

Town and Country Planning Act 1990 (As amended).

4/19/2104/001

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

Mr A Walker  
Rockland  
Lady Hall  
MILLOM  
Cumbria LA18 5HR

OUTLINE APPLICATION FOR ERECTION OF A GENERAL INDUSTRIAL BUILDING  
SLACKS MILLOM LTD, BORWICK RAILS, MILLOM

Slacks Millom Ltd

The above application dated 21/03/2019 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The layout, scale, appearance, and landscaping shall be as may be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

a) The expiration of THREE years from the date of this permission

Or

b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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:-
  1. Site Plan, Scale 1:1250, Drawing No 4001, received by the Local Planning Authority on the 21<sup>st</sup> March 2019.
  2. Flood Risk Assessment, received by the Local Planning Authority on the 21<sup>st</sup> March 2019.
  3. Design and Assess Statement, received by the Local Planning Authority on the 21<sup>st</sup> March 2019.

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.

4. The development shall be carried out in accordance with and implement all of the details and mitigation measures specified within the Flood Risk Assessment, received by the Local Planning Authority on the 21<sup>st</sup> March 2019.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

5. Prior to the commencement of the development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
  - a. A preliminary risk assessment which has identified:
    1. All previous uses,
    2. Potential contaminants associated with those uses,
    3. A conceptual model of the site indicating sources, pathways and receptors,
    4. Potentially unacceptable risks arising from contamination at the site.
  - b. A site investigation scheme based on a) to provide information for a detailed

assessment of the risk to all receptors that may be affected, including those off site.

- c. The results of the site investigation and detailed risk assessment referred to in b) 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.
- d. 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 c) 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 express consent of the Local Planning Authority and the scheme shall be implemented as approved.

Reason

To ensure the protection of controlled waters from potential land contamination.

- 6. Before development commences a Construction Environmental Management Plan which includes a Dust Management Plan and a scheme for the mitigation of Natterjack Toads shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason

To protect the ecological interests evident on the site.

- 7. No development shall take place until a Construction Method Plan has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason

To protect the amenity of residents and the appearance of the site during construction.

- 8. No development shall take place until a Noise Assessment has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.



Reason

To protect the amenity of nearby residents.

**Informative(s):**

1. A PROW (public footpath) number 415021 lies adjacent to the site, if the application is approved the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. For closures or diversions of the footpath the applicant must contact Countryside Access Team [Countryside.Access@cumbria.gov.uk](mailto:Countryside.Access@cumbria.gov.uk) for the appropriate permit.
2. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.

**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

08/08/2019

*N. J. Hayman*

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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

**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.