

Town and Country Planning Act 1990 (As amended).

4/20/2182/0F1

NOTICE OF GRANT OF PLANNING PERMISSION

Adams Planning and Development Ltd
The Oaks
Oak Drive
Crook Road
BOWNESS-ON-WINDERMERE
Cumbria LA23 3JA
FAO Mr Russell Adams

**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 THE MILLWAY, DEVONSHIRE ROAD, MILLOM**

As If By Magic Ltd

The above application dated 13/05/2020 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:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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. 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

Site & Masterplan, Drawing No. IDK-IRN-P

Site: Location Plan, Drawing No. IDK-IRN-P-00-10-00, Rev. P(A)

Site: Masterplan, Drawing No. IDK-IRN-P-00-10-02, Rev. P(E)

Site: Masterplan 1/2, Drawing No. IDK-IRN-P-00-10-03, Rev. P(D)

Site: Masterplan 2/2, Drawing No. IDK-IRN-P-00-10-04, Rev. P(C)

Site: Services, Drawing No. IDK-IRN-P-00-20-01, Rev. P(C)

Site: Parking Layout, Drawing No. IDK-IRN-P-00-20-01-00-30-01 Rev. P(B)

Site: Millway Parking layout, 1-250, Drawing No. IDK-IRN-P-00-30-02 P(C)

The Octagon: Proposed drawings, Drawing No. IDK-OCT-P-02-10-01 P(A)

Ancillary 1&2, Drawing No. IDK-ANC-A-02-10-01, Rev. P(A)

Millway Drawing No. IDK-MIL-P

Millway: Existing floorplans, Drawing No. IDK-MIL-P- 01-10-01, Rev. P(A)

Millway: Existing elevations, Drawing No. IDK-MIL-P-01-20-01, Rev. P(A)

Millway: Proposed floorplans, Drawing No. IDK-MIL-P-02-10-01, Rev. P(A)

Millway: Proposed elevations, Drawing No. IDK-MIL-P-02-20-01, Rev. P(A)

Residences, Drawing No. IDK-RES-P

Residences: Sensory Accommodation, Drawing No. IDK-RES-P-02-10-01, Rev. P(A)

Residences: Double Accommodation, Drawing No. IDK-RES-P-02-10-02, Rev. P(A)

Residences: Double Accommodation Accessible, Drawing No. IDK-RES-P-02-10-03, Rev. P(A)

Lodges: Amended Rotunda & Luna Plans and Elevations, scale 1:50, received 13 January 2021.

Organs 1/2, Drawing No. IDK-RES-A-02-10-10, Rev. P(A)

Organ Sculptures 2/2, Drawing No. IDK-RES-A-02-10-11 Rev. P(A)

Warehouse, Drawing No. IDK-WRH-P

Warehouse: Proposed Floorplans, Drawing No. IDK-WRH-P-02-10-01, Rev. P(A)

Warehouse: Proposed Elevations, Drawing No. IDK-WRH-P-02-20-01, Rev. P(A)

Landscape Layout, Drawing No. M2685-04, Rev. M

Landscape Layout – Warehouse, Drawing No. M2685-06

Landscape Management Plan, Ref. M2685-MP-19.02-01

Landscape Management Schedules, Ref. M2685-MS-19.02-01

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, Ref: 60667903, October 2018
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.

Drainage Strategy Report, Ref: CN 19343, Version 3 – 13th July 2020.
Existing Drainage Layout, Drawing No. 19343_PL01_01
Proposed Drainage Layout, Drawing No. 19343_PL01_02, Rev. B
Proposed Road Layout, Drawing No. 19343_PL01_01_03, Rev. B
Proposed Sightlines, Drawing No. 19343_PL01_01_04, Rev. B
Typical Construction Details (1), Drawing No. 19343_PL01_01_05.1, Rev. A
Typical Construction Details (2), Drawing No. 19343_PL01_01_05.2
Exceedance Route, Drawing No. 19343_PL01_01_06, Rev. B
Flood Risk Assessment, Ref: MG / CN19343 – 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. Surface Water

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 AM, dated 25/01/2020 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 Water

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. Contamination

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - All previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

6. SUDS

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

7. Highways

The carriageway, footways, footpaths, cycle ways etc shall be designed, constructed, drained and lit to a standard to be agreed and in this respect further details shall be submitted to and approved in writing by the Local Planning Authority before work commences on site. No work shall be commenced until these details have been approved. Any works so approved shall be constructed before the development is complete.

Reason

To ensure an acceptable standard of construction in the interests of highway safety.

8. Highways

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. Highways

Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval in writing prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

10. Highways

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. Highways

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. Highways

The footway detailed in Doc IDK-IRN-P-00-10-02 Rev.P(D) Site Master Plan 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. Highways

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall be implemented as approved and include details of:

- 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;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management details during the construction phase

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.

14. Highways/LLFA

No development shall commence until a detailed surface water scheme that is in accordance with the principles set out in Doc 19343-Drainage Strategy Report V3 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Details of permeable surface to be used on the car park
 - b) Access provision to allow maintenance to attention tanks and silt traps
 - c) Further details of how the NJT ponds regulate in weather events
- The development shall thereafter be constructed, maintained and managed in accordance with the approved Drainage Strategy

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

15. Highways/LLFA

No development shall commence until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

16. HRA

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. Holiday Letting Restriction

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. Natterjack Toads

No development shall commence until an updated Natterjack toad survey and a 'Natterjack Toad Mitigation Plan' is submitted to and approved in writing by the Local Planning Authority. These shall include details of mitigation required during construction, such as detailed in the Ecology Summary Report and the CEMP. Mitigation for natterjack toads will need to be considered in conjunction with mitigation for reptiles. The Plan shall be implemented as approved.

Reason

To ensure provisions are made to safeguard and enhance habitat for this protected species before, during and after development.

19. External Finishes

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. Trees

Before development commences a Tree Constraints Plan and arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Method Statement shall be implemented as approved.

Reason

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

21. Obscure Glazing to Café/ Restaurant

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. Warehouse Opening Hours

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. Millway Café/Restaurant

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. Stone Circles

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. PV Arrays

Full details of any solar PV arrays to be installed shall be submitted to and approved in writing by the Local Planning Authority before they are erected. The PV arrays shall be implemented as approved.

Reason.

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

26. Bike Shelters

Full details of the proposed bike shelters shall be submitted to and approved in writing by the Local Planning Authority before they are erected.

Reason

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

27. Accessible Parking

Full details of all the proposed accessible parking provision, including layout, design and construction shall be submitted to and approved in writing by the Local Planning Authority before the development becomes operational. The accessible parking shall be implemented as approved.

Reason

To ensure the design and construction of the accessible parking meets the accessible parking standards.

28. Before any development commences updated Sections 5 - 8 inclusive of the CEMP (2018) shall be submitted to and approved in writing by the Local Planning Authority. The revised CEMP shall be implemented as approved.

Reason

To ensure that relevant sections of the CEMP are updated to reflect the current application as subsequently revised.

29. Before development commences a landscaping and maintenance scheme, including boundary treatment for the proposed car park and warehouse site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the car park and warehouse are brought into use.

Reason

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

Informative: Waste

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works is waste or has ceased to be waste. Under the Code of Practice:

- ② excavated materials that are recovered via a treatment operation can be re-used on-

site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution

- ☐ treated materials can be transferred between sites as part of a hub and cluster project
- ☐ some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommends that developers should refer to:

- ☐ the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- ☐ The [waste management](#) page on gov.uk

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



21st January 2021

PP Pat Graham
Chief Executive

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

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) 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.