

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2246/0F1	
2.	Proposed Development:	CHANGE OF USE OF PROPERTY FROM FORMER COMMERCIAL (BANK) & RESIDENTIAL USE TO PROPOSED MILLOM ARTS & ENTERPRISE CENTRE INCLUDING DEMOLITION OF EXISTING OUTRIGGER EXTENSIONS & BANK VAULT, REFURBISHMENT & LANDSCAPING AND PROPOSED EXTENSION TO ACCOMMODATE A GROUND FLOOR CAFE	
3.	Location:	NATIONAL WESTMINSTER BANK LTD, 5 ST GEORGES 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	<p>This application relates to the former National Westminster Bank, located on George Road within the centre of Millom. The property has been vacant for several years and is falling into a dilapidated state, with the ground floor previously occupied by the former bank and the upper floors as residential use. The property is located within the centre of the Millom Conservation Area, and fronts onto Market Square.</p>	

Relevant Planning History

No relevant planning history.

Proposal

This application seeks planning permission to change the use of the former commercial bank and residential use to form a proposed Millom Arts & Enterprise Centre. In order to accommodate this change of use permission is sought for the demolition of the existing outrigger extensions located to the south east of the building and the existing bank vault located to the north west. The change of use will also seek to refurbish the existing building, including additional landscaping, and the erection of a single storey ground floor extension to accommodate the proposed café.

The proposed extension will replace the existing bank vault to be demolished on the north west elevation and will be designed to fit within the garden area to the side of this property. The proposed extension will extend along this gable elevation by 15.1m and will project at its greatest point by 11.6m. The extension has been designed with a flat roof with an overall height of 3.8m, which will also overhang the proposed extension by 1.8m to create a covered seating area within part of the wider raised external terrace for the café. The café will be accessed through the existing main building and its existing entrance and via a new pedestrian access to the northern corner of the site providing direct (and accessible) access to the external terrace area and seating area to the rear of the building.

The ground floor of the property will accommodate a maker's market area and retail display area to showcase and exhibit the products of those working within the upper floors of the building, reception space, toilet facilities, store/plant room, the café space, and back of house prep area and storage. There will also be a detached garden studio at ground floor level within one of the retained existing outbuildings.

The first floor of the property will provide four start-up business spaces alongside a co-working area with a shared kitchen, and the second floor will contain three lettable workshops, a shared studio space with wet room, and a long term studio space with the necessary storages and services to support these functions. Minor internal alterations will be required to accommodate these internal changes to the building.

External alterations will include replacement windows, re roof of building, and installation of solar panels on rear roof slope.

Consultations Responses**Millom Town Council**

We have no objections, in principle, to this application.



Cumberland Council

Cumberland Council – Local Highway Authority & Local Lead Flood Authority

9th October 2023

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 in principle to the proposed development but would like the following points addressed before an official response can be made.

- The proposal is to have a Cafe on site which will increase waste compared to the property's previous retail use, Has the applicant considered how refuse will be collected?
- Also how will food produce be delivered to site? it is suggested the existing vehicle access can be brought into use for collection and delivery purposes.
- Has the applicant considered on site car parking for staff as the proposed will increase vehicle movements with not a lot of long stay parking spaces available within the vicinity of the proposed development site.
- The LLFA would like to see a detailed drainage plan on how the site currently drains and how site will drain after the proposed alterations to the existing building.

20th March 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and additional details submitted to the Local Planning Authority (LPA) in February 2024 and our findings are detailed below.

I can confirm that we have no objections to the proposal, subject to the inclusion of conditions relating to surface water drainage and a Construction Traffic Management Plan.

United Utilities

No comments received.

Natural England

No comments received.

Cumberland Council – Conservation & Design Officer

19th October 2023

Conclusion: No objection

Assessment:

- The existing building makes a positive impact on the character and appearance of the conservation area.
- The open space to the north-west contributes both to the character and appearance of the conservation area and the setting of the listed church, by allowing the area within its curtilage to be better appreciated from the Square and St George's Road.

