

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2320/0F1	
2.	Proposed Development:	CHANGE OF USE OF FIRST FLOOR OFFICES TO FORM A 2 BEDROOM RESIDENTIAL FLAT WITH INTERNAL ALTERATIONS TO AN EXISTING BUILDING	
3.	Location:	31 WELLINGTON STREET, 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	This application relates to an end of terrace property, 31 Wellington Street, located within the centre of Millom. The commercial property is located upon the corner of Wellington Street and Katherine Street and is falls within both the Millom Conservation Area and is the designated Town Centre Boundary.	

Relevant Planning History

4/94/0321/0 – Change of use of shop to domestic accommodation – Approved.

4/06/2569/0 – Change of use from domestic property to citizens advice bureau and offices – Approved.

Proposal

This application seeks planning permission to change the use of the first-floor offices to form a two bedroomed residential flat with internal alterations to the existing building.

The current first floor layout of the property accommodates two offices, a kitchen, two toilets and a lift. To accommodate the proposed residential use the internal layout will be reconfigured to incorporate an open plan kitchen/dining/living room, two double bedrooms, a bathroom, and store. The existing lift and internal staircase will be removed to create additional internal useable space. Access to the first-floor flat will be via the rear external metal staircase from the shared courtyard.

The ground floor of the property will be retained for commercial office use, with additional space created from the removal of the staircase and lift. The ground floor space will also be reconfigured to create a large commercial space at the front of the property.

No external alterations are proposed other than repainting of the timber aspects of the roof.

Consultation Responses

Millom Town Council

No objections in principle to this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

If you have a particular aspect of this application you wish us to consider, please feel free to contact me direct.

Cumberland Council – Environmental Health

There are no objections to this proposed development from Environmental Health.

If the application is approved, we would ask that construction working hours are controlled to

limit intrusion to neighbours.

Cumberland Council – Conservation Officer

Conclusion: No objection

Assessment:

- The building has a low but non-zero heritage value. It is a typical two-storey building, that successfully articulates the corner of Wellington Street and Katherine Street with gables to both elevations that feature attractive profiled timber fascia boards and some modest decoration on the Wellington Street side. The ground floor shop front wraps around both sides. Windows are modern plastic.
- External alterations are limited to a new rear first floor door, accessible from the existing external staircase. I do not consider this to entail any heritage impact.
- I would draw attention to our Conservation Area Design Guide, which urges use of timber for windows and doors in conservation areas, however note that the new rear door is not visible from any part of the conservation area.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 5 properties. No responses have been received to this statutory notification period.

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 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

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

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Policy H13: Conversion and sub-division of buildings to residential uses including large HMOs

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Policy BE4: Non-Designated Heritage Assets

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy Strategic

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Planning (Listed Building 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 of



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the development; impact on heritage assets; access, parking, and highway safety, flood risk and drainage; and biodiversity & ecology.

Principle of Development

Millom is identified in Strategic Policy DS1 as one of the Key Service Centres due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. They also act as service hubs 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. The application site is located within the Millom settlement boundary. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

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 proposed works seek to create a separate self-contained flat within the first floor whilst retaining the ground floor commercial use. Internal alterations are proposed to both floors to create more usable space.

The proposal therefore retains the commercial use within this town centre location and enhances its vitality and viability by introducing a new residential use.

The principle of this development is therefore considered acceptable in accordance with Policy DS1, DS2, R1, and R4 of the Copeland Local Plan, and the provisions of the NPPF.

Impact of the Development

Policy H13 of the Copeland 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 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.

The proposed alterations to the property to create a separate residential flat and commercial premises will be within the existing footprint of the building. No external alterations are proposed other than repainting of external timber to the roof and the creation of a doorway on the rear elevation. The works are therefore not considered to alter the character of the building and will not create amenity issues for neighbouring properties.

No objections have been received from any neighbouring properties.

The Council's Environmental Health Officer has also offered no objections to the proposal; however comments were made regarding potential noise disturbance during construction. A condition will therefore be included within any decision notice to limit construction hours at the site.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies DS4 and H13 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 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. 212 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 216 of the National Planning Policy Framework (NPPF) states the effect on the



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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. 219)

Referring to assets in a conservation area, NPPF para. 220 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 214) or less-than-substantial harm (under paragraph 215).

