

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2262/0F1	
2.	Proposed Development:	CHANGE OF USE OF A CONSERVATORY ON A DWELLING TO A DOG GROOMING PARLOUR	
3.	Location:	5 ELLERBECK BARNS EGREMONT	
4.	Parish:	St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - 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 a residential property, known as 5 Ellerbeck Barns, which is situated within a group of five barn conversions located off the B534, the main road running south from the residential area of St Bees. The residential property benefits from two large conservatories, a porch, parking areas, and a large area of land surrounding the dwelling.	
	Relevant Planning History		

4/12/2280/0F1 – Change of use from residential to bed & breakfast – Approved.

4/18/2204/0F1 – Change of use from bed and breakfast to one private dwelling – Approved.

4/22/2042/0F1 – Use of land for the siting of four glamping pods with small decking areas, construction of parking comprising 4 spaces, footways and associated drainage and minor earth works to regrade the land levels – Approved.

Proposal

This application seeks planning permission to change the use of the existing conservatory on the existing dwelling for use as a dog grooming parlour. No external alterations are proposed to the conservatory to accommodate the change of use. The business will serve one customer at a time, with a maximum of 3-4 dogs per day, between the hours of 10am – 5pm Monday to Friday. Customers will drop off and pick up their dog by appointment only and utilise the existing parking at the site.

Consultation Responses

St Bees Parish Council

There are no objections to the change of use from a conservatory to a dog grooming parlour.

Cumberland Council – Highway Authority & Lead Local Flood Authority

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.

Cumberland Council – Environmental Health

22nd August 2024

Noise disturbance from dog barking is always a consideration when dealing with such applications.

However, in mitigation, the development is small in scale and the premises does offer some attenuation against noise transmission.

Dog grooming is also seen as an animal enrichment activity and should not cause excess dog barking.

However, Environmental Health would like to see a Noise Management Plan in place to limit the numbers of dogs at the premises and to promote good practice.

The hours of opening are seen as reasonable.



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Conditions requested to secure noise management plan and operation hours.

11th September 2024

Thank you for sending the NMP across.

This is quite basic – I was looking for something with more detail if possible.

I came across this example online which the applicant could perhaps use as a template –

<https://docs.planning.org.uk/20220310/54/R8F1Z3KBMEB00/6kwam4v2wrz5yfc2.pdf>

In addition to the points raised in the above document, we would also want the NMP to consider the following:

- Dogs should ideally be dropped off and collected prior to the next arriving so that there aren't multiple dogs on the premises. Perhaps think of a facility / arrangement for holding dogs separate if the owner is delayed in collecting their animal
- Think about dogs in season
- Think about medical records of dogs (cross contamination risk on equipment)
- Keeping windows / doors closed where practicable and safe to do so
- Use of portable heating / ventilation equipment if necessary in extreme weather conditions
- Keep a register or blacklist of noisy dogs

12th September 2024

The revised document is very good and Environmental Health are happy to advise that this will satisfactorily discharge the condition for a noise management plan.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to eight 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 ER6 – Location of Employment

Policy ER11 – Developing Enterprise and Skills

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

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.



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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.

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. Once the consultation on the main modifications to the ELP is complete significant weight can 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

Strategic Policy DS8PU: Reducing Flood Risk

Strategic Policy E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

Policy R5PU: Retail and Service Provision in Rural Areas

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

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

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The key issues raised by this application relate to the principle of the development; growth of business; scale and impact on residential amenity; highway safety; and impact on ecology.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to support the development of energy infrastructure, related economic clusters, rural diversification and tourism in appropriate locations.

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy.

The application site lies within a small group of dwellings, to the south of St Bees. Policy ST2 of the Copeland Local Plan identifies the application site as outside of any defined settlement boundary. Policy ST1 and ST2 of the Copeland Local Plan seeks to support development outside of designated settlement to those which have a proven requirement for such a location, including land uses characteristically located outside settlements and seeks consider sympathetically proposals involving small retail and service businesses appropriate to villages and which strengthen local community viability.

Within the Emerging Local Plan, under Policy DSPU3 the application site continues to be identified as within open countryside. Policy DS4PU allows for a number of types of developments within open countryside where there is a proven need, including agriculture, forestry, farm diversification, or tourism proposals.

Policy R5PU of the Emerging Local Plan states that within the open countryside small scale farm diversification and retail and leisure schemes of 150sqm of less will be considered where: the development respects the character of its setting and the countryside, would not lead to unacceptable harm to biodiversity assets, and it can be robustly justified that there is need for open countryside location.



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Paragraph 89 of the NPPF also recognises that sites to meet local and business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

Policy ST1 of the CS also encourages the reuse of existing buildings and previously developed land wherever possible, directing development away from greenfield sites where this is consistent with wider sustainability objectives.

The application seeks to change the use of an existing conservatory serving an existing residential dwelling. Whilst the site is located outside of any existing or proposed settlement boundary, the proposed change of use is considered to meet the policy requirement of providing a new service which would serve this rural area of the Borough.

