

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2042/0F1
2.	Proposed Development:	DEMOLITION OF FORMER PUBLIC HOUSE (FOOD TAKEAWAY) & HALL & ERECTION OF TERRACE COMPRISING OF FOUR DWELLINGS WITH ASSOCIATED CAR PARKING SPACES & PRIVATE OPEN SPACES - AMENDED SCHEME FOR APP NO 4/19/2362/0F1
3.	Location:	FORMER PUBLIC HOUSE, HALL AND FOOD TAKEAWAY, 30 MAIN STREET, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See report.
7.	Report:	<p>Site and Location:</p> <p>The Application Site comprises the former takeaway and hall known as 30 Main Street, Distington.</p> <p>The former takeaway comprises a two-storey former public house building and is attached to the two storey former hall.</p> <p>The former takeaway is finished externally with render and painted stone window surrounds to the elevations and slate to the dual pitched roof structure.</p> <p>The former hall is finished externally with render to the elevations incorporating stone and stucco to the front (east) façade and a slate covered dual pitched roof structure.</p> <p>The buildings do not benefit from off highway parking</p> <p>An enclosed yard exists to the rear (west) and is enclosed by a stone wall.</p> <p>The Application Site is located in Flood Zone 1 and a Coal Authority Standing Advice Area.</p> <p>The buildings are currently vacant and have been so for some time. The Applicant has completed</p>

works to the buildings to make them uninhabitable/useable including the removal of part of the roof structures and windows/doors.

Recent Planning Application History:

4/13/2218/OF1 - Conversion of attached chapel into 2 no. dwellings and alterations to existing flat and former Chinese restaurant to create a two storey dwelling – Approved subject to planning conditions.

4/19/2362/OF1 - Demolition of former public house (and Chinese takeaway) and erection of two pairs of semi detached dwellings with gardens and associated car parking – Withdrawn.

Proposal:

Full Planning Permission is sought for the demolition of the existing buildings on the Application Site and the erection of 4no. three bedroom terraced dwellings.

The proposed dwellings are two storeys in height and incorporate accommodation in the roof structure.

It is proposed to finish the buildings externally with render to the elevations, with slate grey tiles to the roof and uPVC windows, doors and rainwater goods.

Vehicular access is proposed from Church Road providing access to four off highway parking spaces and a courtyard to the rear of the dwellings.

Consultee:	Nature of Response:
Parish Council	No response received.
Cumbria County Council – Highways and LLFA	<p>9th July 2021</p> <p>Throughout the process of this application it has been agreed that the proposed parking for this site is below our usual standards but it is understood that given the location sustainable transport methods can be encouraged to the residents of this proposed dwellings. Within the parking area a 6m forecourt for parking and turning allowing vehicles to enter and leave the site in a forward gear has been shown. The Local Highway Authority (LHA) LHA therefore raised no concerns.</p> <p>The visibility splays shown on plan 04014 04 are within the red-line boundary of the application site which is acceptable to the LHA. It has previously been mentioned that because the splays cross third-party land, a Section 106</p>

agreement is required in order to protect the splays for the lifetime of the development.

Plan 04014 04 also shows that the proposed development is now wholly within the original plot footprint including the proposed forecourts. This plan indicates that no part of the proposed development will encroach onto the publicly maintained footway which is acceptable to the LHA. I would like to once again mention that should any part of the development encroach onto the footway, it must meet our standards; be agreed with Cumbria County Council and have a stopping up order in place before any works commence.

There has been no indication of what the applicant is proposing for their surface water drainage system, however it is assumed that there will not be an increase from existing and that existing surface water drainage methods will be utilised. Due to the scale of the proposal surface and foul water will be a matter for Building Control to consider.

To conclude the Highway Authority have no objections to this proposal subject to the following conditions being included with any permission you might grant:

The development shall not commence until visibility splays providing clear visibility as shown on Drawing Number 04014 04 down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation

with
the Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety. To support Local Transport Plan Policies: LD5, LD7, LD8

The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8

Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Any existing or proposed highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.05m thereafter.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8

The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7.

