

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2219/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM NURSERY TO DOGGY DAY CARE CENTRE
3.	<b>Location:</b>	ENNERDALE MILL, EGREMONT
4.	<b>Parish:</b>	Egremont
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts,</p> <p>Flood Area - Flood Zone 2, Flood Area - Flood Zone 3,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	<b>Publicity Representations &amp;Policy</b>	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p><b>Report:</b></p> <p><b>SITE AND LOCATION</b></p> <p>This application relates to Ennerdale Mill, an existing building within Egremont Industrial Estate. The building previously operated as an office and most recently as a nursery.</p> <p>The site falls within the settlement boundary and benefits from an existing car park to the front of the building. It is bound by another industrial building and two residential dwellings to the north and a field to the south. The site is also bound by the River Ehen to the west and</p>	

lies within Flood Zone 2 and 3.

## **PROPOSAL**

Planning permission is sought for the change of use of the nursery to a dog day care centre (sui generis use class).

The dog day care centre will comprise of a main indoor day care room, along with an additional isolation room and outdoor space to the rear of the building. It will accommodate a maximum of 10 dogs per day.

It is expected the opening hours will be Monday to Friday 07.30 to 16.30 and possibly increase into Saturday 09.00 to 15.00.

The application was accompanied by the following:

- Location Plan;
- Site Plan;
- Floor Plan;
- Supporting Statement with noise mitigation measures;
- Flood Risk Assessment.

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has been granted for the change of use to a day nursery (use class D1) (ref: 4/15/2323/0F1).

## **CONSULTATION RESPONSES**

### Egremont Town Council

No objections.

### Environment Agency

No objections.

### Highway Authority

No objections.

### Lead Local Flood Authority (LLFA)



## Cumberland Council

No objections.

### Environmental Health

No objections.

### Public Representation

The application has been advertised by way of site notice and neighbour consultation letter to 2 no. properties.

No objections/concerns have been received as a result of this consultation.

27 letters of support have been received and the comments are summarised below:

- It will be a good new enterprise for the area;
- It will provide a well-needed service and asset to Egremont and the surrounding area;
- Great location and it will make good use of an empty building;
- Great idea lots of dog owners will be interested in and use the service;
- Great service for the community;
- It will support local people with the need to have their dogs in day care, whether for full time work or other commitments;
- There will be demand for this business in this area as there is nothing like it. The applicant runs an excellent dog walker business and it is exactly the type of small business that the Council should be trying to support and enable to expand;
- It will provide a provision for dogs an opportunity to learn vital socialisation skills as well as being in the trusted hands of a caring and competent individual;
- The applicant is reliable, professional, pleasant and providing an excellent service. I'm sure the day care will be similarly well managed and a much-needed local service;
- This facility will allow family pets to have the freedom of a safe and secure environment while being looked after throughout the day.

### **PLANNING POLICIES**

Planning law requires 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 ER4 – Land and Premises for Economic Development
- 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 ENV1 – Flood Risk and Risk Management

### Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place
- Policy DM22 – Accessible Developments
- Policy DM24 – Development Proposals and Flood Risk

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Cumbria Development Design Guide

### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

- Policy DS1PU: Presumption in favour of Sustainable Development
- Policy DS3PU: Settlement Hierarchy
- Policy DS6PU: Design and Development Standards
- Policy DS8PU: Reducing Flood Risk

- Policy E1PU: Economic Growth
- Policy E2PU: Location of Employment
- Policy SD5PU: Community and Cultural Facilities
- Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts of the development, highway safety, parking and flood risk.

### Principle of Development

The proposed application relates to an existing nursery unit at Ennerdale Mill, Egremont. The site falls within the development boundary for Egremont which is designated as a Key Service Centre under Policy ST2 of the Local Plan.

The proposed change of use will provide dog day care (sui generis use class). Policy ST1 supports developments which create economic diversity and Policy ST2 supports growth in the local economy. Policy ER4 supports seeks to maintain an adequate supply of floor space for economic development and Policy SS4 encourages the expansion of service provision.

The proposed dog day care facility will diversify the service provision within Egremont and the wider area and promote economic development.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST1, ST2, ER4 and SS4 and the NPPF guidance.

### Scale and Design

Policy DM10 requires development to respond positively to the character of the site and the wider setting and maintain reasonable standards of general amenity.