The principle of the proposed change of use is therefore considered acceptable. On this basis, the proposal is considered to comply with Policies ST1, ST2, and ER6 of the Copeland Local Plan, Policies DS2PU, DS3PU and DS4PU of the Emerging Local Plan, and provisions of the NPPF.

Growth of Business

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate growth of the Borough's local economy.

Policy ER11 seeks to promote the diversification of the Borough's economy by working with partners to support new and expanding employment sectors. This policy also seeks to support the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to retain enterprise, jobs and skills within the Borough.

Within the Emerging Local Plan, Policy E1PU states the economy of Copeland Borough will be strengthened and broadened to provide a diverse range of employment and economic opportunities that will attract new key industries and provide the flexibility to accommodate existing businesses and new initiatives by maintaining, enhancing, regenerating and where appropriate extending the employment base in our towns and settlements in accordance with the Development Strategy, prioritising high-quality office provision within Whitehaven and the Key Service Centres to meet inward investment needs, and supporting flexible workspace, collaborative spaces and touch down zones.

The NPPF also states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The proposal will utilise existing underutilised residential space to introduce a new business within this rural area. On this basis, it is considered that the development will assist facilitate growth of the Borough's local economy in accordance with the provisions of Policies ST1,

ST2, ER6, ER11 of the Copeland Local Plan, Policies E1PU of the Emerging Local Plan and provisions of the NPPF.

Scale, Design and Impact on Residential Amenity

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 proposed dog grooming business will be accommodated within the footprint of the existing conservatory located upon the rear of the existing residential property. The proposal is therefore not consider to have an impact on the character of the area as there will be no external alterations to the conservatory or residential property.

The property is located within a small group of barn conversions, however the application site is detached from the other dwellings by the access road serving the residential area. The proposed business will be small in scale, operating on an appointment basis, serving 3 – 4 dogs a day. The applicant has submitted a supporting statement to detail how the business will be operated. No objections have been received from any neighbouring property.

The Council's Environmental Health Officer has reviewed the application and has indicated that they are not opposed to the application but has raised comments regarding the potential noise disturbance from dog barking. The Officer does, however, acknowledge that the development is small in scale and offers some attenuation from noise mitigation. A noise management plan was therefore requested for the business. Following the submission of this management plan, the Environmental Health Officer has confirmed that the information is acceptable for this development. A condition will therefore be included on any decision notice to ensure the development is carried out in accordance with these details. A further condition will also be included in order to restrict the operation hours, which have been confirmed as acceptable by the Environmental Health Officer. Both these conditions will ensure residential amenity is protected.

Based on the inclusion of these conditions, it is considered that the proposal is of an



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appropriate scale and will not have a detrimental impact on residential amenity in accordance with Policies SS1 and DM10 of the Copeland Local Plan, Policies DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

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 proposed works will not alter access arrangements for the site, and will utilise the existing parking for the dwelling. The Highway Authority have offered no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions.

Whilst the development will create additional movements to the site, these are likely to be limited due to the small scale of the business. Consequently the business is not considered to 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.

Impact on Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements. This application is supported by a Biodiversity Net Gain Statement which sets out why this proposal is except. In this instance the application is exempt from BNG as the development is for a change of use of an existing domestic extension so there will be no or

	<p>only a de minimis impact on onsite habitat.</p> <p>On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to change the use of the existing conservatory at this residential dwelling to provide a dog grooming business. Whilst the site is located outside of any existing or proposed settlement boundary, the proposed change of use is considered to meet the policy requirement of providing a new service which would serve this rural area of the Borough.</p> <p>The change of use will be accommodated within the footprint of the conservatory and will not include any additional external alterations which would result in adverse impacts on the surrounding area. The business is small scale and is supported by details of the operation and a noise management plan to ensure the amenity of neighbouring properties is safeguarded.</p> <p>No objections have been received from statutory consultees or neighbouring properties.</p> <p>The proposal is therefore 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 must be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 30th



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July 2024.

- Existing Floor Plan, received by the Local Planning Authority on the 30th July 2024.
- Elevation Plan of Existing Conservatory, received by the Local Planning Authority on the 30th July 2024.
- Floor Plan, Scale 1:100, received by the Local Planning Authority on the 30th July 2024.
- Supporting Statement, received by the Local Planning Authority on the 30th July 2024.
- Biodiversity Net Gain Exception Statement, received by the Local Planning Authority on the 30th July 2024.
- Noise Management Plan (Amended), received by the Local Planning Authority on the 11th September 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. The use of the dog grooming premises hereby approved must only be permitted to the public/customers between:

- 10:00am – 17:00pm Monday to Friday, and not at all at weekends and Bank Holidays.

Reason

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

4. The use of the dog grooming premises hereby approved must be carried out in accordance with the following approved document at all times:

- Supporting Statement, received by the Local Planning Authority on the 30th July 2024.
- Noise Management Plan, received by the Local Planning Authority on the 11th September 2024.

Reason

	<p>To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.</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>	
Case Officer: C. Burns		Date : 13.09.2024
Authorising Officer: N.J. Hayhurst		Date : 17.09.2024
Dedicated responses to:- N/A		