

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2317/0F1	
2.	Proposed Development:	CHANGE OF USE FROM TWO SHOPS (CLASS A1) INTO TWO 4 NO. BEDROOM DWELLINGS (CLASS C3) & ERECTION OF SINGLE STOREY REAR EXTENSION	
3.	Location:	12-14 MAIN STREET, HAVERIGG	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
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 12 - 14 Main Street, two terrace properties located within the centre of Haverigg. The three storey properties are currently two commercial shops, one vacant and one currently used as a hairdressers. Above the shops is a flat which is uninhabitable in its current conditions.		

Relevant Planning History

4/20/2229/0F1 – Change of use of two shops (class A1) into two 4 bedroom dwellings (class C3) and erection of single storey rear extension – Approved.

Proposal

This application seeks planning permission to change the use of the existing commercial premises into two four bedroom dwellings (class C3) and the erection of a single storey rear extension. Planning permission was granted in November 2020 for the same works.

As per the previous approval, the majority of the proposed change of use will be accommodated within the existing footprint of the properties, however the application seeks to replace the existing flat roof extension and garage to the rear of the site. The proposed stepped rear extension will project from the rear of the property by 3.4m at the shortest point and 4.2m at the greatest, along this elevation by 10.05m, and will benefit from a flat roof with an overall height of 2.9m. It is also proposed to erect a 3.1m wall around the rear yard for this property, over the footprint of the demolished garage, to create parking and amenity space for both properties. This space will also provide an area for secure bike and waste storage.

Internally the proposal will incorporate a ground floor sitting/dining room, a toilet and a kitchen. The first floor will accommodate two bedrooms and a bathroom, and the second floor will include two bedrooms one with an ensuite bathroom. The proposal will remove the existing shop front from no.12 and will replace this with a double ground floor window and single door to mirror no.14.

Consultation Responses

Millom Town Council

No comments received.

Cumberland Council – Highway Authority & Local Lead Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Highways response:

Whilst the vehicle parking arrangements shown are not ideal and only provide 2 spaces rather than the 4 spaces usually expected for 2 No. 4 bed dwellings, it will still be an improvement on the existing garaging arrangements. I note the inclusion of secure bike storage and that is welcomed as it can encourage sustainable travel options.

The new windows fronting the highway are also to be of a style that does not open out over the highway



Cumberland Council

LLFA response:

It is noted that the site is within a Flood Zone 3 area from tidal flooding but the applicant is proposing flood resilience measures and emergency access / egress. The Environment Agency is the responsible body for assessing the flood risk related to tidal flooding and assessing the suitability of the mitigation measures, The LLFA will follow their lead,

In terms of surface water flooding and drainage strategy, since there is no change to the footprint of the building nor the existing drainage infrastructure, the discharge and flood risk will remain as per the existing situation. The flood risk from ground water and surface water to the site and off-site will not be increased by the development and as such the LLFA has no objection to the proposals.

Conclusion:

On this basis I would raise no objections to the proposal subject to the above points being included in any notice of consent that may be issued.

United Utilities

No comments received.

Environment Agency

We have no objection to the proposed development, however we do wish to make the following comments:-

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Kingmoor Consulting (referenced: 20-165r001_ C; dated: 4 July 2020).

We have reviewed the FRA in so far as it relates to our remit, and although the FRA appears to be 4 years old, it is bespoke to the development proposals and there have been no significant changes to Flood risk assessments: climate change allowances or tidal flood risk modeling in this geographical area.

We are therefore satisfied that as sleeping accommodation is on the first floor and above, and there is safe refuge for both units, as well as a flood evacuation plan for the Cumbrian coastline flood warning area. We are satisfied that development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval.

Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Cumberland Council – Environmental Health

There are no objections to this development from Environmental Health.

The following condition and advice is requested if approval is granted: noise from construction works, and radon.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to eight properties. One objection has been received raising the following concerns:

- The development is in a zone 3 flood risk area which could have a severe impact on the ground floor rooms, including the ground floor annex. The evacuation plan has been submitted for the upstairs rooms only which I feel is not sufficient.
- I am concerned about the lack of parking provision, parking on Silverdale Street is impractical and parking on Main Street would accommodate just two small cars one of which would be dangerously close to the junction with Silverdale Street.
- The access to the site is narrow so there would be a restricted access for construction traffic, construction material deliveries etc.
- The junction of Silverdale Street and Main Street can be very congested at school drop off and pick up times as we no longer have a School Crossing Patrol. This is of concern to us.
- A smaller development with the correct parking provision would be acceptable.

