

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2148/0F1	
2.	Proposed Development:	DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS & FRONT PORCH EXTENSION	
3.	Location:	THE OLD CAPTAINS HOUSE, 1 SPRINGFIELD ROAD, BIGRIGG	
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 Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to the existing Public House, The Old Captains House which is located on Springfield Road in Bigrigg. The Public House sits off the A595, with a large parking area to the rear.	
	Relevant Planning History		
		No relevant planning history.	

Proposal

The Public House currently benefits from a small, glazed conservatory to the north elevation, which will be demolished as part of the proposed works. Planning permission is sought to replace this conservatory with a larger extension set back from the front elevation by 0.9m. The proposed replacement extension will project from the north elevation by 5.9m and extend along this elevation by 14.5m. A gap of 0.9m will be retained between the existing rear part of the property and the proposed extension. The proposed extension has been designed with a flat roof with an overall height of 2.3m including eight roof lanterns. The proposed extension will create a large restaurant seating area.

Planning permission is also sought for a small extension to the rear projection of the building. The proposal will create a store measuring 2.3m x 3.6m, benefitting from a flat roof with an overall height of 2.4m.

The application also seeks planning permission for a front porch, which will measure 2.35m x 2.6m with an eaves height of 2.1m and an overall height of 2.8m. The porch will benefit from an access ramp.

Externally, the proposed extensions will be finished with render, concrete roof tiles, UPVC windows and doors to match the existing property.

Consultation Responses

Egremont Town Council

No objections.

Cumberland Council – Highway Authority

14th June 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection in principle to the proposed development but are concerned about the location of the existing sewer.

The LLFA would welcome United Utilities views regarding the above before final response can be submitted, we as the LLFA would advise the applicant to reroute the existing sewer around the proposed extension to eliminate possible problems in the future.

6th August 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and additional information submitted to the Local Planning Authority (LPA) in August 2024, I can confirm that we agree with United Utilities and the following points would need to be met as stated within the email from United Utilities to the applicant.

- The sewer being in a suitable condition and position



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- No manholes, inspection chambers or junctions to the sewer being present below the footprint of the extension
- The construction of suitable sewer protection measures in accordance with Part H4 of the Building Regulations 2010
- Pre and post-works CCTV surveys showing the sewer to be suitable to be built over and remaining so following the work
- The completion of a Formal Building Over Agreement which rests with the deeds of the property no objection to the proposed development

The LHA and LLFA has 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.

United Utilities

9th July 2024

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer

Connections' or 'S104 Adoptions' processes.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Following our review of the proposed site layout it appears that our access to the sewer may be compromised and this will require resolution by the applicant. We recommend the applicant seeks advice on this matter from our Developer Services team at the earliest opportunity.

22nd August 2024

In line with UU's contact with the applicant regarding the possibility of building over the sewer, we would not object to the granting of planning permission.

However, we would recommend the applicant carries out the required steps for obtaining a formal Building Over Agreement at the earliest opportunity, as they may come across complications which could lead to alterations of their proposals and therefore changes to the planning application.

Cumberland Council – Environmental Health

7th June 2024

There are no objections from Environmental Health to this proposed development.

The premises has an existing wall-mounted kitchen extract on the rear and this is to remain in place.

It is noted that a 225mm combined United Utilities sewer from Springfield Gardens runs through the northern edge of the external rear / side yard (external to and adjacent to the current conservatory). The proposed development is to construct the extension over this sewer.

Permission should be sought from United Utilities for this.

If the development were to be approved, Environmental Health would request that a restriction on construction working hours was made so that noise disturbance to neighbours



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would be mitigated.

15th July 2024

Environmental Health do not have any objections to these proposed operation hours.

Please advise the applicants to ensure that they renew / vary the Premises Licence also.

This can be done by contacting the Licensing team directly.

Public Representation

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

Three letters of support have been received making the following comments on this application:

- Great idea and much needed.
- This proposal would give me and my family somewhere within walking distance to go for a meal.
- An improved facility will help return the heart back into this village community.
- Car park needs to be adequate to ensure cars do not park outside residential properties.
- Signs should be erected to stop the parking issues.
- The pub has plenty of parking at the rear so the increased capacity should be no issue in that regard.

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)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS4 – Community and Cultural Facilities

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

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 DM22 – Accessible Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is 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.



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Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. As the consultation on the main modifications to the ELP is now complete significant weight can also be afforded to the policies of the ELP where modifications are proposed.

