

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2032/0F1	
2.	Proposed Development:	CHANGE OF USE FROM A SHOP TO A CAFE	
3.	Location:	57 MAIN STREET, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Reponses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to 57 Main Street, a Grade II Listed Building located within the town centre of Egremont which is designated as a Conservation Area. The site has previously been used as a shop but is now currently vacant.	
	Planning History		
		4/15/2012/0F1 – Change of use of empty shop to a sandwich shop and café serving hot and cold food, eat in and takeaway.	
		4/15/2011/OL1 – Listed Building consent for works associated with the change of use to A3 café and	

takeaway.

Proposal

This application seeks planning permission to change the use of the vacant shop to a café. The café will provide a takeaway option, however this will be ancillary to the main use of the site. The proposed development seeks no external alterations to the property, other than the installations of a waste pipe to the rear of the site. The development will however incorporate a number of internal alterations to accommodate the change of use. The ground floor of the property will therefore incorporate a café seating area, a serving/counter area, a kitchen, a customer toilet, a store, and a staff kitchenette and toilet. The front walled yard of the property will be altered to create disabled access and to allow the area to be used as an outdoor seating area.

This planning application is being considered alongside a Listed Building application for the same works (ref: 4/21/2033/OL1).

Consultation Responses

Egremont Town Council

Councillors welcome this development which is preventing it from becoming another derelict building in town and they look forward to the increased footfall this will bring. Councillors would have liked the plans to include disabled access to the café and a disabled toilet within the building, is there any scope for this or will the building not accommodate this? Councillors would also like confirmation that any deliveries to the café will be dropped off at the rear of the building as there is no parking directly in front of the building and the pavement narrows at the front too so there is concern for pedestrians passing by.

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

No objections.

Environmental Health

No objection to this proposed development. The building does not appear to be attached to residential properties, one side is a vets and the other has been approved to be converted into a restaurant. In addition the proposed operating time are for the daytime so there shouldn't be any evening nuisance. There will be the need for the usual information about ventilation systems, grease traps and kitchen layout, these can all be conditioned. It will also be necessary to arrange for a visit from one of the food EHOs prior to operation.

Copeland Borough Council – Conservation Officer

The Council's Conservation Officer initially stated that he does expect the proposal to entail any harm to building itself, others nearby, or the conservation area, however he requested additional detail

relating the proposed soil pipe and skirtings. Following the submission of photos to show the location of the waste pipe and confirmation that the skirtings will be in timber, the Officer confirmed that he had no objections to the proposal.

As part of discussions regarding the possible options for installing a disabled access at the proposed the Council's Conservation Officer stated that although he is in support of wheelchair access wherever possible, he would not be in support of a wheelchair ramp or lift on the front of this particular building as he does not believe they could be integrated successfully given the constraint.

In order to overcome CDF initial objection to this proposal additional plans were submitted to show additional disabled adaptations for this property, including a temporary ramp, removal of part of the dwarf wall and the installation of an external bell system. The Council's Conservation Officer has offered no objections to these works and it is confirmed that these works are considered as less-than-substantial harm to the listed building and character and appearance of the conservation area, which is nonetheless justified as it will contribute to the building's usefulness and allow more people to visit. The proposals appear subtle and the minimum necessary to secure this benefit.

Copeland Disability Forum

Copeland Disability Forum would not support this application, it clearly does not abide by The Equality Act 2010. The suggestion of a bell and being served on the street for a café is not acceptable. A shop premises is completely different using a bell, you get what you want and go, however for a café the service is not the same. There is no space for chairs and tables to sit outside in good weather so a disabled person would simply be handed food and have to go. CPF would hope that the planning department would not support this application, but at the very least if it goes forward then it should be presented to the planning panel for discussion.

In order to overcome CDF initial objection to this proposal additional plans were submitted to show additional disabled adaptations for this property, including a temporary ramp, removal of part of the dwarf wall and the installation of an external bell system. Based on these amendments CDF have stated that they fully understand the constraints of this building and welcome the improvements for ambulant disabled people including a disabled toilet within the premises. CDF have also stated that they feel these new plans provide all reasonable adjustments to allow wheelchair users to use the café as far as is practicable and would support these revised plans and application.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to four properties. One letter of objection was received in relation to this application which raised concerns with regard to the lack of disabled access to the site.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance

with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER7 – Principal 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 ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM6A – Managing Non-Retail Development in Town Centres

Policy DM7 – Takeaways, Pubs, Clubs, Betting Shops, Pawnbrokers and Amusement Arcades in Towns and Local Centres

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (2019)

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Emerging Copeland Local Plan (ELP):

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

accordance with the provisions of the National Planning Policy Framework.

Assessment

Principle of Development

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The site lies within Egremont, which is identified as one of the Borough's Key Service Centres, where opportunities for the start-up and expansion of existing employment sites will be encouraged. Policy ST1 of the Copeland Local Plan also encourages the reuse of existing buildings.

