

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2202/0F1	
2.	Proposed Development:	CHANGE OF USE FROM GROUND FLOOR RETAIL AND FIRST FLOOR RESIDENTIAL (CLASS E & C3) TO FORM A SHORT TERM LET/HOLIDAY COTTAGE (CLASS C3) AND EXTERNAL ALTERATIONS INVOLVING THE REPLACEMENT OF EXISTING WINDOWS AND DOORS, THE INSTALLATION OF ROOF LIGHTS AND THE WIDENING OF AN EXISTING DOOR OPENING ON THE REAR ELEVATION AND THE DEMOLITION OF A CHIMNEY	
3.	Location:	70A MAIN STREET, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, 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	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	<p>This application relates to 70a Main Street, a terrace property located within the town centre of Egremont. The property fronts onto the Main Street and is located within the Egremont Conservation Area. Access to the rear of the site is via Market Street, which leads to the existing car park serving the adjoining Public House and letting rooms, Central Hotel.</p>	

Relevant Planning History

No relevant planning history.

Proposal

The application site is currently operated as a retail shop at ground floor level and residential use at first floor level which provides living space for the adjacent Central Hotel. The ground floor was previously operated as a barbers shop but has been vacant since December 2022.

This application seeks planning permission to change of use of the property from retail and residential (Class E & C3) to form a short term let/holiday cottage (Class C3). The proposed change of use will incorporate a living room, open plan kitchen/dining room, and bathroom at ground floor level. The proposed first floor will accommodate a double bedroom, a single bedroom and bathroom.

As part of this application planning permission is also sought for the following works:

- Replacement of existing windows and doors - Windows and doors within front elevation will be replaced with timber openings. Replacements within the rear elevation will be fitted with UPVC. Existing door opening to be altered to a single window.
- Installation of roof lights - Two rooflights to be installed within rear single storey element of property.
- Widening of an existing door access on rear elevation - Existing single door opening widened to accommodate UPVC French doors.
- Demolition of existing chimney within rear of property.

Consultation Responses

Egremont Town Council

21st June 2024

Egremont Town Council welcome all new businesses, however there are concerns over access and therefore would like a site visit to be arranged with the planning department to discuss the issues and Town Councillors would welcome the professional advice to ensure the access is as safe and protected as possible.

18th July 204

No objections.

Cumberland Council – Highway Authority & Lead Local Flood Authority

16th July 2024



Cumberland Council

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 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.

29th July 2024

I can confirm that the response made previously should still apply.

United Utilities

No comments received.

Cumberland Council – Conservation and Design Officer

26th June 2024

Conclusion: Suggest design revision

Assessment:

I don't have any objection to the principle of this proposal and am supportive of the aim to bring the building back into use. It entails a number of external elements:

- Removal of clutter from previous uses. This will have a positive impact on the building, the conservation area, and the settings of nearby heritage assets such as the grade II listed Town Hall.
- Replacement of existing poor quality uPVC windows to the front with higher quality uPVC replacements. Our Conservation Area Design Guide advises use of timber within conservation areas, so this should be the starting point.
- Removal of gloss black paint from frontage masonry. This will have a positive impact.
- Replacement of existing rainwater goods with new cast iron examples. This will have a positive impact.
- Replacement of the front door with a cottage style example in hardwood. To my eye, the style of the new door is slightly out of place. I would suggest a four panelled door, either solid or with the upper panels glazed. However, again I would view the improvement over the existing door as a strong mitigating factor, and there being no harm entailed in the change.
- Sealing the sandstone is not within the scope of planning control in this case, however I would urge caution as such processes are irreversible and can lead to more problems in the long run, such as the external appearance of the stone changing, or moisture becoming trapped behind it.
- New conservation rooflight fitted to rear roof pitch. I would view this as having a negligible level of harm on the building itself in terms of external appearance, but

benefit in terms of internal environment. I'd view there as being no impact on the conservation area or settings of nearby assets.

