



**Cumberland Council
Cumbria House
107-117 Botchergate
Carlisle
Cumbria CA1 1RD
Telephone 0300 373 3730
cumberland.gov.uk**

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).
NOTICE OF GRANT OF PLANNING PERMISSION**

Solomons Europe
Centrix House
Crow Lane East
Newton Le Willows
Mersyside
WA12 9UY
FAO: Mr Benjamin Quitman

APPLICATION No: 4/23/2385/0F1

**USE OF FORMER NURSERY AS CHARITY GROWING SITE WITH THE
DEMOLITION OF A BUILDING AND THE ERECTION OF A NEW MODULAR
CLASSROOM**

BECK GREEN NURSERY, CROSS SIDE, EGREMONT

Growing Well Limited

The above application dated 15/12/2023 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 commence 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. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Application Form, received 15th December 2023;

Site Location Plan, scale 1:1250, received 15th December 2023;

Site Plan, scale 1:500, drawing no. A100 Rev A, received 15th December 2023;

Proposed New Building Location, scale 1:250, drawing no. A100 Rev A, received 15th December 2023;

Site Plan with Parking and Turning Circle, scale 1:500, received 8th February 2024;

Site Plan with Drainage and rainwater harvesting system, received 8th February 2024;

Waste Water Plan, received 15th December 2023;

Preliminary Ecological Appraisal, received 15th December 2023;

Design and Access Statement, received 15th December 2023;

Flood Risk Assessment, received 15th December 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.

3. The development hereby permitted shall be operated in accordance with the details set out in the Design and Access Statement received by the Local Planning Authority on 15th December 2023. The operating measures must be carry out and maintained in accordance with the approved details at all times thereafter.

Reason

In order to safeguard the amenities of the locality in accordance with Policy DM10 of the Copeland Local Plan.

4. The development hereby permitted shall be carried out in accordance with the details set out in the Site Plan with Drainage and the rainwater harvesting system received by the Local Planning Authority on 8th February 2024. Once installed the drainage measures must be maintained in accordance with the approved details at all times thereafter.

Reason

To ensure that suitable drainage is installed in accordance with Policy DM24 of the Copeland Local Plan.

Prior to First Use Conditions

5. Prior to the first use of the site, the flood risk mitigation measures must be implemented as part of the development hereby permitted in accordance with the details set out in the 'Flood Risk Assessment' received by the Local Planning Authority on 15th December 2023. The flood resilience and mitigation measures must be maintained in accordance with the approved details at all times thereafter.

Reason

To ensure that suitable flood risk mitigation measures are implemented in accordance with Policy DM24 of the Copeland Local Plan.

6. Prior to the first use of the site, the proposed parking, including minibus and bike parking and the turning area shall be constructed and available for use in accordance with the approved 'Site Plan' received by the Local Planning Authority on 8th February 2024. The parking spaces must be maintained in accordance with the approved details at all times thereafter.

Reason

To ensure that suitable parking is provided in accordance with Policy DM22 of the Copeland Local Plan.

7. The development hereby permitted shall be carried out in accordance with the mitigation measures and recommendations set out in Preliminary Ecological Appraisal received by the Local Planning Authority on 15th December 2023. The operating and mitigation measures must be maintained in accordance with the approved details at all times thereafter.

Reason

To protect biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan.

Prior to the Installation Condition

8. Prior to the installation of the new modular building, the final details of the floor plan and elevation design must be submitted to and approved in writing by the Local Planning Authority. The building must be installed in accordance with the approved details and must be maintained as such at all times thereafter.

Reason

In the interest of visual amenity in accordance with Policy DM10 of the Copeland Local Plan.

Restricting Use Condition

9. The hours of opening shall be restricted to Mondays to Fridays 09:00 to 17:00 and not at all on Saturdays or Sundays.

Reason

In order to safeguard the amenities of the locality in accordance with Policy DM10 of the Copeland Local Plan.

Informative Note

Environmental Permit

The River Ehen is a designated statutory main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

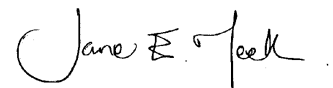
1. on or within 8 metres of a main river (16 metres if tidal)
2. on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
3. on or within 16 metres of a sea defence
4. involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
5. in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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 that reads "Jane E. Meek". The signature is written in a cursive style with a large initial 'J' and a distinct 'E'.

Jane Meek
Assistant Director
Thriving Place and Investment

01st March 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) 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.