Plan 04014 04 showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

Reason: To ensure that provision is made for vehicle turning within the site and in the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

30th April 2021

I would like to confirm once again that we need a plan showing the visibility splays over 3rd party land within the redline boundary.

Having spoken to the Highway Network Manager we have no issues with, "*we intrude on to the footway approximately 75/80mm for a length of about 1m in front of dwelling 2*". The applicant/agent however must apply to have this area of the footway stopped-up in line with the Town and Country Planning Act.

26th May 2021

Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (**LLFA**) has reviewed the above planning reference and our findings are detailed below.

Thank you submitting the plan 04014 03 that shows the visibility splays within the redline boundary however part of the blue line that indicates the proposed dwellings leaves the redline boundary and encroaches onto the public footway. Please can this be amended to ensure that there will be no part of this development encroaching onto publicly maintained land as agreed in an email with the agent?

If they are proposing to use some of the footway for development purposed this will have to be legally stopped up at the applicant's expense.

6th April 2021

Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Following on from the previous application for this site, it is understood that the applicant now intends to secure the visibility splays, that cross third party land, with a Section 106 agreement to ensure that they do not become obstructed during the lifespan of the development. These splays, therefore, need to be included within the red-line boundary and the Section 106 will require conditioned by your authority should you feel it is necessary.

Referring to previous emails, it was stipulated that the applicant can only build within the existing footprint of the site. They must **not** encroach onto the publicly maintained footway. Drawing no. 04014 Rev 2 shows a 900mm forecourt to the front of the dwellings which is within the highway boundary and therefore unacceptable.

The applicant has shown on plan 04014 Rev 2 that there will be 4x parking places provided within the site each with a manoeuvring forecourt of at least 6m. Although this is below the usual parking requirements for dwellings of this size, it is understood that the site is centrally located and sustainable travel can be encouraged for the occupants.

Before making a final recommendation on this application, we would need to see that the above can be achieved to make the proposal acceptable in terms of highway safety.

7th November 2020

The parking as proposed in the attached plan whilst not the most practical would be acceptable, any new iteration should consider this.

As previously discussed visibility splays would need to be within the redline boundary and building footprint within current boundary.

30th July 2020

Boundary Extension

Having discussed the boundary extension again with our local highway team, despite the amendments there is no wish to reduce the footway in this vicinity

allowing for an increase in building footprint, the applicant will have to develop within the existing boundary of the current buildings.

Visibility Splays

If an agreement can be obtained with relevant landowners then the red line boundary needs to be extended to cover the visibility splay showing the applicant has control of the visibility splay.

Parking

The provision of 1 space per dwelling is lower than what our standards would expect however given the town centre location in principle could be considered acceptable, whether this can be achieved using the existing boundaries needs to be demonstrated.

Again as with previous comments the highway authority would suggest that a reduction in dwelling numbers maybe appropriate which will allow for a better parking layout and more practical space for maneuverability.

As currently presented the highway authority recommends refusal for the following reason.

Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- a) access
- b) visibility splays
- c) off-street parking

To support Local Transport Plan Policy: LD7, LD8

16th March 2020

Have concerns that the courtyard looks quite large and given that the proposed dwellings currently seem to be encroaching on to the highway footway too much we would need to see a plan where acceptable footway widths are retained for the public and that the parking/courtyard criteria can still be met.

13th March 2020

The plan doesn't represent what is existing so it is somewhat misleading, the footway/pavement along Main St doesn't taper towards the junction is runs

		<p>straight to a approx. 6m radius as it turns into Church Rd, this can be seen on Google Maps. As drawn the footway to the north of the development just stops, in reality it continues.</p> <p>We would not accept a reduction in footway at the corner of the buildings to 1m, 1.2m is the absolute minimum. Current footway widths on the frontage could be reduced with agreement as they are 4m wide however the visibility would have to be taken into account and the current highway stopped up.</p> <p>The visibility splay looking west down Church Rd now runs over three private properties unless he can demonstrate an agreement then he has no visibility looking west, looking east is incorrect as 45m would be in the building opposite.</p> <p>Unfortunately at this stage we would still not be able to support this proposal.</p>
	<p>Natural England</p>	<p>30th March 2020</p> <p>Natural England has previously commented on this proposal and made comments to the authority in our letter dated 7th February 2020 (our ref: 308040).</p> <p>The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.</p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.</p> <p>7th February 2020</p> <p>Natural England has <u>no comments</u> to make on this application.</p> <p>Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to</p>

