

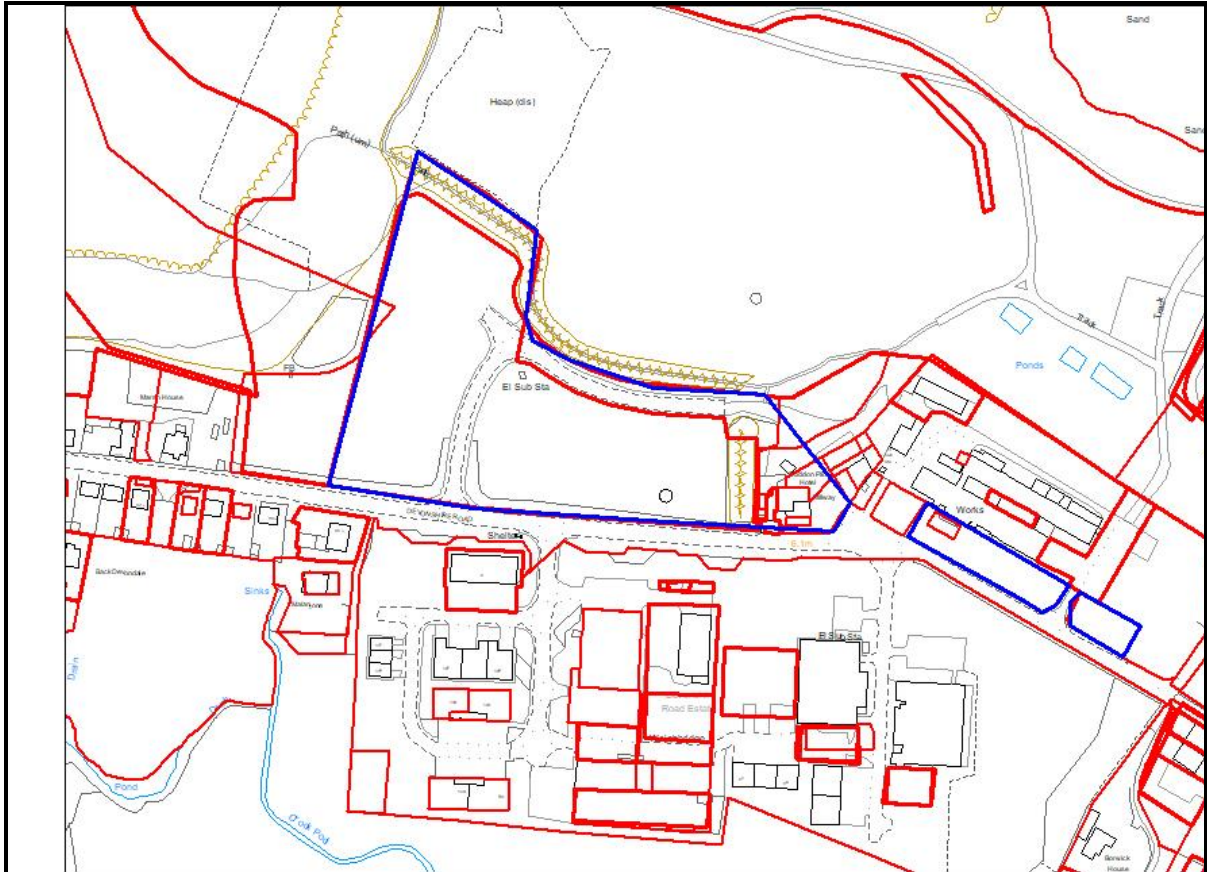


To: PLANNING PANEL

Development Control Section

Date of Meeting: 20/01/2021

Application Number:	4/20/2182/0F1
Application Type:	Full : CBC
Applicant:	As If By Magic Ltd
Application Address:	LAND AT THE MILLWAY, DEVONSHIRE ROAD, MILLOM
Proposal	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
Parish:	Millom
Recommendation Summary:	Approve (commence within 3 years)



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Reason for Determination by Planning Panel

This is a significant application for the Borough which the Planning and Place Manager considers to be of sufficient importance from a planning perspective to refer to the Planning Panel for determination.