The Council's Conservation Officer has reviewed this application and has offered no objections to the proposed development as the building has a low but non-zero heritage value. The Officer states that external alterations are limited to a new rear first floor door, accessible from the existing external staircase, however this will not entail any heritage impact.

The development is considered to preserve the heritage asset within the Conservation Area and is therefore considered to comply with Policies BE1 and BE2 of the Copeland Local Plan, and provisions of the NPPF.

Access, Parking & 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.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.

The application site currently has no off-street parking. This will not be altered as part of this application. The site is however located within the town centre which benefits from existing on-street parking, nearby car parks, and other sustainable transport links.

The Highway Authority have offered no comments on this application.

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

Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk

of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1 and therefore has a low probability of flooding.

As the change of use will be accommodated within the footprint of the existing building, the development is not considered to increase surface water run off or flood risk.

The LLFA have offered no comments on this application.

On the basis the proposal is therefore considered to achieve the requirement of Policies DS6 and DS7 of the Copeland Local Plan, and 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 exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development is for a change of use with the existing footprint of the building 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), 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.

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.

Planning Balance and Conclusions

The application site is located within the defined settlement boundary for Millom, which is



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	<p>identified as a Key Service Centre under Policy DS1 of the Local Plan.</p> <p>The application seeks to subdivide an existing town centre commercial property to create a residential flat at first floor level. The commercial use within the ground floor will be retained with the layout reconfigured. No external alterations are proposed. The works are therefore not considered to alter the character of the building and will not create amenity issues for neighbouring properties.</p> <p>No objections have been received from the Council's Conservation Officer, as works will have no impact on the Conservation Area.</p> <p>The proposal continues to offer no off-street parking, however the site is located within the town centre which benefits from existing on-street parking, nearby car parks, and other sustainable transport links. There are also considered to be no issues relating to ecology, or drainage as part of the proposed works.</p> <p>On balance the positive benefits that would result from this proposal 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">- Application Form, received by the Local Planning Authority on the 19th September

2025.

- Location/Block Plan, Scale 1:500 & 1:1250, Drawing Reference: 25-35-P-L, Revision: -, received by the Local Planning Authority on the 19th September 2025.
- Proposed Site Plan, Scale 1:200, Drawing Reference: 25-35-P-01, Revision: -, received by the Local Planning Authority on the 19th September 2025.
- Plans as Existing, Scale 1:100, Drawing Reference: 25-35-P-02, Revision: -, received by the Local Planning Authority on the 19th September 2025.
- Elevations as Existing, Scale 1:100, Drawing Reference: 25-35-P-03, Revision: -, received by the Local Planning Authority on the 19th September 2025.
- Existing 3D Sketches, Drawing Reference: 25-35-P-04, Revision: -, received by the Local Planning Authority on the 19th September 2025.
- Plans as Proposed, Scale 1:100, Drawing Reference: 25-35-P-05, Revision: -, received by the Local Planning Authority on the 19th September 2025.
- Elevations as Proposed, Scale 1:100, Drawing Reference: 25-35-P-06, Revision: -, received by the Local Planning Authority on the 19th September 2025.
- Proposed 3D Sketches, Drawing Reference: 25-35-P-07, Revision: -, received by the Local Planning Authority on the 19th September 2025.
- Flood Map for Planning, received by the Local Planning Authority on the 19th September 2025.

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. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:
 - Monday to Friday 08.00 – 18.00 and
 - Saturday 08.00 – 13.00

There should be no construction activities on the site at any time on Sunday 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.

Reason

In the interests of the amenities of neighbouring occupiers during the construction of the development in accordance with DS4 of the Copeland Local Plan.

Informatives Notes:

1. 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/>

2. Biodiversity Net Gain – Exemption Applies

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: Development subject to the de minimis exemption.

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 : 12.11.2025
Authorising Officer: N.J. Hayhurst		Date : 14.11.2025
Dedicated responses to:- N/A		