- Removal of rear chimney. Loss of chimneys typically entails some harm to the character and appearance of a building, as they are characteristic of a certain past time that can no longer be replicated, and because they are part of historic heating systems. In this case, it may have served a wash copper, or perhaps a range, depending on the space use. Considering the height of the chimney and the enclosed position, I would view the impact in this case as being of a fairly low level of harm on the building itself, though there are clearly benefits to the building's usability, and there being no impact on the conservation or the settings of nearby assets.
- Widening of existing door opening to allow French windows. I would view this as entailing a very minor level of harm to the building in terms of loss of historic opening pattern, although appreciate there is benefit to the internal environment and the access arrangements, making the building more useable. I anticipate no impact on the conservation area or nearby settings.
- Replacement of windows to rear. Rear windows are a mixture of uPVC and relatively recent timber sashes in poor condition. See comments relating to front.
- Blocking of rear doorway. Loss of a historic opening entails some minor loss of heritage value, however the proposal to infill the opening with blockwork and face in matching sandstone is good practice and will enable the opening to remain readable without sacrificing a good appearance.

9th July 2024

Conclusion: Request further details (see bold)

Assessment:

I don't have any objection to the principle of this proposal and am supportive of the aim to bring the building back into use. Since my first response, updates have been received:

- It is proposed to put timber sliding sashes at the front and make use of uPVC sliding sash and casement to the rear. I would view this as a good mitigation that would result in enhancement of the character and appearance of the conservation area, while bringing the building back into use.
 - I'd suggest obtaining several quotes for this work to ensure value.
 - Details of replacement windows could either be agreed during the course of this application or submitted and approved subsequently by discharging a condition. I would be happy with either.
 - We do not stipulate colours but advise following the guidance set out in the Conservation Area Design Guide available on our website. I'm happy to leave colours at your discretion, however I appreciate the concern about too many

proving discordant. Modern windows tend to be brilliant white, although this is rather anachronistic, so off-white or something a little darker might be appropriate. If you view the house front as consisting of only two palettes (a greyscale palette for the windows, fascias and rain water goods) and a red palette (the masonry and the red/pink paint of the door) that might help. However, you could just as well make use of a single greyscale palette for the joinery and rain water goods, which might contrast well with the red sandstone. Being timber, if you try a colour and don't like it you can try a different one.

- The new front door indicated looks like it would fit the style of the building better. I'd suggest using black ironmongery to avoid too many colours.
- Steam cleaning and repointing the masonry sounds like an ideal way to improve its appearance and protect it.
- I think the suggestion to retain the current opening surrounds, infilled, is a good one as this shows off the story of the building better and adds to its richness.

In summary, I am supportive of this proposal. Details of the replacement windows are awaited.

30th July 2024

No objection

Assessment:

Since my previous consultation response, it has been proposed to make use of timber sliding sashes at the front elevation and uPVC sashes and casements for the rear elevation, as appropriate to the opening.

Details have now been received, and these appear to ensure enhancement to the character and appearance of the conservation area, being significantly more attractive than the units currently installed.

Painting every few years will be needed to keep the front windows in good condition.

Cumberland Council – Environmental Health

27th June 2024

Further to the above planning application.

There are no objections to this proposal from Environmental Health, subject to the following comments.

The property lies within a 1km grid square of which some parts have elevated radon potential.

Full radon protection should therefore be built into the development.

If the development is approved, Environmental Health are also conscious of possible noise

disturbance, during the construction phase and from holiday guests in the cottage.

The following conditions are therefore requested: noise/dust from Construction Works, and noise management plan.

6th August 2024

Can an email contact be added to this please?

In all other respects I am happy with the document.

6th August 2024

Yes that is fine and please thank the applicant for the Noise Management Plan.

This is acceptable and will discharge the planning condition.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to three properties. No comments have been received in relation to the statutory notification procedure.

