

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2442/OF1	
2.	Proposed Development:	ERECTION OF BUILDING FOR USE AS A 5 BEDROOMED HOUSE IN MULTIPLE OCCUPATION UTILISING THE STRUCTURE THAT HAS BEEN PART ERECTED ON THE SITE WITH EXTERNAL RAILINGS & GATE TO THE FRONT	
3.	Location:	22-23 MARKET PLACE, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to a part developed piece of land within the centre of Egremont. The site is known as 22-23 Market Place and is located within the Conservation Area. In October 2016 planning permission (ref: 4/16/2287/OF1) was granted at this site for the erection of two houses and 3 flats. Works to implement this permission have been commenced, however the site has only been constructed up to ground floor window level, and has remained unfinished for a number of years.</p> <p>Relevant Planning History</p> <p>4/16/2287/OF1 – Erection of 2 houses and 3 flats – Approved</p>	

Proposal

This application seeks planning permission for the erection of a building to be used as a five bedroomed house in multiple occupancy. This development will be built upon part of the existing structure, previously granted planning permission for three flats, that has been part erected on the site. The area to the rear of the site, approved for two dwellings, will remain undeveloped at this stage.

The proposed development will reflect the dimensions and footprint of the existing approval. The proposal does however seek an alteration to the proposed roofline with the facias/gutters sloping along the rear of the site instead of to the front of the site. The proposal does include some design changes to the development including the following:

- Removal of chimneys.
- Amendments to front elevation – Two dormers to remain, and openings reduced to five windows and one door.
- Amendments to side elevation – Six windows reduced to three.
- Amendments to rear elevation – One dormer to remain, and openings reduced from five to three.

Internally the proposal will now incorporate an entrance, a toilet, and a large kitchen/diner/lounge within the ground floor. The first floor will accommodate three ensuite bedrooms and the second floor two.

Externally the proposal will be finished with roughcast cement render, a slate roof, stone window surrounds, timber windows painted white, cast iron rainwater goods and a single Conservation roof light.

Consultation Responses

Egremont Town Council

Egremont Town Council is pleased to see that this part erected structure is finally going to be rebuilt which will massively improve the area, however they do have a concern with regards it being a multi occupancy dwelling whereby a distant landlord may only be concerned that the dwelling is filled and not care who the tenant is. Egremont Town Council recognise that this is not a planning issue, however the tenants of another multi occupied building on Egremont Main Street are currently causing problems within the community which is what the council is concerned about.

Cumbria County Council – Cumbria Highways & LLFA

Whilst I would raise no objections to the proposal in principle it is noted that there is no on-site car parking provision associated with this application. Whilst accepting the sites town centre location I would still urge the applicant to consider providing some cycle parking as part of the development.

I can confirm that we have no objections to the proposal, subject to the inclusion of conditions relating to access gates and the highway fence being included in any Notice of Consent which may be issued.

United Utilities

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. We request that conditions relating to surface water and foul water are attached to any planning permission for this site.

Copeland Borough Council – Flood and Coastal Defence Engineer

With regards to the above application, I've only got a couple of comments:

- The site is in Flood Zone 1 and at a very low risk of surface water flooding.
- The site is close to the culverted section of Skirting Beck, so the Environment Agency should be consulted, in the event that the EA may want to suggest conditions.
- The application states that surface water will be disposed of by means of the mains sewer. Whilst this is most likely to be the optimum option for the site, the developer will need to demonstrate that the drainage hierarchy has been followed when arriving at this option.
- If practical discharge rates from the development should be restricted to greenfield rates.

Copeland Borough Council – Conservation Officer

1st November 2021

Request design revision and further information.

The principle of developing a new house here would appear to be reasonable and the opportunity to remedy this eyesore is welcome, however I have some concerns relating to detail that should be addressed.

