

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2138/0F1	
2.	<b>Proposed Development:</b>	PRIOR APPROVAL FOR A CHANGE OF USE FROM COMMERCIAL TO COMMERCIAL AT GROUND FLOOR WITH RESIDENTIAL ABOVE	
3.	<b>Location:</b>	25 MARKET PLACE, EGREMONT	
4.	<b>Parish:</b>	Egremont	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies	Yes Yes No See Report See Report
7.	<b>Report:</b>	<p><b>Site and Location</b></p> <p>This application relates to 25 Market Place, located within Egremont town centre. The building is an end terrace property and is sited on the main shopping street. It fronts onto Market Place, with St Bridget's Lane running along its northern gable end.</p> <p>The application site is located within the Egremont Conservation Area.</p> <p><b>Proposal</b></p> <p>This application comprises an application to determine if prior approval is required for the</p>	

proposed change of use from commercial (use class E) to a mixed use of commercial at ground floor with residential above (use class C3 and E), under the provisions of Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The building does not require any structural alterations, however the internal layout will be altered to provide a single three bedroomed flat within the first and second floor of the property.

### **Consultation Responses**

#### Egremont Town Council

No objections.

#### Cumberland Council – Highway Authority & Local Lead Flood Authority

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

#### Cumberland Council – Environmental Health

There are no objections in principle from Environmental Health to this proposal, subject to the following comments.

A recent site visit confirmed that the roof of the property has been renovated so that new concrete tiles have replaced the old slates that were in poor condition.

The principle concern with the development would be fire safety concerns, so that adequate fire protection is afforded to the occupant/s of the residential element of the building. These requirements would be addressed through the Building Regulations procedures.

It would be helpful if the applicant could confirm If the proposed residential development is as a single apartment or a HMO?

Other than this, noise from any construction works (should the development be approved) may also be a consideration. As such, a condition relating to noise from construction works is requested.

#### Cumberland Council – Conservation & Design Officer

Conclusion: No objection

Assessment:



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- I have no objection to the principle of converting the upper floors.
- Thought should be given to additional services that will be needed externally. The docs state there will be no external alternations, however, there may need to be addition of a soil stack, for example.
- I note from the Streetview image of 2022 that the roof appears to be in poor condition, with undulations, movement in the ridge tiles, and slipped slates in evidence. There is also a substantial bush growing out of the chimney, which suggests the render there is breached and the brickwork underneath may require some pointing.
- Though not listed, these buildings are quite historic. I am not able to date them presently, though they may potentially be 18<sup>th</sup> century, and there are certainly 17<sup>th</sup> century buildings surviving in the street. The Market Charter was granted in 1266, and it is likely that buildings were developing on Market Place throughout the 13<sup>th</sup> century. Though number 25 is clearly several centuries after this, an engraving from 1739 shows buildings that look remarkably similar to the present arrangement.
- I could not insist on this, of course, though would be grateful to be furnished with a set of photos of the interior to aid my understanding of the building.

### Public Representation

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

### **Relevant Legislation**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015).

### **Assessment**

The proposal is for the conversion of the existing commercial premises (use class E) to a mixed use of commercial at ground floor with residential above (use class C3 and E). Under Class G of the General Permitted Development Order 2025, this development can be completed under Permitted Development provided that the works meet a number of criteria and the Local Planning Authority receive a Prior Approval application.

The provision of Schedule 2, Part 3, Class G of the GDPO are considered in turn below:

In respect of the provisions of G:-

The development consists of a change of use of a building falling within Class E (commercial, business and service) to mixed use for any purpose within that Class and up to two flats.

In respect of the provision of G.1:-

- a) The ground floor of the property is to be retained as a commercial unit with the upper floors changed to a single residential flat.
- b) The building does not benefit from a display window at ground floor level.
- c) The proposed flat will be used as a dwelling by a single person or by people living together as a family, and not more than 6 residents living together as a single household (including a household where care is provided for residents).
- d) A prior approval application has been submitted to the Local Planning Authority for determination as to whether the prior approval of the Authority will be required as to the following:

i) Contamination risks in relation to the building:

There are no known contamination risks on the site and the previous use is unlikely to have given rise to contamination.

On this basis, it is considered that prior approval is not required in relation to contamination risk.

ii) Flooding risks in relation to the building:

The site is within flood zone 1 which has a low probability of flooding therefore does not pose a flood risk. The Local Lead Flood Authority have offered no comments on the application. The proposed alterations are internal only, therefore the development is not considered to increase the risk of surface water run-off or flood risk at the site or surrounding area.

On this basis, the proposal is acceptable in terms of flood risk and prior approval is not considered necessary.

iii) Impact of noise from commercial premises on the intended occupiers of the development:

There are no noise concerns associated with the development. The site lies within the town centre and has commercial uses adjacent to it. The separating floors between the residential and commercial use will comply with building regulations and sound tests will be carried out to confirm acoustic performance.

On this basis, the noise impact from commercial premises on the residential occupiers is considered to be minimal. Prior approval is therefore not required in relation to noise.

iv) The provision of adequate natural light in all habitable rooms of the dwellinghouses:

Each habitable room will be served by windows providing access to natural light and will comply with Building Regulations. The provision of natural light within



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	<p>the dwelling is therefore acceptable and prior approval is not required.</p> <p>v) <u>Arrangements required for the storage and management of domestic waste:</u></p> <p>The site includes a bin/recycling area within the rear access. The arrangements for the storage and management of domestic waste are therefore acceptable and prior approved is not required.</p> <p><u>Conclusion</u></p> <p>The requirements of the provisions of Schedule 2, Part 3, Class G of the GPDO 2015 are achieved.</p> <p>It is considered that prior approval is not required in relation to the contamination risks, the flooding risks, the impacts of noise from commercial premises on the intended occupiers, the provision of adequate natural light in all habitable rooms of the dwellinghouses, and arrangements for storage and management of domestic waste.</p> <p>No objections have been received as part of the consultation period.</p> <p>The proposed change of use to provide an additional residential unit and retention of commercial unit within Egremont Town Centre is appropriate and supports sustainable development in accordance with the Local Plan and the NPPF.</p> <p>On the basis of the above, prior approval is not required.</p>
8.	<p><b>Recommendation:</b></p> <p>Prior Approval Not Required</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. 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>- Application form, received by the Local Planning Authority on the 17th April 2024.</li> <li>- Existing Plans, Scale 1:50, 1:500 &amp; 1:1250, Dwg No: 10103/01, received by the Local Planning Authority on the 17th April 2024.</li> <li>- Proposed Plans, Scale 1:50, 1:500 &amp; 1:1250, Dwg No: 10103/02, received by the Local Planning Authority on the 17th April 2024.</li> </ul> <p>Reason</p> <p>To ensure that all works are properly implemented and retained.</p> </li> <li>2. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours: Monday to Friday</li> </ol>

	<p>08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.</p> <p>Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.</p> <p>Reason</p> <p>In the interests of the amenities of surrounding occupiers during the construction of the development.</p>	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 11.06.2024
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 12.06.2024
<b>Dedicated responses to:-</b> N/A		