		<p>assess impacts on protected species or you may wish to consult your own ecology services for advice.</p> <p>Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.</p> <p>The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.</p> <p>We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice</p>
	<p>Copeland Borough Council – Conservation Officer</p>	<p>30th March 2021</p> <p>Assessment:</p> <p>This response follows two earlier ones from Feb and Nov 2020 in which I suggested changes to the design.</p> <p>I have a few small revisions to suggest to this latest iteration.</p> <ul style="list-style-type: none"> • Bringing down the sill height of the square openings at the rear first floor to the level of the paired casements on either side would make the fenestration appear less scattered. • Running the canopy full-width across the rear elevation would tie together the composition and add some solidity to the lower part of the façade. Consider whether attractive timbers could be used for support. This could make these entrances, which are likely to be the most heavily used, more attractive. • Consider using flush casement windows with a foil finish in cream, grey or similar muted earthy or pastel tone – brilliant white rarely looks good.

5th November 2020

Assessment:

This response follows an earlier one from Feb 2020 in which I expressed the view that the proposal was not of sufficient quality to compensate for the demolition of two characterful and historic non-designated heritage assets.

The revision makes minor alterations, which, while being different, could hardly be said to constitute an improvement.

I think the best way of looking at this might be to go over what problems the current design throws up as well as what strengths it has, then consider any ways of improving matters there may be.

Current proposal:

- General appearance is very outdated with a late 80s-early 90s appearance. It resembles much of the building stock in the borough from that period, which is not generally viewed as having had a positive effect; it doesn't generate beautiful or uplifting places.
- Specifically, the appearance is very austere. The gestures towards ornamentation appear cynical and thrown-on.
- Although the detailing I previously raised concerns over has been removed, it has simply been replaced with a different set of poor detailing.
- On the positive side, I do not see anything wrong with adopting a two-storey scale, and the arrangement of four dwellings in a straight row seems like a sensible one.
- I appreciate that land values in Distington are not high, and that limits the potential for really dramatic and richly-specified buildings, however, replacing what character the place has retained with anonymous and outdated schemes only drives Distington further from any aspirations of reinventing itself. Because of the lifespan of buildings, whatever is built here will become a legacy Distington has to live with for decades.

Revision:

The aim should be to create something contemporary, but which complements the context

- Massing, scale and layout
 - Two stories are appropriate.
 - Gabled roofs are appropriate.
 - Is the arrangement of gables the best possible arrangement?

		<ul style="list-style-type: none"> ▪ The predominant arrangement in Distington is that of continuous rows with ridgelines parallel to the frontage. ▪ In the case of the existing buildings, the former PH matches this arrangement, but the hall is arranged perpendicular, with its gable presented to the street. ▪ The reason for this is that the gable end is highly ornamental and sculptural; it is a carefully designed statement piece, and being a public building, this has some appropriateness; it is a statement of civic purpose. ▪ The proposed buildings are residential. Is it better for the massing to present gables end-on to Main Street, or to Church Road? Or, as in the current proposal, both? ○ What should the ratio of ground floor to first floor height be? Should they be equal? Should the ground floor be slightly taller? What implications would there be for the proportions of the windows? ○ It might be preferable to dispense with the dwarf walls/railings in front. They add clutter and will likely just become a space for gathering wind-blown litter. ● Material, texture and colour <ul style="list-style-type: none"> ○ The predominant historic wall material in the area appears to be painted render. ○ Some of the properties also feature exposed rubble walls. ○ These two material palettes provide complementary qualities: rough and smooth, dark and bright, heavy and light. <ul style="list-style-type: none"> ▪ Is there opportunity to use these palettes in an interesting and engaging way? Could something creative and uplifting be created? Could the two material types be combined? ▪ One might imagine strong vertical gable end slices in rubble reclaimed from the site, bookending a lighter, more playful series of coloured volumes between them. ▪ Equally, one might place a heavier volume of reclaimed rubble across the floorplan and ground floor level, and top it with complementary gabled volumes in coloured render, with their ridgelines running perpendicular to Main Street to accentuate the shape of their gables. ▪ Would these upper volumes overshoot at the rear, creating covered spaces where one could stand out of the rain to find one's keys? Or store the recycling boxes? ○ If brick is to be used, how is it best used? Alone, or in combination with other materials? I think using the brick would
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imply that reclaiming material from the existing buildings is not viable. (If it's not, why not, as this would minimise transport and embodied energy waste?)