Introduction

This application was submitted in May last year and essentially comprises a resubmission and enhancement of an application which was granted consent in June 2018 (reference 4/16/2340/0F1). It has since been held in abeyance to address significant ecological issues.

The Site

Located just off Devonshire Road in Millom, this former home to Millom Ironworks comprises two thirds a naturally regenerated site of open grassland with a substantial tree / hedgerow belt forming the majority of the site's southern boundary with Devonshire Road.

Across the road and directly opposite is an existing industrial estate. The site is situated close to sensitive 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. To the east it encompasses a vacant office/ industrial building where a wall forms the rest of the southern boundary with Devonshire Road. This was formerly the Ironworks Offices and is known as the `Millway`. Here the site extends further east to adjoin an existing vehicular access formerly serving the office building, and a former public 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 and there are permissive footpaths to the nature reserve which cross the site. It is proposed that this road will be closed off with a new occasional vehicular access serving the proposed sanctuary and pedestrian access to the nature reserve provided via the Millway to the east.

A second subsidiary site lies to the east of the main site some 35m away separated by an existing vehicular access and gravelled area to the neighbouring industrial estate. Here there is a vacant grassed area, rectangular in shape, which will be developed to provide secure customer parking and a new warehouse building. It will be linked to the main site by an informal pedestrian footpath leading to the main Millway building. Two accessible spaces will be provided together with further accessible parking catered for on the main site.

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

The Proposal

This is a major application for a residential Sanctuary comprising the redevelopment of the Millway building, provision of accommodation units, landscaped site, a new warehouse, separate car park and cycle parking, together with associated infrastructure and ancillary facilities. The applicant's vision is that it will offer retreat facilities with an emphasis on nature and minimal intrusion. The siting of the buildings/ facility will take advantage of the well screened and tranquil nature and location of the site and the neighbouring nature reserve which benefits from expansive views over the estuary to the north.

The application is accompanied by a suite of documents including a Design and Access Statement, Planning Statement, Construction Environmental Management Plan, Transport Statement, Contamination Report, Flood Risk Assessment, Environmental Desk Study Ecology Summary Report, Habitat Management Plan, Natterjack Toad Mitigation Plan. Bat Survey, Tree Survey, Landscape Management Plan and Drainage Strategy.

As a result of the potential ecological sensitivities of the site and in compliance with the Habitat Regulations, an Assessment of Likely Significant Effects (ALSE) and an Appropriate Assessment on the potential impact the proposal is likely to have on the neighbouring and

nearby ecological designations was undertaken on our behalf by an external consultant ecologist.

In more detail the proposal consists of:

Millway Building

This is the former Ironworks offices, a run down two storey brick built building, which is to be substantially refurbished and extended to provide the `Gateway` into the site. A large ground floor extension with extensive glazing to the south and east elevation is proposed which wraps around part of the east elevation. An extension will increase the height of the roof by 2.0m with a zinc clad fascia and will enable a first floor to be provided. It is the intention that the ground floor will provide a 50 cover restaurant /café, library with reading room, toilets, kitchen and a reception facility. Whereas the first floor will contain a function room and lounge.

As regards external finishes, the ground floor extension will have a zinc clad roof, extensive glazing and part masonry / textured render walls.

The existing access to the Millway will be retained and the 2.0m high brick boundary wall to Devonshire road lowered to a 1.0m dry stone wall in order to provide adequate visibility. Although it is the intention that foot access only will be provided from here into the main site, there are exceptions for accessible and service vehicles. There will be three additional accessible parking spaces provided to the rear of the Millway plus covered bicycle parking. The existing substation to the west of the building will also require relocating.