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

Policy SC2PU: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC5PU: Community and Cultural Facilities

Strategic Policy N6PU: Landscape Protection

Strategic Policy N9PU - Green Infrastructure

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

Strategic Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Design Guide

Assessment

The main issues raised by this application relate to the principle of the development; enhancement of existing community facilities; scale, design and impact of development; access and highway safety; and flood risk and drainage.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to provide and enhance recreational opportunities for the Borough's residents and its visitors, protecting existing provision and ensuring that future development meets appropriate standards in terms of quantity and

quality. Policy SS4 of the Copeland Local Plan protects range of services and facilities serving the Borough's communities by encouraging the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. This policy also allows for the expansion and enhancement of existing community and cultural facilities to assist continuing viability.

Policy SC1PU of the Emerging Local Plan states that the Council will promote health and well-being in the Borough. Emerging Policy SC2PU states that the Council will seeks to protect and enhance existing sport and leisure facilities. Policy SC5PU of the Emerging Local Plan also states that proposed for new community facilities will be supported in principle and developments must be located within a settlement boundary identified within the hierarchy unless the proposal is for a specific activity that required a location that cannot be accommodated within a settlement, be accessible by sustainable transport modes where possible, be of a scale appropriate to its surroundings, ensure adequate parking is provided, ensure the development does not cause unacceptable harm on residential amenity, and ensure that biodiversity conservation interests would not be harmed as a result.

Policy ST1, ST2 and ER6 of the Copeland Local Plan seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site lies within the designated settlement boundary for Bigrigg, which is identified as one of the Borough's Local Centres in Policy ST2 of the Copeland Local Plan. This policy seeks to retain employment within Local Centres, and states that new provision for tourism will most likely be provided through conversion/re-use of existing buildings or completion of sites which are already allocated. Furthermore, this policy places emphasis on the retention of existing retail and services and promotes convenience shopping to meet day-to-day needs.

Policy DS3PU of the Emerging Local Plan seeks identify Bigrigg as a Sustainable Urban Village, where the focus will be to support the retention and small scale growth of existing services and businesses, with development focussed on existing employment allocations, and smaller scale housing allocations. Policy DS4PU of the Emerging Local Plan states that development within the identified settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

The proposed development seeks to redevelop and extend the existing Public House. Given the application seeks to alter an existing building within one of the Borough's Local Centres, the principle of the development is considered acceptable.

On this basis, the proposal is considered to comply with Policies ST1, ST2, ER6, and SS4 of the Copeland Local Plan, Policies DS3PU, DS4PU, SC1PU, SC2PU and SC5PU of the Emerging Local Plan, and provisions of the NPPF.

Enhancement of Existing Community Facilities

Policy SS4 of the Copeland Local Plan protects range of services and facilities serving the Borough's communities by encouraging the provision and retention of good quality services



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and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. This policy also allows for the expansion and enhancement of existing community and cultural facilities to assist continuing viability and guards against the loss of land or buildings belonging to existing facilities in all locations by ensuring sites are retained for other forms of community use and ensuring satisfactory alternative provision is made where development will result in a loss of a service. Policy DM21 of the Copeland Local Plan states that development or change of use which would result in the loss of an existing social, community, cultural or sports facility will be resisted where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

Policy SC5PU of the Emerging Local Plan states that proposals for new community facilities will be supported in principle and developments must be located within a settlement boundary identified within the hierarchy unless the proposal is for a specific activity that required a location that cannot be accommodated within a settlement, be accessible by sustainable transport modes where possible, be of a scale appropriate to its surroundings, ensure adequate parking is provided, ensure the development does not cause unacceptable harm on residential amenity, and ensure that biodiversity conservation interests would not be harmed as a result. This policy also states that the loss of existing community facilities through change of use or new development requiring planning permission will only be permitted where it can be clearly demonstrated, to the satisfaction of the Council, that its continued use as a community or cultural facility is no longer feasible, having had regard to appropriate marketing, there is sufficient provision of such facilities in the area, and/or sufficient alternative provision has been, or will be made elsewhere which is equally accessible and of the same quality or better than the facility being lost.

The proposal seeks to enhance the existing Public House serving the village of Bigrigg. The application seeks to extend the internal layout of the existing Pub, with the main alterations creating a large restaurant seating area. The applicant has recently taken over the site after the previous owner left due to financial difficulties. A new operator is interested in taking over the Pub, however, to make the business viable more space is required within the eating area to accommodate extra customers.

The proposed works to the site will help ensure the future viability of the village Pub and will therefore retain and enhance the existing facilities for the local community. On this basis, the proposal is considered to comply with Policies SS4 and DM21 of the Copeland Local Plan, SC5PU of the Emerging Local Plan, and provisions of the NPPF.

