3-bed flat. Furthermore, the proposal for 9no. flats ensures that the scheme is viable, reducing the number of flats to provide more 2-bed homes would make the scheme unviable. Given that the building has been vacant since 2006 and is steadily deteriorating, the need for a viable scheme that enables the building to be renovated and converted to an appropriate use needs to be acknowledged by the Council and afforded weight in the consideration of the proposals.
- 6.2.10 Strategic Policy R4PU, 'The Key Service Centres', advises, with reference to the subject proposal, that development that supports the roles of Cleator Moor as a Key Service Centres, particularly where it: diversifies the range of residential accommodation; promotes the reuse of Brownfield Land; results in the repair and renovation of derelict and historic buildings; and protects and enhances the special character and appearance of Conservation Areas within town centres will be encouraged.
- 6.2.11 Strategic Policy DS8PU, 'Reducing Flood Risk Policy', advises that the Council will ensure that development in the Borough is not prejudiced by flood risk through directing development to sites outside areas of flood risk where possible. In this regard, the site lies within Flood Zone 1 and is therefore at the lowest risk of flooding from rivers or the sea. The site is also at very low

risk of surface water flooding and is not at risk from flooding from reservoirs (see Section 6.3 below for further information).

- 6.2.12 In light of the above, it is considered that the proposed development accord with adopted Local Plan Policies ST1, ST2, SS3, DM13, SS4, and DM21, on this issue together with emerging Local Plan policies DS1PU, DS3PU DS4PU H1PU, H4PU, H7PU, H13PU, R4PU and DS8PU. Accordingly, it is considered that the proposed development is acceptable in principle.

6.3 Sustainability

- 6.3.1 The National Planning Policy Framework has at its heart the clear presumption in favour of sustainable development with the instruction that planning applications which propose sustainable development should be approved without delay. Paragraph 7 of The Framework advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 identifies three over-arching objectives to the achievement of sustainable development, namely: the economic objective; the social objective; and the environmental objective. These objectives are interdependent and need to be pursued in mutually supportive ways. Each of these objectives will be considered below in the context of the proposed development.

Economic Objective

- 6.3.2 Paragraph 8 of The Framework defines the economic objective as follows:

“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”.

- 6.3.3 It is envisaged that the proposed conversion works will be undertaken over a 12-18 month period or thereabouts, during which time the development will be provide work for employees of a local construction firm and local sub-contractors. It will also provide employment for the providers of materials, fittings and fitments of the proposed flats. In due course, occupiers the proposed flats will likely make use of local facilities (shops, restaurants, public houses and other services) in Cleator moor and the wider locality, thereby improving their viability.

- 6.3.4 The proposed development will have a positive impact upon the local economy.

Social Objective

- 6.3.5 Paragraph 8 of the Framework defines the social objective as follows:

“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.

- 6.3.6 The proposed development will add vitality to the site and surrounding area and improve the character and appearance of the village and help support a strong, vibrant and healthy local community..

- 6.3.7 The proposed development meets the social objective.

Environmental Objective

6.3.8 Paragraph 7 of NPPF defines the environmental objective as:

“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

6.3.9 The site is not situated within the Lake District National Park, statutory Green Belt or within a Site of Special Scientific Interest nor is it subject to any site specific environmental or landscape designation.

6.3.10 With reference to Figure 8 below, the site and surrounding area lies within Flood Zone 1 and is therefore at the lowest risk of fluvial or tidal flooding. Furthermore, with reference to Figures 9 and 10 overleaf, neither the site nor the surrounding area is at risk of surface water flooding by of flooding from reservoirs.



Figure 8: Fluvial Flood Risk - Source: Environment Agency Flood Map (November 2023)

6.3.11 In light of the above, it is considered that the proposed development represents sustainable development. It accords with guidance set out at paragraphs 7 and 8 of The Framework in this respect. Furthermore, the development accords with Policy ST1, 'Strategic Development Principles'; SD7, 'Flood and Water Management'; and N4, 'Biodiversity & Geological Conservation', of the Copeland Local Plan 2013-2028 and Policies DS1PU, 'Presumption in favour of Sustainable Development'; DS2PU, 'Reducing the impacts of development on Climate Change'; and DS8PU, 'Reducing Flood Risk Policy', of the emerging Copeland Local Plan 2021-2038.