Accommodation Units

It is proposed that there will be a variety of accommodation units on the main site, 29 in total, aimed at the holiday market which has the potential to cater for a maximum of 86 people. These units will be spaciouly positioned and take the form of:

- 12 renovated Airstream caravans catering for 2-4 people which will be centrally located on the site. These will have a classic steel grey finish.
- 4 Romany type Vardo wagons of 1-4 person capacity which will be situated adjacent to the northern boundary in the central area of the site. These will be of a timber or painted timber finish.
- 5 rotunda shaped timber 2 person lodges, these will be sited just below the airstream caravans.
- 4 no. 2 person units – these are to be located to the south west of the site.in terms of accommodation they will each provide one double bedroom and a shower/WC facility. They will be circular in form, measuring 6.0m in diameter and 3.4m in height with a flat roof and textured rendered walls.
- 2 accessible 2 person units which are slightly larger with on-site accessible parking close by. These are adjacent to the four two person residential units and straddle each side of the former access where accessible parking in the form of 3 bays is to be provided. Internally they will provide one large double bedroom and an accessible

shower/WC. These will take the form of circular, flat roofed, single storey units 7.0m in diameter and 2.5m in height with a textured render finish to the walls.

- 1 Sensory Accommodation Unit - Triple Burner. This is the largest of the circular units. It is more spacious accommodating two people with additional provision for meditation. Measuring some 8m diameter, this is domed in shape with a maximum height of 4m and external textured render walls.
- 1 Sensory Accommodation Unit – Womb. This comprises one larger round unit 6m in diameter and 4.4m in height with an adjoining smaller circular extension protruding an extra 2m and 2.6m in height. This is another spacious unit, also accommodating two people and allowing for meditation. Again as above the external finish is to be textured render.

Octagon

On the north western edge of the site there will be a large `Octagon` shaped building with a domed roof. In terms of scale this will be 28 metres in diameter with walls to eaves height of some 2.5 metres with a total height to the tip of the dome rising to 8 metres. Externally this will have a sandstone façade interspersed with extensive glazing and a zinc clad roof. It is aimed at providing a large open internal space for communal assembly. Facilities including toilets and a kitchen will be provided in a nearby ancillary building (Ancillary1). Three accessible parking bays will also be provided nearby.

Communal Facilities

- There will be 2 buildings providing communal/ancillary facilities for the accommodation units as well as the Octagon. The largest of these (Ancillary 1) will be sited on the north western boundary close to the Octagon. The other (Ancillary 2) will be more centrally located.
- Ancillary 1. This has a large footprint and is the main communal facility on site. In essence it comprises two flat roofed buildings connected by a physical architectural feature of a `dragon ramp`. The total footprint comprises 39m in length by 8m in depth by 3.5m in height which includes a surrounding external canopy. The largest of the two component buildings measures 19.5m by 5.8m and the smaller one is semi-circular and is some 6m in diameter. The former will provide a large communal kitchen with two shower rooms and a plant room. The latter two showers and a WC. In terms of external finishes the walls to the larger element will comprise full glazing panels with a timber frame under a flat roof with a zinc fascia. The smaller element will have textured rendered walls.
- Ancillary 2. This is essentially a circular building 10.2m in diameter and 3.2m in height under a flat roof with a zinc fascia. In the centre will be situated a fire pit with surrounding steps/ seating. Walls will comprise timber columns. Intention is that it will be used as a communal facility.

Vehicle access

It is the intention that the existing vehicular access situated centrally off Devonshire Road and currently serving the site will be closed and removed together with the existing road.

This will be replaced by access into the site via Millway using the existing access point to the building. From here access will be provided into the site informally via a smaller scale informal service road and a series of footpaths. The intention is that apart from accessible vehicles on site there will only be service vehicles allowed, all other access being by foot. Cars will be parked in the separate car park provided adjacent.

Car Parking

A separate car park for 37 vehicles including 2 accessible spaces will be constructed on vacant level land to the immediate east of The Millway, situated in front of the residential estate. In addition there will be covered parking for up to 10 bicycles and motorcycle parking. A landscaped area will also be provided to the west. From the car park there will be informal pedestrian access to the adjacent Millway building which is to serve as the site's main reception.