- The walls to the south-east adjacent to the alleyway also contribute positively to the character and appearance of the conservation area and setting of the asset, although are less visible.
- Overall, the site contributes positively to the conservation area and the settings of the heritage assets with which it interacts.
- The north-east side extension, historically added to house a vault, makes a negative contribution to the appearance of the building. Although it makes a small contribution to the significance in the sense of being a complete part of a banking facility, I would view this as being secondary compared with the visual harm caused by the vault's external appearance. This also makes a negative contribution to the conservation area and the settings of nearby heritage assets, and poses a significant challenge in allowing the building to be successfully adapted.
- Fairly few features of interest are retained internally, however, where these are exposed, the heritage statement commits to retain them to enhance the character of the offering.
- I would consider the boundary wall of the church precinct to be part of the curtilage of a listed building. The proposed extension is not in contact with this wall, and therefore will not directly impact it.
- The views both from within the precinct and into it from the Square will be affected by the new extension. I would consider this to be a handsome, restrained and high quality intervention that interfaces satisfactorily with the existing building, is modest in height to preserve views of the trees from outside and the Market Square buildings from within the precinct, and which will make a considerable contribution both to the building and to the conservation area. The external space around the extension and former bank complements them well and will introduce a softer transition between the extension and its surroundings on both sides.
- The retention of most of the boundary stonework on the south-east perimeter of the site minimises the harm here from loss of attractive historic fabric while allowing maximal reuse and adaptation within the footprint, as does retention of the roadside wall fronting the garden.
- It does not appear as though the PV installation will be visible from the public parts of the conservation area.

Summary:

- I'm supportive of the proposal in principle, and would view it as being a sensitive, well-designed scheme that enhances and better reveals the significance of the heritage assets affected.

14th March 2024

I've had a look at the updated information with this app, and don't believe it affects the consultation response I previously gave.

Cumberland Council & Westmorland & Furness Council – Historic Environment Officer



Cumberland Council

25th September 2023

I consider that the proposed extension is very unlikely to impact upon buried archaeological assets. In terms of the effect on the Millom Conservation Area, I defer to any forthcoming comments that your conservation officer may make regarding the acceptability of the scheme.

5th March 2024

I confirm that I have no objections to the application and that I do not wish to provide any comments.

Cumberland Council – Environmental Health

13th October 2024

Environmental Health are supportive of the proposal.

It is noted that no kitchen extract system and external ducting has been detailed in the plans and it is therefore assumed that the cooking load does not require external ducting.

Further operational controls may be possible through a Premises Licence issued by the Council under requirements of the Licensing Act 2003.

As regards possible noise and dust disturbance from any demolition / construction works, the conditions are requested.

19th March 2024

Further to the Environmental Health email of 13/10/23, the Agent's response regarding the query over kitchen extract is noted.

No further comments are offered, though Environmental Health are supportive of the proposal in general otherwise.

Arboricultural Consultant – Capita

20th October 2023 & 4th April 2024

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development scheme.

The application tree survey shows 6x Sycamore trees (T1-T5 & T7) and 1x Ash (T6), 1x Cherry Plum (T8) & 1x Elder (T9).

Four Sycamore trees (T1-T4) are classified as moderate-quality Retention Category B trees. Three trees – One Sycamore (T5), one Cherry Plum (T8) and one Elder (T9) – are classified as low-quality Retention Category C trees. And two trees – One Ash (T6) and one Sycamore (T7) – are classified as poor-quality Retention Category U trees. The trees are located

around the perimeter to the south-west and south of the site. Four trees (T1-T4) are growing on the adjacent property.

The proposal is to remove four trees – T5 (Sycamore), T6 (Ash), T7 (Sycamore), and T9 (Elder) – as part of the development.

The remaining trees are proposed to be retained and protected as part of the scheme.

RECOMMENDATION

We recommend the inclusion of a condition to ensure application implements the recommendations in the Arboricultural Assessment.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to nine properties.

An email of concern was received from a local Councillor which stated that they and many local people do not want the statue of the miner in the town centre to be moved to the side of the car park – it is central to the iron mining heritage of the town and what is needed is work on the plinth which is suffering some decay and not the more expensive re-siting of it. Confirmation was provided to the Councillor that the proposed works detailed within his response does not form part of this current application.

