

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2427/0B1	
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) TO AMEND THE EXTERNAL MATERIALS AND LAYOUT TO CREATE FIRE ESCAPE OF PLANNING APPROVAL 4/23/2246/0F1 - 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:	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**

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.

### **Relevant Planning History**

4/23/2246/0F1 – 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 café – Approved.

### **Proposal**

In April 2024, planning permission (ref: 4/23/2246/0F1) was granted for the change of use of the property from the 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 café. This current application seeks to vary condition 2 relating to the submitted plans for this development to amend the external materials and layout to create the required fire escape.

### **Consultation Responses**

#### Millom Town Council

No objections in principle to this application.

#### Cumberland Council – Highway Authority & Lead Local Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and amended plans, I can confirm that we have no objection to the variation of condition 2, as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

#### United Utilities

No comments received.

#### Cumberland Council – Environmental Health



## Cumberland Council

There are no objections from Environmental Health to the proposed variation.

### Cumberland Council – Conservation and Design Officer

Conclusion: No objection

Assessment: This application proposes two main changes, affecting the details of condition 2 (plans) on approved scheme 4/23/2246/0F1:

- Replacement of internal staircase to rear, and associated works
  - This will entail some harm to this non-designated heritage asset in the form of loss of original staircase, loss of three windows and loss of a chimney stack.
  - I would view the harm to the building as being fairly minor and justified by the improvement in fire safety and circulation, which will secure the building's viable use.
  - I would view the harm to the conservation area as less-than-substantial harm, towards the lower end of that scale, lessened by the relative obscurity of the windows and chimney in question, and justified by the improvement to the building's safety and circulation.
- Instatement of rendered finish to parts of the exterior
  - The external finishes to the rear of the building are currently a mixture of brick and render.
  - While the change from brick to render will entail some harm to the appearance of the building and the conservation area, these elevations are fairly well concealed.
  - Harm is justified by the benefit of covering scars that will be left by the removal of two substandard extensions, already approved, and to some extent to the improved protection this may afford the building.
  - Considering the low impact, I would view these reasons as sufficient to justify the change.

*17<sup>th</sup> February 2025*

Conclusion: No objection

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- Replacement of internal staircase to rear, and associated works
  - This will entail some harm to this non-designated heritage asset in the form of loss of original staircase, loss of three windows and loss of a chimney stack.
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improvement in fire safety and circulation, which will secure the building's viable use.

- I would view the harm to the conservation area as less-than-substantial harm, towards the lower end of that scale, lessened by the relative obscurity of the windows and chimney in question, and justified by the improvement to the building's safety and circulation.
- Instatement of rendered finish to parts of the exterior
  - The external finishes to the rear of the building are currently a mixture of brick and render.
  - While the change from brick to render will entail some harm to the appearance of the building and the conservation area, these elevations are fairly well concealed.
  - Harm is justified by the benefit of covering scars that will be left by the removal of two substandard extensions, already approved, and to some extent to the improved protection this may afford the building.
  - Considering the low impact, I would view these reasons as sufficient to justify the change.
- Additionally, some minor changes to the detailing of the Garden Studio are proposed
  - Amendments to windows and doors, and timber boarding.
  - These appear very minor and to do not believe they have more than a negligible impact on the proposal's impact, based on the elevation drawing, which appears the same.

Cumberland Council - Historic Environment Officer

No objections and I do not wish to make any comments.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 10 properties. No responses have been received to this statutory notification period.

**Planning Policy**

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

**Development Plan**

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



## Cumberland Council

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

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

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

### Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/23/2246/0F1 was determined under the previous Local Plan, however this current variation of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

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

Strategic Policy R2: Hierarchy of Town Centres

Strategic Policy R4: The Key Service Centres

Policy R9: Non-Retail Development in Town Centres

Strategic Policy T1: Tourism Development

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Asset

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (2024)

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**

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/24/2096/0F1), condition 1 will be amended to ensure timescales for commencement are clearly outlined.

Conditions 3, 4, 5, 6, 7, 8, and 9 will be repeated as these conditions still require formal discharge.

Conditions 10, 11, 12, 13, and 14 will be repeated to ensure that works are carried out as per the approved details.

