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**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/25/2102/0F1
2.	<b>Proposed Development:</b>	REPLACE EXISTING SHOPFRONT WITH NEW HARDWOOD TIMBER SHOPFRONT
3.	<b>Location:</b>	52 MARKET PLACE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: YES  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>INTRODUCTION</b></p> <p>This application relates to 52 Market Place in Whitehaven. The building is a two storey mid terraced property which currently houses a Greggs bakery at ground floor level. The premises lie within a commercial part of the town centre with Market Place running to the east.</p> <p>The building is located within the Whitehaven Conservation Area.</p>

## **PROPOSAL**

This application seeks full planning permission for the replacement of the shop front which fronts onto Market Place.

The works to be completed include the following:

- Grey film to be applied to glazing to hide the insides of the bulkhead;
- New manifestations to glazing and shopfront doors;
- New pilasters like for like – decorated in RAL 7011;
- New shopfront and new sliding doors – to be replaced like for like in grey RAL 7011, 60% gloss;
- New timber fascia finished in grey RAL 7015, 60% gloss;
- New timber stallrisers to be replaced like for like and finished in grey RAL 7011.
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This application has been submitted in tandem with an application for advertisement consent for new signage to the front and the rear (application reference 4/25/2103/0A1 refers).

## **RELEVANT PLANNING APPLICATION HISTORY**

Illuminated shop front fascia sign, approved in May 2002 (application reference 4/02/0402/0 relates);

New Shop Front windows and doors, approved in November 2002 (application reference 4/02/1002/0 relates).

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No objections.

### Conservation Officer

1<sup>st</sup> response

Description: 52 Market Place is a two storey mid terrace, likely originally developed in the late 17<sup>th</sup> century, but currently of a 19<sup>th</sup> century appearance that suggests a certain amount of historic rebuilding.

Conclusion: Request further information

Assessment:

- The building is currently of dilapidated appearance, and the proposal to improve this is welcomed.



## Cumberland Council

- It is proposed to repaint the frontage, however I question, given its condition, whether this will be durable and whether the opportunity should be taken to re-render it at this stage.
- The impact of the replacement shopfront is likely to be positive, given that the existing shopfront is reasonably attractive, dilapidated and lacking historic value. The proposed hardwood specification is likely to be durable.
- The design and access statement refers to a new projecting box sign, although the elevation drawing appears to show a flat projecting sign. The annotation states “refer to separate detail”, although I am not able to find a separate detail showing the sign in either application.

### 2<sup>nd</sup> response

Description: 52 Market Place is a two storey mid terrace, likely originally developed in the late 17<sup>th</sup> century, but currently of a 19<sup>th</sup> century appearance that suggests a certain amount of historic rebuilding.

Conclusion: No objection

Assessment:

- Clarification has been received regarding the possible scope of frontage redecoration (that render replacement is not within scope).
- Detail on the projecting sign has been provided, clarifying that it is not a box sign.

### Public Representation

The application has been advertised by way of a press notice, a site notice and neighbour notification letters issued to 3 no. properties.

No response has been received as a result of this consultation process.

### **PLANNING POLICIES**

Planning law requires 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 5<sup>th</sup> 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:

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 Policy R3: Whitehaven Town Centre

Policy N3: Biodiversity Net Gain

Strategic Policy BE1 – Heritage Assts

Policy BE2 – Designated Heritage Assets

Policy BE5 – Shopfronts

**Other Material Planning Considerations**

National Planning Policy (NPPF)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Conservation Area Design Guide SPD (Adopted December 2017)

**ASSESSMENT**

Principle of Development

Policy DS1 sets out a Settlement Hierarchy for the Borough and seeks to direct the majority of development into the four main towns. Whitehaven is identified as the Principal Town and will be the primary focus for new development in the plan area.



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The site lies within the designated settlement boundary for Whitehaven as identified under Policy DS2.

Policy R1 seeks to enhance the vitality and viability of the town centre by encouraging a diverse range of uses and supporting the refurbishment of buildings. A broadened offer is considered to increase footfall and encourage lengths of stay for both the daytime and evening economy.

Policy R2 sets out a Hierarchy of town centres. Whitehaven is identified as the Principal Town where the focus would be on supporting new and enhanced town centre uses.