- Similarly, if only brick is to be used for facing, and therefore not coloured render or rubble, why? Presumably justification for this would be on grounds that brick permits sculptural or textural or colour opportunities that could not otherwise be capitalised upon.
- In using brick or rubble, what pointing should be used? What colour would complement the masonry? If using brick, what bond pattern would be best?

Fenestration

- The proportions and grouping of windows make a strong contribution to the impression made by the building.
- Are the windows intended to be viewed as clean, dark openings in the façade or are they meant to be more figured?
- Should windows on the ground floor be slightly taller, or the same height as those above?
- Should windows be set within deep reveals, or mounted flush with the outer face of the wall?
- Reveals and other moulded detailing will cast shadows on bright days. Should this fact be used to create interest in the façade?
- What material and colour should the frames be?
- If using brick in the façade, how can brick be used to form detailing for the windows (bands, lintels etc.)?
- If using a plain band around the windows, perhaps to accentuate them in a coloured render façade, how thick should they be? How deeply should they project from the face of the wall? Do they also extend back within the envelope to form the internal reveal/cill etc?
- If using banding to create a feature, should the frame itself be correspondingly slimmer and more discrete?
- If using a mullion to create paired windows, should the mullion be treated differently from the rest of the window surround (if there is one)? Should it be used to create a subtle emphasis?
- There are many questions around how windows could support the design. Currently, the windows appear busy, without offering much sculptural or material enrichment.

Roof Detailing

- Use of slate might be a way of referencing surrounding precedent in a way that is subtle and adaptable to a wide variety of other massing/materiality etc.

- Alternative materials may be preferable as part of the architectural vision however. How could the roof material advance the other goals of the design?
- Coped and kneelered gables are quite conservative and may look out of place on a more innovative project. However, using a gable that's a slice of contrasting material would provide an opportunity to raise it slightly above the roof ridge, bookending the main volumes. Alternatively, treating the gable in a very flush way, with minimal detailing, may be desirable in a certain context.
- Thinking about how to detail the rainwater goods at the same time would also be a useful exercise. What size, colour, profile and position on the building? Should they be conventional surface mounted pipes or recessed? Can they be used to break up or accentuate areas of material?

12th February 2020

Assessment:

Existing buildings:

- When I inspected the buildings on 7th November 2019 it was apparent that they have declined considerably over recent years. Former Queen's Head pub has been stripped out down to the masonry; Victoria Hall has suffered partial ceiling collapse potentially as a result of water ingress, and further damage that may relate to vandalism.
- NPPF 191 states, "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."
- Buildings appear to have been deliberately neglected and damaged.
 - From my inspection in November, although their condition is poor I did not feel that they were beyond repair.
 - The former pub appears to have a fairly recent roof which does not externally appear to be bowing or distorting, apart from a slight deflection apparent in the later infill section that joins the pub to the hall and was approved for demolition in 2013.
- These two buildings are both historically and architecturally significant, though not at a level that would make them worthy of nationally listing. Their loss would be considered harm to the conservation area, and they should be viewed as non-designated heritage assets:
 - The Georgian pub would originally have been for the service of travellers going along what would then have been a main east-west road.

- The hall would have been a centrepiece of local life during its heyday.
- Their locations reflect the linear ribbon development form of Distington.
- I have concerns that demolishing these buildings would be a repetition of the same mistake that has been to Whitehaven's lasting detriment. Repair is possible on a technical level, but replacement of Georgian and Victorian heritage is not.