Further to the receipt of amended information for this application a reconsultation has been undertaken. 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.



Cumberland Council

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 2013 – 2028 (Adopted December 2013)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER7 – Principle 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 ER10 – Renaissance through Tourism

Policy ER11 – Developing Enterprise and Skills

Policy SS4 – Community and Cultural Facilities

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy Strategic

Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy DS11PU - Protecting Air Quality

Policy SC5PU: Community and Cultural Facilities

Strategic Policy SC1PU: Health and Wellbeing

Policy SC2PU: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC5PU: Community and Cultural Facilities



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Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy N9PU - Green Infrastructure

Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Policy SC5PU: Community and Cultural Facilities

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

Strategic Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Design Guide

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The key issues raised by this application relate to the principle of the development; impact on community facilities; settlement character and landscape and visual impact; scale, design, and impact of the development; access, parking, and highway safety, flood risk and drainage; impact on heritage assets; and ecology.

The application has been submitted by Cumberland Council as part of the Towns Funds Programme for Millom. Under the Council's Scheme of Delegation planning applications submitted by or on behalf of the Council only need to be reported to the Planning Committee for determination where representation has been received objecting to the development on

material planning grounds. As no objections have been received to this application, the application will be determined at Officer Level under delegated powers.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to support development that provides or contributes to the Borough's social and community infrastructure enabling everyone to have good access to jobs, shops, services, and recreational/sport facilities. This policy also seeks to support the development of tourism in appropriate locations.

Policy ST1, ST2 and ER6 of the Copeland Local Plan seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site lies within the designated settlement boundary for Millom, which is identified as one of the Borough's Key Service Centres in Policy ST2 of the Copeland Local Plan. This policy seeks to encourage opportunities for the start up and growth of small and medium enterprises, with a focus on linkages to the nuclear sector and tourism, and seeks to support mixed use development in principle.

Policy DS3PU of the Emerging Local Plan continues to identify Millom as a Key Service, where the focus will be on town centre and employment developments, and medium scale housing extensions, windfall and infill developments. Policy DS4PU of the Emerging Local Plan states that development within the identified settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

The application seeks to change the use of an existing building within the centre of Millom, introducing a mixed use facility to encourage start up businesses and provides a new café within the vacant dilapidated site. The principle of this development is therefore considered to be acceptable.

On this basis, the proposal is considered to comply with Policies ST1, ST2, and ER6 of the Copeland Local Plan, Policies DS3PU and DS4PU of the Emerging Local Plan, and provisions of the NPPF.

Impact on Community Facilities

Policy SS4 of the Copeland Local Plan protects range of services and facilities serving the Borough's communities by encouraging the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. This policy also allows for the expansion and enhancement of existing community and cultural facilities to assist continuing viability and guards against the loss of land or buildings belonging to existing facilities in all locations by ensuring sites are retained for other forms of community use and ensuring satisfactory alternative provision is made where development will result in a loss of a service. Policy DM21 of the Copeland Local Plan states that development or change of use which would result in the loss of an



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existing social, community, cultural or sports facility will be resisted where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

Policy SC5PU of the Emerging Local Plan states that proposals for new community facilities will be supported in principle and developments must be located within a settlement boundary identified within the hierarchy unless the proposal is for a specific activity that required a location that cannot be accommodated within a settlement, be accessible by sustainable transport modes where possible, be of a scale appropriate to its surroundings, ensure adequate parking is provided, ensure the development does not cause unacceptable harm on residential amenity, and ensure that biodiversity conservation interests would not be harmed as a result. This policy also states that the loss of existing community facilities through change of use or new development requiring planning permission will only be permitted where it can be clearly demonstrated, to the satisfaction of the Council, that its continued use as a community or cultural facility is no longer feasible, having had regard to appropriate marketing, there is sufficient provision of such facilities in the area, and/or sufficient alternative provision has been, or will be made elsewhere which is equally accessible and of the same quality or better than the facility being lost.