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Policy H13: Conversion and sub-division of buildings to residential uses including large HMOs

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy Strategic

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Planning Practice Guidance (NPPG)

Cumbria Development 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; impact of the development; access, parking, and highway safety, flood risk and drainage; and biodiversity & ecology.

Principle of Development

Haverigg is identified in Strategic Policy DS1 of the Copeland Local Plan as a Local Centre, which have a supporting role to Copeland's towns containing a broad range of services. These settlements also operate independently from the main towns to meet day to day needs or as a well-connected cluster, linked to a neighbouring town or village of a similar scale by a frequent public transport service and/or safe pedestrian routes a mile or less in length. It is stated that the focus for development in Local Centres will be to support the retention and small scale growth of existing services and businesses, with development focused on existing employment allocations, moderate housing allocations, and windfall and infill developments.

The settlement boundary for Haverigg is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Strategic Policy R1 of the Copeland Local Plan seeks to enhance the vitality and viability of town centres and villages identified in the settlement hierarchy by working with partners and applicants to support a network of healthy, vibrant and resilient town centres, comprised of a diverse range of retail, residential, leisure and other main town centre uses, that can effectively respond to change.

The application site is located within the centre of Haverigg, fronting onto Main Street. The main use within this area is predominantly residential, however there is also a mix of commercial properties along main street. The application seeks to change the use of an existing vacant/dilapidated shop and existing hairdressers to two residential dwellings. Whilst the ground floor commercial uses at this site will be lost the principle of changing the use to residential has previously been established by the previous planning approval at this site (ref: 4/20/2229/0F1).

On this basis, the proposal is considered to comply with Policies DS1, DS2 and R1 of the Copeland Local Plan.

Impact of the Development

Policy H13 of the Copeland Local Plan states that conversions of properties within the Borough settlement boundaries will be supported as long as the development does not result in unacceptable harm to residential amenity, future residents have adequate light and privacy, does not result in loss of privacy, and adequate external amenity space and off-street parking is provided or available within close proximity of the site.

Policy DS4 of the Copeland 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 works proposed to these properties reflect those previously approved at this site under



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planning approval ref: 4/20/2229/0F1, with the majority of proposed works utilising the existing footprint of the buildings. The proposed alterations however also seek to remove the existing rear flat roof garage and remove the existing shop front. The alterations are considered to enhance the dilapidated start of the existing site within a prominent location along the main street through Haverigg. The alterations are also not considered to have a detrimental impact on the living conditions of the neighbouring properties.

The Council's Environmental Health Officer has also offered no objections to the proposal, however comments were made with regard to potential noise disturbance during construction. A condition will therefore be included within any decision notice to limit construction hours at the site.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies DS4 and H13 of the Copeland Local Plan, and the provisions of the NPPF.

Access, Parking and Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

As part of the proposed change of use the existing rear garage area will be demolished to create a parking and amenity space for both properties, including two parking spaces and four secure bike storage spaces. The site is also located within the centre of Haverigg, with on street parking available.

Whilst concerns have been raised by a local resident regarding the impact of the development upon parking and access, the development will replace an existing shop and hairdressers reducing the traffic movements from the site. The development also includes two onsite parking spaces not currently available for the current uses. The Highway Authority have also confirmed that they have no objections to the development given the improvements to the existing parking arrangements. A condition will be included on any decision notice to ensure the parking area is constructed and available for use prior to the first occupation of the dwellings. A condition will also be included to ensure windows do not open onto the highway as requested by the Highway Authority.

On this basis the proposal is considered to be compliant with the Policy CO4 of the Copeland Local Plan, and provisions of the NPPF.

Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 2 and 3. A Flood Risk Assessment has therefore been submitted to support this application. Concerns have been raised by one resident with regard to the suitability of the assessment and impact this will have on the ground floor of the property, however no objections have been raised from statutory consultees.

The EA have noted that whilst the FRA is four years old, it is bespoke to the development proposed and there have been no significant changes to Flood Risk in the geographical area. As the ground floor is not used for sleeping accommodation and the upper floors provide safe refuge for both unit, and a flood evacuation plan is in place, the EA have confirmed that the development will not exacerbate flood risk providing the mitigation measures are implemented. This will therefore be secured by an appropriately worded planning condition.