- The Design, Access and Heritage Statement refers to the Conservation Area Design Guide and the use of traditional materials, but the proposals appear to have been formulated without it. It gives advice for cases such as this in order to help them comply with Local Plan policies such as ENV4C and DM10

https://www.copeland.gov.uk/sites/default/files/attachments/adopted_ca_design_guide.pdf

- On this point, I would request use of slate rather than concrete tiles to the roof
- Timber rather than uPVC sash windows
- Timber rather than composite front door
- I would also draw the agent's attention to Egremont's Conservation Area Appraisal, which may additionally be of use [Egremont Conservation Area Appraisal Apr 2021.pdf](#)
- I would question whether the use of a landscape-format window on the ground floor front elevation is the best choice, as this doesn't suite a sliding sash and also looks wrong on the ground floor below two more conventionally proportioned openings. I appreciate the interior has been designed with the kitchen sink in this location, but this seems like a poor compromise, particularly for the frontage.
- Information should be provided about the material used for rain water goods, bearing in mind the advice of the Conservation Area Design Guide.
- The materials legend that reads "1 ???, 2 ???, 3???" should be finished.
- Rooflight should be of conservation style with recessed flashing kit.
- The fact the site is within 30-40m of a scheduled ancient monument, and in the settings of several listed structures, may be worth mentioning in the heritage statement.
- Clarification is requested on the extent of surviving historic railings to the site frontage. What new product will be used to match this, or is it proposed to custom fabricate railings to match? Do any existing railings require repair?
- Information is requested on the surfacing materials to be used around the building.
- I appreciate that this is not a flashy, showy piece of architecture, which is perfectly reasonable, but the dormer window detailing could still use a bit of finessing. The bargeboards are unlikely to give a satisfactory appearance. Several local buildings have dormers breaking the eaves in this way and these examples have more polish.

Summary:

The resolution of this site will bring much needed benefit, however I am not completely convinced that this proposal satisfies the Local Plan policies outlined below in terms of design quality, and lacks sufficient supporting documentation.

9th December 2021

No objections (conditions suggested)

The principle of developing a new house here would appear to be reasonable and the opportunity to

remedy this eyesore is welcome.

- Materials have been updated to provide for cast iron rainwater goods, slate roof, and timber windows. The rooflights will be in a conservation style. This all accords with local design guidance.
- The design of the dormer window has been updated, and better suits the building and its context.
- The ground floor window opening has been altered so it is portrait shaped, which better suits the building and the sliding sash unit.
- The heritage statement has been updated to acknowledge the presence of designated heritage assets nearby, although there is no evidence of how this has informed the design.
- The site plan refers to railings being specified to match existing, which is reasonable.
- The site plan refers to the surfacing materials being permeable red brick/sandstone.

Summary:

The revised detailing has brought improvement and clarification. Overall, this will entail clear improvement for the site, given its poor state as existing.

As the application currently lacks detail of the rooflights, I suggest a condition would be useful requiring such be submitted and approved prior to their installation.

I'd also request detail of external doors be submitted and approved prior to their installation, as the application is not specific on this aspect.

The notes on my previous response leave the treatment of the railings open-ended, subject to investigation, so I also suggest a condition requiring details of the works to railings (removal of existing; installation of new) to be approved prior to the work being carried out.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to three properties. No comments have been received in relation to the statutory notification procedure.

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 T1 – Improving Accessibility and Transport

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. 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

Policy ST1 and ST2 of the Copeland Local Plan supports the principle of new housing and seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The principle of new housing is also supported by in the Copeland Local Plan through 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.

The proposed development will be erected upon part of the existing structure granted planning permission in 2016 (ref: 4/16/2287/0F1) for a residential development, therefore the principle of utilising this site for residential purposes has already been established. The application site lies within the designated settlement boundary for Egremont, which is identified as a Key Service Centres in Policy ST2 of the Copeland Local Plan. This policy allows for infill and windfall housing sites, and moderate allocations to form extensions to the town to meet general needs, with larger sites required to offer a proportion of affordable housing. The proposed development would redevelop part of an existing dilapidated brownfield site within the centre of Egremont, as such the principle of development is considered to be acceptable.

Design and Impact on Residential Amenity

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity, and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

This application seeks permission to build a HMO upon part of a site previously developed under planning approval 4/16/2287/0F1. The site has been part developed for a number of years, therefore its redevelopment is welcomed and will enhance this key area of the Towns Market Place.