Policy R3 relates to Whitehaven Town Centre specifically. It states that development that supports the role of Whitehaven Town Centre as the Principal Town will be encouraged and supported where:-

Appropriately reflects the Whitehaven Town Centre boundary and Primary Shopping Area in line with the approach set out in Policy R6

- Accords with the Whitehaven Town Centre and Harbourside Supplementary Planning Document or any document that supersedes it;
- Encourages evening and nighttime uses that contribute to the vibrancy, inclusiveness and economic vitality of the centre;
- Provides commercial office space in Whitehaven;
- Builds upon the leisure offer to maximise the location of Whitehaven as a destination within the Lake District Coastal Area;
- Provides improvements to public realm, shop front aesthetics, linkages and signage;
- Improves the historic attributes where appropriate;

Improves pedestrian movement, connectivity and safety throughout the town centre and in particular from King Street to the harbour areas;

- Provides retail, leisure and main town centre frontage along the harbour;
- Provides improved and new public green space and landscaping;
- Enhances the gateway sites and approaches into the town centre;
- Diversifies the range of residential accommodation in the town centre, including the re-use of vacant floors over shops;
- Maintains high standards of design that conserves and enhances elements contributing to the significance of Whitehaven Town Centre and High Street Conservation Area, including

principles set out within the Conservation Area Appraisal and Conservation Area Management Plan;

- Strengthens the historic attributes of the town centre;
- Incorporates the strategic redevelopment schemes set out in the Whitehaven Masterplan.

Policy BE5 requires new shopfronts to be well designed and relate in scale, proportion, materials and decorative treatments to the façade of the building and Conservation Area.

The NPPF sets out under paragraph 85 that 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.

Paragraph 90 of the NPPF clarifies that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The building lies within the designated settlement boundary of Whitehaven. The proposed work involves the replacement of the existing shopfront and also the redecoration of the front elevation of the building.

On this basis, the principle of development is therefore considered to be acceptable, and the proposed use satisfies Policies DS1, DS2, R1, R2, R3 and BE5 of the Copeland Local Plan 2021-2039.

#### Design and the Effect on the Conservation Area

The site lies within the Whitehaven Conservation Area.

Policies BE1 and BE2 of the LP seek to protect and enhance Heritage Assets including Conservation Area. Policy BE2 sets out that any harm to the significance of a designated heritage asset will require clear and convincing justification.

Policy DS4 of the LP requires good design.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of a conservation area.



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The National Planning Policy Framework requires that proposed changes to the historic environment are based on a clear understanding of significance of any heritage asset and their setting that are affected, providing information so that the likely impact of proposals can be assessed. The National Planning Policy Framework requires consideration of whether the harm to heritage asset is outweighed by the benefits of the proposal.

Discussions were undertaken between the Applicant and the Conservation Officer during the course of the application process as initial questions were raised about whether repainting the frontage would be durable or whether it would be an option to re-render it during the refurbishment. The Applicant confirmed that the budget did not stretch to re-render the property but that the painting would be finished properly and the finish would be a vast improvement on the existing situation.

The overall appearance of the frontage of the building will be similar to the existing, with most of the details changed on a like for like basis. The proportions are considered to be appropriate and relate well to the existing façade.

The Conservation Officer has confirmed that the impact of the replacement shopfront is likely to be positive, given that the existing shopfront is reasonably attractive, dilapidated and lacks historic value. The proposed hardwood specification is likely to be durable.

The alterations will ensure that the building has a longevity of use and will ensure that the character and appearance of the Conservation Area are preserved. and enhanced in accordance with policies BE1 and BE2 of the LP.

### Biodiversity Net Gain

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.

Biodiversity Net Gain became mandatory for small sites in the UK on 01<sup>st</sup> April 2024.

The application falls below the threshold for BNG and the proposals will not impact more than 25m<sup>2</sup> of on-site habitat, i.e. the De Minimis Exemption. In practical terms, the current development has little or no existing habitat for wildlife and the replacement of the shop front will make no alteration at all to the ability of the building to support wildlife.

### **Planning Balance and Conclusions**

The building occupies a prominent position within the Whitehaven Conservation Area.

The proposed alterations are acceptable in terms of scale and design and will create a positive benefit to the building including an increase in its energy efficiency. Overall it is considered that the proposals will preserve and enhance the character and appearance of

	this part of the Conservation Area in accordance with the details set out in both national and local policy.
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Application form, received 20th March 2025;  Site Location Plan, scale 1:1250, received 20th March 2025;  Existing and Proposed Floor Plans, scale 1:50, drawing number RNTH/S1256/10, received 20th March 2025;  Existing and Proposed Elevations, scale 1:50, drawing number RNTH/S1256/11, received 13th May 2025;  Existing and Proposed Sections, scale 1:50, drawing number RNTH/S1256/12, received 20th March 2025;  Flood Risk Assessment, received 20th March 2025;  Design, Access and Heritage Statement, received 22nd April 2025.</p> <p>Reason</p> <p>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.</p> <p><b>Informative Note</b></p> <p><b>Biodiversity Net Gain – Exemption</b></p> <p>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:</p>





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(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: Sarah Papaleo**

**Date : 29/05/2025**

**Authorising Officer: N.J. Hayhurst**

**Date : 02/06/2025**

**Dedicated responses to:- N/A**