

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2213/0F1	
2.	Proposed Development:	CHANGE OF USE OF GROUND FLOOR RETAIL UNIT TO ONE BEDROOMED FLAT (RESUBMISSION OF 4/17/2298/0F1)	
3.	Location:	SPRINGFIELD STORES (GROUND FLOOR), SPRINGFIELD ROAD, BIGRIGG, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Response	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to the former Springfield Stores, which fronts onto Springfield Road located within the centre of Bigrigg. The former store ceased trading several years ago after becoming unviable following the expansion of the supermarket and petrol station opposite.	
	Relevant Planning Permission		

4/14/2292/0F1 – Prior approval of proposed change of use from Class A1 (retail shop) to use class C3 (dwellinghouse) – Approved

4/17/2298/0F1 – Change of use of ground floor unit from unviable retail outlet to one bedroomed flat – Approved.

Proposal

This application is a resubmission of the previous planning approval at this site (ref: 4/17/2298/0F1). The application seeks planning permission to change the use of the ground floor unit of the building from a retail outlet to a one bedroomed flat.

There are no external alterations proposed as part of this change of use, however the existing openings within the front elevation will be replaced with timber windows and security bars will be removed from the gable windows.

The proposal seeks alterations to the internal layout which will be divided to accommodate a bedroom with a walk-in wardrobe, a bathroom and a kitchen/lounge.

Consultation Responses

Egremont Town Council

17th August 2023

No comments.

Cumberland Council – Highway Authority & LLFA

27th July 2023

Highways response:

It is considered that the proposal will not have a material affect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

LLFA response:

The LLFA do not have any records of flooding on the this site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

Resilience Unit

27th July 2023

Thank you for the opportunity to comment on the above planning application. This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advisable to signpost the applicant to the Cumberland Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link below:

<https://legacy.cumberland.gov.uk/emergencyplanning/supportingpages/industrialsites.asp>

The location of the land does sit within a distance of 10km from the Sellafield site, an area known as the Outer Consultation Zone (OCZ) but after viewing the details of the application, the opinion is that the plan for this development is not of significance in relation to this particular zone, and, therefore, liaison with the applicant is not required.

There are no objections to the proposed works.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to fifteen 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

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 SS3 – Housing Needs, Mix and Affordability

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

Policy SS4 – Community and Cultural Facilities and Services

Policy T1 – Improving Accessibility and Transport

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 DM13 – Conversion of Buildings to Residential Use within Settlement Limits

Policy DM22 – Accessible Developments

Policy DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

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.

The Planning Inspector has now issued their post hearing letter, which identifies the next



Cumberland Council

steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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

Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2PU: Hierarchy of Town Centres

Policy R9PU: Non-Retail Development in Town Centres

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

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

Strategic Policy N6PU: Landscape Protection

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

The key issues raised by this application relate to the principle of the development; loss of community facility; scale, design and impact on residential amenity; and highway safety/parking standards.

Principle of Development

Policy ST1 and ST2 of the Copeland Local Plan supports the principle of new housing and seek 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 Bigrigg, 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. Within the Emerging Local Plan, under Policy DS3PU Bigrigg is identified as one of the Sustainable Rural Villages which are identified as offering a limited number of services but could supported a limited amount of growth to sustain communities.

The principle for this change of use has been established by the previous prior notification approval (ref: 4/14/2292/0F1) granted permission in 2014 and full planning approval (ref: 4/17/2298/0F1) granted permission in 2017 for the same works.

Loss of Community Facility

Policy ST1, SS4, DM12 and DM21 seek to encourage and retain good quality services and facilities which meet the needs of the local community. These policies also state that developments or change of uses which would result in the loss of a community facility will be resisted unless the demand for the facility is like to be met elsewhere.

This application seeks to change the use of part of a vacant retail unit to a small residential flat. The principle for converting this property to a resident unit, and therefore the loss of the retail unit, has previously been established by the two previous planning permission for this use. Prior to these approvals however, the retail unit had been closed for a number of years and was no longer considered to be viable. The site is also located adjacent to a larger retail unit, therefore the proposal is not considered to result in the loss of an important community facility. It is therefore considered that this application complies with Policies SS4 and DM12 of the Copeland Local Plan.