Public Reconsultation

Following the receipt of amended/additional information for the application and an amendment to the application description a reconsultation was undertaken for all neighbouring properties. No comments have been received in relation to this 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)



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Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER7 – Principle Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy ER10 – Renaissance through Tourism

Policy ER11 – Developing Enterprise and Skills

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

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM6A – Managing Non-Retail Development in Town Centres

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM13 – Conversion of Buildings to Residential Use within Settlement Limits

Policy DM22 – Accessible Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

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.

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 DS11PU - Protecting Air Quality

Policy SC5PU: Community and Cultural Facilities

Strategic Policy SC1PU: Health and Wellbeing

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 H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement



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Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H13PU: Conversion and sub-division of buildings to residential uses including large HMOs

Policy SC5PU: Community and Cultural Facilities

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Assessment

The key issues raised by this application relate to the principle of the development; impact on community facilities; tourism development; scale, design, and impact of the development; access, parking, and highway safety, flood risk and drainage; and impact on heritage assets.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to support development that provides or contributes to the Borough's social and community infrastructure enabling everyone to have good access to jobs, shops, services, and recreational/sport facilities. This policy also seeks to support the development of tourism in appropriate locations.

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 Egremont,

which is identified as one of the Borough's Key Service Centres in Policy ST2 of the Copeland Local Plan. This policy seeks to encourage opportunities for the start up and growth of small and medium enterprises, with a focus on linkages to the nuclear sector and tourism and seeks to support mixed use development in principle.

Policy DS3PU of the Emerging Local Plan continues to identify Egremont as a Key Service, where the focus will be on town centre and employment developments, and medium scale housing extensions, windfall and infill developments. 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.

Policy DM6a of the Copeland Local Plan seeks to protect and promote the vitality and viability of the defined town centres by permitting non-retail uses which support night time economy, providing such uses do not lead to an overconcentration of non-retail units.

Policy R1PU of the Emerging 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 Town Centre boundary for Egremont, within the north of Main Street. The main use within this area is predominantly commercial, however there is also a mix of residential properties. The application seeks to change the use of an existing vacant retail and residential unit to a holiday cottage/short term let. Whilst the ground floor commercial use will be lost as part of the development the change to residential is considered acceptable in this context. The principle of this development is therefore considered to be acceptable.

On this basis, the proposal is considered to comply with Policies ST1, ST2, ER6, and DM6a of the Copeland Local Plan, Policies DS3PU, DS4PU, and R1PU of the Emerging Local Plan, and provisions of the NPPF.

Impact on 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 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.

Whilst the proposal changes the use of the existing building, which was formally operated as a barbers, the proposal is not considered to result in the loss of this facility as the shop has been closed since December 2022. It is also considered that Egremont has other alternative facilities of this nature, which are available to serve the local community. On this basis the proposed change of use is considered to comply with policies ST1, SS4, DM12 and DM21 of the Copeland Local Plan, Policy SC5PU of the Emerging Local Plan, and the provisions of the NPPF.

Tourism Development

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate grow of the Borough's local economy. The NPPF states that planning policies and decisions should help to 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.

Policy ST1, ER10, DM8 and DM9 of the Copeland Local Plan seeks to maximise the potential of tourism in the Borough and will seek to expand tourism outside of the Lake District National Park boundaries to take pressure off the National Park's busiest locations and deliver economic benefit in the Borough. The NPPF also states that planning policies and decision should enable the sustainable growth and expansion of all types of businesses in rural area both through conversion of existing and well-designed new buildings, and sustainable rural tourism developments which respect the character of the countryside.

