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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73.

**NOTICE OF GRANT OF PLANNING PERMISSION**

Brodie Planning Associates Ltd  
The Stables  
Manor Farm Courtyard  
Southam  
Cheltenham  
GL52 3PB  
FAO: Mrs Wendy Hopkins

**APPLICATION No: 4/23/2042/0B1**

**VARIATION OF CONDITION 2 (DESIGN CHANGES) OF PLANNING APPROVAL  
4/21/2338/0F1 - ERECTION OF NEW SWIMMING POOL BUILDING ON THE  
FORMER FOOTPRINT OF RECENTLY DEMOLISHED SWIMMING POOL  
BUILDING  
BROCKWOOD HALL, WHICHAM, MILLOM**

**Brockwood Hall Resort**

The above application dated 08/02/2023 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:

**Standard Conditions**

1. The development hereby permitted must be commenced before the 13<sup>th</sup> September 2024.

**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. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Site Location Plan, Scale 1:1250, Dwg No: 5972/b/b/00, Rev: C, received by the Local Planning Authority on the 27<sup>th</sup> July 2021.
- Pre-Existing Site Plan, Scale 1:200, Dwg No: 5972/b/b/01, Rev: C, received by the Local Planning Authority on the 27<sup>th</sup> July 2021.
- Existing Site Plan, Scale 1:200, Dwg No: 5972/b/b/02, Rev: C, received by the Local Planning Authority on the 27<sup>th</sup> July 2021.
- Existing Plan, Elevations & Section, Scale 1:100, Dwg No: 5972/b/b/07, Rev: A, received by the Local Planning Authority on the 27<sup>th</sup> July 2021.
- Block Plan (Amended), Scale 1:500, Drawing Number: 2018-05-002, Rev: A, received by the Local Planning Authority on the 18<sup>th</sup> April 2023.
- Proposed Floor Plans and Elevations, Scale 1:200, Revision: A, received by the Local Planning Authority on the 8<sup>th</sup> February 2023.
- Bat Survey, Prepared by Envirotech Ecological Consultants March 2021, received by the Local Planning Authority on the 27<sup>th</sup> July 2021.
- Design and Access Statement, received by the Local Planning Authority on the 27<sup>th</sup> July 2021.
- Arboricultural Impact Assessment, Prepared by Yew Tree+Gardens August 2021, received by the Local Planning Authority on the 13<sup>th</sup> August 2021.
- Addendum to Design and Access Statement, received by the Local Planning Authority on the 18<sup>th</sup> April 2023.
- Footprint Comparison, Scale 1:500, Drawing Number: 2018-05-003, received by the Local Planning Authority on the 21<sup>st</sup> April 2023.
- Elevation Comparison (Amended), Scale 1:100, Drawing Number: 2018 - 05-003, received by the Local Planning Authority on the 21<sup>st</sup> April 2023.

#### 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.

#### Prior to Use/Occupation Conditions

3. Prior to their first use on the development hereby permitted, representative samples of the materials to be used on the external surfaces of the



development must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

#### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

4. Prior to the commencement of development, all mitigation measures set out in the approved document 'Arboricultural Impact Assessment, Prepared by Yew Tree+Gardens August 2021, received by the Local Planning Authority on the 13th August 2021', shall be implemented in accordance with the details provided. These measures must be retained at all times throughout the development thereafter.

#### Reasons

To adequately protect the existing trees on site which are subject to a TPO in the interests of visual amenity.

#### Other Conditions

5. The development must implement all of the mitigation and compensation measures set out in the approved document Bat Survey, Prepared by Envirotech Ecological Consultants March 2021, received by the Local Planning Authority on the 27<sup>th</sup> July 2021. These measures must be retained at all times thereafter.

#### Reasons

To protect the ecological interests evident on the site.

#### **Informatives:**

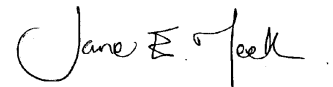
As the development will connect to an existing watercourse, a consent permit may be required. The applicant should contact [LFRM.consent@cumbria.gov.uk](mailto:LFRM.consent@cumbria.gov.uk) for further advice.



**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

A handwritten signature in black ink, appearing to read 'Jane E. Meek'.

Jane Meek  
Assistant Director

19<sup>TH</sup> May 2023

Thriving Place and Investment



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

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

**PART 2**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

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

**Purchase Notices**

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