

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2229/OF1	
2.	Proposed Development:	CHANGE OF USE OF TWO SHOPS (CLASS A1) INTO TWO 4 BEDROOMED DWELLINGS (CLASS C3) & ERECTION OF SINGLE STOREY REAR EXTENSION	
3.	Location:	12/14 MAIN STREET, HAVERIGG, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to 12 and 14 Main Street, two terrace properties located within the centre of Haverigg. The three storey properties are currently two commercial shops, one is vacant and the other is currently used as a hairdressers. Above the shops is a flat which is uninhabitable in its current conditions.</p> <p>Proposal</p> <p>This application seeks permission to change the use of the two shops and flat into two four bedroomed dwellings, and for the erection of a single storey rear extension.</p> <p>The majority of the proposed change of use will be accommodated within the existing footprint of the properties, however the application seeks to replace the existing flat roof extension and garage.</p>	

The proposed rear extension will project from the rear of the property by 3.4m and along this elevation by 10.05m, and will benefit from a flat roof with an overall height of 2.9m. It is also proposed to erect a 3.1m wall around the rear yard for this property, over the footprint of the demolished garage, to create parking and amenity space for both properties. This space will also provide an area for secure bike and waste storage.

Internally the proposal will incorporate a ground floor sitting/dining room, a toilet and a kitchen. The first floor will accommodate two bedrooms and a bathroom, and the second floor will include two bedrooms one with an ensuite bathroom. The proposal involves the removal of the existing shop front from no.12, and its replacement with a double ground floor window and single door to mirror no.14.

Consultation Responses

Millom Town Council

No objections, however concerns have been raised with regard to parking. The Town Council have stated that the plans show two parking spaces at the back of the properties but for a four bedroom house they would expect there to be at least two cars per family home. Main Street is heavily congested at the best of times but there is also a bus stop near the property. The Town Council therefore have some reservations in allowing the change of property use.

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

Cumbria Highways have stated that whilst the parking arrangement shown are far from ideal it will still be an improvement on the existing garage arrangements. It is, however, stated that the windows fronting the highway should be of a style that does not open out over the highway.

It is also noted that the site lies within Flood Zone 3, but as the property is existing and the applicant proposes to take appropriate mitigation measure, Cumbria County Council therefore offers no objections to the proposal subject to these points being included within any notice of consent that may be issued for this application.

Following the submission of an amended FRA Cumbria County Council have confirmed that the report is acceptable and the findings should be implemented as part of the development along with a condition relating to windows.

Environment Agency

An amended FRA was requested by the EA initially as the original document does not comply with the requirements for site-specific flood risk assessments as set out in paragraphs 30 and 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

Following the submission of an amended FRA the Environment Agency stated that the proposed development will only meet the NPPF policy to manage the risk of flooding taking climate change into

account for the lifetime of the development if a condition is attached to any decision notice requiring flood mitigation measures to be submitted to the Local Planning Authority prior to the commencement of works on site. Following the submission of a further amended plan to include these details, the EA have confirmed they are satisfied that within the accepted constraints of the existing building and the measures proposed will provide appropriate flood resilience and resistance to the property. Their request for a pre commencement condition is therefore withdrawn.

Copeland Borough Council – Flood and Coastal Defence Engineer

Initially the Flood and Coastal Defence Engineer requested additional information in relation to the submitted FRA.

Following the submission of an amended FRA the Flood and Coastal Defence Engineer has confirmed that the proposed development should not increase flood risk elsewhere as long as appropriate measures are incorporated into the conversion works that would increase the flood resilience and resistance of the proposed dwellings. The Officer therefore has no objection to the proposed development.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to eight properties. One letter of support has been received in relation to this application which states that the application is a much needed renovation of dilapidated properties.

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)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS4 – Community and Cultural Facilities and Services

Policy ER6 – Location of Employment

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other Service Areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework (2019)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 is currently 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 of Development

The NPPF states that housing should be considered in the context of the presumption in favour of sustainable development, and that Local Planning Authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function. Policies ST1, ST2 and ER6 of the Copeland Local Plan also seek to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy.

The application site lies within the designated settlement boundary for Haverigg, which is identified

as a Local Centres in Policy ST2 of the Copeland Local Plan. This policy allows for new housing developments within the defined physical limits of the settlement. This policy also allows the development of infill and windfall sites. The proposed development would utilise an existing vacant and dilapidated buildings within the centre of Haverigg, and, as such the principle of development is considered to be acceptable.