Warehouse

To the eastern end of the proposed car park is the site for the new warehouse. This will comprise a pitched roof building rectangular in shape, measuring some 33m in length, 15.5m in depth, 7.0m high to eaves and 9.5m to the roof apex. External materials include walls of pre cast concrete panels, with metal clad profiled sheeting above and to the roof as well as onduline transparent profiled sheeting to the gable end elevations and to part of the sides on the elevation facing the car park providing a porch feature. Internally there will be a mezzanine floor providing office space and a viewing platform. It is the intention that this building will function as a storage facility for Vardo and airstream vans awaiting refurbishment at the applicants nearby workshop. The facility will also be available for interested visitors to view. Working hours for the warehouse are proposed as 8am – 6pm Monday – Friday and 9am – 2pm at the weekends.

Landscaping

There will be low key landscaping on the site to enhance the existing natural features and to complement the nature reserve to the north. The existing band of trees to the southern boundary of the main part of the site will be retained, managed and enhanced. This is important as it provides significant screening for the site.

Two new wetland habitat areas are also proposed.

Linking all the facilities will be internal pedestrian footways with permeable surfacing constructed of granular slag and low level lighting.

The over-riding philosophy of the development is respect for the integrity of the existing landscape with minimal disturbance where possible. All of the smaller buildings will sit on `eco bases` with a gravel surround which will allow surface water to naturally penetrate into the ground. Any new / enhanced planting will be compatible with the ecology of the site.

There will be sculptural elements in various locations on the site including the creation of two stone circles and 5 `organ` sculptures:

- Organ Sculpture: Liver. Of a wigwam style shape made of timber panels, this measures 7.4m in height by 3.5m in diameter.
- Organ Sculpture Lungs: This takes the form of a semi-circular dome shaped structure with a textured rendered exterior, 4.6m in diameter by 4m in height.
- Organ Sculpture Spleen. A semi-circular arrangement of irregular standing stones some 5m in diameter and 3m in height.
- Organ Sculpture Heart: An oval structure with a textured rendered shell, 4.7m in width by 6.7m in length by 2.8m in height.
- Organ Sculpture Kidneys: Rendered kidney shaped walled structure 2.8m in height by 7m in width (widest point) and 11m in length.

The existing embankment to the northern boundary of the site adjacent to the nature reserve will be regraded.

Existing perimeter boundary fence to the nature reserve will be retained.

Relevant Planning History

Planning permission for a similar retreat/ sanctuary proposal was granted on 7 July 2018, 4/16/2340/OF1 refers, subject to conditions. This application comprises a redesign.

A subsequent application to discharge the relevant conditions was submitted in March 2019 and these were discharged on 19 December 2019.

A sister application for a workshop extension on an adjoining industrial site to the east for the applicants is still pending with a decision to be delegated shortly. Planning application reference 4/20.2091/OF1 refers.

Consultations

Millom Town Council. No objections - fully support the application

Cumbria County Council, Highways and Local Lead Flood Authority. No objections as earlier issues have now been addressed and subject to appropriate conditions including access and parking arrangements, provision of a footpath link from the car park, surface water discharge, provision of a traffic management plan and a construction surface water management plan.

Cumbria County Council, Historic Environment Officer. No objections.

United Utilities. No objection subject to appropriate conditions governing surface water drainage.

Environment Agency. No objections – consider the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy and controls regarding SUDS.

Flood and Coastal Defence Engineer – requested an updated FRA and clarification re surface water drainage outfall which were provided.

Natural England. No objection subject to appropriate mitigation being secured.

Consider that without appropriate mitigation the application could have an adverse effect on the integrity of the Morecambe Bay & Duddon Estuary Special Protection Area (SPA), and the Duddon Estuary Ramsar.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- Mitigation to reduce the increased recreational disturbance to SPA birds that is likely to occur as a result of the development.
- An updated Natterjack toad mitigation plan.

