

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2033/OL1	
2.	Proposed Development:	LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS AS PART OF 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	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	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/OF1 – 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 Listed Building Consent for various internal alterations associated with the 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 ground floor of the property will 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 planning application for the same works (ref: 4/21/2032/OF1).

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.

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.

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. 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.

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 ENV4 – Heritage Assets

Development Management Policies (DMP)

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 has recently been 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

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 Listed Building Consent for various alterations as part of the proposed change in the use of the vacant shop to form 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.

Accessibility

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

The application site's current use is a shop, however is currently vacant. The property is currently 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 for this application has confirmed in writing that the applicant is more than happy to install an

	<p>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 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>Conclusion</u></p> <p>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. Whilst there will be some alterations to the front of the site including part of the dwarf boundary wall to accommodate a temporary disabled ramp, these works are considered as less-than-substantial harm and justifiable to increase the usability of the 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.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The works hereby permitted must be commenced before the expiration of three years from the date of this consent. <p>Reason</p>

To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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:-

- 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.

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.

Informative(s):

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.

	<p>Statement:</p> <p>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.</p>
<p>Case Officer: C. Burns</p>	<p>Date : 29.03.2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 29/03/2021</p>
<p>Dedicated responses to:- N/A</p>	