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

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.

Policy H13PU of the Emerging Local Plan states that conversions of properties within the Borough settlement boundaries will be supported as long as the development does not result in unacceptable harm to residential amenity, future residents have adequate light and privacy, does not result in loss of privacy, and adequate external amenity space and off street parking is provided or available within close proximity of the site.

This application seeks to renew a permission to change the use of a vacant retail unit to a residential flat. The proposed change of use will be contained within the existing footprint of the building and will not require any external alterations. There will be no alterations proposed to the front elevation of the property, only the replacement of existing windows. On this basis the development is not considered to have any detrimental harm to the living conditions of the existing and future occupier of neighbouring properties. Whilst there is no external amenity space provided, this reflects the previous approvals at this site. The property is also located within the centre of the village with access to existing facilities and public spaces.

On the basis of the amended plans for this application, it is considered that the proposal complies with the policies of the Copeland Local Plan and provisions of the NPPF.

Highway Safety/Parking Standards

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 H13PU of the Emerging Local Plan states that conversions of properties within the Borough settlement boundaries will be supported as long as the development provides off street parking or it is available within close proximity of the site.

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. 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 application site does not include any provision for off street parking, which reflect the previous approvals at this site. The site is located within a central position within the village, where there are a number of areas which have no parking restrictions. The site is also located within walking distance of the facilities provided within the village and available transport links.

The Highway Authority have reviewed the application and confirmed they have no objections as the development will not have a material affect on highway conditions.

Although the site does not provide onsite parking, the site is located within a central location, and therefore it is considered that the development would be in accordance with Policies

	<p>DM13, T1, and DM23 of the Copeland Local Plan, Policies H13PU of the Emerging Local Plan and the provisions of the NPPF.</p> <p><u>Planning Balance & Conclusion</u></p> <p>This application seeks to change the use of an unviable retail unit to a one bedroomed residential flat within one the Borough's Local Service Centres, delivering a new residential unit within a sustainable location. The principle of this use has been established by previous planning approvals.</p> <p>Whilst there is no onsite parking proposed as part of the development, the site is located within a central location with available on street parking and public transport links. The proposed change of use will not result in a loss of a community facility as the retail unit has been closed for a number of years and lies adjacent to a larger supermarket which offers enhanced provision.</p> <p>The development is not considered to have a detrimental impact on the character of the area or adjacent residential properties as the change of use will be accommodated within the footprint of the existing property with limited external alterations.</p> <p>On balance, the proposal is 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> <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> <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"> 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:- <ul style="list-style-type: none"> - Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 25th July 2023. - Plans, Elevations and Notes, Scale 1:20 & 1:100, Drawing No: 170801-02, Edition:

<p>B, received by the Local Planning Authority on the 25th July 2023.</p> <ul style="list-style-type: none"> - Survey and Proposed Elevations and Floor Plan, Scale 1:100, Drawing No: 170801-01, received by the Local Planning Authority on the 25th July 2023. - Design and Access Statement, received by the Local Planning Authority on the 25th July 2023. <p>Reason</p> <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.</p> <p>Informative:</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</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>	<table> <tr> <td data-bbox="70 1512 1077 1608">Case Officer: C. Burns</td><td data-bbox="1077 1512 1514 1608">Date : 04.09.2023</td></tr> <tr> <td data-bbox="70 1608 1077 1704">Authorising Officer: N.J. Hayhurst</td><td data-bbox="1077 1608 1514 1704">Date : 11/09/2023</td></tr> <tr> <td colspan="2" data-bbox="70 1704 1514 1787">Dedicated responses to:- N/A</td></tr> </table>	Case Officer: C. Burns	Date : 04.09.2023	Authorising Officer: N.J. Hayhurst	Date : 11/09/2023	Dedicated responses to:- N/A	
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