RSPB Object – consider the application has the potential to have an adverse effect on the integrity of the Morecambe Bay & Duddon Estuary Special Protection Area (SPA), the Duddon Estuary Ramsar site and the Duddon Estuary SSSI.

Reasons for objection:-

1. Loss of SPA area – accept that the 0.1ha of SPA which will be developed as part of this scheme does not contain any qualifying habitats it is currently considered that 0.1ha loss does not constitute an adverse effect of site integrity, it still represents a permanent loss of SPA area which the applicant has not sought to address.

3. Recreational disturbance impacts – Borwick Rails (a notified feature of the Duddon Estuary SSSI) has been monitored by RSPB staff for a number of years and the site is the most important site within the Morecambe Bay and Duddon area for breeding Ringed Plover (*Charadrius hiaticula*) with 16 pairs regularly recorded, the biggest threat to this colony comes from recreational disturbance – particularly vehicle use, and dog walking. Are particularly concerned that the applicant has not sought to address recreational disturbance as part of the application.

Neighbours/Others

Slacks. No objections - neighbouring business whom fully support the application. As the site is opposite the industrial estate, they ask that the fact that they work 24 hours a day with associated traffic, noise and light of which our facilities contribute to be taken into consideration. So long as this is accepted and acknowledged then we fully support the growth of tourism in the town.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Copeland Local Plan 2013-2028 (Adopted December 2013) (CLP): Core Strategy and Development Management Policies is the Development Plan for the Borough and should form the basis for determining planning applications.

The following policies of the local plan 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

Copeland Borough Council Local Plan 2017-2035

The new local plan is at an early stage of preparation and has been the subject of a recent consultation on a Preferred Options Draft. As it is still in its early stages of development it should only be attributed very limited weight in any decision making.

Cumbria Landscape Character Assessment

This county wide landscape assessment was compiled by Cumbria County Council in 2011. Importantly it provides baseline information that can be used when making decisions on future land use and management. It identifies and assesses landscape types and provides a strategic framework which includes visions and objectives for future landscapes and guidelines to protect, manage and plan changes to maintain and enhance landscape distinctiveness.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Planning Practice Guidance (NPPG).

Wildlife and Countryside Act 1981.

Assessment / Planning Considerations

The Design and Access Statement and Planning Statement along with the rest of the submission put forward the case that the proposal for a residential sanctuary in this location accords with national and local plan policy, particularly tourism.

It is accepted that the application raises no particular issues in respect of flood risk, drainage, archaeology, visual impact with initial concerns regarding transport and access having now been addressed.

However there are the following key considerations to be taken into account:

Proximity to Sensitive Ecological Designations

This is the main issue the application raises. The site lies immediately adjacent to an extensive area of European designated ecological sites of the Duddon Estuary SPA, Morecambe Bay SPA and SAC, Morecambe Bay RAMSAR and Morecambe Bay SSSI. There is also the Local Ironworks Nature Reserve, a local designation. As a result it is ecologically sensitive and it is important that any development in its vicinity does not detract from this. Where feasible the opportunity should be taken to enhance their ecological value and importance and any potential impacts should be adequately mitigated. In this regard the proposed development of the site is intended to be low impact aimed at maximising and enhancing its ecological importance as an adjacent site, a factor which is to be embraced as a feature of the Sanctuary.

Natural England (NE) together with the RSPB raised concern that the development is likely to result in increased recreational pressure in the area and therefore have a likely significant effect on the sensitive interest features of the adjacent SPA/ ecological designations. More visitors to this area is likely lead to an increase trampling, visual and noise disturbance and displacement effects.

The first stage of the HRA undertaken for the site – Assessment of Likely Significant Effects (ALSE) identified recreational disturbance as an issue that warranted an Appropriate Assessment (next stage of the HRA) being undertaken by our consultant ecologist. The ALSE determined that the proposed development is likely to increase recreational disturbance to the SSSI, and therefore the SPA. Recreational disturbance is recognised as one of the key drivers of species decline in the Morecambe Bay and Duddon Estuary SPA.