Within the Emerging Local Plan, Policy T1PU states that the Local Plan supports the creation, enhancement and expansion of tourist attractions, new build visitor accommodation and infrastructure in line with the settlement hierarchy. All tourism development must be of an appropriate scale, located where the environment and infrastructure can accommodate the

visitor impact, and where it does not result in unacceptable harm to environmental assets or the character of the area. This policy further states that tourism development will be supported out of the defined settlement boundaries where the proposal includes a function or activity that requires a location that cannot be accommodated within the Principle Town, Key Service or Local Service Centres, the proposal enhances existing place bound assets, the proposal is for a change of use or diversification of an existing building to provide overnight or longer stay visitor accommodation, or the proposal is for a farm diversification in rural area that will provide or enhance tourist provision.

The application seeks to change the use of an existing commercial unit located within the town centre of one of the Key Service Centres. Given the proposal will utilise an existing vacant building and involves minimal external alterations, the proposal is considered to be of an appropriate scale and will not have an unacceptable impact on environmental assets or the character of the area.

On the basis of the above it is considered that the proposal complies with Policies ST1, ST2, ER6, ER10, DM8 and DM9 of the Copeland Local Plan, Policies T1PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design, and Impact of the Development

Policy ST1, DM10, DM11, DM12 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site. DM13 of the Copeland Local Plan seeks to allow for the conversion of building within settlement limits to those which can provide adequate internal space, off street parking in accordance with parking standards, and adequate amenity space. This policy also states that conversions should conserve the character of the building and will not create amenity issues for residents of the adjacent properties.

Policy H13PU of the Emerging 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 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 main element of the change of use will be within the existing footprint of the building, with limited alterations to the main property. The proposed alterations to the property include replacement of existing windows and doors, installation of roof light, and widening of an existing door on rear elevation. The alterations are considered to enhance the dilapidated



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state of the existing property located within a prominent location and are also considered to enhance the traditional character of the terrace property.

Whilst the openings within the rear of the property will be altered the works are not considered to have a detrimental effect on neighbouring properties. No objections have been received from neighbouring properties.

The Council's Environmental Health Officer have also offered no objections to the proposal, however comments were made with regard to potential noise disturbance during construction and operation. Conditions were therefore requested to control noise/dust from construction works and to secure a noise management plan prior to the occupation of the property. The applicant has subsequently submitted the required noise management plan which has been confirmed as acceptable by the Environmental Health Officer. A condition is proposed in order to ensure the development is operated in accordance with these details to protect amenity.

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 site provides two off street parking spaces which are located to the rear of the property. Access to the rear of the property is via Market Street, which also serves the existing car park associated with the adjoining Central Hotel.

Initially, some concerns were raised from the Town Council regarding the safety and protection of this access. Given that the existing access serves the application site and the existing parking spaces, along with the adjoining Central Hotel, the proposed change of use is not considered to intensify the use of this access. The Highway Authority have also raised no objections to the proposed development as it is considered that it will not have a material effect on existing 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, therefore a Flood Risk Assessment has not been submitted to support this application.

The submitted application form for this proposal states that both foul and surface water from the development will be discharged to the existing main sewer as per existing arrangements.

The LLFA have offered no objections to the application as it is not considered that the development will increase flood risk on the site or elsewhere. No comments have been received from UU.

Given the proposed development will accommodate the change of use within the existing footprint of the building, utilising the same drainage arrangement, 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.

Impact on Heritage Assets

Policy ST1, ENV4, DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

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.”

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

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.

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206)

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).

Whilst the Council's Conservation Officer confirmed that he is supportive of the application in principle and the aim to bring the building back into use, a design revision was requested in terms of the proposed external alterations. Although the removal of clutter from previous uses and other alterations, such as replacement of rainwater goods with cast iron, will have a positive impact on the Heritage Asset, it was requested that timber window frames were utilised rather than the proposed UPVC to comply with the Conservation Design Guide. Following discussion with the applicant, the application was amended to include UPVC windows within the rear of the property only, with timber utilised within the front elevation. The Conservation Officer confirmed that this proposal was a good mitigation that would result in enhancement of the character and appearance of the Conservation Area, while bringing the building back into use. Details of the proposed openings have been provided which the Officer has confirmed as acceptable. Appropriately worded planning conditions are proposed to secure that the development is carried out and retained in accordance with these approved details.

