

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2051/0F1	
2.	<b>Proposed Development:</b>	CHANGE OF USE TO FORM SINGLE DWELLING HOUSE WITH PRIVATE ARTIST STUDIO/WORKSHOPS & INTERNAL PARKING AREA; AND EXTERNAL ALTERATION TO REINSTATE GARAGE DOOR OPENING	
3.	<b>Location:</b>	SCAWFELL HALL, ALBERT STREET, SEASCALE	
4.	<b>Parish:</b>	Seascale	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	This application relates to Scawfell Hall, which is located within a small ground of terrace	

properties on Albert Street within the south west of Seascale. The three storey property is currently vacant but has previously been used as a Masonic Hall.

### **Relevant Planning History**

4/10/2335/0F1 – Change of use from commercial property into single residential property - Approved

4/16/2356/0F1 – Conversion of former masonic lodge to create 3 no. residential apartments – Approved

4/22/2451/0F1 – Retain the two large spaces on first floor & change the use to a private workshop/artist space/studio (non-commercial use); refurbish flat on second floor to be used as a holiday let, split basement to provide off street parking for the proposed second floor holiday let (2 spaces) & off street parking for the two first floor spaces (6 spaces); blocked up garage door to be reinstated – Withdrawn.

### **Proposal**

This application seeks planning permission to change the use of the property to form a single dwelling house with an associated private artist studio/workshops and an internal parking area. The proposed change of use will not create any alterations to the footprint of the property however, it is proposed to reinstate the existing garage door opening within the rear elevation, creating to garage door openings. Internally, the property will benefit from an internal parking area on the ground floor of the dwelling, which will accommodate three parking spaces, two storage areas and a toilet. The first floor of the proposed dwelling will accommodate a lounge, study, toilet, and two artist studios/workshops, and the second floor will accommodate a bedroom with ensuite bathroom and a kitchen/diner. The application is supported by a operating statement which sets out that the proposed studio/workshops will only be used for private use of the owner of the dwelling.

### **Consultation Responses**

#### Seascale Parish Council

*6<sup>th</sup> April 2023*

No objections to the amended application.

#### Cumberland Council – Highway Authority & LLFA

*6<sup>th</sup> April 2023*

The LHA raise no objections to the principle of this proposal however, I would ask the formal

swept path diagrams are submitted for each of the proposed parking spaces as I have concerns they may not be practical when fully in use. The tracking diagrams will demonstrate whether the spaces can be used when the others are in use.

*14<sup>th</sup> April 2023*

Following the submission of the plan showing three parking spaces within the garage is acceptable to this authority. I can confirm the LHA raise no objections to this proposal.

United Utilities

No comments received.

Environment Agency

No comments received.

Cumberland Council – Flood and Coastal Defence Engineer

*16<sup>th</sup> March 2023*

With regards to the above application, I will refer to my previous comments on this site that the flood risk is from Whitriggs Beck and not the sea.

Other than that I have no comments to make.

Cumberland Council – Environmental Health

*9<sup>th</sup> March 2023*

Further to the above planning application.

There are some amendments to this proposal from the previous submission that satisfy the fire safety concerns.

The Environmental Health team are still mindful of the concerns of residents about vehicle exhaust fumes from the ground floor garage.

Can the applicant provide a report from a ventilation specialist that will address these concerns please?

Specifically we are looking at provisions of the Control of Substances Hazardous to Health (COSHH) Regulations 2002 in relation to vehicle exhaust fumes.

HSE Guidance Document SR14 quotes a desired minimal ventilation requirement for garages of 10 air changes per hour.

Is it possible that the fresh air changes requirement for the garage can be provided with natural ventilation or is a mechanical ventilation scheme needed?

*22<sup>nd</sup> March 2023*

Thanks for the feedback.

If the flat is going to be used as a private residence, that takes out the commercial aspect and some of the legal responsibilities that entails.

A private residential dwelling can still be let out for short-term holiday use however though, can it not?

Are we able to condition this, or limit the number and / or use of vehicles using the garage?

It might be helpful if I could meet the applicant and have a look around the garage too.

*27<sup>th</sup> March 2023*

Further to the above planning application and my previous email dated 09.03.23.

Since then, I have met with the applicant and viewed the premises, in particular looking at the garage on the ground floor.

A substantial part of the garage area is taken up with storage, and there is room for two vehicles or perhaps three at a squeeze as it stands.

The current garage doors are not fully sealed and there is some natural ventilation as a result.