The mitigation proposed can be secured by condition to ensure there would be no adverse effect on the integrity of the ecological designations.

Suitable mitigation identified includes: information packs for those staying at the site; additional signage highlighting the importance of the area for certain bird species and the importance of keeping dogs on leads; Signage/fencing to discourage informal access onto the nature reserve and promotion of the legal rights of way already in place – the main one of which is the route of the planned England Coast Path.

The AA recommends that the conditions of any planning consent include the implementation of all of the mitigation measures recommended above in this AA (and in other supporting documents as relevant) **in full, for the lifetime of the development**. This will ensure that the applicants commit to keeping the signage, fencing, information packs and talks to staff/visitors relevant and up-to-date, regularly reviewing the condition/content of these mitigation measures.

In Response to the RSPB's objection the AA undertaken by our consultant ecologist specifically addresses the issue of the potential for increased recreational disturbance posed by the proposal to adversely affect the integrity of the Morecambe Bay & Duddon Estuary Special Protection Area (SPA), the Duddon Estuary Ramsar site and the Duddon Estuary SSSI. It proposes acceptable mitigation methods to offset this which can be governed by a suitable planning condition.

Therefore, the mitigation proposed by the AA is seen as satisfactory and addresses the issues of ecological concern raised by NE and the RSPB.

Natterjack Toads

As this is a known site for this protected species NE advised that natterjack toad mitigation also be assessed in the HRA which has been undertaken.

Natterjack toads (NJT) are present and breeding in ponds around 130m from the new warehouse location and a survey undertaken in 2018 identifies that they have found their way to the warehouse location although in general the habitat between the site and the ponds is not ideal.

The ALSE recommends that an updated NJT Mitigation Plan in line with the NJT presence on the new warehouse site identified during the 2018 survey, be provided before works commence which can be adequately governed by an appropriate planning condition.

Landscape/ Trees

The site is situated adjacent to the landscape character designation of the `coastal urban fringe` as identified in the Cumbria Landscape Character Guidance and Toolkit (2011). This comprises mainly low lying flat land which supports a wealth of wildlife with areas of iron slag colonised by herb rich grassland supporting uncommon plants and wildlife. It acknowledges that some of these areas have a high ecological value and are sensitive to development but notes that recreational and tourism development is likely to continue in these areas. It also recognises that development on brownfield sites could protect and enhance habitats and that the impact of development can be minimised by careful siting, design and high standards of landscape treatment which is what is being proposed by this

development, including landscaping of the proposed off-site car park should also be included.

In terms of natural features, the site benefits from a substantial tree / hedgerow belt on its southern boundary which is recognised as having considerable amenity value and offering substantial screening of the development. It's importance is acknowledged by the Council's consultant arboriculturist and his report seeks protection and enhancement of this woodland by the provision of a Tree Survey and Constraints Plan, Method Statement and Management Plan which have been provided and suitable conditions to ensure they are updated, (as they were originally provided for the previous scheme), and implemented.

Planning Policy Position

This site is situated within the settlement boundary of the town which is identified as a Key Service Centre in the Copeland Local Plan (CLP). The settlement hierarchy shows that the appropriate type and scale of development for Millom is considered to be mixed-use development; small and medium enterprises with linkages to the nuclear sector and tourism and; infill and windfall housing. Within the South Copeland section of the Localities in Copeland paragraph 8.7.6 identifies that there may be opportunities to develop green tourism linked to the environmental importance of the Duddon Estuary and Hodbarrow Lagoon and cultural tourism linked to local industrial heritage and literature.

Whilst classed as `brownfield` being part of the former ironworks, the site has naturally regenerated and is now essentially green in character. It is currently allocated for housing in the Copeland Local Plan and has had this status as a development site for some time but has never been brought forward until now for development.