As the proposal relates to an existing unit at Ennerdale Mill Business Park, the change of use is considered to be appropriate in scale and in-keeping with the wider setting. No changes to the exterior of the building are proposed and therefore the character of the area will be maintained.

The supporting statement includes details of how the business will operate and the opening times and number of dogs are considered to be appropriate within the locality.

On this basis, the proposal is considered to be acceptable in terms of scale and design and comply with Policy DM10 and the NPPF guidance.

### Impact of Development

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential

amenity.

The application is supported by a Supporting Statement which includes noise management plan. This is considered to provide suitable noise mitigation to ensure that the development will not cause disturbance to the surrounding units and the two residential properties nearby. The mitigation measures can be secured by the use of a planning condition to protect the general amenity of the area.

In addition, there have been no objections received to the proposal. Environmental Health have confirmed that the building benefits from suitable insulation and building materials to mitigate potential noise.

On this basis, the proposal is considered to comply with Policy DM10 of the Local Plan.

#### Highway Safety and Parking

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The site benefits from an existing car park to the front of the property and as the site currently operates as a day nursery, it is not expected that the dog day care use will harm the existing highway conditions with visitors. The Highways Authority therefore raised no objections to the proposal.

On this basis, the proposal is considered to meet Policy DM22 and the standards set out in the Cumbria Development Design Guide.

#### Flood Risk

Policy ENV1 and Policy DM24 seek to protect developments against flood risk.

The proposal is located in Flood Zones 2 and 3 and relates to a change of use of an existing nursery building. There are no external alterations, internal structural alterations or level changes and the application is for a 'less vulnerable' use. The Environment Agency raised no objections due to the nature of proposed change of use.

The Environment Agency noted that the Flood Risk Assessment provided in support of this application is appropriate for the nature and scale of this change of use. They are therefore satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. This can be secured through the use of a planning condition.

The development will not increase the existing floor area and the surface water drainage will

	<p>remain the same. The LLFA also raised no objection as they considered that it will not increase the risk of flood risk on the site or elsewhere.</p> <p>On this basis, the change of use is not considered to have a detrimental impact on flood risk and it is therefore considered that the proposal will satisfy Policy DM24 and the NPPG guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed application seeks the change of use of an existing nursery within Ennerdale Mill to a dog day care centre. The site lies within the designated settlement boundary for Egremont.</p> <p>The proposed dog day care will diversify the service provision within Egremont and the wider area and promote economic development. It has received a large amount of support as a result of the public consultation and it is considered to be acceptable in terms of scale and design, highway safety and flood risk. In the interest of neighbouring amenity, noise mitigation measures and opening hours can be managed through the use of planning conditions.</p> <p>On balance, the change of use is considered be an acceptable form of development, in accordance with Policies ST1, ST2, ER4, SS4, DM10, DM22 and DM24 of the Copeland Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must commence 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:-</li> </ol>

Application Form, received 1<sup>st</sup> August 2023;  
Location Plan, scale 1:1250, received 1<sup>st</sup> August 2023;  
Proposed Site Plan, scale 1:500, received 1<sup>st</sup> August 2023;  
Proposed Floor Plan, received 1<sup>st</sup> August 2023;  
Supporting Statement; received 1<sup>st</sup> August 2023;  
Flood Risk Assessment, received 1<sup>st</sup> August 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.

3. The hours of opening shall be restricted to Mondays to Fridays 07:30 to 16:30 and Saturday to Sunday 09:00 to 15:00.

Reason

In the interest of neighbouring amenity.

4. The use hereby permitted shall be carried out in accordance with the details set out in the Supporting Statement, received by the Local Planning Authority on 1<sup>st</sup> August 2023. The noise management measures must be carried out in accordance with the approved details and maintained thereafter.

Reason

In the interest of protecting surrounding amenity.

5. The development shall be carried out in accordance with the Flood Risk Assessment. received by the Local Planning Authority on 1<sup>st</sup> August 2023. The flood risk mitigation measures must be implemented in accordance with the approved details and maintained thereafter.

Reason

In the interest of managing flood risk in accordance with Policy DM24 of the Copeland

	<p>Local Plan.</p> <p><b>Statement</b></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>
<p><b>Case Officer: C. Wootton</b></p>	<p><b>Date : 20/09/2023</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 26/09/2023</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	