The LLFA have also confirmed no objections to the proposed change of use as the development will utilise the existing footprint of the building and existing drainage infrastructure, therefore discharge and flood risk will remain as existing.

On the basis that the development is considered to benefit from a satisfactory drainage scheme and will not increase flood risk at the site or elsewhere subject to conditions requested. The proposal is therefore considered to achieve the requirement of Policies DS6 and DS7 of the Copeland Local Plan, and the NPPF.

Biodiversity & Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 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 N1. This is in addition to any compensatory habitat provided under Policy N1. 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 exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development is for a change of use within the existing footprint of the two existing properties so there will be no or only a de minimis impact on onsite habitat.



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	<p>The application site is identified as a potential area for natterjack toads. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposed change of use is retained within the existing footprint of the building with only a small rear extension proposed which is located on an existing hard surfaced area, therefore the development will not disturb any habitats. The site is also located within a building up area. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.</p> <p>Based on the inclusion of the above conditions, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><u>Planning Balance & Conclusions</u></p> <p>The application seeks to change the use of two existing buildings located within the centre of Haverigg, which is identified as one of the Borough's Local Centres. The area is predominantly residential however the Main Street also benefits from a number of commercial premises. Whilst the ground floor commercial uses at this site will be lost the principle of changing the use to residential has previously been established by the previous planning approval at this site (ref: 4/20/2229/0F1).</p> <p>The works proposed to these properties reflect those previously approved at this site under planning approval ref: 4/20/2229/0F1, with the majority of proposed works utilising the existing footprint of the buildings. The external alterations to the properties and the proposed use are considered to enhance the dilapidated buildings and are not considered to have a detrimental impact on residential amenity.</p> <p>No objections have been raised from statutory consultees in terms of highway safety, drainage or flood risk.</p> <p>On balance the positive benefits that would result from this proposal, including the reuse of a vacant and dilapidated buildings, 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> <p>1. The development hereby permitted must be commenced before the expiration of three</p>

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. Permission must relate 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 by the Local Planning Authority on the 25th September 2024.
- Existing Plan, Elevations, and Location Plan, Scale 1:50, 1:100 & 1:1250, Drawing No: MVC445-01, Rev: C, received by the Local Planning Authority on the 25th September 2024.
- Proposed Plans, Elevations and Site Plan, Scale 1:50, 1:100 & 1:200, Drawing No: MVC445-02, Rev E, received by the Local Planning Authority on the 25th September 2024.
- Planning Statement, prepared June 2020, Rev: A, received by the Local Planning Authority on the 25th September 2024.
- Flood Risk Assessment, Prepared by Kingmoor Consulting on the 4th July 2020, received by the Local Planning Authority on the 25th 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.

Prior to Occupation Conditions:

3. Prior to the first use of either dwelling hereby approved, the rear parking spaces and secure bike storage must be constructed and available for use in accordance with the following approved plans:
- Proposed Plans, Elevations and Site Plan, Scale 1:50, 1:100 & 1:200, Drawing No: MVC445-02, Rev E, received by the Local Planning Authority on the 25th September 2024.

Once installed these spaces must be retained and available for use at all times

thereafter.

Reason

In the interest of highway safety.

Other Conditions:

4. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved documents:

- Flood Risk Assessment, Prepared by Kingmoor Consulting on the 4th July 2020, received by the Local Planning Authority on the 25th September 2024.

Once installed these measures must be retained at all times thereafter.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

5. 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 08.00 – 18.00 and
- Saturday 08.00 – 13.00

There should be no construction activities on the site any any time 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 neighbouring occupiers during the construction of

	<p>the development.</p> <p>6. Any ground floor windows installed within the properties must be of a style which do not open onto the highway and shall be retained thereafter.</p> <p>Reason</p> <p>In the interest of highway safety.</p> <p>Informative:</p> <p>Radon Map UK shows that the site is within a 1 km grid square of elevated radon potential. Maximum radon potential is 10 – 30% and full radon protection may be required.</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 : 20.11.2024
Authorising Officer: N.J. Hayhurst		Date : 20.11.2024
Dedicated responses to:- N/A		