Whilst the proposal changes the use of the existing building, which was formally utilised by Natwest Bank, the proposal is not considered to result in the loss of this facility as the bank has been closed for a number of years with an application in 2017 (ref: 4/17/2174/0F1) to removal all signage associated with the use and the existing ATM. There are other facilities of this nature within the centre of Millom which are available to serve the local community. The proposed use of the building would also ensure that the building is retained for community use.

On this basis, the proposal is considered to comply with Policies SS4 and DM21 of the Copeland Local Plan, SC5PU of the Emerging Local Plan, and provisions of the NPPF.

Settlement Character and Landscape and Visual Impact

Policy ENV5 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhance by supporting proposal which enhance the value of the Boroughs

landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type OO: 'Urban'.

Given the sites location within the town centre of Millom the proposed change of use is not considered to have a significant impact on the overall landscape in this area as it will be viewed in the context of the surrounding properties. The small side extension, whilst modern in design, is complementary to the character of the area and creates an active frontage to the building which is located at the entrance to Market Square. The proposal offers an opportunity to redevelop a vacant building which is falling into a state of disrepair within a prominent location within the town centre.

The application site is bounded to the north west by existing well established trees. The application is therefore supported by an agricultural impact assessment. This report concludes that the four trees within the rear of the site will be removed as they are in conflict with the proposed site layout or are of poor quality. For the retained trees outside the boundary of the site the report recommends the use of root protection areas, temporary ground protections, and tree root protections (cellular). The Council's Consultant Arboricultural Officer has reviewed the application and has offered no objections subject to the inclusion of a condition to ensure the development is carried out in accordance with the recommendations submitted within the Arboricultural Impact Assessment.

Based on the inclusion of this condition, the proposal is considered to comply with Policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design, and Impact of the Development

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.



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Policy DS6PU of the Emerging 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 main element of the change of use will be within the existing footprint of the existing structure, with limited external alterations to the main building. The proposed does however seek to demolish the existing outrigger extensions located to the south east of the building and the existing bank vault located to the north west. The removal of these elements of the existing building are not considered to significantly impact on the overall character or appearance of the existing building, in particular the vault which is in a poor state of repair.

The application also seeks to refurbish the existing building including replacement windows and the installation of solar panels on the rear roof slope. As minimal details have been provided in terms of the proposed external materials for the refurbishment of the building, and the proposed extension, full specifications will be secured by an appropriately worded planning condition. A condition will also be utilised to secure details of the proposed solar panels as these have not been submitted to support the current application.

Whilst the proposed ground floor extension is large in scale and modern in appearance, the use of a flat roof will ensure that the development is subservient to the main building. The footprint of the extension has also been designed to reflect the shape of the existing side garden area and is not over dominant within the site. The side extension is located along the gable which forms the main approach to the Market Square and has been designed to retain the existing character of this prominent heritage asset within the streetscene, whilst providing an active frontage on this approach into the town centre.

The existing boundary treatment will be retained and made good where needed to ensure the historic character of the area is maintained within the development. Given the sites located within the town centre and the overall design of the proposed extension, the development is not considered to have a detrimental impact on any nearby properties.

The Council's Environmental Health team have reviewed this application and have confirmed that they have no objections to the development. Concerns were originally raised with regard to lack of kitchen ventilation however the agent has confirmed that there will be minimal cooking with food provision based around a prep kitchen providing sandwiches, cakes, soups, etc. Based on this the Officer has offered no objections to the application subject to the inclusion of conditions relating to construction/delivery hours, and mitigation of noise and dust during construction. A condition will also be placed on any decision notice to control operation hours as detailed by the agent for this application.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies SS1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Access, Parking, and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. 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.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

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.

Additional information was submitted by the agent for this application to address initial comments received from the Highway Authority, including details of a refuse plan. The agent has also confirmed that the onsite parking is not viable for the proposal and will not align with the requirements of the Town Funding bid which seeks to establish greater local connections through greater local connectivity and utilising existing parking on adjacent sites. Based on this the Highway Authority have confirmed that they have no objections to the application subject to the inclusion of a condition to secure a Construction Traffic Management Plan.