Proposals:

- The proposal is for a four-house terrace with mock-Georgian styling cues, terminated by a pair of gables set slightly forward, with copings and kneelers.
- Although an improvement over the previously submitted scheme (4/19/2362/0F1 – withdrawn), the submission looks neither modern nor like a serious homage to Georgian architecture, instead coming across as a half-hearted pastiche of the type that has made a lasting negative impact in much of Whitehaven.
- The frontage is serviceable but not inspirational; the rear façade is still less inspirational, with a clutter of little windows and an otherwise extremely austere appearance.
- The door surrounds are described on the elevation drawing as being Stevensons Grenville option, which is a door surround manufactured either from GRP or "Stevensons Stone", a hollow cast jesmonite-based (gypsum and resin) material that replicates the appearance of stone. I have not had a chance to examine a product like this close-up, but question the appropriateness of hollow, resin- or plastic-based solutions, especially when used to achieve something so conservative.
- The front doors, with their inset fanlights, are unconvincing.
- There seem to be some inconsistencies in the elevation drawings, such as the detailing of the gables when viewed from the front compared with the side, the lack of any apparent flu outlets or soil vent pipes, and the sun pipes shown on the plan that are absent externally.
- Under NPPF 201, the loss of the existing buildings should be considered less-than-substantial harm, and under 196 weighed against the public benefits of the proposal. Though considered less-than-substantial, this should be considered non-trivial, entailing the erasure of a local landmark (the hall) and original fabric, both of which link to the history, development and community of Distington.

Further thoughts:

- The character of Distington Main Street is predominantly two storey

houses of either squared sandstone or render (either roughcast or stucco), although some appear to have been more recently pebbledashed.

- This style does not need copying – indeed it would probably be better if it weren't copied – but the current former Queen's Head matches this style perfectly, and the Victoria Hall instead goes for a boldly individualistic approach that is nonetheless successful.
- If they are to be replaced, this entails loss of both original fabric and characterful architecture; this harm would need to be compensated for by something of high quality, and the current proposal does not yet make a compelling case for itself.
- What is to be done with the large quantity of natural stone that exists within the former pub? Presumably recycling as much of it on site as possible would have benefits for both cost and the appearance of the building.
- The proposal suffers for attempting to replicate historic styling cues without commitment in terms of proportion, materiality and attention to detail.
- A focus on simplifying the fenestration and improving its proportions and detailing would likely be productive, as would a re-examination of the possibilities of the materials. The slate roof will be attractive, and the use of coped and kneelered gables is not objectionable, but the re-use of onsite natural stone does not appear to have been explored, and the potential of using brick in a creative way appears to have been missed too. Exploration of different types of brick might be beneficial – the red multi facing brick proposed is quite characteristically 1990s.

Summary:

- The two buildings currently on the site make a positive contribution to the character and appearance of the conservation area, although have been allowed to decline.
- They have some significance, though not enough to warrant national listing, and should be considered non-designated heritage assets.
- Their loss could only be compensated for by a high quality replacement and the current proposal does not convincingly establish itself at this level. Its external appearance is not a reflection of modern, good practice residential design.
- The building should be redesigned to a higher standard such that it could be considered to preserve or enhance the character and appearance of the conservation area, and to balance the total loss of the existing heritage assets. This would be needed to conform with the Local Plan policies listed below.