I have advised the applicant to fit a CO / heat detector to provide basic fire / health and safety protection.

Given that the premises will not be used for commercial purposes, a mechanical ventilation system will not be required.

Whilst the premises are for the private use of the applicant, of course we should be mindful that the second floor flat may at a later date be advertised as short-term let accommodation.

Unless you are able to specifically condition against this however, the Environmental Health team have no objections to the revised proposal.

Cumberland Council – Resilience Unit

*9<sup>th</sup> March 2023*

No objections to the proposed works.

*30<sup>th</sup> March 2023*

No further of comments to make on this application.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to fourteen properties. Three letters of objection have been received to this application raising the following concerns:

- Concerns already raised on previously withdrawn application.
- Only change is studios now for private use. Therefore objections reinstated.



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- Parking of 5 cars doesn't seem feasible, especially how they are arranged on the drawing.
- Parking would be impossible. As parked cars on the street would make manoeuvring into this space impossible without the cars on the street being removed.
- This would create more parking issues on what is already a restrictive parking area especially on evenings and the weekend.
- Why are so many cars needed for a one bed private dwelling.
- Three cars could easily fit in the space.
- There is already very little parking on these side streets so concerned.
- Contractor parking adding to parking issues in the area.
- There has never been a second garage door on this premises.
- Why are two garage doors needed if this is for private use.
- Car exhaust fumes come through our house which is a big problem.
- At one point a local mechanic was using the space working after 10pm and the smell was awful.
- Fumes coming into a living room is a huge concern.
- The source of this problem needs finding and fixing.
- Sound insulation could be installed on the first and second floor as there is noisy machinery used in the studios vibrating walls and creating noise.
- As the previous application was for a holiday let is this now long term let or to be sold as a house. More details needed.
- The ground floor has never been used as a stable as suggested in the application and has either been empty or used for storage by the owner.
- Seascale flooded into 2012, the whole terrace was underwater.
- There is a planning application for three terrace properties to the left of this site. These proposed plans should be taken into account alongside this application and the implications to the surrounding area.

### **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**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by

Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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 ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

#### 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 DM13 – Conversion of Buildings to Residential Use within Settlement Limits

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Policy H13PU: Conversion and sub-division of buildings to residential uses including large HMOs

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy CO4PU: Sustainable Travel

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

### **Assessment**

The main issues raised by this application relate to the principle of the development; scale, design, and impact on residential amenity; impact on highway safety; drainage and flood risk; and ecology.

#### 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 application site lies within the designated settlement boundary for Seascale, 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. The principle for converting the property for residential purposes has already been established by two previous planning approval, as such the principle of development is considered to be acceptable.

#### Scale, Design and Impact on Neighbouring Properties

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. DM13 of the Copeland Local Plan seeks to allow for the





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conversion of building within settlement limits to these which can provide adequate internal space, off street parking in accordance with parking standards, and adequate amenity space. This policy also states that conversions should conserve the character of the building and will not create amenity issues for residents of the adjacent properties.

The proposal will change the use of the existing property to a single dwelling, which will be incorporated within the existing footprint of the building and will not require any external extensions. There are no alterations proposed to the front elevation however an additional garage door will be reinstated within the rear elevation, however this is not considered to create amenity issues for neighbouring dwellings as the opening relates to a ground floor garage. Due to the location of the property within an existing group of terrace properties, required separation distances cannot be met by the proposed change of use. The principle for residential use however has been established by two other planning permissions to change the use of the site for residential purposes. Whilst the property benefits from no external amenity space, the site is located within the centre of the village within walking distance of a number of village amenity spaces including the beach and play park.

Concerns have been raised by a neighbouring property relating to noise and fumes from car exhausts. The Council's Environmental Health Officer has reviewed the application and initially requested additional information relating to ventilation. Following confirmation from the applicant that the proposed dwelling is for a private residence and at site meeting between the officer and the applicant, the Officer confirmed that there was now no objections to the application. The Officer stated that there would be natural ventilation from the garage door and given the premises would not be used for commercial purposes a mechanical ventilation system would not be required. Given the concerns from the Environmental Health Officer and the details of the operations at the site submitted to support the application, the use of the building for a permanent residential dwelling will be secured by appropriately worded planning conditions. Conditions are also proposed to restrict the commercial use of the site and will prevent the letting of the site as a holiday/short term let.

