

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2555/OF1	
2.	Proposed Development:	REMOVAL OF THE EXISTING PITCH ROOF AND FIRST FLOOR WINDOW AND THE CONSTRUCTION OF A NEW FLAT ROOF BALCONY PLUS THE INSTALLATION OF A NEW ACCESS DOOR	
3.	Location:	BRIDGE CAFE, 1 ST GEORGES ROAD, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, 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	<p>This application relates to a semi-detached property located upon St Georges Road within the centre of the Millom Conservation Area. The property is currently known as Bridge Café, and comprises a commercial café within the ground floor and a residential self-contained flat above.</p> <p>The property is attached to another commercial premises and located adjacent to the railway line.</p>	
	Relevant Planning History		

4/07/2540/0 – Side window, side door and balcony – Approved

4/08/2293/0 – Changes to shop front – Approved

4/08/2494/0 – Creation of self-contained flat above café and construction of external balconies and staircase – Approved

Proposal

The property currently benefits from a small pitch roof extension which serves the lower floors of the site. This application seeks to remove the existing pitched roof of this extension and replace it with a flat roof to create a rear balcony for the residential flat. The proposed balcony will be contained within the footprint of the existing extension which measures 3.9m x 8.3m and will be located 6.35m from ground level. The balcony will be finished with a timber decking and timber railings which will extend up to 1m in height.

As part of this application it is also proposed to replace the first floor window with a new UPVC access door.

Consultation Responses

Millom Town Council

No objections in principle to this application.

Copeland Borough Council – Conservation Officer

No objection

Assessment:

This proposal entails levelling the pitched roof of a small rear extension in order to form a balcony.

This proposal will entail a neutral impact on the character and appearance of the conservation area. Although the Council has guidance that windows and doors in conservation areas should be of timber, in this case the intervention is not visible from the conservation area and the existing windows and bargeboards are uPVC. The proposal will not therefore entail a change.

The proposal is likely to entail neutral impact on the setting of the grade II listed St George's Church.

I would view this proposal as consisting of neutral impact on the character and appearance of the conservation area and the setting of the church.

Public Representation

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Strategic Development Principles

ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM18 – Domestic Extensions and Alterations

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (2021)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which

themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

Principle of Development

The proposed application relates to a mixed use property with a commercial ground floor use with a residential flat above. The building is located within the centre of Millom.

The proposed development will increase the living accommodation within the property and will provide a usable outside space for the flat. Policy DM18 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM18, and the NPPF guidance.

Scale, Design and Impact on Amenity

Policy ST1 and section 12 of the NPPF seek to safeguard good levels of residential amenity. Policy DM18 seeks to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

This application seeks permission to replace the pitch roof of the existing rear extension with a flat roof to create a balcony area, providing additional outside space for the residential flat associated with this property. Given that the property currently benefits from a number of existing balconies and, due to the location of the dwelling, overall the scale and design of the development is acceptable in relation to the parent property and the neighbouring properties. It will not have a significantly detrimental impact on either residential amenity or the overall streetscene.

On this basis the development is considered to comply with the requirements of Policy DM18 of the Copeland Local Plan and the provisions of the NPPF.

Impact on Conservation Area and Listed Building

Policy ST1, ENV4, DM27 of the Copeland Local Plan seek to protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [Section 16(2)]. This requirement also applies to the granting of

planning permission affecting a listing building or its setting [Section 66(1)].

Section 72 of the 1990 Act states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 206).

The Council’s Conservation Officer has offered no objections to the proposed development. Given the location of the proposed alterations to the rear of the site on the footprint of an existing extension the proposed is considered to have a neutral impact on the character and appearance of the Conservation Area. Although a new UPVC opening is proposed, which does not comply with guidance set out within the Council’s Conservation Design Guide, as the element is not visible from the Conservation Area and it will replace an existing UPVC window the Conservation Officer has stated that this will not entail a change. The Officer has also confirmed that the proposed is likely to entail neutral impact on the setting of the grade II listed St George’s Church.

The proposal is therefore considered to comply with policies ST1, ENV4, and DM27 of the Copeland Local Plan and provision of the NPPF.

Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan 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 proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is located within the centre of a built up residential area. 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. Furthermore the development will be located upon the footprint of an existing extension therefore will not disturb any habitats.

	<p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.</p> <p><u>Planning Balance & Conclusion</u></p> <p>The proposed alterations are of an appropriate scale and design, and will not have any detrimental impact on the amenities of the adjoining properties. Although the site is located within Millom Conservation Area the development is considered to have a neutral impact and is justifiable to improve the living accommodation within the dwelling. It represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</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/Block Plan, Scale 1:500 & 1:1250, Drawing Reference: 21-57-P-L, received by the Local Planning Authority on the 20th December 2021. - Plan & Elevations as Existing, Scale 1:100, Drawing Reference: 21-57-P-02, received by the Local Planning Authority on the 20th December 2021. - Plan & Elevations as Proposed, Scale 1:100, Drawing Reference: 21-57-P-03, received by the Local Planning Authority on the 20th December 2021. <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990,</p>

as amended by the Planning and Compulsory Purchase Act 2004.

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: C. Burns

Date : 08.02.2022

Authorising Officer: N.J. Hayhurst

Date : 14.02.2022

Dedicated responses to:- N/A