Condition 2 relates to the approved plans for this application. This application seeks to vary this condition in order to accommodate the following amendments to the approved scheme:

- Alterations to internal layout to provide a new staircase in protected shaft to meet

	<p>building regulations;</p> <ul style="list-style-type: none"> <li>- Removal of 3 windows and chimney on rear of building;</li> <li>- Re-slating whole roof with existing slates;</li> <li>- Removal of window and chimney on south west elevation;</li> <li>- Removal of 5 windows and alteration to doors on south east elevation;</li> <li>- Remove existing render and replace with new rather than exposing the existing brick;</li> <li>- Amendments to café windows to provide natural ventilation with opening lights introduced; and</li> <li>- Amendments to garden studio windows, doors and materials;</li> </ul> <p>These amendments are considered acceptable in the context of the existing scheme and the surrounding area. The Council's Conservation Officer has reviewed the proposed amendments and has confirmed no objections to the application.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be commenced before the 9<sup>th</sup> April 2027.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>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"> <li>- Location Plan, Scale 1:500, Drawing Number: MIL-OPE-00-ZZ-DR-A-300101, Rev: 04, received by the Local Planning Authority on the 6<sup>th</sup> September 2023.</li> <li>- 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 6<sup>th</sup> September 2023.</li> <li>- 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 6<sup>th</sup> September</li> </ul> </li> </ol>

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 6<sup>th</sup> September 2023.
- Existing 1<sup>st</sup> Floor Plan, Scale 1:50, Drawing Number: MIL-OPE-00-04-DR-A-300201, Rev: 04, received by the Local Planning Authority on the 6<sup>th</sup> September 2023.
- Existing 2<sup>nd</sup> Floor Plan, Scale 1:50, Drawing Number: MIL-OPE-00-02-DR-A-300201, Rev: 04, received by the Local Planning Authority on the 6<sup>th</sup> 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 6<sup>th</sup> September 2023.
- Proposed Floor Plan, Scale 1:125, Drawing No: 2, Rev: -, received by the Local Planning Authority on the 23<sup>rd</sup> December 2024.
- Existing Elevations, Scale 1:100, Drawing Number: MIL-OPE-00-ZZ-DR-A-300401, Rev: 04, received by the Local Planning Authority on the 6<sup>th</sup> 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 6<sup>th</sup> September 2023.
- Proposed Elevations – GA (Amended), Scale 1:125, Drawing No: 3, Rev: A, received by the Local Planning Authority on the 14<sup>th</sup> February 2025.
- 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> September 2023.
- Bat Scoping Survey, Prepared by South Lakes Ecology March 2023, received by the Local Planning Authority on the 6<sup>th</sup> September 2023.
- Arboricultural Impact Assessment, Prepared by SEED June 2023, SEED Ref: 1587-AIA-V1-A, received by the Local Planning Authority on the 6<sup>th</sup> 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 6<sup>th</sup> September 2023.



- Heritage Statement, Prepared by Open Optimised Environments September 2023, received by the Local Planning Authority on the 6<sup>th</sup> September 2023.
- Design & Access Statement, Prepared by Open Optimised Environments September 2023, received by the Local Planning Authority on the 6<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> February 2024.
- Agent Response to Consultees, Prepared by Open Optimised Environments February 2024, received by the Local Planning Authority on the 16<sup>th</sup> February 2024.
- Email from Agent (Operation Times), received by the Local Planning Authority on the 1<sup>st</sup> March 2024.
- Proposed Non Material Amendment – Planning Statement (Amended), received by the Local Planning Authority on the 14<sup>th</sup> February 2025.
- Proposed Section Thro' Extension, Drawing No: 10, Rev: -, received by the Local Planning Authority on the 14<sup>th</sup> February 2025.
- Proposed Section Thro' Existing, Scale 1:25, Drawing No: 12, Rev: -, received by the Local Planning Authority on the 14<sup>th</sup> February 2025.
- Stairs and Lift Area, Scale 1:50, Drawing No: 24, Rev: -, received by the Local Planning Authority on the 14<sup>th</sup> February 2025.

#### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

#### 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 Policy DS4 of the Copeland Local Plan 2021-2039.

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 6<sup>th</sup> 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.

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.

Reasons

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:
  - i. Proposed Landscape Plan, Scale 1:200, Drawing Number: MIL-OPE-00-ZZ-DR-L-910001, Rev: -, received by the Local Planning Authority on the 6<sup>th</sup> 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 DS5 of the Copeland Local Plan 2021-2039.

**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 6<sup>th</sup> September 2023'. The development must be carried out in accordance with the approved document at all times thereafter.

**Reasons**

To protect the ecological interests evident on the site.

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 6<sup>th</sup> 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 Policy DS5 of the Copeland Local Plan 2021-2039.

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 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 DS4 of the Copeland Local Plan 2021-2039

**Informatives:**

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 :** 17.02.2025

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

**Date :** 17.02.2025

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