		<p>If at a future time the proposal is considered acceptable, a condition should be attached to the permission requiring the existing buildings to be recorded in accordance with Historic England’s Level 2 methodology</p>
	<p>Cumbria County Council – Historic Environment Officer</p>	<p>I am writing to you concerning the implications of the above planning application on the historic environment. Comments I made in a letter dated to you 15th October 2019 concerning the earlier application on the site (4/19/2362) are still considered appropriate.</p> <p>The scheme involves the demolition of two buildings that are considered to be undesignated heritage assets of local significance. I therefore recommend that, in the event planning consent is granted, the buildings are recorded prior to demolition. This recording should be in accordance with a Level 2 Survey as described by Historic England’s document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. I advise that this be secured by attaching a condition to any planning consent you may otherwise be minded to grant. I suggest the following form of words:</p> <p>“Prior to the carrying out of any demolition work the existing buildings affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by Historic England’s document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 2 months of the commencement of construction works a digital copy of the resultant Level 2 Survey report shall be furnished to the Local Planning Authority.”</p> <p>Reason: To ensure that a permanent record is made of the buildings of architectural and historical significance prior to their demolition as part of the proposed development.</p>
	<p>United Utilities</p>	<p>Drainage</p> <p>In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.</p> <p>The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:</p> <ol style="list-style-type: none"> 1. into the ground (infiltration); 2. to a surface water body;

3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.
We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Neighbour Responses:

The application has been advertised by way of an application site notice and notification letters issued to 23no. neighbouring properties.

No written representations have been received.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan:

Copeland Local Plan 2013-2028 (Adopted December 2013) (CS):

Core Strategy:

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy ST4 – Providing Infrastructure
- Policy SS1 – Improving the Housing Offer
- Policy SS2 – Sustainable Housing Growth
- Policy SS3 – Housing Needs, Mix and Affordability
- Policy SS5 – Provision and Access to Open Space and Green Infrastructure
- Policy T1 – Improving Accessibility and Transport
- Policy ENV1 – Flood Risk and Risk Management
- Policy ENV3 – Biodiversity and Geodiversity
- Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies:

- Policy DM10 – Achieving Quality of Place
- Policy DM11 – Sustainable Development Standards
- Policy DM12 – Standards for New Residential Developments
- Policy DM15A – Conversion of Rural Buildings to Residential Use
- Policy DM22 – Accessible Developments
- Policy DM24 – Development Proposals and Flood Risk
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping
Policy DM27 – Built Heritage and Archaeology
Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements
Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
National Design Guide (NDG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Cumbria Development Design Guide (CDDG).
Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but 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 National Planning Policy Framework.

Assessment:

Principle;

Policy ST2 identifies Distington as a Local Centre.

Policy ST2 seeks to support appropriately scaled development in defined Local Centres, which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to proposals relating to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS must be considered out of date.

The ECLP will, once adopted, replace the CS and saved policies of the LP. The ECLP has been drafted based upon an evidence base of documents which includes the Strategic Housing Market Assessment 2019 (SHMA). The SHMA calculates the housing need in Copeland over the plan period of 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2.

In the context of the above, Paragraph 11 of the NPPF is engaged and the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In applying the provisions of Paragraph 11:

- the Application Site would assist in significantly boosting housing supply to meet the identified need for housing within Distington and the wider Borough as detailed in Policy ST2 and the ECLP as required by the NPPF;
- the proposed development comprising the erection of 4no. dwellings is appropriate in size and character to the Local Service Centre of Distington in accordance with the spatial objectives of Policy ST2 and ECLP;
- the Application Site is located in close and convenient proximity to the wide range of services and employment opportunities located within Distington for which the settlement has been designated as a Local Service Centre in Policy ST2 and is proposed for designation in the ECLP. Many of the identified services are located within walking distance of the Application Site; and,
- Sustainable travel options exist within the vicinity as required by Policy DM22.

Housing Need;

The proposals fall below the threshold for affordable housing outlined in Paragraph 63 of the NPPF.

Distington falls within the Whitehaven Housing Market Area (HMA) of the Copeland Strategic Housing

Market Assessment (SHMA).

The proposed development comprising 4no. three bedroom dwellings accords with the provisions of the SHMA.

Design, Heritage and Settlement Character;

The existing former takeaway and hall appear to have been deliberately neglected and damaged; however, not to a level that would prevent their renovation on a technical level.

The buildings are both historically and architecturally significant, though not at a level that would make them worthy of nationally listing; however, they should be viewed as non-designated heritage assets.

The Georgian pub would originally have been for the service of travelers going along what would then have been a main east-west road. The hall would have been a center point of local life during its heyday. Their locations reflect the linear developed form of Distington.