Based on the amended information, and inclusion of the conditions outlined above, the application is considered to preserve and enhance the existing heritage assets and therefore the proposal is considered to comply with Policies ST1, ENV4, DM27 of the Copeland Local Plan, Policy BE1PU and BE2PU of the Emerging Local Plan, and provisions of the NPPF.

Planning Balance and Conclusions

The application seeks to change the use of an existing building location within Egremont, which is identified as one of the Borough's Key Service Centres. The Town Centre site is located within an area predominantly used for commercial/retail uses however, there is also a mix of residential properties. The application seeks to change the use of an existing vacant retail and residential unit into a holiday cottage/short term let.

Whilst the proposal will result in the loss of the ground floor commercial use the change to residential is considered acceptable in this context and will result in an enhancement of this dilapidated property. The proposal is not considered to result in the loss of this facility as the barbers has been closed for a number of years, and there are other alternative facilities of this nature elsewhere within the town centre.

Given the proposal will utilise an existing vacant building with minimal external alterations, the proposal is considered to be of an appropriate scale and will not have an unacceptable impact on environmental assets or the character of the area. The development is not

	<p>considered to have a detrimental impact on existing amenity given the submission of a noise management plan which will be secured by condition.</p> <p>Following the submission of amended information for the application and the use of traditional materials within the front elevation of the property, no objections have been received from the Council's Conservation Officer. Conditions will be utilised to secure the use of traditional materials.</p> <p>The proposal offers two off-street parking space to the rear of the site. The Highway Authority have offered no objections to the application. The development is also not considered to have an adverse impact on drainage or flood risk within the area.</p> <p>On balance the positive benefits that would result from this proposal, including the reuse of a vacant and dilapidated town centre building, 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"> - Site Location Plan, Scale 1:500, Reference Number: TQRQM24121213627472, received by the Local Planning Authority on the 3rd June 2024. - As Existing & Proposed Plans, Scale 1:50, Dwg No: 02, Rev: A, received by the Local Planning Authority on the 3rd June 2024. - As Existing & Proposed Elevation, Scale 1:50, Dwg No: 05, Rev: - , received by the Local Planning Authority on the 3rd June 2024.



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- Design, Access, and Heritage Statement (Amended), received by the Local Planning Authority on the 15th July 2024.
- Appendix 1 – Supporting Details and Photographs (Amended), received by the Local Planning Authority on the 14th July 2024.
- Appendix 2 – Window and Door Specification (Amended), received by the Local Planning Authority on the 22nd July 2024.
- Parking Plan, Scale 1:500, Reference Number: TQRQM24121213627472, received by the Local Planning Authority on the 17th June 2024.
- Noise Management Plan (Amended), received by the Local Planning Authority on the 6th 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. The windows and doors within the development hereby approved must be fitted with the materials specified on the approved plans:

- Design, Access, and Heritage Statement (Amended), received by the Local Planning Authority on the 15th July 2024.
- Appendix 1 – Supporting Details and Photographs (Amended), received by the Local Planning Authority on the 14th July 2024.
- Appendix 2 – Window and Door Specification (Amended), received by the Local Planning Authority on the 22nd July 2024.

All openings must be retained in accordance with the approved details at all times thereafter.

Reason

To safeguard the traditional appearance of the Heritage Asset.

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

- Noise Management Plan (Amended), received by the Local Planning Authority on

the 6th August 2024.

Reason

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

5. 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 and

No construction works shall take place at any time on Sundays 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.

Measures for the mitigation of dust and other airborne pollutants should also be taken at all times during the construction phase.

Reason

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement/installation of windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area.



Cumberland Council

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 : 13.08.2024

Authorising Officer: N.J. Hayhurst

Date : 16/08/2024

Dedicated responses to:- N/A