

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2086/0F1
2.	Proposed Development:	CHANGE OF USE FROM VACANT SHOP AND DWELLING TO 2 NO 2-BEDROOM DWELLINGS, INCLUDING NEW ENTRANCE DOOR TO ONE PROPERTY AND RAISING SECTION OF ROOF TO REAR OUTSHOOT ON ONE PROPERTY.
3.	Location:	1 EGREMONT STREET, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC Adverts Coal – Off Coalfield Key Species – Potential areas for Natterjack Toads
6.	Publicity Representations & Policy	See Report
7.	Report: SITE AND LOCATION This application site relates to an end terraced premises located at 1 Egremont Street in Millom. There is a mixture of commercial and residential premises within this locality with Millom Infants School being located to the west of the site. The use of the premises is currently considered to fall under Class Use E at present and there is a small yard area to the rear elevation with no curtilage area to the front. PROPOSAL Planning permission is sought for the change of use from a vacant shop and dwelling to form 2 no 2-bedroom dwellings.	

There are currently two separate offshoots to the rear of the premises. The only alterations proposed to the external elements of the premises as part of the proposed conversion are the increase in the height of the eastern elevation offshoot by 0.3m, the installation of a front door to the front elevation and slight alterations to the fenestration to the property.

RELEVANT PLANNING APPLICATION HISTORY

4/24/2028/0F1 – Conversion of vacant shop and dwelling to an 8 bedroom HMO - Withdrawn

CONSULTATION RESPONSES

Millom Town Council

No objections.

Highways Authority

No objections 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.

Environmental Health

There are no objections in principle to this development from Environmental Health. If the application is approved, the imposition of construction working hours and dust suppression/mitigation measures are requested in order that the local residential amenity is protected during construction works. An informative should also be provided.

Public Representations

The application has been advertised by way of a site notice being placed adjoining the site and 4 neighbour consultations being sent – No representations have been received as a result of this consultation process.

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 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.

The policies relevant to this application are as follows:-

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

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

Policy R2 – Hierarchy of Town Centres

Policy R4 – The Key Service Centres

Policy H1 – Improving the Housing Offer

Policy H2 – Housing Requirement

Policy H4 – Distribution of Housing

Policy H7 – Housing Density and Mix

Policy H13 – Conversion and Sub-division of buildings to residential uses including large HMO's

Policy H14 – Domestic Extensions and Alterations

Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Policy N3 – Biodiversity Net Gain

Policy CO7 – Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

ASSESSMENT

The key issues raised by this proposal are the principle of development, its siting, scale and the potential impacts on residential amenity.

Principle of Development

The proposal lies within the designated settlement boundary of Millom as set out in Policy DS2 of the LP. Policy DS1 defines Millom as one of the Key Service Centres where residential development within the town centre is supported.

Policies R1, R2 and R4 seek to preserve the vitality and viability of town centres although it is acknowledged that residential development is appropriate in town centres. The application site lies within a predominantly residential area outside the designated Town Centre.

Policy H13 supports proposals for the conversion and subdivision of buildings to residential uses within Copelands settlement boundaries, providing certain criteria are met. Policy DS4 and section 12 of the NPPF seek to promote high quality designs.

The proposal seeks to convert the existing premises to form 2 x 2 bedroomed properties. The loss of a retail unit in this location is not considered to have any impact on the viability or vitality of the town centre,

On this basis, the principle of development is therefore considered to be acceptable and the proposal satisfies Policies DS1, DS2, R1, R2, R4 and H13 of the Copeland Local Plan.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs.

The proposal seeks minor alterations to the host premises as part of the proposed conversion. The alterations include the insertion of a new front entrance door to one property, an increase in a section of roof to one of the existing rear offshoots by 0.3 metres and minor alterations to the fenestration to the property.

The existing premises is adjoined by an existing residential dwelling. The proposal seeks to install openings which are similar to the existing properties within this street. Therefore, it is not considered to impact upon the character and appearance of the existing property, streetscene and the wider residential area.

On this basis, the proposal is considered to meet Policy DS4 and H14 of the Copeland Local Plan and NPPF guidance.

Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

To date no objections have been received from neighbouring properties. The work involved in converting the premises is minor and is considered to be reasonable in scale. The proposal would not cause a significant loss of light or dominance to the neighbouring property.

The Environmental Health Officer has confirmed that they have no objections, however, they have requested a condition in relation to construction working hours and dust

suppression/mitigation measures in order that the local residential amenities are protected during construction works. An informative note is also suggested. The imposition of these will safeguard the residential amenities of adjoining properties.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy H14 and the NPPF.

Highway Safety

Policy H14 requires the operational car parking needs of the property to continue to be met. Policy C)7 sets out parking standards.

There is no off-street parking available at the application site which relies existing on-street parking. Although it is accepted that there are no parking facilities to the proposed properties, given the existing use of the premises, the modest scale of the proposal and its residential location it is considered that the proposed off-street arrangement in this instance is acceptable and therefore would comply with Policy H14 of the Copeland Local Plan.

On this basis, the proposal is considered to comply with Policy H14 and the Cumbria Development Design Guide.

Ecology

Policy N1 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identifying as a potential area for natterjack toads. The application is not supported by any ecology details, the proposal seeks for a change of use of an existing building and minimal works are proposed within the curtilage. On this basis, 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.

It is therefore considered that the development complies with Policy N1 of the Copeland Local Plan and the NPPF guidance.

Bio-diversity Net Gain

Policy N3 of the LP 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 above. 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, except from these BNG requirements. The biodiversity gain planning condition does not apply in relation to this proposal. The development would not impact an onsite priority habitat and falls below the relevant thresholds for on-site habitat. The proposal is exempt from BNG. <u>Planning Balance and Conclusion</u> The application seeks to change the use of the building to form 2 x 2 bedroomed dwellings. The site lies within a predominantly residential area within the designated development boundary for Millom which is classed as a Key Service Centre. It would also provide a minor addition to the housing offer within the town. The proposed change of use and external works are considered to be appropriate in scale and design within the street-scene and will not have any detrimental impact upon the amenities of the neighbouring properties, highway safety or ecology. On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 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 17/03/2025; Dwg No MVC1139-01 Rev B - Site Location Plan and Block Plan, scale 1:1250 and 1:200 received 17/03/2025; Dwg No MVC1139-02 Rev B – Proposed Plans and Elevations, scale Proposed Site Plan, scale 1:200 and 1:100 received 17/03/2025.

Reason

To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Any 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 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday.

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. Measures to control dust emission from the site during construction works shall be undertaken where necessary.

Reason

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

Informative

The site is within the Millom Smoke Control Area, designated under the Clean Air Act 1993, and residents and businesses must not emit smoke from a chimney and buy or sell unauthorised fuel for use unless it is used in an exempt appliance approved by DEFRA, see <https://uk-air.defra.gov.uk/sca/>

Radon Map UK shows that the site is in a 1 km grid square in which some parts are of elevated radon potential. The maximum radon potential is 10 - 30%.

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions: De Minimis

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: K. Bamford

Date : 01/05/2025

Authorising Officer: N.J. Hayhurst

Date : 06/05/2025

Dedicated responses to:- N/A