Based on the inclusion of this requested condition and, given the existing use of and location of the site, it is considered that the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Flood Risk and Drainage

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 1, therefore a Flood Risk Assessment has not been submitted to support this application.

The submitted application form for this proposal states that both foul and surface water from the development will be discharged to the existing main sewer as per existing arrangements. Notwithstanding this the LLFA has requested additional details in relation to the proposed drainage at this site. The agent has requested this be dealt with via appropriately worded planning conditions to secure a scheme for both foul and surface water drainage for the development. UU have offered no comments on the application.



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Subject to the inclusion of this condition, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

Impact on Heritage Assets

Policy ST1, ENV4, DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

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

NPPF para. 197 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. 199 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. 202).

Paragraph 203 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. 206)

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202).

The Council’s Conservation Officer has confirmed that he is supportive of the proposal and would view the development as being a well-designed scheme that enhances and better reveals the significance of the heritage assets affected. On this basis, the application is considered to preserve and enhance the existing heritage assets and therefore the proposal

is considered to comply with Policies ST1, ENV4, DM27 of the Copeland Local Plan, Policy BE1PU and BE2PU of the Emerging Local Plan, and provisions of the NPPF.

Ecology and Biodiversity

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan 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 N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. 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.

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.

The application is supported by a bat survey, which concludes and recommends the following mitigation:

- The proposed development will not have any negative impacts on nearby designated sites.
- No direct evidence of bats or bat activity was found during the inspection survey. The location and condition of the building means that it is classed as having low to moderate scope for small numbers of summer roosting bats. As such further survey work is required to ascertain whether the building and/ or outbuildings are used by bats, and whether these proposals will have any detrimental impacts on the local bat population.
- The area surrounding the former Natwest Bank is a moderate foraging location for bats with poor quality connections to adjacent areas of higher quality habitat. The proposed development is highly unlikely to have a detrimental impact on the quality of the foraging habitat for bats.
- The property has been classed as having low to moderate scope to host bats, and further survey work is required to assess likely impacts of the proposed works on the local bat population.
- Following best practice guidance, properties assessed as having moderate scope to host bats should have 2 summer (dusk or dawn) surveys carried out. These need to be carried out between May and September and can be carried out this season – or at



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the latest in the summer before the works are due to commence (to allow time to organise licensing and mitigation if required).

- Any avoidance measures or mitigation for roost sites will be determined once the roost survey has been carried out.
- No mitigation for foraging and commuting habitat is required for this development.
- Whether or not the project requires a mitigation license will be established following roost surveys.
- The upper floor and roof area have been used in the past by corvids and pigeons to roost and nest. There is a small rookery in the nearby deciduous trees to the west, and birds may still try to access the roof area of the bank to nest. As such it is recommended that wherever possible birds are prevented from accessing the interior of the building to nest, and if the renovations are to start within the nesting season (end of March to mid-August) a nesting bird check should first be carried out.
- Given the height of the property, swift nest boxes would be appropriate on the north elevation (up near the eaves – they require a clear flight route into the box which should be at least 5m above the ground). Swifts nest in loose colonies, so three boxes should be erected to encourage them.
- Three other bird nesting boxes for smaller species (such as a sparrow terrace, robin box or tit box) should be installed lower down on north or east elevations between 2 and 4m high on the external walls. All boxes should be installed in areas where they will not be exposed to predators such as cats.

Appropriately worded planning conditions can be attached to any decision notice to ensure the development is carried out in accordance with the submitted bat survey, the identified mitigation measures and additional surveys required.

Natural England have offered no comments on this application.

A Biodiversity Net Gain Assessment has also been submitted to support this application. This report and the small site metric submitted demonstrate that the proposed habitat creations and enhancements will achieve a net loss in Habitat Units of 20.83%. It is therefore recommended that the production of a Biodiversity Enhancement Management Plan (BEMP) is conditioned as part of any planning approval.