Figure 9: Pluvial (Surface Water) Flood Risk Source: Environment Agency Flood Map (November 2023)



Figure 10: Flood Risk from Reservoirs Source: Environment Agency Flood Map (November 2023)

- 6.3.12 As a consequence, paragraph 10-12 of the Framework should be noted and an initial view be taken that the application be approved unless other material planning considerations indicate otherwise. These other material considerations will be considered below.

6.4 Design and Appearance

- 6.4.1 As advised above, the application submission follows the pre-application enquiry of 21st July 2023, to which a generally positive response was received on 4th September 2023 (CC ref: PAA/23/0055). The application plans have been prepared with full cognisance of the comments in the pre-application response and have been revised accordingly from those submitted at the pre-application stage following further discussions between the applicant, Sean McLean of Sean McLean Design and Rod Hepplewhite of Prism Planning.
- 6.4.2 As stated at Section 6.2 above, it is acknowledged that the 2019 Strategic Housing Market Assessment indicated that the greatest need for new residential properties was for 2-bed properties. However, we have had to work with the fabric of the existing building and accept that internal structural walls need to be carried up from the ground floor to the first and second floors to meet the requirements of the Building Regulations. This in turn dictates to a large extent the layout of each floor. The end result is that proposed: 3no. 1-bed and 1no. 2-bed flats on the ground and first floors with the second floor being provided as a 3-bed flat.
- 6.4.3 The proposals retain existing external features which contribute to the character of the building and reflect the simple functional form and traditional character of the building without significant harm to the fabric of the building or it's setting within the Cleator Moor Conservation Area.
- 6.4.4 The overall scale, form and design of the building will not alter to any great degree. The external alterations proposed, in the form of new and altered openings have also been kept to a minimum and are considered to be appropriate to the appearance and historic use of the building, having been sympathetically designed with traditional forms of window and door openings being proposed together with the use of traditional materials.
- 6.4.5 As advised at paragraph 3.7 above, the application submission also includes a Structural Survey, prepared by WDS Ltd. Their report concludes that although the building is generally in a poor structural condition, with the recommended remedial works implemented the existing building structure will be suitable to be retained and converted to flatted residential accommodation. WDS Ltd further comment that the proposed conversion of the property into dwellings will remedy all current faults and strengthen the buildings thus securing its long-term retention as a non-designated heritage asset.
- 6.4.6 In light of the above, it is concluded that the design and appearance of the building, as proposed, is acceptable. Accordingly, the proposals accord with Policies DM10, 'Achieving Quality of Place'; DM11, 'Sustainable Development Standards'; and DM13, 'Conversion of Buildings Within Settlement Limits', of the adopted Copeland Local Plan and Policies DS6PU, 'Design and Development Standards'; H7PU, 'Housing Density and Mix'; and H13PU, 'Conversion and sub-division of buildings to residential uses including large HMOs', of the emerging Copeland Local Plan together with guidance provided at paragraph 130 of The Framework on this issue.

