



Town and Country Planning Act 1990 (As amended).

4/20/2042/0F1

NOTICE OF GRANT OF PLANNING PERMISSION

Calva Design Studio  
2 Calva House  
Calva Brow  
WORKINGTON  
Cumbria CA14 1DE  
FAO Mr Richard Lindsay

**DEMOLITION OF FORMER PUBLIC HOUSE (FOOD TAKEAWAY) & HALL & ERECTION OF TERRACE COMPRISING OF FOUR DWELLINGS WITH ASSOCIATED CAR PARKING SPACES & PRIVATE OPEN SPACES - AMENDED SCHEME FOR APP NO 4/19/2362/0F1  
FORMER PUBLIC HOUSE, HALL AND FOOD TAKEAWAY, 30 MAIN STREET, DISTINGTON**

**Mr A Modlinsky**

The above application dated 28/01/2020 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Application Form received 28<sup>th</sup> January 2020 as amended by details received 12<sup>th</sup> May 2021

Proposed Site Layout Scheme 4 – Drawing No. 04014 Rev. 04 received 19<sup>th</sup> June 2021

Proposed Floor Plans – Drawing No. 04051 Rev. 2 received 18<sup>th</sup> February 2021

Proposed Elevations – Drawing No. 05050 Rev. 3 received 1<sup>st</sup> March 2021

Closed Eaves Detail – Drawing No. 06 D1 received 2<sup>nd</sup> March 2021

Reason:

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

#### Pre-Commencement Planning Conditions

3. Prior to the completion of any demolition work the existing buildings affected by the proposed development shall be recorded in accordance with a Level 3 survey as described in the English Heritage document "Understanding Historic Buildings: A Guide to Good Recording Practice, 2006" and moreover within two months of that recording work being completed three copies of the resultant Level 3 Survey Report shall be submitted to the Local Planning Authority.

Reason:

These details are required to be approved before the commencement of development to ensure that a permanent record of the buildings are made.

Reason:

To record the non-designated heritage assets to be removed as part of the development in accordance with the provisions of Policy ENV4 and Policy DM27 of the Copeland Local Plan 2013-2028.

4. No development shall commence until visibility splays providing clear visibility as shown on Proposed Site Layout Scheme 4 – Drawing No. 04014 Rev. 04 received 19<sup>th</sup> June 2021 down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays for the lifetime of the development. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason:

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

5. No development shall begin until details of all measures to prevent surface water discharge onto or off the highway have been submitted to and approved in writing by the Local Planning Authority.

The approved surface water discharge works shall be implemented prior to the development being occupied and shall be maintained for the lifetime of the development.

Reason:

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

#### Pre-Superstructure Planning Conditions

6. Notwithstanding the submitted details, the erection of the superstructure shall not commence until samples and details of the materials to be used in the construction of the external surfaces including window and door specifications and external hard surfacing 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.

#### Pre-Occupation Planning Conditions

7. Prior to the first occupation of the development, the approved parking layout and turning space shall be constructed, marked out and made available for use. The parking spaces and turning space 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:

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

#### Other Planning Conditions

8. 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 development of the type described in Class A Part 1 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.

Reason:

To prevent adverse impacts upon the character of the locality and the residential amenity of adjacent dwellings in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

9. The development shall not proceed except in accordance with the mitigation strategy described in Bat Activity Survey for Bats, Barn Owls & Breeding Birds – Former Chapel & Pub, Main Street, Distington, Cumbria prepared by Steve Wake.

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.

10. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:  
08.00 - 18.00 Monday to Friday; and  
08.00 - 13.00 on Saturdays;  
unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays.

Reason:

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

11. Access gates, if provided, shall be hung to open inwards only away from the highway.

In the interests of highway safety in accordance with the provisions of Policy T1 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](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

20/07/2021



PP Pat Graham  
Chief Executive

**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.