The proposed development will reflect the dimensions and footprint of the development previously approved at the site, and will only offer amendments to the design of the elevations. The main alterations relate to the reduction in the number of windows and the fenestration patterns within the

development. These alterations have enhanced the overall design of the scheme and have ensured the traditional character of the Conservation Area will be reflected within the proposal. Traditional materials are now also proposed within the development and will be secured by appropriately worded planning conditions.

As the site has previously had permission for a residential development and the proposal seeks to reflect the dimensions previously approved, the impact of the development has already been considered as part of the previous approval. The reduction in the number of openings does however reduce the ability for users of this site to overlook the adjacent properties.

The proposal also includes a front enclosure which will be finished with permeable paving and will be enclosed by the existing sandstone wall and replacement railings. As limited details of this have been provided details of this element of the development will be requested and secured by appropriately worked planning conditions.

On the basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

Impact on Conservation Area & Heritage Asset

Policy ST1, ENV4, DM27 of the Copeland Local Plan seek to protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites.

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

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

Paragraph 194 of the National Planning Policy Framework (NPPF) states that "In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation..."

NPPF para. 199 states, in the case of designated heritage assets, "great weight should be given to the asset's conservation", irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance

of a non-designated heritage asset should be taken into account when making decisions.

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 206).

Initially, whilst the Council's Conservation Officer stated that the principle of developing a new house here would appear to be reasonable and the opportunity to remedy this eyesore is welcomed, he requested some design revisions and further information for this application. The main concerns and requested amendments to the proposal included the design of the proposed windows, the inclusion of non-traditional materials, and the design of the proposed dormer windows.

Further to these comments the agent for this application submitted amended plans to address the previous concerns raised. The Council's Conservation Officer has confirmed that the revised details have brought improvement and clarification, which will provide clear improvement for the site given its poor state as existing. The Officer has however requested conditions relating to the proposed rooflights, external doors and proposed railings.

This application will provide an opportunity to redevelop a dilapidated site within the centre of the Conservation Area. Work has been undertaken with the applicant to ensure traditional materials are utilised within the development and the overall design has been altered to reflect the character of the Conservation Area. On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan and the NPPF.

Highway Safety

DM13 of the Copeland Local Plan seeks to allow for the conversion of building within settlement limits to those which can provide off street parking in accordance with parking standards. 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. Section 9 of the NPPF promotes sustainable transport.

The application site does not include any provision of off street parking. The previous approval at this site also did not include any parking provision. The site however is located within the centre of Market Place, which benefits from a number of options for on street parking. Cumbria Highways have noted this lack of onsite parking provision, however they have stated that whilst they accept the site's town centre location the applicant should consider providing some cycle provision as part of the development. Based on these comments the agent for this application has submitted amended plans to show the inclusion of a cycle stand within the front enclosure of the site. No details of this stand have been provided as part of this application therefore the details and its implementation and retention will be secured by appropriately worded planning conditions. Cumbria Highways have therefore confirmed that they have no objections to the proposal, subject the inclusion of conditions

relating to access gates and highways fences.

Based on the inclusion of these conditions it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

Drainage and Flood Risk

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.

The application site is located within Flood Zone 1, therefore a Flood Risk Assessment has not been submitted to support this application. The Council's Flood and Coastal Defence Engineer has confirmed that on this basis the site is a very low risk of surface water flooding. The application stated that surface water will be disposed of by means of the mains sewer. The Council's Officer has stated that whilst this is most likely to be the optimum option for the site, the developer will need to demonstrate that the drainage hierarchy has been followed when arriving at this option. United Utilities have also confirmed that the development should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. United Utilities have requested a conditions requiring foul and surface water to be drained on separate systems, and a surface water drainage scheme to be submitted prior to the commencement of works.

The Council's Flood and Coastal Defence Engineer has also stated that as the site is close to the culverted section of Skirting Beck, the Environment Agency should be consulted on this application. However, the EA were not consulted on the original approval for this site and the site is now partly constructed, therefore it is not deemed necessary to consult them on this application to redevelop part of this site.