The site has previously had permission in 2015 (ref: 4/15/2012/0F1 & 4/15/2011/0L1) to change the use of the empty shop to a café serving hot and cold food with the option to either eat in or takeaway. On this basis the principle of development is considered to be acceptable and has already been established by the previous permissions at this site.

Impact of 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. 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.

The proposal seeks to change the use of the site from an empty shop to a café. The development would utilise an existing vacant building within the Town Centre and is not considered to have a detrimental impact to the harm to the living conditions of the existing and future occupiers of neighbouring properties. Whilst there is no onsite parking, Cumbria Highways offered no objections to the proposal. The site is located within Egremont Town Centre, therefore there is considered to be adequate parking opportunities within the vicinity on the site. Egremont Town Council have requested that any deliveries to the café should be dropped off at the rear of the building as there is no parking directly in front of the building and the pavement narrows at the front too so there is concern for the safety of pedestrians passing by. The agent for this application has confirmed that the yard to the rear of the site falls within the ownership of the flat above therefore deliveries will not be possible to the rear of the site. However due to the small scale of the café, it is sated that the applicant will collect the produce himself from the local wholesalers.

The Council's Scientific Officer has offered no objections to this proposal as the proposed does not appear to be attached to residential properties and the proposed operation times are for daytime hours only and would therefore not cause evening nuisance. The Officer has, however, requested the inclusion of conditions relating to ventilation systems, grease traps and kitchen layout.

On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan and section 12 of the NPPF.

Impact on Conservation Area & Listed Building

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" (Section 16.2). This requirement also applies to the granting of planning permission affecting a listing building or its setting (Section 66.1).

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

Paragraph 192 of the National Planning Policy Framework (NPPF) 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. 193 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. 196).

Paragraph 197 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Referring to assets in a conservation area, NPPF para. 201 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 195) or less-than-substantial harm (under paragraph 196). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 200).

This application seeks planning permission to change the use of the vacant shop to a café. The proposed development seeks no external alterations to the property, other than the installations of a waste pipe to the rear of the site. The development will however incorporate a number of internal alterations to accommodate the change of use. The Council's Conservation Officer initially stated that he does expect the proposal to entail any harm to building itself, others nearby, or the conservation area, however he requested additional detail relating the proposed soil pipe and skirtings. Following the submission of photos to show the location of the waste pipe and confirmation that the skirtings will be in timber, the Officer confirmed that he had no objections to the proposal.

Given that there are no major external alterations to the property to accommodate the change of

use, the development is considered to conserve the historic, cultural and architectural character of the Boroughs historic site. The proposed development is therefore considered to be compliant with the objectives of Policies ST1, ENV4 and DM27 of the Copeland Local Plan 2013-2018 and the relevant provisions of the National Planning Policy Framework and LBCA Act.

Accessibility

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users.

The application site's current use is as a shop, although it is currently vacant. The property is accessed directly from Main Street within the centre of Egremont by a number of steps. The shop does not benefit from a disabled access.

Initially concerns were raised that the proposal does not include the provision for a disabled access to the new café. This issue was been raised with the agent who initially provided a plan to show potential options for permanent disabled access to the front of the property. However it is confirmed that the applicant would struggle to provide a compliant (wheelchair) access ramp to the building, due to the narrow width of the front door, the relatively high level changes, and the fact that a ramp would require use of land outside of the applicant's control.

The application site is Grade II Listed therefore any alterations to the property have to be carefully considered. The Council's Conservation Officer has been involved in the discussions regarding the potential options to install a permanent disabled access at this site. Based on a review of the information submitted by the agent the Conservation Officer has confirmed that although he is in support of wheelchair access wherever possible, he would not be in support of a wheelchair ramp or lift on the front of this particular building as he does not believe they could be integrated successfully given the constraints of the site.

Due to the concerns raised with regard to this proposal, the Local Planning Authority have contacted the Council's Building Control Department for advice on this matter. The Building Control Manager has confirmed that for their purposes the application wouldn't constitute a material change of use (which would bring disabled access requirements into play) so any building work would be dealt with as a material alteration. It is further confirmed that under a material alteration, any exiting provision for disabled access shouldn't be made worse so the Building Control Department would not be asking for any improvements at this site.