6.5 Impact on the Surrounding Area

- 6.5.1 The application site lies within Cleator Moor town centre, which comprises a mix of retail, commercial, business-related, cultural, leisure and residential uses. The building has stood vacant since 2006 when the public house closed, it is clear that there is no interest in re-opening the pub from another pub operator. An alternative use for the building is required. In this regard, converting the building to residential use is entirely compatible with the surrounding area.
- 6.5.2 New and alterations to existing openings have been kept to a minimum and only two small extensions are proposed to the building. The privacy of the occupiers of the nearby building will not be adversely affected. The proposals will return to beneficial use a prominent building on the High Street and will represent an enhancement to the appearance of the building.
- 6.5.3 Historically the property has been without off-street parking or servicing. One car (or two cars end-to-end) could be parked at the rear of the building off North Street. Motorbikes could be parked within the yard area and secured cycle storage could be provided within the yard area too, if so required.. These arrangements are considered acceptable for the proposed development. Indeed, the site lies at a sustainable location within the centre of Cleator Moor and with access to public transport via the bus stops nearby on either side of High Street. Moreover, on-street parking is available on North Street and there is a public car park off Jacktrees Road on the opposite side of High Street to the application site. Furthermore, as Paragraph 111 of The Framework advises, *“development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”*.
- 6.5.4 In light of the above, it is contended that the proposed development will not adversely affect the character or appearance of the surrounding area nor the amenities of the occupiers of nearby residential properties. Indeed, returning the building to beneficial and appropriate use will be to the benefit of the occupiers of nearby properties and the character and appearance of the surrounding area. Accordingly, the proposed development accords with Policies ST2, ‘Spatial Development Strategy’; SS1, ‘Improving the Housing Offer’; S2, ‘Sustainable Housing Growth’; SS3, ‘Housing Needs, Mix and Affordability’; SS4, ‘Community and Cultural Facilities and Services’; DM13, ‘Conversion of Buildings Within Settlement Limits’; and DM21, ‘Protecting Community Facilities’, of the adopted Copeland Local Plan and Policies H1PU, ‘Improving the Housing Offer’; H4PU, ‘Distribution of Housing’; H6PU, ‘New Housing Development’; H13PU, ‘Conversion and sub-division of buildings to residential uses including large HMOs’; R4PU, ‘The Key Service Centres’; and SC2PU, ‘Sporting, Leisure and Cultural Facilities (excluding playing pitches)’, of the merging Copeland Local Plan together with guidance contained within The Framework on this issue.

6.6 Heritage Considerations

- 6.6.1 As discussed above, the proposals will rejuvenate the vacant building, a prominently situated non-designated heritage asset within the Cleator Moor Conservation Area, and will return it to a beneficial and entirely appropriate use. The overall scale, form and design of the building will not alter. Moreover, the external alterations proposed are considered to be appropriate to the

appearance and historic use of the building, having been sympathetically designed with traditional forms of window and door openings being proposed together with the use of traditional materials.

- 6.6.2 With reference to Section 5 of this Statement, it has been concluded that the proposed change of use of the building together with the proposed physical alterations to it sustains the significance of the heritage assets (the non-designated building itself and Cleator Moor Conservation Area) and the setting of the listed buildings nearby and puts the building to the optimum viable use consistent with its conservation. Moreover, it is considered that the proposed conversion of the building will enhance the setting of nearby listed buildings whose settings are being detracted from due to the present and slowly deteriorating appearance of the building itself. Furthermore it is considered that the conversion of the building to residential use will make a positive contribution to the character and appearance of the Cleator Moor Conservation Area.
- 6.6.3 In conclusion, it is contended that the proposed change of use and physical alterations to the building will have a positive impact upon the significance of the non-designated heritage asset, a slight positive impact on the setting of nearby listed buildings and a positive impact on the character and appearance of the Cleator Moor Conservation Area.
- 6.6.4 In light of the above, it is considered that the proposed development accords with Policies ENV4, 'Heritage Assets'; and DM27, 'Built Heritage and Archaeology', of the adopted Copeland Local Plan and Policies BE1PU, 'Heritage Assets'; and BE2PU, 'Designated Heritage Assets', of the merging Copeland local plan together with guidance contained within The Framework and the Copeland Conservation Area Design Guide on this subject.