The inclusion of appropriately worded planning conditions, will secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

Planning Balance and Conclusions

This application seeks permission to build a HMO upon part of a site previously developed under planning approval 4/16/2287/0F1. The site has been part developed for a number of years, therefore its redevelopment is welcomed and will enhance this key area of Market Place.

Whilst there is no onsite parking, the site is located within the centre of Egremont therefore there are a number of parking options within the vicinity of the site. The application also includes provision for a cycling store following a request from Cumbria Highways.

The proposal reflects the footprint and dimensions of the previous approval, however design

	<p>alterations have been incorporated in order to incorporate the traditional appearance of the Conservation Area. The Council's Conservation Officer has also confirmed that the proposal will provide an opportunity to develop an eyesore within the Conservation Area. Details of drainage, materials and other matters can be secured by appropriately worded planning conditions.</p> <p>Overall 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>Conditions:</p> <p><u>Standard Conditions</u></p> <p>i) The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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:-</p> <ul style="list-style-type: none"> - Site Location Plan, Scale 1:1250, Drawing No 2021-003-01, Rev A, received by the Local Planning Authority on the 7th October 2021. - Proposed Site Plan (Amended), Scale 1:200, Drawing No 2021-003-02, Rev B, received by the Local Planning Authority on the 8th December 2021. - Proposed Elevations (Amended), Scale 1:50, Drawing No 2021-003-11, Rev C, received by the Local Planning Authority on the 9th December 2021. - Proposed Plans (Amended), Scale 1:50 & 1:100, Drawing No 2021-003-10, Rev A, received by the Local Planning Authority on the 9th December 2021. - Heritage Statement (Amended), Drawing No 2021-002, Rev B, received by the Local Planning Authority on the 8th December 2021. <p>Reason</p>

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

Prior to Commencement Conditions

3. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - iii) A timetable for its implementation.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted must be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Prior to Use/Installation Conditions

4. Prior to its first installation within the development hereby approved, full details of the proposed cycle stand must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be installed prior to the first occupation of the development hereby approved and must be retained at all times thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and to protect the heritage asset.

5. Prior to the erection of any external walling relating to the development hereby approved representative samples of the materials to be used on the external surfaces of the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and to protect the heritage asset.

6. Prior to their first installation within the development hereby approved, full details of the proposed timber doors and windows must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out and maintained in accordance with this approved detail at all times thereafter.

Reason

In the interest of protecting the heritage asset.

7. The roof of the development hereby approved must be finished in natural slate, a representative sample of which must be submitted to and approved in writing by the Local Planning Authority before its first use within the development. The slate roof must be retained thereafter.

Reason

In the interest of protecting the heritage asset.

8. Prior to their first use within the development hereby approved details of the proposed permeable paving materials for the front enclosure must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and must be maintained at all times thereafter.

Reason

In the interest of protecting the heritage asset.

9. Prior to their first use within the development hereby approved details of the proposed railings for the front enclosure must be submitted to and approved in writing by the Local

Planning Authority. This must also include details of the existing railings to be removed. The development must be carried out in accordance with the approved details and must be maintained at all times thereafter.

Reason

In the interest of protecting the heritage asset.

10. Prior to their first installation within the development hereby approved details of the proposed conservation rooflights must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out and maintained in accordance with this approved detail at all times thereafter.

Reason

In the interest of protecting the heritage asset.

Other Conditions

11. Foul and surface water must be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

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

Reason

In the interests of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking or re-enacting that Order with or without modification) no external alterations, including replacement windows, doors or skylights and roof coverings, or painting or rendering shall be carried out to the property, nor shall any building, enclosure, extension, porch, domestic fuel container, pool or hardstanding be constructed within the curtilage without the prior written consent of the Local Planning Authority.

Reason

	<p>To safeguard the traditional appearance of the buildings in the interests of visual amenity.</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 : 10.12.2021
Authorising Officer: N.J. Hayhurst	Date : 10/12/2021
Dedicated responses to:- N/A	