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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73.

**NOTICE OF GRANT OF PLANNING PERMISSION**

Day Cummins Ltd  
Unit 4A Lakeland Business Park  
Lamplugh Road  
Cockermouth  
CA13 0QT  
FAO: Mr Michael Dawson

**APPLICATION No: 4/24/2427/0B1**

**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 CAFÉ**

**5 ST GEORGES ROAD, MILLOM**

**Cumberland Council**

The above application dated 23/12/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions:

1. The development hereby permitted must be commenced before the 9<sup>th</sup> April 2027.

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 1:500, 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.
- 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.
- 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 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

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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.

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:

- 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.

Reason

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.

Please read the accompanying notice



Nick Hayhurst  
Head of Planning and Place  
Inclusive Growth and Placemaking

17th February 2025

**APPROVALS  
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015**

**PART 2**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.