Impact of Development

Policy ST1, DM10, DM11, DM12 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards which reflect the needs of the Borough in its rural context.

The proposal seeks to change the use of the site to two four bedroomed residential properties. The development would utilise and enhance a vacant dilapidated building within the centre of Haverigg, which is currently utilised as a hairdressers. The proposed development will also demolish the existing rear garage and flat roof extension and replace this with a new extension and walled amenity/parking space. The extension and walled garden are considered to enhance the site and are not considered to have a detrimental impact on the living conditions of the existing and future occupiers of neighbouring properties.

Whilst this development will result in the loss of an existing hairdressers, there are a number of similar facilities within the local area. The development is therefore considered to be compliant with Policy SS4 and DM21 which state that development or change of use which would result in the loss of a community facility will be resisted unless the demand for the facility is likely to be met elsewhere.

Highway Safety

Concerns have been raised from the Town Council with regard to this proposal and the lack of parking facilities the development provides for two four bedroomed dwellings. The proposal seeks to demolish and existing dilapidated garage and create a rear amenity space with space for two cars and bike storage. Cumbria Highways have confirmed that whilst the parking arrangement shown are far from ideal they are an improvement on the existing garage arrangements. The properties are located within the centre of Haverigg, therefore a number facilities are within walking distance of the site. The area also benefits from a high number of on street parking opportunities and an available bus service, therefore the proposed parking arrangement are considered acceptable in the context of this site.

On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan and section 12 of the NPPF.

Flood Risk

	<p>Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.</p> <p>The site is located within Flood Zones 2 & 3, therefore the application is supported by a Flood Risk Assessment. Initially, additional information was requested in relation to this document, therefore an amended FRA was submitted. Following the receipt of this application all statutory consultees have confirmed that they have no objections to the development subject to the securement of the proposed mitigation measures. These measures and their retention can be secured through an appropriately worded planning conditions.</p> <p>Whilst the development site is located within an area of high flood risk, the properties are existing. The proposed alterations to the rear of the site are not considered to increase the impermeable area at this site and will therefore not increase the risk of flooding. Subject to the inclusion of the conditions requested the proposal is therefore considered to comply with policies ST1, ENV3 and DM24 of the Copeland Local Plan and provision of the NPPF.</p> <p><u>Planning Balance & Conclusion</u></p> <p>The application site is located within one of the Council's Local Service Centres, and will therefore deliver residential units in a sustainable location. The proposal will improve the appearance of two run down units in a prominent location within the centre of Haverigg. Although the proposed change of use would result in the loss of a hairdressers, this is not considered to result in a loss of local amenities as there are other hairdressers available locally. It is also considered that any potential flood risk can be sufficiently mitigated against.</p> <p>On balance, concerns raised with regard to lack of onsite parking are not sufficiently to oppose the development and it is considered that the benefits of the proposal outweigh any potential harm. The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <p>Reason</p>

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Existing Plans, Elevations, and Location Plan, Scale 1:50, 1:100, & 1:1250, Dwg No: MVC445-01, Rev C, received by the Local Planning Authority on the 26th June 2020.
- Proposed Plans, Elevations and Site Plan (Amended), Scale 1:50 & 1:100, Drawing No MVC445-02, Rev F, received by the Local Planning Authority on the 27th October 2020.
- Planning Statement, received by the Local Planning Authority on the 26th June 2020.
- Flood Risk Assessment (Amended), Prepared by Kingmoor Consulting on the 8th October 2020, received by the Local Planning Authority on the 8th October 2020.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved documents:

- Flood Risk Assessment (Amended), Prepared by Kingmoor Consulting on the 8th October 2020, received by the Local Planning Authority on the 8th October 2020.
- Proposed Plans, Elevations and Site Plan (Amended), Scale 1:50 & 1:100, Drawing No MVC445-02, Rev F, received by the Local Planning Authority on the 27th October 2020.

Once installed these measures must be retained at all times thereafter.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

4. Any ground floor windows installed within the properties must be of a style which do not open onto the highway and shall be retained thereafter.

Reason

	<p>In the interest of highway safety.</p> <p>Statement:</p> <p>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.</p>	
Case Officer: C.Burns		Date : 11.11.2020
Authorising Officer: N.J. Hayhurst		Date : 11/11/2020
Dedicated responses to:-		