

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2270/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE OF OLD TOILET BLOCK INTO EITHER RETAIL USE (CLASS A1) OR OFFICE USE (CLASS A2)
3.	<b>Location:</b>	FORMER PUBLIC CONVENIENCES, LANCASHIRE ROAD, MILLOM
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to a former toilet block which is located on Lancashire Street, Millom. The building is a free-standing single-storey structure with rendered walls and a pitched slate roof and it is currently out of use and in a state of disrepair.</p> <p>It is located in a prominent position near the centre of Millom's Conservation Area, and it sits on the main pedestrian route between Millom Railway Station and the town's primary</p>

supermarket, Tesco.

## **PROPOSAL**

Planning Permission is sought for the change of use of the former toilet block into either retail use (Class A1) or office use (Class A2). Both proposals now fall within Use Class E.

The building will be divided into two unit, each with a single toilet. Externally the application seeks permission to block up the existing window and door openings and incorporate additional windows and doors within each elevation. The unit entrances will be located on the south-east elevation and they will include access ramps. The external finishes of the building includes concrete roof tiles, 'Layland' Ballet pink painted roughcast, 'Layland' Daleside green painted timber windows and doors.

The proposal also includes the installation of 6 PV panels. Details are to be confirmed.

Each shop unit will have a flat shop sign located upon the gables of the property and will be illuminated by two shop sign lights facing the sign. The final finish of the proposed signs, including the proposed writing and logos, will depend on the shop occupants and businesses. These advertisements will be subject to a separate application to gain advertisement consent.

The opening hours are proposed Monday – Saturday 9:00 – 17:00.

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for:

- Change of use of redundant toilet block into shop, including 2.4 x 0.6 metre signage board on NE elevation and disabled access ramp (ref: 4/13/2493/0F1);
- Change of use of redundant toilet block into 2 shops, including 2.4 x 0.6 metre signage board at each end and level access; proposal to erect 1.8m high wall along southern boundary (ref: 4/16/2216/0F1);
- Alterations including part demolition and renovations of the former toilet block (ref: 4/22/2100/0F1).

## **CONSULTATION RESPONSES**

Millom Town Council

No objections.



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### Highways and LLFA

No objections.

### Conservation and Design Officer

Initial comments:

Conclusion: Suggest design revisions and additional information.

Assessment:

- NPPF 206: “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.”
- Local Plan policy ENV4C aims to strengthen the distinctive character of settlements through high quality urban design and architecture that respect character and setting.
- Local Plan policy DM27C outlines the restriction in principle of development within conservation areas to that which preserves or enhances the character or appearance of the area.
- I am supportive of the proposal to convert this unused building and bring it back into use.
- The WC block is identified in the Millom Conservation Area Appraisal as being a detractor that has a negative effect on the conservation area and the settings of the converted railway goods shed (Tesco) and West County Court over the road. Additionally, it impacts views towards St George’s Church spire and precinct from the vicinity of the south-west end of the former goods shed.
- Opportunity exists to improve its appearance and increase its active frontage, setting it up as a linking device between the road and the goods shed, and reducing the sense of Millom’s conservation area being divided into two halves around the bridge by the expanse of inactive fabric (the rear of West County Court, the WC block and Tesco’s car park).
- Proposals should be specified according to the guidance in the Conservation Area Design Guide and the Shop Front Design Guide.
- The colour scheme, external signage and materials are the main ways in which the impact of the building could be improved, and its status as a destination to be visited enhanced, which will be beneficial to the custom of the tenants and therefore the viability of the new use.
- Typically, windows and doors should be of timber construction, as per the guidance outlined in the Conservation Area Design Guide.
- White tends to be among the least attractive options for new windows and doors,

particularly in conservation areas, and if they are to be timber there is a much wider choice of paint colours. I'd recommend considering an alternative. A new coat of the existing green colour could look very attractive, but experimentation can be rewarding. Both the guidance documents named above contain advice on choosing colours.

