

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2319/0F1
2.	Proposed Development:	CHANGE OF USE TO RESIDENTIAL PROPERTY
3.	Location:	4 DRYDEN WAY, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	<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.	Publicity Representations &Policy	<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>Report:</p> <p>SITE AND LOCATION</p> <p>The application relates to 4 Dryden Way, a vacant semi-detached building which was formerly a dwelling but was last used as a youth club. It is located within a residential area of Egremont and the site benefits from both a front and rear garden and a parking area is located to the rear.</p> <p>The site also falls within flood zone 2 and 3.</p>	

PROPOSAL

Planning Permission is sought for the change of use of the former youth centre back into a residential property.

The property benefits from a kitchen and living room on the ground floor and 3 bedrooms and a bathroom on the first floor.

There are no alterations proposed, apart from new replacement UPVC windows and doors.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- Change of use from residential to youth centre (ref; 4/02/1200/0/);
- Renewal of Temporary Planning Permission for youth works drop in centre (ref: 4/04/2161/0);
- Renewal of Temporary Planning Permission for youth works drop in centre (ref: 4/05/2670/0).

CONSULTATION RESPONSES

Egremont Town Council

No objections.

Highway Authority and Lead Local Flood Authority

Initial comments:

There is no objection from a highways perspective, however as LLFA we would ask for further information for the following:

Flood Risk Assessment.

Whilst we are content with the conclusion that the change from commercial to residential will have minimal impact on the surrounding flood risk, the applicant has failed to consider flood risk and its impact on the property itself, now changing from potentially a "less vulnerable" class to "more vulnerable"

The applicant needs to consider the Standing Advice for vulnerable developments in flood zone 2 & 3 regarding floor levels, extra flood resistance and resilience measures, access and escape and surface water management.

Upon receipt of the above information I will be better placed to provide further response.

Final comments:

We requested further information having received this we are content with the flood resilience measures put in place by the occupants for the development. I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Environment Agency

Initial comments:

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused. We do not consider the document 'Flood Risk Assessment – 4 Dryden Way, Egremont, CA22 2HA' to be an FRA as it does not meet the absolute minimum requirements.

Reasons- The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Final comments:

In our letter referenced NO/2023/115666/01-L01 and dated 30 November 2023, we objected to this application on the basis of an unacceptable Flood Risk Assessment (FRA) (Flood Risk Assessment – 4 Dryden Way, Egremont, CA22 2HA) which did not meet the minimum requirements of an FRA in line with the guidance: <https://www.gov.uk/guidance/flood-risk-and-coastal-change#para20>

We have now reviewed the updated FRA 'Flood Risk Assessment – 4 Dryden Way, Egremont, CA22 2HA dated 12th December 2023' and while some improvements have been made it doesn't fully meet the points outlined in our objection.

However, on balance and due the improvements made, and being mindful of the nature and scale of the development, it being a change back to a dwelling house, we are minded to remove our objection.

As a result of the amended FRA, the applicant, as owners of the existing property, will be

aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 5 no. properties - No objections have been received as a result of this consultation process.

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

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 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 DM11 – Sustainable Development Standards
- Policy DM12 – Standards for New Residential Development
- Policy DM13 – Conversion of Buildings to Residential Use within Settlement Limits
- Policy DM21 – Protecting Community Facilities
- Policy DM22 – Accessible Developments
- Policy DM24 – Flood Risk and Development Proposals

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.

The following policies are relevant to this proposal:

- Policy DS1PU: Presumption in favour of Sustainable Development
- Policy DS2PU: Reducing the impacts of development on Climate Change
- Policy DS3PU: Settlement Hierarchy
- Policy DS4PU: Settlement Boundaries
- Policy DS6PU - Design and Development Standards
- Policy H1PU: Improving the Housing Offer
- Policy H2PU: Housing Requirement
- Policy H3PU: Housing delivery

- Policy H4PU: Distribution of Housing
- Policy H5PU: Housing Allocations
- Policy H6PU: New Housing Development
- Policy SC5PU: Community and Cultural Facilities

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

ASSESSMENT

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

Principle of Development

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3 seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

Policy DM13 supports the conversion of buildings to residential use within the settlement limits subject to detailed criteria, which are considered below.

The application relates to a former dwelling located on an existing housing estate within the designated settlement boundary for Egremont. As such, the principle of the proposal is in accordance with Policy ST2 of the Copeland Plan, which seeks to locate residential development in sustainable locations.

