

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Adams Planning + Development Ltd  
The Oaks  
Oaks Drive  
Crook Road  
Bowness-on-Windermere  
LA23 3JA  
FAO Russell Adams

**APPLICATION No: 4/21/2546/0B1**

**VARIATION OF CONDITION 2 (APPROVED PLANS/DOCUMENTS), 3 (SURFACE WATER STRATEGY) AND 12 (PEDESTRIAN FOOTWAY) OF PLANNING APPROVAL 4/20/2182/0F1 - 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  
LAND AT MILLWAY, DEVONSHIRE ROAD, MILLOM**

**As If By Magic**

The above application dated 10/12/2021 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:

**Conditions:**

1. -
2. 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.

Reason

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.

4. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

5. The Remediation Strategy shall be implemented as approved before the development becomes operational.

Reason

To ensure implementation of the approved Remediation Strategy.

6. The drainage system (SUDS) hereby approved shall be carried out in accordance with the submitted details before the development becomes operational.

Reason

To ensure control over the implementation of the scheme.

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.

Reason

To ensure adequate control over the implementation of the highway works.

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.

Reason

In the interests of highway safety.

9. The approved highway drainage measures shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

To retain control over the implementation of the approved highway drainage measures.

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.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

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.

Reason

To minimise highway danger and the avoidance of doubt.

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.

Reason

In the interests of highway safety and to provide accessibility to existing footpaths.

13. The Construction Traffic Management Plan shall be implemented as approved.

Reason

To retain control over implementation in the interests of highway safety.

14. The approved Surface Water Scheme shall be constructed, drained and managed in accordance with the approved Drainage Strategy.

Reason

To ensure the Surface Water Scheme is implemented as approved.

15. -

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.

Reason

To protect ecological sensitive designations of the Duddon Estuary SSSI, SPA, Morecambe Bay and Duddon Estuary SPA and Morecambe Bay SAC.

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.

Reason

The units are not considered appropriate for permanent residential use.

18. The Natterjack Toad Mitigation Plan shall be implemented as approved.

Reason

To ensure adequate protection is afforded to this protected species.

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.

Reason

To retain control over the external finishes of the building in the interests of general amenity.

20. The Tree Constraints Plan and arboricultural Method Statement shall be implemented as approved.

Reason

To ensure adequate protection of the trees and woodland on the site.

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.

Reason

To protect the amenities of the neighbouring residents

22. The new Warehouse shall only open between the hours of:

- 8am and 6pm Monday to Friday inclusive:
- 9am and 2pm Saturday and Sunday.

Reason

To safeguard neighbouring amenities.

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.

Reason

In the interests of general amenity.

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.

Reason

To control the appearance of the stone circles in the interests of general amenity.

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.

Please read the accompanying notice



PP Pat Graham  
Chief Executive

30<sup>th</sup> March 2022

**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/planning-inspectorate>.  
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.