- Similarly, the background wall colour could benefit from a more interesting choice than white or magnolia, something that would complement the new use and attract people. A pastel shade could look good, and also avoid the coldness of greyscale colours when the weather is cloudy. Mockups of different colour combinations are a good way of finding something that works. Given that this used to be a toilet block, and that is how most people will think of it, the more that can be done to distance this new chapter from the old one, the better the likely outcome.
- It would be worth taking a look at the documentation for the most recent approved application on this site, 4/22/2100/0F1, as this contains some interesting and bold material choices.
- It may give a better effect to take the side-lights adjacent to the shop doors down to floor level as the current layout appears lopsided and rather reminiscent of a domestic porch.
- Details/specifications should be provided of the new PV panels to allow their impact to be properly understood. These should ideally be an in-roof system, mounted flush with the roof face.
- Details of the proposed flat grey roofing tile should be provided. The existing appear to be cement, but have a matte finish that may look better than an alternative that has a shiny, plasticky appearance. The likely appearance should be understood.
- Details of the signage and illumination should be included, taking mind of the advice outlined in the two guidance documents listed above.

Final comments:

Conclusion: No objection (condition suggested)

Assessment:

- Typically, windows and doors should be of timber construction. A new coat of the existing green colour could look very attractive, but experimentation can be rewarding.
  - o Windows are of timber construction, painted Leyland Daleside Green.
- Similarly, the background wall colour could benefit from a more interesting choice than white or magnolia.
  - o Background wall colour has been specified as Leyland Ballet Pink, a pale pastel hue
- It may give a better effect to take the side-lights adjacent to the shop doors down to



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floor level.

- The side-lights have been taken down to floor level.
- Details/specifications should be provided of the new PV panels.
  - Six flush-fitting PV panels are shown
- Details of the proposed flat grey roofing tile should be provided.
  - I agree that the originally quoted grey roof tiles would provide a better result given the PV installation than the alternative proposed (Marley Antique Brown). I suggest, if the applicant and agent are amenable to remaining with the earlier proposed tile, a condition would provide clarity on which is to be used.
- Details of the signage and illumination should be included.
  - This will be detailed via a separate advertisement consent application.

### Public Representation

The application has been advertised by way of site notice - No objections have been received as a result of this consultation.

### **PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

#### **Copeland Local Plan 2013 – 2028 (Adopted December 2013):**

##### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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 smaller centres

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

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 emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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 stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS2PU – Reducing the impacts of development on Climate Change

Policy DS6PU – Design and Development Standards

Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

**Other Material Planning Considerations**



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National Planning Policy Framework (NPPF)

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

Conservation Area Design Guide

Shopfront Design Guide

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its design and the potential impact on heritage assets, residential amenity and accessibility.

#### Principle of Development

The proposed application relates to a currently vacant, former toilet block within Millom and it seeks to split the unit into two and change the use to a shop or office (Use Class E). Policy ST2 designated Millom as one of Copeland's Key Service Centres whereby moderate levels of development and regeneration should be focussed.

Policy ER7 stated that development will be required to meet the needs of the area and be appropriate to the scale of the town centre. Development should also protect and where possible enhance the services and facilities provided in the Key Centres including Millom.

Policy ER9 stated that retail and service development which promotes the vitality and viability of Key Service Centres, Local Centres and other smaller centres, and is consistent with the spatial development strategy defined in Policy ST2 will be supported.

The proposed usage of the building as a shop or office is acceptable within the Town Centre location and it will improve the overall offer within the centre of Millom for local residents.

On this basis, the principle of the development is therefore considered to be acceptable, and the alterations and renovations satisfy Policies ST1, ST2, ER7 and ER9 of the Local Plan and the NPPF guidance.

#### Design and Impact on Heritage Assets

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings.

Policy DM10 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 enhances local distinctiveness.

The Conservation Area Design Guide and the Shopfront Design Guide are material considerations in the determination of planning applications within conservation areas and

affecting shopfronts. Both are therefore applicable to this application.

The Listed Building and Conservation Areas Act sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 72 of the LBCA requires that in considering whether to grant planning permission for development which affects a conservation area, the Local Planning Authority shall pay “special attention... to the desirability of preserving or enhancing the character of appearance” of the conservation area.

Paragraphs 195 – 214 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as a conservation area, great weight should be given to the conservation of the asset’s significance; however, less than significant harm should be weighed against the public benefits of a development.

The application site is located in a prominent location within Millom Conservation Area and the justification for alterations and renovations are fairly self-evident as the toilet block is currently out of use and in a state of disrepair.

The Conservation Officer noted the building is not a heritage asset and makes no contribution to the character and appearance of the conservation area, or the settings of any nearby heritage assets. On this basis, the Conservation Officer is supportive of the proposal to convert this unused building and bring it back into use.