Justification for Development

Policy SS4 and DM21 seeks to protect community facilities and therefore development will only be permitted where there is evidence that there is demand for the facility that is unlikely to be met elsewhere. Emerging Policy SC5PU also requires development to clearly demonstrate that its continued use as a community or cultural facility is no longer feasible, there is sufficient alternative provision of such facilities in the area.

The application is supported by a Covering Letter which sets out that the property is currently

vacant. The youth club is no longer open and the property was sold as a dwelling in August 2023. The property was sold following a mortgage default and bank repossession in 2014 and this application seeks to regularise the re-instatement of the dwelling.

Given the location within Egremont, alternative community services are available and therefore the development is suitably justified and demand can be met elsewhere locally.

On this basis, the proposal is not considered to cause an unacceptable loss of community facility as it has already closed and the change of use satisfies Policies SS4, DM21 and SC5PU.

Scale, Design and Impact

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure developments are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

Policy DM13 also supports the conversion of buildings to residential use, so long as, adequate internal space standards and exclusive use of kitchen and bathroom facilities can be achieved without extensive alterations or additions to the property; the conversion works conserve the character of the building; and adequate and appropriate external amenity space is provided.

The proposed three-bedroom property is considered to be suitable in scale with adequate kitchen, living room and bathroom facilities. The conversion can be achieved without extensive alterations, and it is not considered that the change of use back to a dwelling will cause adverse impacts on neighbouring amenity.

The site also benefits from adequate outdoor amenity space to reflect the surrounding semi-detached properties in the locality.

On this basis, the proposal is considered to comply with Policies DM10 and DM13 of the Copeland Local Plan.

Highway Safety

Policy DM22 seeks to ensure that suitable off-street parking is provided.

The site visit confirmed that there is sufficient parking to the rear of the garden, within the parking area/garage site. The Highway Authority also raised no objections as it is not considered that the change of use will have a material impact on the highway conditions.

On this basis, the proposal is considered to satisfy the parking requirements of Policy DM22 and the Cumbria Development Design Guide.

	<p><u>Flood Risk</u></p> <p>Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.</p> <p>The application site falls within flood zones 2 and 3 and concerns were originally raised by the Environment Agency and the Lead Local Flood Authority regarding the flood risk assessment. Following the submission of a revised flood risk assessment which included flood resilience measures, the Environment Agency and LLFA removed their objections.</p> <p>Based on the nature and scale of the development and the previous use of the building as a dwelling, it is not considered that the proposal would increase flood risk on site or elsewhere. In addition, the flood risk assessment includes flood safety and resilience measures and these can be secured by the use of a planning condition.</p> <p>Overall, the proposal will not have a detrimental effect on flood risk on the site or elsewhere and therefore the proposal complies with Policy ENV1 and DM24.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed application relates to a vacant building which was previously a dwelling but was last in use as a youth club. It seeks to change the use back to a three-bedroom dwelling.</p> <p>Given the location of the property on an existing housing estate within Egremont, the change of use is considered to be an acceptable form of development. In addition, given the property has been vacant for a number of years, the loss of the community facility is not considered to be unacceptable and there is alternative provision elsewhere locally.</p> <p>The site benefits from adequate internal and external amenity space and it is not expected that the proposal will have adverse impacts on neighbouring amenity, highway safety or flood risk. However, as the development will create a 'more vulnerable' class in flood zone 2 and 3, the flood resilience measures detailed in the flood risk assessment can be secured by the use of a planning condition.</p> <p>On this basis, the proposal represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission.

Reason

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 must be carried out in accordance with them:-

Application Form, received 9th November 2023;

Location Plan, scale 1:1250, drawing no. PL K1100/01, received 9th November 2023;

Supporting Photographs, received 9th November 2023;

Floor Plans, received 3rd January 2024;

Covering Letter, received 9th November 2023;

Flood Risk Assessment, received 12th December 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. Before the property is occupied, the flood resilience and mitigation measures must be carried out in accordance with the Flood Risk Assessment received by the Local Planning Authority on 12th December 2023. The flood resilience and mitigation measures must be maintained at all times thereafter.

Reason

To protect the property against flood damage in accordance with Policy DM24 of the Copeland Local Plan.

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. Wootton	Date : 05/01/2024
Authorising Officer: N.J. Hayhurst	Date : 08/01/2024
Dedicated responses to:- N/A	