



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2296/OB1	
2.	Proposed Development:	VARIATION OF CONDITION 8 (EXTERNAL FINISHES) OF PLANNING APPROVAL 4/21/2121/0F1 - PROPOSED EXTENSION TO SOUTH SIDE OF IVORY BUILDING TO PROVIDE FOR A NEW ENTRANCE/LOBBY AREA, OFFICE SPACE & A NEW STAFF CAFETERIA; NEW EXTERNAL SPIRAL STAIRCASE TO EAST ELEVATION; NEW DRAINAGE WORKS; PROVISION OF AN ATTENUATION POND	
3.	Location:	C G P LTD, MAINSGATE ROAD, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads, Gas Pipeline - Northern Gas Pipeline - 135m buffer	
6.	Publicity Representations &Policy	Neighbour Notification Letters	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		The application site relates to the existing CGP Ltd Factory situated on Mainsgate Road, located on the Southern edge of the residential area of Millom. This site in Millom is CGP’s main distribution centre. The site comprises of the Ivory Building, which provides offices, and the red brick building, which is used mainly for storage.	

Relevant Planning History

4/16/2444/OF1 – 3 storey extension to south side of Ivory Building (new staff entrance, office space & maintenance access to roof) – Approved

4/16/2191/OF1 – Warehouse extension – Approved

4/18/2060/OF1 – Variation of Condition 2 of 4/16/2191/OF1 – Approved

4/20/2425/OF1 – Erection of three storey extension to south side of the ivory building for office space, new entrance and lobby area, and new staff cafeteria - Withdrawn

4/21/2121/OF1 – Proposed extension to the south side of the ivory building to provide a new entrance/lobby area, office space and a new staff cafeteria, new external spiral staircase to eastern elevation; new drainage works; provision of an attenuations pond within eastern field – Approved.

4/21/2337/DOC – Discharge of conditions 3, 4, 5 and 6 of planning approval 4/21/2121/OF1 – Approved

4/21/2539/DOC - Discharge of condition 9 of planning approval 4/21/2121/OF1 – Approved

4/22/2347/DOC – Discharge of condition 7 of planning approval 4/21/2121/OF1 – Approved

Proposal

In May 2021, planning permission (ref: 4/21/2121/OF1) was granted for an extension to the south side of the ivory building to provide a new entrance/lobby area, office space and a new staff cafeteria, a new external spiral staircase to eastern elevation, new drainage works and provision of an attenuations pond within the eastern field of this site. This current application seeks permission to vary the following condition attached to this planning permission:

8. Prior to their first use on the development hereby permitted, representative samples of the materials to be used on the external surfaces of the development must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Consultation Responses

Millom Town Council

No objections in principle to this application.

Public Representation

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

ST1 – Strategic Development Principles

ST2 – Spatial Development Strategy

ER6 – Location of Employment

ER9 – The Key Service Centres, Local Centres and other small centres

ER11 – Developing Enterprise and Skills

ENV1 – Flood Risk and Risk Management

ENV3 – Biodiversity and Geodiversity

ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

DM10 – Achieving Quality of Place

DM22 – Accessible Developments

DM24 – Development Proposal and Flood Risk

DM25 – Protecting Nature Conservation Sites, Habitats and Species

DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

Wildlife and Countryside Act 1981.

Emerging Copeland Local Plan (ELP):

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.

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.

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 (4/21/2121/0F1), development has commenced on site therefore, it is not necessary to repeat the condition relating to timescales. Conditions 2, 10, 11, 12, and 13 will be repeated to ensure that works are carried out as per the approved details. Condition 3, 4, 5 and 6 will be amended to reflect the details approved when these conditions was discharged in November 2021. Condition 9 will be amended to reflect the details approved when the condition was discharged in December 2021. Condition 7 will be amended to reflect the details approved when the condition was discharged in October 2022.