The Conservation Officer originally raised some design revisions and requested additional information. Following a response from the agent, the Conservation Officer raised no objections subject to conditions.

The use as two units is considered to be appropriate in scale and the renovations are considered to improve the quality of the building. The proposed materials are considered to be acceptable, although the grey roof tiles are preferred by the Conservation Officer and these final details can be secured by the use of a planning condition.

The PV panel details can also be secured by the use of a planning condition.

The development would result in public benefits and wider economic benefits to the locality as outlined above and therefore the benefits outweigh any harm that would occur to the conservation area, in accordance with the statutory duty of the LBCA in accordance with Paragraphs 195-214 of the NPPF.

On this basis, subject to the inclusion of planning conditions, the proposal is considered to comply with Policy ENV4, DM10 and DM27 and the Conservation Area Design Guide and the





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	<p>Shopfront Design Guide.</p> <p><u>Residential Amenity</u></p> <p>Policies ST1 and DM10 seek to protect residential amenity.</p> <p>As external alterations are to be kept to a minimum, the development is unlikely to have an adverse impact on the surrounding properties. No neighbours have raised concerns regarding the proposal as a result of the consultation process.</p> <p>In addition, the opening times can be secured by the use of a planning condition to protect neighbouring amenity.</p> <p>On this basis, the proposal is not considered to cause an unacceptable harm on residential amenity, in accordance with Policy DM10.</p> <p><u>Accessibility</u></p> <p>Policy DM22 requires development proposals to be accessible to all users.</p> <p>The proposal lies within Millom Town Centre and it is encompassed by the existing car parking facility therefore parking demands can be addressed. In addition, the proposal includes two access ramps and therefore this is considered to be accessible to all users.</p> <p>On this basis, the proposal complies with Policy DM22 requirements.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application is a welcome proposal which will result in the reuse of a vacant town centre unit and enhances this part of the Conservation Area.</p> <p>The proposed usage of the building as a shop or office is acceptable within the Town Centre location and it will improve the overall offer within the centre of Millom for local residents.</p> <p>The works are an appropriate scale and design and will not have any detrimental impact on residential amenity, accessibility or the character and appearance of the conservation area.</p> <p>Overall, subject to the planning conditions as outlined below, the proposal represents an acceptable form of development and it is considered to accord with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li></ol>

Reason

To comply with Section 91 of the Town and Country Planning 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 must be carried out in accordance with them: -

Location Plan, scale 1:1250, drawing no. 1782 Issue B, dated 27/11/2023, received 7<sup>th</sup> December 2023;

Existing Site Plan, scale 1:300, drawing no. 1782 Issue B, dated 27/11/2023, received 7<sup>th</sup> December 2023;

Existing and Proposed Floor Plan, scale 1:50, drawing no. 1782 Issue B, dated 27/11/2023, received 7<sup>th</sup> December 2023;

Existing and Proposed Elevations, scale 1:100, drawing no. 1782 Issue B, dated 27/11/2023, received 7<sup>th</sup> December 2023;

Proposed Sections AA, scale 1:50, drawing no. 1782 Issue B, dated 27/11/2023, received 7<sup>th</sup> December 2023;

Design and Access Statement, dated 25/08/2023, received 28<sup>th</sup> September 2023;

Planning Response, Dated 27/11/2023, received 7<sup>th</sup> December 2023.

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.

3. Notwithstanding the materials outlined on the amended plan, drawing no. 1782 Issue B, dated 27/11/2023, a sample of the proposed roof tile shall be submitted to and approved in writing with the Local Planning Authority, prior to the commencement of works to the roof. Development shall be carried out in accordance with the approved details at all times thereafter.

Reason

In the interest of visual amenity.



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4. Prior to their installation, full details and specification of the PV panels that are to be installed on the roof shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details at all times thereafter.

Reason

In the interest of visual amenity and to protect the character and appearance of the building and the wider Conservation Area.

5. The retail and office use hereby approved shall only open to the public between the hours of Monday to Saturday 09:00 to 17:00.

Reason

In the interest of neighbouring amenity.

**Informative Note**

The applicant/developer should note that a separate advertisement consent application is required for the proposed advertisements and external lighting.

**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. Wootton**

**Date : 12/01/2024**

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

**Date : 12/01/2024**

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