

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2546/OB1
2.	Proposed Development:	VARIATION OF CONDITION 2 (APPROVED PLANS/DOCUMENTS), 3 (SURFACE WATER STRATEGY) AND 12 (PEDESTRIAN FOOTWAY) OF PLANNING APPROVAL 4/20/2182/OF1 - REDEVELOPMENT AND EXTENSION OF THE MILLWAY BUILDING FOR RESTAURANT, KITCHEN, CAFE/RESTAURANT, RECEPTION AREA; ERECTION OF OCTAGON COMMUNITY ASSEMBLY BUILDING; 13 NO. RESIDENTIAL UNITS (INCLUDING 4 NO. ACCESSIBLE UNITS); 4 NO. VARDOS; 12 AIRSTREAM CARAVANS; 2 ANCILLARY TOILET BLOCKS; SCULPTURES; WAREHOUSE; ASSOCIATED PARKING AND INFRASTRUCTURE WITH ANCILLARY FACILITIES
3.	Location:	LAND AT MILLWAY, DEVONSHIRE ROAD, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, SSSI - SSSI, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads
6.	Publicity Representations &Policy	
7.	Report:	<p>Site and Location</p> <p>This application relates to an extensive vacant site with planning permission in Millom, formerly Millom Ironworks, located just off Devonshire Road. It comprises two thirds open grassland with a substantial tree / hedgerow belt forming the southern boundary. Across the road and directly opposite is an existing industrial estate. The site is situated close to sensitive ecological designations to the north being bounded by the Ironworks Local Nature Reserve, the Duddon Estuary SSSI with part of the Duddon Estuary SPA and RAMSAR. Morcambe Bay SAC also lies some 200m away.</p> <p>To the east it encompasses a vacant office/ industrial building where a wall forms the rest of the southern boundary with Devonshire Road, formerly the `Millway`. From here the site extends to the east to adjoin an existing vehicular access formerly serving the office building, and a former public</p>

house building, part of which is now a dwelling and then backs onto a small industrial estate.

To the west the site is bounded by an area of woodland with residential development beyond.

Current vehicular access is via an existing internal access road off Devonshire Road which will be closed with the new access to the site being from the existing access modified by the Millway.

A second subsidiary site lies to the east of the main site some 35m away separated by an existing vehicular access and gravelled area serving the neighbouring industrial estate. Here there is a vacant grassed area which will provide secure customer parking and a new warehouse building. It will be linked to the main site by an informal pedestrian footpath.

Together the two parcels of land total some 2.85 ha in area.

Proposal

Full planning permission subject to conditions was granted in January 2021 (4/20/2182/0F1 refers) on the site for `redevelopment and extension of the Millway building for restaurant, kitchen, cafe/restaurant, reception area; erection of octagon community assembly building; 13 no. residential units (including 4 no. accessible units); 4 no. vardo wagons; 12 airstream caravans; 2 ancillary toilet blocks; sculptures; warehouse; associated parking and infrastructure with ancillary facilities`.

This submission comprises a S73 application which seeks to vary conditions 2, 3 and 12 of the planning permission 4/20/2182/0F1 relating to this site.

Condition 2 specifies the approved documents and plans list for the development. Further detail relating to the proposal has now been provided as well as some proposed minor amendments. These include identifying a location and extent of a ground source heat pump, siting of the airstream caravans and vardo vans, drainage and surfacing details and other external finishes, pond/ swale details etc. Various plans and documents on the list will be updated/ substituted on this list as a consequence.

Condition 3 approves a surface water drainage strategy and refers specifically to Proposed Drainage Layout ref. 19343_PL01_02, revision AM, dated 25/01/2020 which has now been superseded by Proposed Drainage Layout ref. 19343_PL01_02, Revision B to amend outfall (on 09-07-20) - so the wording of the planning condition now requires amending.

Condition 12 – approves the footway linkage details between the adopted footway on Devonshire Road and the site entrance to enable provision of pedestrian access. This application seeks to substitute this drawing with a more up to date one; updated Master & Site Co-ordination Plan 03 – IRN-IDK-00-MP-502.