Based on the inclusion of the above conditions, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

Planning Balance and Conclusions

The application seeks to change the use of an existing building within the centre of Millom, which is identified as one of the Borough's Key Service Centre, introducing a mixed use facility to encourage start up businesses and provides a new café within the vacant dilapidated site. Whilst the proposal changes the use of the existing building, which was formally utilised by Natwest Bank, the proposal is not considered to result in the loss of this

	<p>facility as the bank has been closed for a number of years, and there are other facilities of this nature within the town centre. The proposal will also ensure the building is retained for community use.</p> <p>Given the town centre location the proposed change of use and café extension is not considered to have an impact on the overall landscape as the property is viewed in the context of the surrounding properties. The small side extension, whilst modern in design, is complementary to the character of the area and creates an active frontage to the building which is located at the entrance to Market Square. The Council’s Conservation Officer has offered no objections, therefore the proposal is considered to preserve and enhance the existing heritage assets and Conservation Area. Conditions will be utilised to secure details of materials, solar panels, and operation times.</p> <p>The proposal offers 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. The Highway Authority have offered no objections to the application subject to conditions to secure a CTMP. Drainage for the development will also be secured by conditions.</p> <p>Conditions will also be utilised to secure ecology details, landscaping, tree protection, construction/delivery times, and noise and dust mitigation during construction.</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: 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 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"> - Location Plan, Scale 1:500, Drawing Number: MIL-OPE-00-ZZ-DR-A-300101, Rev: 04, received by the Local Planning Authority on the 6th September 2023.



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- Existing Site Plan, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-300102, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Proposed Site Plan, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-400101, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Existing Basement Plan, Scale 1:50, Drawing Number: MIL-OPE-00-B1-DR-A-300201, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Existing Ground Floor Plan, Scale 1:50, Drawing Number: MIL-OPE-00-00-DR-A-300201, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Existing 1st Floor Plan, Scale 1:50, Drawing Number: MIL-OPE-00-04-DR-A-300201, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Existing 2nd Floor Plan, Scale 1:50, Drawing Number: MIL-OPE-00-02-DR-A-300201, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Existing Roof Plan, Scale 1:50, Drawing Number: MIL-OPE-00-ZZ-DR-A-300301, Rev: 01, received by the Local Planning Authority on the 6th September 2023.
- Proposed Ground Floor Plan, Scale 1:50, Drawing Number: MIL-OPE-00-00-DR-A-400201, Rev: 08, received by the Local Planning Authority on the 6th September 2023.
- Proposed 1st Floor Plan, Scale 1:50, Drawing Number: MIL-OPE-00-01-DR-A-400121, Rev: 09, received by the Local Planning Authority on the 6th September 2023.
- Proposed 2nd Floor Plan, Scale 1:50, Drawing Number: MIL-OPE-00-02-DR-A-400201, Rev: 09, received by the Local Planning Authority on the 6th September 2023.
- Proposed Roof Plan, Scale 1:50, Drawing Number: MIL-OPE-00-ZZ-DR-A-400301, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Existing Elevations, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-300401, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Existing Elevations, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-300402, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Proposed Elevations, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-400401, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Proposed Elevations, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-400402, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Site Elevations, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-400403, Rev: 04, received by the Local Planning Authority on the 6th September 2023.

