

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2331/0F1	
2.	Proposed Development:	REPLACE WHOLE OF SHOP FRONT SINGLE GLAZED WOODEN WINDOWS AND DOOR WITH DOUBLE GLAZED UPVC	
3.	Location:	31 LAPSTONE 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	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to 31 Lapstone Road, an existing end of terrace office building located within the town centre of Millom. The property is an unlisted building which is located within the Millom Conservation Area.		

Relevant Planning History

No relevant planning history.

Proposal

This application seeks to replace the whole of the existing shop front at this site, which is currently finished with single glazed wooden windows and doors, with a double glazed white Upvc shop front.

Consultation Responses

Millom Town Council

No comments received.

Cumberland Council – Highway Authority & Lead Local Flood Authority

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.

Informative: New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway.

Reason: To minimise possible danger to other highway users.

Cumberland Council – Conservation and Design Officer

Conclusion: Request design revision

Assessment:

- Being a traditional building with shop frontage within the conservation area, both our Conservation Area Design Guide and Shopfront Design Guide supplementary planning documents, which are a material consideration in such planning decisions, should be consulted and inform proposals.
- We would expect replacement shop front windows and doors here to be of timber construction. This should be specified from a durable timber that will be rot resistant, and kept regularly painted. We would be supportive of double-glazing or secondary glazing, however.
- It also appears that this would be a perfect opportunity to improve the appearance of the building frontage by reinstating the elements of a shopfront that have been lost – pilasters, a fascia above carrying the signage, and a stallriser below each windows.



Cumberland Council

Thought should be given if it hasn't already to whether this is viable.

- Until the 31st October 2024, Cumberland Council is accepting applications for building facelift grants of 50% of costs up to £5000, however, time is now very short. Contact highstreetgrants@cumberland.gov.uk for clarification.

National Amenities Society

No comments received.

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.

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.

The following policies are relevant to this application:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

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

Strategic Policy R4: The Key Service Centres

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Policy BE4: Non-Designated Heritage Assets

Policy BE5: Shopfronts

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Other Material Planning Considerations

National Planning Policy Framework (2023)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Copeland Shopfront Design Guide (Adopted September 2021)

Cumbria Development Design Guide

Assessment

The key issues raised by this application relate to the principle of the development; impact on heritage assets; highway safety; and impact on biodiversity and ecology.

Principle of Development

Millom is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. It also acts as service hub for nearby villages. It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.

The settlement boundary for Millom is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it



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accords with the Development Plan unless material considerations indicate otherwise.

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.

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. This policy also seeks to support regeneration projects, refurbishment of buildings and public realm improvements within the retail hierarchy.

Strategic Policy R4 of the Copeland Local Plan states that development that supports the roles of Cleator Moor, Egremont, and Millom as the Key Service Centres, strengthens and diversifies their offer and improves vitality and viability will be encouraged, particularly where it: provides improvements to public realm and signage, including through the provision of public greenspace and landscaping where appropriate; and protects and enhance the special character and appearance of Conservation Areas within town centres designated for their special architectural or historic interest.

The application site relates to an existing commercial premises located within the town centre boundary for Millom. The proposal seeks to replace a traditional timber shop front with a new UPVC shop front. Whilst the Copeland Local Plan supports regenerations proposals and the refurbishments of buildings which will enhance the public realm, the loss of a historic shopfront within a prominent location within the Millom Conservation Area is not considered to protect or enhance the special character and appearance of this designated area. On this basis, the proposal is considered to be contrary to Policies DS4, Strategic Policy R1 and Strategic Policy R4 of the Copeland Local Plan, and the provisions of the NPPF.

Impact on Heritage Assets

Strategic Policy BE1 and BE2 of the Copeland Local Plan seek to protect or enhance heritage assets and their setting. Proposals that better reveal the significance of heritage assets will be supported in principle.

Section 72 of the The Planning (Listed Buildings and Conservation Areas) Act 1990, states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”

Paragraph 139 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 203 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. 205 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. 208).

Paragraph 209 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. 212)

Referring to assets in a conservation area, NPPF para. 213 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 206-7) or less-than-substantial harm (under paragraph 208).