Accompanying this is an application to discharge a number of the planning conditions. (4/21/2538/DOC refers).

Consultations

Millom Town Council

No objections.

Environment Agency

No objections

CCC Highway Authority and LLFA

Initially raised no objections to the variation of condition 2 and 12, but required that the micro drainage/ run off rates in the original Drainage Strategy re condition 3 be reinstated in the revised version accompanying this application. This has now been satisfactorily addressed with a further revision to the document. Also requires assurance that no trees be planted within the visibility splay which has now been provided via an amended landscaping plan. Also advises that where the road construction detail shows edging flat kerb that round top edging kerbs be used instead on the boundary of grassed areas.

Flood and Coastal Defence Engineer

No objection to variation of conditions 2 and 12. Expressed initial concerns regarding the Drainage Strategy (condition 3) which have now been addressed.

United Utilities

No objection to condition 3 being varied.

Natural England

No objection to the variation of the conditions.

Consultant Arborist

No objection and recommends attaching a condition to the planning permission requiring the full implementation of the landscape plan (Dwg. No.M2685.04T). This is a generic response to this and the sister application for condition discharge and is not relevant to this application to vary conditions 2, 3 and 12. There is already a condition attached to the original application requiring this.

Environmental Health

No objection.

Neighbour Notification

A response has been received from a neighbouring industrial business owner who fully supports the proposal but respectfully points out that his business operates on a 24 hour basis.

Policy

The following policies of the Copeland Local Plan 2013-2028 (Adopted December 2013) (CLP): Core

Strategy and Development Management Policies are considered relevant to the proposal:

Policies ST1 Strategic Development Principles, specifically B (iv) and C (v),

ST2 Spatial Development Strategy

Policy ER9 Key Service Centres, Local Centres and other smaller centres

Policy ER10 Renaissance through Tourism

Policy DM9 Visitor Accommodation

Policy ENV1 Flood Risk and Risk Management

Policy ENV2 Coastal Management

Policy ENV3 Biodiversity and Geodiversity

Policy DM25 Protecting Nature Conservation Sites, Habitats and Species

Policy ENV5 Protecting and Enhancing the Borough's Landscapes

Policy DM10 Achieving Quality of Place

Policy DM11 Sustainable Development Standards

Policy DM26 Landscaping

Policy DM28 Protection of Trees

Other Material Planning Considerations

Cumbria Landscape Character Assessment

National Planning Policy Framework (NPPF).

National Planning Practice Guidance (NPPG).

Emerging Copeland Borough Council Local Plan 2017-2035

The new local plan is under preparation and has been the subject of a recent consultation on a Publication Draft. At present only a limited weight can be attached to it as part of any decision making.

Assessment/ Conclusion

The key material consideration this S73 application raises is whether the proposed conditions variations are acceptable in planning terms. The consultations have raised no adverse issues and where there were initial concerns regarding the drainage strategy, landscape and highways these have now all been satisfactorily addressed. The proposed additional design detail and relatively minor layout amendments are also acceptable. As a result the proposed variations are considered to represent a satisfactory form of development that accords with Copeland Local Plan Policies and national guidance.

