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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

Manning Elliott Partnership  
Suite 1  
Manelli House  
4 Cowper Road  
Penrith  
CA11 9BN

**APPLICATION No: 4/22/2364/0F1**

**CONSTRUCTION OF NEW WAREHOUSE UNIT WITH ANCILLARY OFFICES  
FORMER CLEATOR MILLS SITE, CLEATOR**

**Genr8ed Ltd**

The above application dated 11/01/2023 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 begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan – Drawing No. 1701-EX-001 Rev. B

- Site Plan As Existing – Drawing No. 1701C-F07-001 Rev. A
- Site Plan – Drawing No. 1701CPL-200 Rev. C
- Floor Plans – Drawing No. 1701CPL-300 Rev. B
- Elevations – Drawing No. 1701CF10-500 Rev. B
- Bat Risk Assessment and Bat Survey Report – Cleator Mills Cleator – Report Ref. MEP-22-01 August 2022
- Flood Risk Assessment and Surface Water Drainage Strategy for Planning – Report Ref. 92276-ManningElliott-CleatorMills v2
- Sequential Test Report – Land at Cleator Mills, Cleator, Cumbria Planning Application 4/22/2364/0F1
- Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment) - Report Ref: 2023-5775
- Phase 2: Ground Investigation Report Proposed Commercial Development of Land at Cleator Mills, Cumbria - Report Ref: 2023-5775
- Report to Inform an Appropriate Assessment Cleator Mills - Report Ref: 23144-HRA – Version V2.5
- External Finishes Schedule – Industrial Building, Cleator Mills – Project No. 1701C

#### Reason

For the avoidance of doubt and in the interests of proper planning.

#### Pre-commencement Planning Conditions

##### *Highways*

3. Notwithstanding the submitted details, no development shall commence until details, including longitudinal/cross sections of the carriageway, footways, footpaths etc. have been submitted to and approved in writing by the Local Planning Authority.

The development shall be completed in accordance with the approved details before the development is complete.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

##### *Drainage*

4. Notwithstanding the submitted details, no development shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must be based on the hierarchy of drainage options in the Planning Practice Guidance.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

### *Construction Management*

5. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted and approved in writing by the Local Planning Authority.

The CTMP shall include:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the timing of deliveries by heavy goods vehicles to and from the site;
- the management of junctions to and crossings of the public highway and other public rights of way/footway; and,
- details of any proposed temporary access points (vehicular/pedestrian).

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

### *Arboriculture and Landscaping*

6. Notwithstanding the submitted details, no development shall commence until full details of the tree protection measures for all trees to be retained have been submitted to and approved in writing by the Local Planning Authority.

These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas and the measures to be used to prevent harm from such works, all to be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012, and the monitoring of tree protection measures during construction.

The Arboricultural Method Statement shall be implemented as approved throughout the construction period.

#### Reason

To ensure the protection and retention of important landscape features in accordance with the provisions of Policy DM28 of the Copeland Local Plan 2013 – 2028.

7. Notwithstanding the submitted details, no development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:-

- means of enclosure including details of any walls/structures;
- other vehicle and pedestrian access and circulation areas; and,
- hard surfacing materials.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable.

Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

#### Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

8. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby

approved, 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.

The remediation strategy 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 accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

### Pre-Occupation Planning Conditions

#### *Building Branding*

9. Notwithstanding the submitted details, no development hereby approved shall be occupied until a detailed scheme of building branding has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full prior to first occupation of the development hereby approved.

Reason

To safeguard and enhance the character of the area and secure high quality design in accordance with the provisions of Policy DM10 of the Copeland Local Plan 2013-2028.

### *Lighting*

10. No development hereby approved shall be occupied until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all external lighting within the site.

The approved lighting scheme shall be implemented in full prior to first occupation of the development hereby approved.

#### Reason

To safeguard and enhance the character of the area and secure high quality design, prevent amenity harm and prevent ecological impacts in accordance with the provisions of Policy ST1, Policy ENV3, Policy DM25 and Policy DM10 of the Copeland Local Plan 2013-2028.

### *Highways*

11. No development hereby approved shall be occupied until the access including footways have been constructed in all respects to base course level.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

12. No development hereby approved shall be occupied until the approved parking layout and turning space has been constructed, marked out and made available for use.

The parking spaces shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose and shall be retained for the lifetime of the development.

#### Reason

To ensure a minimum standard of parking provision and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

### *Drainage*

13. No development hereby approved shall be occupied until a Sustainable Drainage Management and Maintenance Plan (SDMMP) for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority.

The SDMMP shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and,
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system and compensatory storage areas to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall be completed, maintained and managed in accordance with the approved SDMMP.

### *Reason*

To ensure that management arrangements are in place for the sustainable drainage system and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

### Other Planning Conditions

### *Highways*

14. There shall be no vehicular access to or egress from the site other than via the approved accesses.

### *Reason*

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

### *Drainage*

15. Foul water and surface water shall drain on separate systems.

### *Reason*

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

16. The development hereby approved shall not proceed except in accordance with the flood risk mitigation strategy described in Flood Risk Assessment and Surface Water Drainage Strategy for Planning – Report Ref. 92276-ManningElliott-CleatorMills v2

#### Reason

To promote sustainable development and to manage the risk of flooding in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

#### *Construction Management*

17. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

#### Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

#### *Hours of Operation*

18. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 07.00 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

#### Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

#### *Ecology*

19. The development hereby approved shall not proceed except in accordance with the mitigation strategy described in Bat Risk Assessment and Bat Survey Report – Cleator Mills Cleator – Report Ref. MEP-22-01 August 2022.



The required compensatory features shall be installed within 3 months of the first occupation of the development and shall be retained for the lifetime of the development.

#### Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.

20. The development hereby approved shall not proceed except in accordance with Construction Environmental Management Plan For The Former Cleator Mills Site Cumbria – Report Ref. EES-CEMP 2023 contained within Report to Inform an Appropriate Assessment Cleator Mills - Report Ref: 23144-HRA – Version V2.5.

#### Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.

#### *Ground Conditions*

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

#### Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

## **Informative Note**

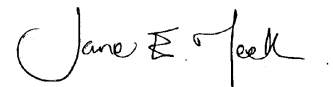
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

## **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



Jane Meek

Assistant Director

Thriving Place and Investment

12<sup>th</sup> April 2024

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

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

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

**Appeals to the Secretary of State**

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

**Purchase Notices**

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