As the application relates to a traditional building with a shop frontage within the Millom Conservation Area, both the Conservation Area and Design Guide, and Shopfront Design Guide supplementary planning documents are a material planning consideration for this proposal. The Conservation Area Design Guide states that all historic shopfront joinery and period windows should be retained and repaired rather than replaced. The Guidance also confirmed that the use of UPVC windows and doors within the Conservation Area is inappropriate and should be avoided in Conservation Areas. The Shopfront Design Guide has been designed to help ensure attractive and effective shopfronts are provided and maintained to support the vitality of the Borough’s town centres and villages.

The proposal seeks to replace a traditional timber shop front with UPVC. The Council’s Conservation Officer has stated that the replacement shop front windows and doors at this site should be of a timber construction and has therefore requested a design revision for this application to reflect this. The Officer has also requested that the application be used as an opportunity to improve the appearance of the prominent building frontage by reinstating the elements of the shopfront that have been lost, including pilasters, a fascia above carrying the signage, and a stallriser below each window.

The applicant has been made aware of these concerns, however, no efforts have been made to alter the proposal.

Given that the proposal will result in the loss of a traditional shopfront within a prominent location within the Millom Conservation Area, the development is considered to have a detrimental impact on the character and appearance of the Conservation Area.

On this basis, the proposal fails to preserve or enhance the Millom Conservation Area and is therefore considered to be contrary to Strategic Policy BE1 and BE2 of the Copeland Local Plan, The Planning (Listed Buildings and Conservation Areas) Act 1990, the Copeland

Conservation Area and Design Guide, Copeland Shopfront Design Guide, and provisions of the NPPF.

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 the development only seeks to alter the shop front of the property, it is not considered that the proposal will have an impact on highway safety. The Highway Authority have confirmed no objections to the proposal as it will not have a material effect on existing highway conditions, however they have requested an informative/condition should the application be approved to ensure new ground floor windows and doors do not open onto the highway.

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

Impact on Biodiversity and 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 except from these BNG requirements. The application is supported by a Biodiversity Net Gain Exception Statement. In this instance the development is considered exempt from BNG as the development seeks to alter the existing shopfront within the existing footprint of the property so there will be no or only a de minimis impact on onsite habitat.

The application site is identified as a potential area for natterjack toads. As the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list),

	<p>and is within an existing built up area on a previously developed site, the development is not considered to disturb any habitats. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads.</p> <p>On this basis, 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 site relates to an existing commercial premises within Millom, which is identified as one of the Borough's Key Service Centres.</p> <p>The proposal seeks to replace a traditional timber shop front with UPVC shop front. Whilst the Copeland Local Plan supports regenerations proposals and the refurbishments of buildings which will enhance the public realm, the loss of a historic shopfront within a prominent location within the Millom Conservation Area is not considered to protect or enhance the special character and appearance of this designated area.</p> <p>The Council's Conservation Officer has requested a design revision to retain the traditional timber shop front and has requested that the application be utilised to restore historic features and improve the appearance of the shop front.</p> <p>In overall terms, it is considered that the direct conflicts with the provisions of the Copeland Local Plan, The Planning (Listed Buildings and Conservation Areas) Act 1990, the Copeland Conservation Area and Design Guide, the Copeland Shopfront Design Guide, and provisions of the NPPF, and the detrimental impact on the character and appearance of the Conservation Area are sufficiently harmful to significantly and demonstrably outweigh the minor benefits of the development to the proposed business.</p>
8.	<p>Recommendation:</p> <p>Refuse</p>
9.	<p>Reason for Refusal</p> <p>The loss of a traditional timber shopfront, and its replacement with UPVC, within a prominent location within the Millom Conservation Area is not considered to preserve or enhance the special character and appearance of this designated area. Consequently, this proposal would be in conflict with Strategic Policy BE1 and BE2 of the Copeland Local Plan, The Planning (Listed Buildings and Conservation Areas) Act 1990, the Copeland Conservation Area and Design Guide, Copeland Shopfront Design Guide, and provisions of the NPPF.</p>



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Statement

The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.

Case Officer: C. Burns

Date : 21.11.2024

Authorising Officer: N.J. Hayhurst

Date : 22.11.2024

Dedicated responses to:- N/A