The current application seeks to vary condition 8 of the original planning approval, ref: 4/21/2121/0F1. Condition 8 relates to the proposed external materials to be used on the development approved under application 4/21/2121/0F1. As the development has already commenced and the materials utilised within the development, the variation of this condition allows

	<p>the works to be completed whilst securing a satisfactory finish for the development.</p> <p>Concerns were originally raised by the Local Planning Authority regarding the external materials used to for the roof of the development as these included a copper beach cladding. Based on these concerns the agent for this application submitted a statement to justify the use of this material within the development, which highlights the mix of colours and materials within the area. The agent has also submitted a physical sample of all cladding materials to be used within the development to show how they would sit together within the site.</p> <p>Based on this submitted justification and review of the samples of materials, the proposed materials are considered to be acceptable for this development. Whilst the roof cladding is a bold colour, this is only used on two small roof areas of the development. This material also reflects the colour of the red brick which is a traditional material used within the wider locality and within other buildings within the application site. Although there may be some limited impacts on the immediate locality the development is not considered to have a significant demonstrable harm on the overall landscape as the site can only be seen from a limited number of key vantage points and also due to the small surface area that the copper cladding covers.</p>
8.	<p>Recommendation: Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. – 2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Site Location Plan, Scale 1:1250, Drawing No 20198-PL-A001, Rev B, received by the Local Planning Authority on the 22nd March 2021. - Existing Site Plan, Scale 1:250, Drawing No 20198-PL-A002, Rev A, received by the Local Planning Authority on the 22nd March 2021. - Proposed Site Plan, Scale 1:250, Drawing No 20198-PL-A003, Rev D, received by the Local Planning Authority on the 22nd March 2021. - Existing Northern & Eastern Elevation, Scale 1:100, Drawing No 20198-PL-A104, received by the Local Planning Authority on the 22nd March 2021. - Existing Southern & Western Elevation, Scale 1:100, Drawing No 20198-PL-A103, received

by the Local Planning Authority on the 22nd March 2021.

- Existing Ground Floor Plan, Scale 1:100, Drawing No 20198-PL-A101, received by the Local Planning Authority on the 22nd March 2021.
- Existing First Floor Plan, Scale 1:100, Drawing No 20198-PL-A102, received by the Local Planning Authority on the 22nd March 2021.
- Proposed Northern and Eastern Elevation, Scale 1:100, Drawing No 20198-PL-A205, Rev A, received by the Local Planning Authority on the 22nd March 2021.
- Proposed Southern and Western Elevation, Scale 1:100, Drawing No 20198-PL-A204, Rev A, received by the Local Planning Authority on the 22nd March 2021.
- Proposed Section 1, Scale 1:50, Drawing No 20198-PL-A206, Rev A, received by the Local Planning Authority on the 22nd March 2021.
- Proposed Second Floor and Roof Plan, Scale 1:100, Drawing No 20198-PL-A203, received by the Local Planning Authority on the 22nd March 2021.
- Proposed First Floor Plan, Scale 1:100, Drawing No 20198-PL-A202, received by the Local Planning Authority on the 22nd March 2021.
- Proposed Ground Floor Plan, Scale 1:100, Drawing No 20198-PL-A201, received by the Local Planning Authority on the 22nd March 2021.
- Design & Access Statement, received by the Local Planning Authority on the 22nd March 2021.
- Flood Risk Appraisal, Prepared by M & P Gadsden Consulting Engineers Ltd on the 8th October 2020, received by the Local Planning Authority on the 22nd March 2021.
- Ecological Appraisal, Prepared by Environtech Ecological Consultant on the 21st November 2020, received by the Local Planning Authority on the 22nd March 2021.
- Drainage Strategy, Prepared by M & P Gadsden Consulting Engineers Ltd on the 12th April 2021, received by the Local Planning Authority on the 12th April 2021.
- Road Levels, Scale 1:10, Drawing No 20198-PL-C004, received by the Local Planning Authority on the 11th April 2021.
- Pond Sections, Scale 1:200, Drawing No 20198-PL-C006, received by the Local Planning

Authority on the 11th April 2021.