However, due to the lack of disabled access to the site Copeland Disability Forum confirmed that they would not support the application as it does not abide by the Equality Act 2010. Based on these comments the Local Planning Authority have extensively engaged with the agent for this application in order to secure additional disability adaptations at this site. Based on these discussions the agent has confirmed in writing that the applicant is more than happy to install an induction loop, have acceptable printed menus, contrast/suitable ironmongery, and the accessible fit out of the premises internally, as well as the accessible toilet already proposed. It is however confirmed that significant alterations cannot be made to the existing steps due to the distance from the pavement. The

	<p>applicant has however stated that the steps will receive a new tiled/painted finish and include contrasting nosings and non-slip bands to treads. As part of this proposal it is also now proposed to widen the existing opening with the dwarf boundary wall to enable disabled access via a temporary ramp to an outside seating area. The applicant also proposes to install a disabled access doorbell button to allow users to request the use of the temporary ramp which will be stored to the rear of the site.</p> <p>Based on these amendments CDF have stated that they fully understand the constraints of this building and welcome the improvements for ambulant disabled people including a disabled toilet within the premises. CDF have also stated that they feel the amended plans provide all reasonable adjustments to allow wheelchair users to use the café as far as is practicable and would support these revised plans and application. The Councils Conservation Officer has also offered no objections to these works. The Officer has confirmed that these works are considered as less-than-substantial harm to the listed building and character and appearance of the conservation area, which is nonetheless justified as it will contribute to the building's usefulness and allow more people to visit.</p> <p>On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan and the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks planning permission to change the use of a vacant shop to a café with ancillary takeaway use. Given the location of the proposal within Egremont, one of the Borough's Local Centres, and the previous approval at this site for the same works, the proposed change of use is considered to be acceptable given the location and nature of the existing site. Although the property cannot provide full disabled access to the site it is considered that all reasonable adjustments to allow wheelchair users to use the café as far as practically possible have been considered as part of this application. The premises will however provide an accessible facility for ambulant disabled people. The development is considered to bring back into use a vacant Grade II Listed Building within the town centre of Egremont, will support and increase local services and will create employment opportunities within the Local Centre.</p> <p>On balance, whilst a fully accessible site cannot be provided all reasonable steps by the applicant have been considered as part of this proposal. Whilst some conflicts still occur these are collectively not considered significantly harmful to significantly and demonstrably outweigh the identified benefits of the development, which would include the reuse of a town centre building, increasing local services and creating employment opportunities. The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9.	<p>Condition(s):</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 shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Location & Block Plans, Scale 1:500 & 1:1250, Drawing No: 2129-01, received by the Local Planning Authority on the 25th January 2021. - Ground Floor Plan & Front Elevation as Existing, Scale 1:50, Drawing No 2129-02, received by the Local Planning Authority on the 25th January 2021. - Ground Floor Plan & Front Elevation as Proposed, Scale 1:50, Drawing No 2129-03, received by the Local Planning Authority on the 25th January 2021. - Proposed Wall Penetration for Water Pipe: Marked up Photographs, Drawing No 2129-04, received by the Local Planning Authority on the 7th February 2021. - Heritage, Design & Access Statement, received by the Local Planning Authority on the 25th January 2021. - Ground Floor Plan & Front Elevation – Sketch Option for Outdoor Seating & Ramp, Scale 1:100, Drawing No 2129-SK02, Rev A, received by the Local Planning Authority on the 25th March 2021. - Email from Agent: Dated 23rd March 2021, received by the Local Planning Authority on the 23rd March 2021. <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>

3. The use hereby permitted must not be commenced until full details of the kitchen layout (including location of grease traps) and scheme for the extraction of cooking fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The proposed kitchen and extraction system must be installed in accordance with the approved details before the use commences and must remain operational thereafter.

Reason

To minimise the risk of nuisance from cooking odours and fumes to neighbouring properties.

4. The use of the site hereby permitted must not be commenced until all approved disabled adaptations detailed within the following approved documents have been fully installed and made operational at the site:

- Ground Floor Plan & Front Elevation – Sketch Option for Outdoor Seating & Ramp, Scale 1:100, Drawing No 2129-SK02, Rev A, received by the Local Planning Authority on the 25th March 2021.
- Email from Agent: Dated 23rd March 2021, received by the Local Planning Authority on the 23rd March 2021.

The approved disabled adaptations must be remain operational thereafter.

Reason

To provide an accessible community facility.

5. The use of the property hereby permitted at ground floor level only must only be open to the public/customers between:

- 07:00am – 17:00pm Monday to Friday;
- 07:00am – 17:00pm Saturday;
- 10:00am – 16:00pm Sunday and Bank Holidays.

Reason

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

Informatives:

1. Any proposed adverts to be displayed at the premises may require advertisement consent. The applicant is therefore advised to contact the Local Planning Authority (development.control@copeland.gov.uk) to discuss this matter further prior to installation.
2. The two blocks of stone that are required to be removed as part of the development approved under this permission should be retained in a safe place so that they would be capable of being reinstated should the proposed use cease to ensure that any changes to the Listed Building are reversible in the future.

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 : 29.03.2021****Authorising Officer: N.J. Hayhurst****Date : 30/03/2021****Dedicated responses to:-**