Paragraph 197 of the NPPF is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

The loss of the existing buildings will cause less than substantial harm with specific regard to the physical loss of buildings that hold potential to make a positive contribution to the settlement of Distington and the loss of Georgian and Victorian heritage.

The settlement of Distington is linear in form. Main Street runs through the center of the settlement from which development projects to the east and west contained by the B5306 and A595 respectively. The central extent of Main Street is principally characterised by linear frontage development.

The proposed development comprises a terrace of two storey dwellings broadly sited on the footprint of the existing buildings. The proposed development maintains the prevailing developed form in this area of Distington.

The proposed dwellings align with the form of the existing buildings to be demolished and the development in the wider locality with specific regard to the terraced frontage arrangement and the incorporation of a dual pitched gable to the end terraced property.

The fenestration to the front elevation is simple in form and arrangement consistent with other dwellings in the locality. The arrangement to the rear elevation is less successful; however, limited

visibility of this elevation exists.

Limited details of the external finishes are provided; therefore, a planning condition is proposed to secure these details.

The design of the proposed dwellings is not exceptional; however, is not wholly inappropriate within their context. The recording of the existing buildings prior to any demolition will contribute in a small part towards the mitigation of their loss and public benefits will arise through the delivery of the proposed dwellings.

Drainage, United Utilities Infrastructure and Flood Risk;

The Site is located within Flood Zone 1.

The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

It is proposed to dispose of foul and surface water to the mains drainage system.

Whilst evidence has not been provided demonstrating that disposal of surface water via infiltration or to existing watercourse is not deliverable, given the known constraints of the Application Site and the existing drainage arrangements, disposal to the mains drainage system is acceptable in this instance.

Ecology;

The existing area of hard standing is of limited ecological interest.

The existing buildings on the Application Site hold potential for the presence of Bats.

A Bat, Barn Owl and Breeding Bird Survey Report has been submitted in support of the Full Planning Application. The Report concludes that the buildings had no signs of a barn owl roosting, no evidence of a bat roost and no bats showed any interest in the buildings during the emergence survey, but potential existed for bats in inaccessible locations and that swallow, house sparrow and jackdaw activity was seen. A scheme of mitigation is outlined, subject to which it is confirmed that a European Protective Species Licence will not be required.

Highways;

Vehicular access is proposed via a newly created access from Church Road providing access to four off highway parking spaces and a courtyard to the rear of the dwellings.

Cumbria County Council – Highways has been consulted and raised no objection subject to planning conditions. A number of the planning conditions suggested do not meet the tests for planning

conditions or are controlled through other planning conditions proposed. As such, these planning conditions are not proposed.

A visibility splay of 2.4m x 45m is proposed to the west of the access and a visibility splay providing sight to the junction of Church Road with Main Street is proposed to the east.

The Applicant has amended the red line area to include the land required to deliver the visibility splays. A planning condition is proposed requiring the visibility splays be created before the commencement of the development and be maintained without obstruction for the lifetime of the development. The developer will be required to secure compliance with the requirements of the planning condition with the owners of the land required to deliver the visibility splays. If this is not achievable, the development will not be able to proceed.

A total of 4no. off highway vehicle parking spaces are proposed. This falls below the requirements of the Cumbria Development Design Guide; however, in the context of the former uses of the buildings, the availability of on highway parking spaces and public parking areas within the wider locality, the arrangement is acceptable.

Residential Amenity;

Given the location of the site and relationship to nearby dwellings, it is considered that the proposed development would not result in additional adverse impacts upon the residential amenity of existing dwellings beyond the existing situations through loss of light, overshadowing and overbearing effects.

The interface separation distances achievable between the existing and proposed dwellings do not wholly accord with the provisions of Policy DM12.

The distance between the proposed and the dwelling to the east of Main Street falls below the 21m requirement; however, given the existing buildings and their potential uses; the location on the main road; the location adjacent to a retail shop; and, prevailing tight knit form/arrangement of the dwellings in this area of Distington, the arrangement and resulting impacts are acceptable.