- External Works Layout (1 of 2), Scale 1:200, Drawing No 20198-PL-C002, received by the Local Planning Authority on the 11th April 2021.
- External Works Layout (2 of 2), Scale 1:200, Drawing No 20198-PL-C001, received by the Local Planning Authority on the 11th April 2021.
- Drainage Layout (Option 1), Scale 1:250, Drawing No 20198-PL-C005, received by the Local Planning Authority on the 11th April 2021.
- External Works Sections, Scale 1:200, Drawing No 20198-PL-C003, received by the Local Planning Authority on the 11th April 2021.

Reason

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

Pre Commencement Conditions

3. The development hereby approved must be carried out in accordance with the Surface Water Drainage Scheme approved as part of condition 3 of permission 4/21/2121/0F1, as detailed within correspondence dated 2nd November 2021 (ref: 4/21/2337/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. The development hereby approved must be carried out in accordance with the Highway Construction and Drainage details approved as part of condition 4 of permission 4/21/2121/0F1, as detailed within correspondence dated 2nd November 2021 (ref: 4/21/2337/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

5. The development hereby approved must be carried out in accordance with the Construction Traffic Management Plan approved as part of condition 5 of permission 4/21/2121/0F1, as detailed within correspondence dated 2nd November 2021 (ref: 4/21/2337/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

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.

6. The development hereby approved must be carried out in accordance with the Construction Surface Water Management Plan approved as part of condition 6 of permission 4/21/2121/0F1, as detailed within correspondence dated 2nd November 2021 (ref: 4/21/2337/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

Prior to Use/Occupation Conditions

7. The development hereby approved must be carried out in accordance with the parking and manoeuvring provisions identified within the Site Plan approved as part of condition 7 of permission 4/21/2121/0F1, as detailed within correspondence dated 10th October 2022 (ref: 4/22/2347/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a minimum standard of parking provision is made within the site for vehicles visiting the site.

8. The development hereby approved must be carried out in accordance with the schedule of materials set out in the approved document:

- Schedule of Materials, Prepared by Gadsden Consulting, received by the Local Planning Authority on the 13th July 2022.

The development must be retained in line with these approved details at all times thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Prior to Erection Conditions

9. The development hereby approved must be carried out in accordance with the details of the external staircase approved as part of condition 9 of permission 4/21/2121/0F1, as detailed within correspondence dated 21st December 2021 (ref: 4/21/2539/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Other Conditions:

10. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:

- Flood Risk Appraisal, Prepared by M & P Gadsden Consulting Engineers Ltd on the 8th October 2020, received by the Local Planning Authority on the 22nd March 2021.

The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

11. The development must be carried out in accordance with and implement all of the detail and mitigation measures set out within the following approved documents:

- Ecological Appraisal, Prepared by Environtech Ecological Consultant on the 21st November 2020, received by the Local Planning Authority on the 22nd March 2021.

Once installed these measures shall be retained at all times thereafter.

Reason

To protect the ecological interests evident on the site.

12. The surface water drainage system including SuDs features shall be constructed in accordance with the approved plan 'Drainage Layout (Option 1), Scale 1:250, Drawing No 20198-PL-C005, received by the Local Planning Authority on the 11th April 2021', and must thereafter be maintained and managed in accordance with the details and principles of the approved document ' Drainage Strategy, Prepared by M & P Gadsden Consulting Engineers Ltd on the 12th April 2021, received by the Local Planning Authority on the 12th April 2021'.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. Foul and surface water must be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Informative:

1. Prior to any work commencing on the watercourse the applicant must contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.
2. Public Footpath 415014 follows an alignment to the north side of the proposed development and also Public Footpath 415015 follows an alignment to the south side of the proposed development and must not be altered or obstructed before or after the development has been completed, if the Footpaths are to be temporarily obstructed, then a formal temporary

closure will be required, there is a 12 week lead in time for this process, please contact Sandra.smith@cumbria.gov.uk for further information.

3. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team: streetworks.west@cumbria.gov.uk.
4. Use of any part of the roof of this site as an outdoor seating area is likely to require planning permission, therefore the applicant should discuss this matter with the Local Planning Authority.

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. Burns

Date : 18.11.2022

Authorising Officer: N.J. Hayhurst

Date : 24.11.2022

Dedicated responses to:- N/A