In the emerging local plan however, the site is identified as having a designation of `possible urban greenspace protection` though this is not confirmed. However, it accepts that a housing allocation may no longer be required as there is an appropriate level of supply elsewhere in Millom. Also the background report to this acknowledges that the site may be physically acceptable for tourism related development.

The proposal is generally in line with adopted Local Plan policies, particularly tourism, Policy ER10 Renaissance through Tourism and Policy DM9 Visitor Accommodation are the key ones which support this development. They will help realise the Council's aspirations for green tourism linked to the environmental significance of the Duddon Estuary and will enhance tourism opportunities in the Key Centre. As regards visitor accommodation the policies support new holiday caravans / chalets on sites such as this which have adequate access and possess a high level of natural screening.

Residential Amenity

There is potential for impacts on residential amenity to arise from the proposed extension and refurbishment of the Millway building which need to be carefully considered.

To the east of the access into Millway is situated the former Duddon Pilot public house which is now converted to a dwelling. The side of the property abuts the access of Millway

and its eastern elevation and there are several windows at ground and first floor level which look out onto this part of the site. As such there is some potential, albeit limited, for overlooking here from the proposed alterations to the Millway building. Although the ground floor extension where the café / restaurant is proposed will take the Millway closer it is considered that there will be no direct overlooking to the Duddon Pilot, due to the relative positions/ orientations of the extension and this building. There is never the less some potential arising from the large glazed doors and panels to the proposed reception area behind where there is potential for direct overlooking and where the minimum separation distances cannot be met. To help adequately mitigate this it is the intention to condition these doors to be obscure glazed.

Planning Balance and Conclusion

The proposal for the creation of a residential Sanctuary on a brownfield site within the settlement boundary of Millom constitutes a significant tourism related development for the town which is supported by local and national policy.

Although the site lies immediately adjacent to extensive ecologically sensitive areas in and around the neighbouring Duddon Estuary and has the potential to have a significant impact on them, it has been demonstrated in the HRA via the ALSE and the AA, that the proposal is unlikely to have any significant impact on them providing the identified mitigation measures are adequately implemented. Issues relating to protected species can be addressed via condition.

Also the potential for the development to affect residential amenity in the vicinity of the Millway can be suitably mitigated by design improvements.

It is recognised that the development has the potential to aid the regeneration of Millom's undeveloped coast, enhance tourism opportunities for the Key Centre and help to realise the Council's aspirations for developing green tourism linked to the environmental importance of the Duddon Estuary.

Taking the above into account it is considered that the proposal for the creation of a residential sanctuary on this site within Millom represents an acceptable form of development which is in compliance with national and local planning policies.

Recommendation:-

Approve, subject to the following conditions:

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 as received on the respective dates 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(D)

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

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

Site: Service Strategy (Drawing No. IDK-IRN-P-00-20-01, Rev. P(B)

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

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

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 plans (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 plans (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)

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

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

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 02-10-01, Rev. P(A)

Warehouse: Proposed Elevations (Drawing No. Adams Planning + Development, Lowry House, 17 Marb lDe KS t0re2e-t2, 0M-a0n2c, hReestve.r P, M(A2) 3 AW

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)

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.

Drainage Conditions

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 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 and surface water shall be drained on separate systems.

Reason

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

5. 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.

Contamination

6. 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.

Highways Conditions

7. 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. 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. 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. 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 Rd 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 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. 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 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. 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. 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.

Ecological Mitigation

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.

Natterjack Toads

17. 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.

Reason

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

Occupancy

17. Holiday Letting Restriction

The accommodation units including the rotunda lodges, 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.

External Finishes

19. 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.

Trees

20. 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 Method Statement shall be implemented as approved.

Reason

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

Obscure Glazing

21. The doors and panels serving the reception on the eastern elevation 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

Opening Hours

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. The Millway café/ restaurant shall only be open between the hours of 8am till 6pm on any day.

Reason

To safeguard neighbouring amenities.

Other Conditions

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. 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. 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. 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.

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:

- 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.