	<p>In accordance with the requirements of S73 of the Town and Country Planning Act 1990 a new S73 permission will now be issued for the Millom Ironworks development and this will set out the conditions to be varied (2, 3 and 12) and for clarity restate the conditions imposed on the original planning permission 4/20/2198/0F1 but excluding those that those have been discharged by virtue of the sister application 4/21/2538/DOC. It should be read alongside the original permission which remains intact and un-amended.</p>
8.	<p>Recommendation: Approve amendment of condition</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. - 2. <u>List of approved plans and documents</u> Permission shall relate to the following plans and documents and development shall be carried out in accordance with them: - Supporting Planning Statement & Appendices, Ref: 2019-39b Design & Access Statement, Ref: 2020-04 Plans/Documents IRN-IDK Planning Drawings Revised Part 1 Masterplan & Site Location Plan Existing, drawing no. IRN-IDK-00-MP-000, scale 1:2000 @ A1, received 10 December 2021. Masterplan and Site Coordination Plan 01 Proposed, drawing no. IRN-IDK-00-MP-500, scale 1:200 @ A1, received 10 December 2021. Masterplan and Site Coordination Plan 02 Proposed, drawing no. IRN-IDK-00-MP-501, scale 1:200 @ A1, received 10 December 2021. Masterplan and Site Coordination Plan 03 Proposed, drawing no. IRN-IDK-00-MP-502, scale 1:200 @ A1, received 10 December 2021. Masterplan and Site Coordination Plan 04 Proposed, drawing no. IRN-IDK-00-MP-503, scale 1:200 @ A1, received 10 December 2021. Revised Masterplan & Site Coordination Plan 05 Proposed Ref: RN-IDK-00-MP-504_RevA - scale 1:200 @ A1, received Friday 28 January 2022 Octagon, drawing no IRN-IDK-01-OCT-211, scale 1:100@A1, received 10 December 2021. Millway Elevations Existing & Demolition, drawing no. IRN-IDK-02-MIL-130, scale 1:100@A1, received 10 December 2021. Millway North Elevation Proposed, drawing no. IRN-IDK-02-MIL-300, scale 1:100@A1, received 10 December 2021. Millway General Arrangement Plans Existing & Demolition, drawing no. IRN-IDK-02-MIL-130, scale 1:100@A1, received 10 December 2021.

Part 2

Millway Ground Floor, First Floor and Roof GA Plans, Millway Bike Shed, Plans and Elevations, drawing no. IRN-IDK-02-MIL-210, scale 1:100@A1, received 10 December 2021.

Ancillary, drawing no. IRN-IDK-03-ANC-210, scale 1:100@A1, received 10 December 2021.

Warehouse Elevations, drawing no. IRN-IDK-05-WRH-300, scale 1:100@A1, received 10 December 2021.

Warehouse Ground Floor, mezzanine and roof GA Plans, Car Park, Bike Shed Plans and Elevations, drawing no. IRN-IDK-05-WRH-210, scale 1:50 & 1:100@A1, received 10 December 2021.

Residence A, B, C, drawing no. IRN-IDK-06-RES(A)-210, scale 1:100@A1, received 10 December 2021.

Part 3

Sculptures, drawing no. IRN-IDK-06-RES(A)-300, scale 1:50@A1, received 10 December 2021.

Sculpture 3 Kidney, Residence D, The Hearth, drawing no. IRN-IDK-09-RES(D)-210, scale 1:100@A1, received 10 December 2021.

Revised Landscape Layout by Barnes Walker, drawing no. M2685-4OU, scale 1:500 @ A1 received 28 January 2022

Landscape Layout – Warehouse by Barnes Walker, Drawing No. M2685-05C, scale 1:250@A4, received 10 December 2021.

Landscape Management Plan, by Barnes Walker Ltd, ref. M2685-MP-21-09-01, September 2021, received 10 December 2021.

Landscape Management Schedules, by Barnes Walker Ltd, ref. M2685-MS-21-09-01, September 2021, received 10 December 2021.

Ecology Summary Report, Ref: 60585249, March 2020, including following Appendices:
Figure 1 Site Phase 1 Habitat Map

Appendix Bi-Landscape Plan – Main Site Original Permitted Design

Appendix C Ecology Progress Report January 2019

Appendix D New Warehouse Site – Grassland Species List

Appendix E New Warehouse Site: Reptile/Amphibian Survey Results 2018

Technical Note in response to Natural England comment, Ref: 22092020

Technical Note: Measures to mitigate recreational impacts on the SPA – Issued 21st October 2020

Construction Environmental Management Plan, Rev 2, by AIBM Ecology, dated 2 March 2022, received 2 March 2022.

Natterjack Toad Mitigation Strategy, by AIBM Ecology, dated 1/05/21, received 10 December 2021.

Millway Bat Report, Ref: A114055, August 2019

Millway Noise Management Plan, by Adams Planning + Development, Ref: 2019-39e, for Millway Building, Ironworks Retreat, Devonshire Road, Millom, Cumbria, LA18 4JP, received 13 January 2021.