6.7 Planning Policy Considerations

Copeland Local Plan 2013-2028

- 6.7.1 Thirteen policies of the Copeland Local Plan (Core Strategy and Development Management Policies DPD), namely: Policies ST1, 'Strategic Development Principles'; ST2, 'Spatial Development Strategy'; SS1, 'Improving the Housing Offer'; SS2, 'Sustainable Housing Growth'; SS3, 'Housing Needs, Mix and Affordability'; SS4, 'Community and Cultural Facilities and Services'; ENV4, 'Heritage Assets'; DM10, 'Achieving Quality of Place'; DM11, 'Sustainable Development Standards'; DM13, 'Conversion of Buildings Within Settlement Limits'; DM21, 'Protecting Community Facilities'; DM22, 'Accessible Developments'; and DM27, 'Built Heritage and Archaeology', were identified at paragraphs 4.2.2 - 4.2.14 above as bearing relevance to the consideration and determination of the subject planning application. The proposed development has been shown to accord with all of them.

National Planning Policy Framework

- 6.7.2 The National Planning Policy Framework has at its heart the clear presumption in favour of sustainable development with the instruction that planning applications which propose sustainable development should be approved without delay. Paragraph 8 identifies three overarching objectives to the achievement of sustainable development, namely: the economic objective; the social objective; and the environmental objective. As discussed at section 6.3 above, it is our case that the proposed development represents sustainable development, fulfilling all three objectives.

- 6.7.3 The instruction in The Framework that *“local planning authorities should approach decisions on proposed development in a positive and creative way ... [and] ... decision-makers at every level should seek to approve applications for sustainable development where possible”* (paragraph 38) must be borne in mind when considering whether or not the proposed conversion of the barn building to a single residential unit is acceptable.
- 6.7.4 With reference to paragraphs 4.3.5 to 4.3.18 above, there are several statements contained within The Framework which are of significance in the consideration and determination of the subject proposal. The following statements are considered to be of particular significance to the consideration and determination of this application:
- Development proposals that accord with the development plan should be approved without delay. (paragraph 11)
 - *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly”*. (Paragraph 69)
 - *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”* (Paragraph 79)
 - Paragraph 111, referring to the consideration of traffic impact arising from new development, advises that *“development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”*.
 - LPAs are advised that they should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. (Paragraph 119)
 - Furthermore, LPAs are advised that they should encourage multiple benefits from both urban and rural land, giving substantial weight to the value of using suitable brownfield land within settlements for new homes; promoting and supporting the development of under-utilised land and buildings for new homes. (Paragraph 120)
 - The principles of good design are heavily promoted through paragraphs 126-136 of The Framework. Paragraph 130 identifies 6 objectives that that new developments should secure and which it is considered the proposed development achieves:
 - *function well and add to the overall quality of the area;*
 - *are visually attractive as a result of good architecture and appropriate and effective landscaping;*
 - *are sympathetic to local character and history;*
 - *establish or maintain a strong sense of place;*
 - *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;*
 - *create places that are safe, inclusive and accessible.*
 - *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* (Paragraph 199)

- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” (Paragraph 202)

6.7.5 It is our firm opinion that the proposed development accords with The Framework in all respects. Furthermore, it is contended that the prevailing message of The Framework, the presumption in favour of sustainable development supplemented by the call for development proposals that accord with the development plan to be approved without delay, strongly favours the granting of planning permission in respect of the proposed development.

Copeland Local Plan 2013-2038

6.7.6 Seventeen policies of the emerging Copeland Local Plan namely: Policies DS1PU, ‘Presumption in favour of Sustainable Development’; DS2PU, ‘Reducing the impacts of development on Climate Change’; DS3PU, ‘Settlement Hierarchy’; DS4PU, ‘Settlement Boundaries’; DS6PU, ‘Design and Development Standards’; DS8PU, ‘Reducing Flood Risk Policy’; DS9PU, ‘Sustainable Drainage’; H1PU, ‘Improving the Housing Offer’; H4PU, ‘Distribution of Housing’; H6PU, ‘New Housing Development’; H7PU, ‘Housing Density and Mix’; H8PU, ‘Affordable Housing’; H13PU, ‘Conversion and sub-division of buildings to residential uses including large HMOs’; Policy R4PU, ‘The Key Service Centres’; SC2PU, ‘Sporting, Leisure and Cultural Facilities (excluding playing pitches)’; BE1PU, ‘Heritage Assets’; and BE2PU, ‘Designated Heritage Assets’, were identified at paragraphs 4.4.2 - 4.4.18 above as bearing relevance to the consideration and determination of the subject planning application. The proposed development has been shown to accord with all of them.