- Proposed Site Elevations, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-400404, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Proposed Sections 1/2, Scale 1:50, Drawing Number: MIL-OPE-00-ZZ-DR-A-400501, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Proposed Sections 2/2, Scale 1:50, Drawing Number: MIL-OPE-00-ZZ-DR-A-400502, Rev: 04, received by the Local Planning Authority on the 6th September 2023.
- Proposed Landscape Plan, Scale 1:200, Drawing Number: MIL-OPE-00-ZZ-DR-L-910001, Rev: -, received by the Local Planning Authority on the 6th September 2023.
- Proposed Levels, Scale 1:200, Drawing Number: MIL-OPE-00-ZZ-DR-L-910002, Rev: -, received by the Local Planning Authority on the 6th September 2023.
- Bat Scoping Survey, Prepared by South Lakes Ecology March 2023, received by the Local Planning Authority on the 6th September 2023.
- Arboricultural Impact Assessment, Prepared by SEED June 2023, SEED Ref: 1587-AIA-V1-A, received by the Local Planning Authority on the 6th September 2023.
- Biodiversity Net Gain Assessment, Prepared by SEED August 2023, SEED REF: 1587-BNG-V1-A, received by the Local Planning Authority on the 6th September 2023.
- Heritage Statement, Prepared by Open Optimised Environments September 2023, received by the Local Planning Authority on the 6th September 2023.
- Design & Access Statement, Prepared by Open Optimised Environments September 2023, received by the Local Planning Authority on the 6th September 2023.
- Roof Plan Showing Demolitions, Scale 1:50, Drawing Number: MIL-OPE-00-ZZ-DR-A-300302, Rev: 01, received by the Local Planning Authority on the 16th February 2024.
- Refuse Strategy, Scale 1:200, Drawing Number: MIL-OPE-00-ZZ-DR-L-910003, Rev: -, received by the Local Planning Authority on the 16th February 2024.
- Agent Response to Consultees, Prepared by Open Optimised Environments February 2024, received by the Local Planning Authority on the 16th February 2024.
- Email from Agent (Operation Times), received by the Local Planning Authority on the 1st March 2024.

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.



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Pre-Commencement Conditions:

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - v. Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP must include details of:
 - pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
 - with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - details of proposed crossings of the highway verge;

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management details during the construction phase
- Specific measures to manage and limit the impact on the town centre, including working hours, any special measures to accommodate pedestrians deliveries and movement of equipment on the road network surrounding the site must not take place during peak muster times in the interests of road safety.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

5. Before development commences, a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must provide details of control measures for dust and other airborne pollutants that must be implemented during the works. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

6. Prior to the commencement of any works hereby approved the two additional protected species surveys must be undertaken and submitted to and approved in writing by the Local Planning Authority as set out in the approved document 'Bat Scoping Survey, Prepared by South Lakes Ecology March 2023, received by the Local Planning Authority on the 6th September 2023'. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within this approved document and retained thereafter.



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Reason

To protect the ecological interests evident on the site.

7. Development must not commence until a Biodiversity Enhancement Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved Management Plan at all times thereafter.

Reason

To protect the ecological interests evident on the site.

Prior to First Use/Occupation Conditions:

8. Prior to their first use within the development hereby approved, samples and details of the materials to be used within the external surfaces of the development must be submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and to safeguard the heritage asset.

9. Prior to the first installation within the development hereby approved, details of the proposed solar panels will be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter and must not be altered without the prior consent of the Local Planning Authority.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and to safeguard the heritage asset.

10. Following construction of the development hereby approved the approved landscaping scheme must be installed in the first growing season in accordance with the details illustrated on the following approved plan:

- Proposed Landscape Plan, Scale 1:200, Drawing Number: MIL-OPE-00-ZZ-DR-L-910001, Rev: -, received by the Local Planning Authority on the 6th September 2023.

The development must be carried out in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority. Following completion of the development should any of the planting be uprooted, destroyed, die or become severely damaged or diseased within five years of their planting then they shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.

Other Conditions:

11. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved document 'Bat Scoping Survey, Prepared by South Lakes Ecology March 2023, received by the Local Planning Authority on the 6th September 2023'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

12. The development must be carried out in accordance with and implement all of the recommendations set out in the approved document 'Arboricultural Impact Assessment, Prepared by SEED June 2023, SEED Ref: 1587-AIA-V1-A, received by the Local Planning Authority on the 6th September 2023'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the tree evident on the site in accordance with in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.



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13. The use of the building hereby approved must only be permitted to the public/customers between:

- 8am – 9pm Monday to Sundays

Reason

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

14. Construction site operating hours, including noisy construction works, and deliveries and removal of plant, equipment, machinery and waste to and from the site, must only take place between the following hours:

- 08:00am to 18:00pm Monday to Friday; and
- 08:00am to 13:00 Saturdays

No construction works shall take place at any time on Sundays or Bank Holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Informative:

During construction if any bats or evidence of bats is found within this structure the application should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns	Date : 05.04.2024
Authorising Officer: N.J. Hayhurst	Date : 09.04.2024
Dedicated responses to:- N/A	