Morecambe Bay & Duddon Estuary SPA & Morecambe Bay SAC, - ALSE (Regulation 63) Conservation of Habitats & Species Regulations 2017 (as amended) for Copeland Borough Council, Site: Old Ironworks, Devonshire Road, Millom, Cumbria, by Lucy Gibson Consulting, ref; J202/RP02, October 2020.

Appropriate Assessment (Regulation 63) Conservation of Habitats & Species Regulations 2017 (as amended) for Copeland Borough Council, Site: Old Ironworks, Devonshire Road, Millom, by Lucy Gibson Consulting, ref; J202/RP03, December 2020.

Habitat and Recreational Management Plan, Rev 1, by AIBM Ecology, dated 27 September 2021.

Drainage Strategy Report by MP Gadsden Consulting Engineers Ltd, ref: CN 20404, Version 6, dated 2 March 2022, received 2 March 2022.

Existing Drainage Layout, drawing no. 20404_STG3_01RevA, dated 18 March 2021, received 28 January 2022.

Proposed Drainage Layout, drawing no. 20404_STG3_02RevD, dated 22 September 2021, received 28 January 2022.

Proposed Road Layout, drawing no. 20404_STG3_03RevC, dated 22 September 2021, received 28 January 2022.

Proposed Sightlines, drawing no. 20404_STG3_04RevB, dated 27 January 2022, received 28 January 2022.

Typical Construction Details (1), drawing no. 20404_STG3_05.1RevB, dated 22 September 2021, received 28 January 2022.

Typical Construction Details (2), drawing no. 20404_STG3_05.2RevB, dated 22 September 2021, received 28 January 2022.

Exceedance Route, Drawing No. 19343_PL01_01_06, Rev. B

Flood Risk Assessment, Ref: MG / CN19343, dated 13th July 2020

Earth Environmental & Geotechnical Phase II GeoEnvironmental Investigation, Ref: A1287/17, July 2017 with Appendix 1 & 2

Tree Survey Report, Plan, Survey Data and Preliminary Management Recommendations – Tom Dutson, Heartwood Enterprises

Reason

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

3. Drainage for the development hereby approved shall be carried out in accordance with the principles set out in the submitted Proposed Drainage Layout ref. 19343_PL01_02, Revision B dated 09-07-20 proposing surface water be discharged to the watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