6.8 The Planning Balance

6.9.1 Section 38 (6) of the Planning and the Compulsory Purchase Act, 2004 provides that all decisions must be determined in accordance with the Development Plan, when taken as a whole, unless other material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

6.9.2 The Development Plan and relevant policies contained therein are described at Section 4 of this Statement together with further material planning policy considerations in the form of The Framework.

6.9.3 As discussed at section 6.7 above, the proposed development accords with the relevant policies of the Copeland Local Plan 2013-2028 and is in full accordance with The Framework. It has also been found that the proposed development accords with the relevant policies of the emerging Copeland Local Plan 2021-2038.

6.9.4 It has been demonstrated that the proposal is acceptable in principle; that it represents sustainable development; and, that it will not have any significant adverse impacts upon the building itself or the surrounding area in terms of visual, landscape, traffic and parking, surface water flooding, and other amenity, environmental, ecological or built heritage considerations.

6.9.5 In light of the above, the presumption in favour of sustainable development, as set out at paragraph 11(d) of the Framework, is engaged. With reference to footnote 7 to paragraph 11(d), the proposed development will not adversely impact any designated assets and there

are no adverse impacts which significantly or demonstrable outweigh the benefits of the proposed development (an additional residential unit within the village; employment creation during the conversion of the building; increased patronage of local facilities within the area and the wider locality once the new dwelling is occupied; and additional council tax payments into the council's coffers). Accordingly, paragraph 11 of The Framework directs the decision maker to approve this planning application.

7. Summary and Conclusion

7.1 Summary

- 7.1.1 This application seeks planning permission for the conversion of the former public house at 5-6 High Street and 10 North Street, Cleator Moor to provide flatted residential accommodation.
- 7.1.2 Section 5 of this Statement provides a Heritage Statement with reference to the proposal in the context of the Cleator Moor Conservation Area and the setting of nearby listed buildings. It has been determined that the development will have slight positive impact on the character and appearance of the Conservation Area and upon the setting of nearby listed buildings.
- 7.1.3 Section 6 of this Statement reviewed the material planning considerations, including the planning policy background relevant to the consideration of the planning application, and concluded that the proposed development is policy compliant with reference to the relevant policies of the Copeland Local Plan 2013-2028 together with guidance contained in The Framework and relevant policies of the emerging Copeland Local Plan 2021-2038.
- 7.1.4 Furthermore, it has been concluded that the proposal is acceptable in principle; that it represents sustainable development; and that it will not have any significant adverse impact upon the surrounding area in terms of visual, landscape, traffic and parking, surface water flooding, and other amenity, environmental, ecological or built heritage considerations. It has also been shown that any impacts arising from the development would not be significant and would be outweighed by the benefits arising from the development.

7.2 Conclusion

- 7.2.1 In conclusion and in light of the above, it is submitted that the proposed development is acceptable and represents an appropriate form of sustainable development for the site.
- 7.2.2 Accordingly, it is hoped that the Local Planning Authority will look favourably upon this planning application and grant planning permission subject to appropriate conditions. Notwithstanding, we remain willing to discuss any aspect of the proposed development with the Local Planning Authority, should this be necessary and/or desirable.

8. Appendices

Appendix A Photographs of the Site & Surrounding Area



The southern elevation of 5-6 High Street, BetFred to the west & Popeye's hot food takeaway to the east



The southern and western elevations of 5-6 High Street & 10 North Street



The western elevation of 10 North street & 5-6 High Street



The northern and eastern elevations of the application site



The Grade II listed Cleator Moor library



The Grade II listed Town Hall



The Grade II listed memorial building in front of the local government offices building



The Grade II listed Phoenix House enterprise centre (former Co-operative supermarket)



The Grade II listed 13-20 High Street



The Grade II listed former NatWest Bank, no. 59 High Street