



Town and Country Planning Act 1990 (As amended).

4/20/2009/OF1

NOTICE OF GRANT OF PLANNING PERMISSION

Saxon Building
15 Sanderson Park
CLEATOR MOOR
Cumbria CA25 5JZ

**DEMOLITION OF 114 BOWTHORN ROAD AND REPLACEMENT WITH 3 NO. DWELLINGS
114 BOWTHORN ROAD, CLEATOR MOOR**

Saxon Building

The above application dated 06/01/2020 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. 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:-

Planning Application Form received 6th January 2020
Survey For Bats, Barn Owls and Breeding Birds - 114 Bowthorn Road, Bowthorn, Cleator Moor, Cumbria, CA25 5JG received 18th June 2020
Location Plan and Site Plan – Drawing No. 100 Rev. A received 27th August 2020
Proposed Ground Floor Plan – Drawing No. 103 Rev. A received 27th August 2020
Proposed First Floor Plan – Drawing No. 104 Rev. A received 27th August 2020
Proposed Elevations – Drawing No. 103 Rev. A received 27th August 2020

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.

Pre-Superstructure and Pre-occupation Conditions

3. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason

To ensure the development is of a high quality design in accordance with the provisions of Policy DM10 of the Copeland Local Plan 2013-2028.

4. Prior to the occupation of any dwelling hereby approved the existing access to the highway shall be permanently closed and the footway crossing shall be removed and the footway reinstated in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To minimise highway danger and the avoidance of doubt in accordance with the requirements of Policy T1 of the Copeland Local Plan 2013-2028.

Other Conditions

5. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway.

Reason

To minimise highway danger and the avoidance of doubt in accordance with the requirements of Policy T1 of the Copeland Local Plan 2013-2028.

6. The development shall not proceed except in accordance with the mitigation strategy described in Survey For Bats, Barn Owls and Breeding Birds - 114 Bowthorn Road, Bowthorn, Cleator Moor, Cumbria, CA25 5JG received 18th June 2020.

Reason

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement to the elevations; no enlargement though construction of additional storeys; and, additions to the roof structures of the dwellinghouses hereby approved shall be developed without the express planning permission of the Local Planning Authority.

Reason

To safeguard the residential amenity of the existing and proposed dwellings in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

8. 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

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

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



12th October 2020

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 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) 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.