	<p>Reason</p> <p>To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</p> <p>4. Foul and surface water shall be drained on separate systems.</p> <p>Reason</p> <p>To secure proper drainage and to manage the risk of flooding and pollution.</p> <p>5. The Remediation Strategy shall be implemented as approved before the development becomes operational.</p> <p>Reason</p> <p>To ensure implementation of the approved Remediation Strategy.</p> <p>6. The drainage system (SUDS) hereby approved shall be carried out in accordance with the submitted details before the development becomes operational.</p> <p>Reason</p> <p>To ensure control over the implementation of the scheme.</p> <p>7. The approved highway works (details relating to the design, construction, drainage and lighting of the carriageways, footpaths etc.), shall be undertaken before the development is complete.</p> <p>Reason</p> <p>To ensure adequate control over the implementation of the highway works.</p> <p>8. The existing Millway boundary wall adjacent to Devonshire Road and the post and wire fencing for the proposed car park shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and shall not be raised to a height exceeding 1.05m thereafter.</p> <p>Reason</p> <p>In the interests of highway safety.</p>
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	<p>9. The approved highway drainage measures shall be implemented prior to the development being completed and shall be maintained operational thereafter.</p> <p>Reason</p> <p>To retain control over the implementation of the approved highway drainage measures.</p> <p>10. The use of the development shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.</p> <p>Reason</p> <p>To ensure a minimum standard of access provision when the development is brought into use.</p> <p>11. The use of the development shall not be commenced until the existing access to the highway onto Devonshire Road is permanently closed and the site parking area provided, the highway crossing and boundary shall be reinstated in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>To minimise highway danger and the avoidance of doubt.</p> <p>12. The footway detailed in the updated Masterplan and Site Coordination Plan 03 Proposed, drawing no. IRN-IDK-00-MP-502 shall link from the existing adopted footway on Devonshire Rd into the site allowing pedestrians access to and from the development and this shall be provided for the lifetime of the development.</p> <p>Reason</p> <p>In the interests of highway safety and to provide accessibility to existing footpaths.</p> <p>13. The Construction Traffic Management Plan shall be implemented as approved.</p> <p>Reason</p> <p>To retain control over implementation in the interests of highway safety.</p>
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	<p>14. The approved Surface Water Scheme shall be constructed, drained and managed in accordance with the approved Drainage Strategy.</p> <p>Reason</p> <p>To ensure the Surface Water Scheme is implemented as approved.</p> <p>15. -</p> <p>16. All of the mitigation measures identified in the section entitled `Proposed Mitigation for likely recreational impact on SPA Features` of the Appropriate Assessment, by Lucy Gibson, ref. 1202/RP03, dated 11 December 2020, paragraphs 19 – 23 inclusive as well as paragraphs 24 – 28 inclusive, shall be implemented in full before the accommodation units are occupied as set out in perpetuity for the lifetime of the development.</p> <p>Reason</p> <p>To protect ecological sensitive designations of the Duddon Estuary SSSI, SPA, Morecambe Bay and Duddon Estuary SPA and Morecambe Bay SAC.</p> <p>17. The accommodation units including the rotunda lodges, the Luna, residences, airstream caravans and Vardo wagons hereby approved shall be occupied solely for holiday letting purposes and shall not be sold or let as permanent dwellings.</p> <p>Reason</p> <p>The units are not considered appropriate for permanent residential use.</p> <p>18. The Natterjack Toad Mitigation Plan shall be implemented as approved.</p> <p>Reason</p> <p>To ensure adequate protection is afforded to this protected species.</p> <p>19. Notwithstanding the approved plans, before development commences a schedule of external finishes for all the buildings and structures on the site shall be submitted to and approved in writing by the Local Planning Authority. The finishes shall implemented as approved before the development is brought into use.</p> <p>Reason</p> <p>To retain control over the external finishes of the building in the interests of general amenity.</p>
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	<p>20. The Tree Constraints Plan and arboricultural Method Statement shall be implemented as approved.</p> <p>Reason</p> <p>To ensure adequate protection of the trees and woodland on the site.</p> <p>21. All of the glazed panels on the eastern elevation of the café/restaurant of the Millway building shall be obscure glazed prior to the use hereby approved commencing. Once installed the obscure glazing shall be retained in perpetuity.</p> <p>Reason</p> <p>To protect the amenities of the neighbouring residents</p> <p>22. The new Warehouse shall only open between the hours of:</p> <ul style="list-style-type: none"> - 8am and 6pm Monday to Friday inclusive: - 9am and 2pm Saturday and Sunday. <p>Reason</p> <p>To safeguard neighbouring amenities.</p> <p>23. Before the Millway café/ restaurant is fitted out details of the internal layout shall be submitted to and approved in writing by the Local Planning Authority. The layout shall include details of the kitchen, location of hygiene facilities, details of extraction systems, location of grease traps as required. The café / restaurant shall be fitted out in accordance with the approved details before it is brought into use.</p> <p>Reason</p> <p>In the interests of general amenity.</p> <p>24. Full details of the proposed stone circles shall be submitted to and approved in writing by the Local Planning Authority before they are erected. The stone circles shall be erected as approved.</p> <p>Reason</p> <p>To control the appearance of the stone circles in the interests of general amenity.</p>
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25. The solar PV arrays shall be installed as approved.

Reason

To safeguard the appearance of the development in the interests of general amenity.

26. The bike shelters shall be erected as approved.

Reason

To safeguard the appearance of the development in the interests of amenity.

27. The accessible parking shall be implemented as approved before the development becomes operational.

Reason

To ensure adequate accessible parking provision is provided within the scheme.

28. The revised CEMP shall be implemented as approved.

Reason

To ensure the revised CEMP is implemented.

29. The Landscaping and Maintenance Scheme shall be implemented as approved before the car park and warehouse is brought into use.

Reason

To enhance the visual appearance of the car park and warehouse.

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: H.S. Morrison	Date : 29/03/2022
Authorising Officer: N.J. Hayhurst	Date : 30/03/2022
Dedicated responses to:- N/A	