The distance between windows in the rear elevation of the proposed and the windows in the rear elevation of 37 Church Road also fall below the 21m requirement; however, given the difference in levels between the properties; the offending windows in the proposed dwellings being a bedroom and bathroom; the offset alignment; and, the existing potential uses, unacceptable impacts would not result.

A planning condition is proposed to remove permitted development rights to prevent any development under these rights which could result in the loss of external amenity space or cause harm to the amenity of adjacent residents.

	<p><i>The Planning Balance;</i></p> <p>The location of the proposed development accords with the provisions of Policy ST2.</p> <p>The development will clearly: assist in boosting housing supply; is of appropriate scale for a Local Centre; will support the retention of existing services locally and benefits from some limited sustainable travel options.</p> <p>The development will not result in adverse impacts upon settlement character.</p> <p>The development will result in less than significant heritage impacts through the loss of two non-designated heritage assets; however, the recording of the existing building and public benefits will arise through the delivery of the proposed dwellings.</p> <p>The development is acceptable in respect of flood risk, ecology, amenity and highway impacts subject to the planning conditions proposed.</p> <p>In overall terms, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole therefore the development is acceptable.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason:</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Application Form received 28th January 2020 as amended by details received 12th May 2021 Proposed Site Layout Scheme 4 – Drawing No. 04014 Rev. 04 received 19th June 2021</p>

Proposed Floor Plans – Drawing No. 04051 Rev. 2 received 18th February 2021
Proposed Elevations – Drawing No. 05050 Rev. 3 received 1st March 2021
Closed Eaves Detail – Drawing No. 06 D1 received 2nd March 2021

Reason:

For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement Planning Conditions

3. Prior to the completion of any demolition work the existing buildings affected by the proposed development shall be recorded in accordance with a Level 3 survey as described in the English Heritage document "Understanding Historic Buildings: A Guide to Good Recording Practice, 2006" and moreover within two months of that recording work being completed three copies of the resultant Level 3 Survey Report shall be submitted to the Local Planning Authority.

Reason:

These details are required to be approved before the commencement of development to ensure that a permanent record of the buildings are made.

Reason:

To record the non-designated heritage assets to be removed as part of the development in accordance with the provisions of Policy ENV4 and Policy DM27 of the Copeland Local Plan 2013-2028.

4. No development shall commence until visibility splays providing clear visibility as shown on Proposed Site Layout Scheme 4 – Drawing No. 04014 Rev. 04 received 19th June 2021 down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays for the lifetime of the development. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason:

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local

Plan 2013-2028.

5. No development shall begin until details of all measures to prevent surface water discharge onto or off the highway have been submitted to and approved in writing by the Local Planning Authority. The approved surface water discharge works shall be implemented prior to the development being occupied and shall be maintained for the lifetime of the development.

Reason:

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Pre-Superstructure Planning Conditions

6. Notwithstanding the submitted details, the erection of the superstructure shall not commence until samples and details of the materials to be used in the construction of the external surfaces including window and door specifications and external hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

To ensure the development is of a high quality design in accordance with the provisions of Policy DM10 of the Copeland Local Plan 2013-2028.

Pre-Occupation Planning Conditions

7. Prior to the first occupation of the development, the approved parking layout and turning space shall be constructed, marked out and made available for use. The parking spaces and turning space shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose and shall be retained for the lifetime of the development.

Reason:

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Other Planning Conditions

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Class A Part 1 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.

Reason:

To prevent adverse impacts upon the character of the locality and the residential amenity of adjacent dwellings in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

9. The development shall not proceed except in accordance with the mitigation strategy described in Bat Activity Survey for Bats, Barn Owls & Breeding Birds – Former Chapel & Pub, Main Street, Distington, Cumbria prepared by Steve Wake.

Reason:

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.

10. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

08.00 - 18.00 Monday to Friday; and

08.00 - 13.00 on Saturdays;

unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays.

Reason:

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

11. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local

Plan 2013-2028.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework

Case Officer: Chris Harrison

Date : 20.7.2021

Authorising Officer: N.J. Hayhurst

Date : 20/07/2021

Dedicated responses to:- N/A