Scale, Design, and Impact of the Development

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the

site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

The application seeks to replace the existing glazed conservatory with a larger single storey flat roofed side extension to provide additional seating capacity for the restaurant. Whilst the extension is larger in scale and is sited closer to the adjacent neighbouring properties, the proposed extension is set back from the front elevation of the Pub and has no side or rear facing windows. The extension is also sited at a lower level than the rear property, and benefits from existing boundary treatment to mitigate the impact of the development. The development is therefore not considered to create overlooking or amenity issues for the neighbour properties. Whilst the use of a flat roof does not reflect the form of the existing Pub, it limits the impact on neighbouring properties and the overall streetscene. The proposed rear extension is also not considered to have an impact on neighbour properties given the limited use of openings and separation with existing dwellings.

The proposed porch is also considered to reflect the character of the existing property and will not have an adverse impact on the overall streetscene.

No objections have been received from neighbouring properties or the local community.

The Council's Environmental Health Officer has offered no objections to the proposed development subject to conditions to restrict construction hours in order to limit noise disturbance to neighbouring properties. The Officer has further confirmed there are no objections to the proposed operation hours, which will be secured by an appropriately worded planning condition.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies SS1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Access, Parking, and Highway Safety

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.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The application site benefits from a large car park to the rear of the site. This will remain



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unaltered as part of the proposed works. The Highway Authority have reviewed the application and have confirmed they have no objections to the proposal as it will not have a material effect on highway conditions.

It is therefore considered that the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Flood Risk and Drainage

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 1 and therefore the application is not supported by a Flood Risk Assessment.

It is proposed that surface water and foul water from the development will be disposed of by the main sewer as existing. As the extension will be located upon the footprint of the existing extension and surrounding hardstanding, the impermeable area will not be increased therefore the proposal is considered acceptable. The LLFA have confirmed that the development will not increase flood risk on site or elsewhere.

An existing United Utilities combined sewer runs through the north of the site, from the main highway under the existing main building to the existing residential properties to the rear of the site. Concerns were originally raised from UU and the LLFA regarding the location of the extension over this sewer, however following the submission of details of a site meeting with UU where it was confirmed that a Formal Building Over Agreement would be required no objections have been received from either consultee. UU and Highways have stated that a number of pre and post works would be required in order to secure the Formal Building Over Agreement, however these would be controlled via this agreement process with UU.

On this basis the proposal is not considered to have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Planning Balance & Conclusion

The application site relates to an existing Public House, located within the designated settlement boundary for Bigrigg identified as a Sustainable Urban Village, where the focus will be to support the retention and small scale growth of existing services and businesses. The application seeks to redevelop and extend the existing Public House, creating a larger restaurant seating area to ensure the future viability of the pub and to retain and enhance the existing community facility. This is afforded significant weight.

Whilst the extensions bring the development closer to the existing residential properties, the existing landform and boundary treatments, along with the proposed design ensure the

	<p>proposal do not have an adverse impact on the amenity of the neighbouring dwellings. The developments are also not considered to have an adverse impact on the overall streetscene. Conditions will be utilised to secure construction and operation hours to mitigate the impacts on adjacent residential properties. This is afforded moderate weight.</p> <p>The site benefits from a large car park, which will remain unaltered as part of the application. No objections have been received from the Highway Authority.</p> <p>No objections have been received from UU or the LLFA, however the applicant is aware that a Formal Building Over Agreement will need to be secured with UU prior to works commencing.</p> <p>On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within 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 must be carried out in accordance with them:- <ul style="list-style-type: none"> - Plans as Existing: Location Plan, Block Plan, & Plans as Existing, Scale 1:50, 1:500 & 1:1250, Drg: 001, Rev: A, received by the Local Planning Authority on the 20th May 2024. - Elevations as Existing, Scale 1:50, Drg: 002, Rev: A, received by the Local Planning Authority on the 20th May 2024. - Plans as Proposed, Scale 1:50 & 1:100, Drg: 003, Rev: A, received by the Local Planning Authority on the 20th May 2024. - Elevations as Proposed, Scale 1:50, Drg: 004, Rev: A, received by the Local

Planning Authority on the 20th May 2024.

- Covering Letter, received by the Local Planning Authority on the 20th May 2024.
- Email from Applicant – Response to UU, received by the Local Planning Authority on the 2nd August 2024.

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.

Other Conditions:

3. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00
- Saturday 08.00 – 13.00

There shall be no construction activities on Sunday or Bank Holidays.

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.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.

4. The use of the development hereby permitted must only be open to the public/customers between:

- 11.00am - 11.00pm Monday to Thursday;
- 11.00am - 01.00am Friday and Saturday; and
- 12.00pm - 10.30pm Sunday.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

	Informative Note A public sewer crosses the site. The applicant will need to obtain a Building Over Agreement from United Utilities as part of the proposed works. Statement: The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
	Case Officer: C. Burns	Date : 03.09.2024
	Authorising Officer: N.J. Hayhurst	Date : 04.09.2024
	Dedicated responses to:- N/A	