On the basis of the supporting information for this application and the conditions included on the decision notice, it is considered that the proposal complies with the policies of the Copeland Local Plan and Section 12 of the NPPF.

### Impact on Highway Safety

DM13 of the Copeland Local Plan seeks to allow for the conversion of building within settlement limits to these 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 proposed dwelling will accommodate an internal parking space within the ground floor of the property. As part of the initial application five parking spaces were proposed, however following concerns from the Highway Authority this was reduced to three to ensure each vehicle could be driven in and out of the site in a forward direction. Any manoeuvring could

be undertaken within the site. Concerns have been raised from neighbouring properties with regard to parking issues within the area and how cars would access this parking area given the on street parking issues. Notwithstanding this the Highways Authority have confirmed that they have no objections to the proposal. A condition is proposed to secure and retain this proposed parking area.

Based on the above the development is considered to be compliant with the Policy DM22 of the Copeland Local Plan and Section 9 of the NPPF.

#### 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 2, therefore a Flood Risk Assessment has been submitted to support this application. The development is for a change of use only with no external alteration proposed, the existing drainage at this site is to also to remain as existing; therefore the development is not considered to increase flood risk. The LLFA and Council's Flood and Coastal Defence Engineer have been consulted on this application and have offered no objections to the proposed change of use. On this basis the development is considered to comply with the relevant policies of the Copeland Local Plan and NPPF.

#### Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for natterjack toads. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposed change of use is retained within the existing footprint of the building with no extensions proposed, therefore the development will not disturb any habitats. The site is also located within a building up area. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.

#### Planning Balance and Conclusion

The application seeks to change the use of Scawfell Hall into a residential dwelling within one

	<p>of the Borough's Local Service Centres, delivering a new residential unit within a sustainable location. The principle for developing the site for residential purposes has already been established by two previous planning approvals at this site.</p> <p>Although separation distances cannot be met the development is not considered to adversely impact on neighbouring dwellings as the property is located within a group of terrace properties none of which currently meet the required distances.</p> <p>The proposal includes three internal parking spaces, although concerns have been raised about the access to these spaces the Highway Authority have offered no objections to the development.</p> <p>Although concerns have been raised with regard to noise and fumes the Council's Environmental Health team have offered no objections to the proposal due to the private use of the space. Conditions can be attached to any planning permission to ensure the property is only used as a permanent residential dwelling and for no commercial purposes.</p> <p>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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li> </ol> <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> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.</li> <li>- Existing and Proposed First Floor, Scale 1:50, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.</li> <li>- Existing Second Floor Plan, Scale 1:50, received by the Local Planning Authority</li> </ul> </li> </ol>

on the 23<sup>rd</sup> February 2023.

- Proposed Second Floor Plan, Scale 1:50, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Existing Front & Rear Elevations, Scale 1:50, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Existing Side Elevations, Scale 1:50, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Proposed Front & Rear Elevations, Scale 1:50, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Proposed Basement Parking (Amended), Scale 1:50, received by the Local Planning Authority on the 10<sup>th</sup> April 2023.
- Flood Risk Assessment, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Site Operating Details (Amended), received by the Local Planning Authority on the 19<sup>th</sup> April 2023.

#### 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.

#### Prior to Use/Occupation Conditions:

3. The development hereby approved must not be occupied until the parking requirements have been constructed in accordance with the approved plan 'Proposed Basement Parking (Amended), Scale 1:50, received by the Local Planning Authority on the 10<sup>th</sup> April 2023'. The approved parking provision must be retained at all times thereafter and must not be removed or altered without the prior consent of the Local Planning Authority.

#### Reason

In the interests of highway safety.

#### Other Conditions:

4. The development must be carried out in accordance with and implement all of the details and measures set out within the approved document 'Flood Risk Assessment, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023'. Once installed

these measures shall be retained at all times thereafter.

Reason

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

5. The residential unit hereby approved must only be occupied as a permanent dwelling and must not be used at any time for short term/holiday letting purposes.

Reason

The site is not considered appropriate for short term/holiday let use.

6. The first floor artist studio/workshops must not be occupied at any time other than for private use associated with the residential use of the property hereby approved, and must not be independently occupied, let or sold as separate spaces, or used for any business purposes.

Reason

The site is not considered appropriate for commercial purposes.

**Informatives:**

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Unit office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

**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:** C. Burns

**Date :** 19.04.2023

**Authorising Officer:** N.J. Hayhurst

**Date :** 20.04.2023

**Dedicated responses to:-**