

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

NOTICE OF GRANT OF PLANNING PERMISSION

Architects Plus  
Victoria Galleries  
Victoria Viaduct  
Carlisle  
CA3 8AN

**APPLICATION No: 4/22/2157/0B1**

**VARIATION OF CONDITION 2 (TO CHANGE WINDOWS FROM TIMBER FRAMED TO ALUMINIUM) OF PLANNING APPROVAL 4/17/2431/0F1 - ERECTION OF 2 EXECUTIVE DWELLINGS  
LAND AT MILL HILL, CLEATOR MOOR**

**Jacksons Timber Ltd**

The above application dated 17/03/2022 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. -
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: -

Site Location Plan, scale 1:1250, drawing number 16057-09, received on 11<sup>th</sup> December 2017

Proposed Site Plan, scale 1:200, drawing number 16057-06B, received on 11<sup>th</sup> December 2017

Plot 1 Plans and Elevations, scale 1:100, drawing number 16057-07D, received on 11<sup>th</sup> December 2017

Plot 2 Plans and Elevations, scale 1:100, drawing number 16057-08C, received on 11<sup>th</sup> December 2017

Design and Access Statement prepared by Architects Plus, reference Rev A, dated November 2017

Planning Statement prepared by Taylor and Hardy, reference JTD/17/026, dated November 2017

Preliminary Environmental Risk Assessment prepared by Elliott Environmental Surveyors Ltd, reference EES17-019, dated 06<sup>th</sup> March 2017

Supporting Statement prepared by Architects Plus, dated March 2022 and received on 15<sup>th</sup> March 2022

Supporting Photographs, received on 28<sup>th</sup> June 2022

North Elevation Plan, scale 1:200, drawing number 16057-130A, received on 29<sup>th</sup> June 2022

#### 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 access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5.0metres inside the site, as measured from the carriageway edge of the adjacent highway and shall be maintained as such at all times once complete.

#### Reason

In the interests of highway safety.

4. The development shall be completed in accordance with the schedule of materials agreed by the Local Planning Authority on 6<sup>th</sup> August 2019. The windows shall be completed in accordance with the specification set out on the Supporting Statement prepared by Architects Plus dated March 2022 as submitted with the application.

Development shall 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or

enlargement shall be carried out to the dwellings / buildings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity.

6. The development shall be carried out in accordance with the Arboricultural Method Statement set out in the Tree Survey prepared by Elliott Environmental Surveyors Ltd, reference EES17-019, dated 6<sup>th</sup> March 2017

The approved Arboricultural Method Statement shall be implemented in its agreed form, unless the local planning authority gives written approval to any variation.

Reason

To ensure that existing trees are protected in accordance with Policy DM 28 of the Copeland Local Plan 20013-2028.

7. Landscaping shall be undertaken in accordance with the planting details illustrated on the following plans and documents:-

- Site Plan, drawing number 16057-101A, prepared by Architects Plus,
- Tree Survey prepared by Elliott Environmental Surveyors Ltd, reference EES17-019, dated 6<sup>th</sup> March 2017
- Proposed Landscaping Plan, drawing number 16057-10, prepared by Architects Plus.

Once implemented this landscaping shall be maintained in accordance with the Planting and Maintenance Report prepared by Ronnie Phizacklea dated 25<sup>th</sup> January 2019.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following completion of the. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason

To ensure that existing trees are protected in accordance with Policy DM 26 of the Copeland Local Plan 20013-2028

8. Details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority before they are brought into use. Development shall be carried out in accordance with the approved details and so maintained thereafter. No other external lighting shall be erected within the site without the prior written approval of the Local Planning Authority.

Reason

To minimise the risk of light pollution and to protect residential amenity.

9. The development shall be drained in accordance with the following details:-
- Document – 1808-71 – Plot 1 Attenuation Rev A 3.3.2
  - Document – 1808-71 – Plot 2 Attenuation Rev A 3.3.3
  - Document - Proposed Drainage Strategy
  - Drawing – 16057–101
  - Proposed Site Plan 3.4.2 Document - Proposed Drainage Strategy

Reason

To protect and enhance the natural environment surrounding the watercourse.

10. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

11. The development shall be completed in accordance with the surface water drainage scheme set out in the following plans and documents:-
- Document – 1808-71 – Plot 1 Attenuation Rev A 3.3.2
  - Document – 1808-71 – Plot 2 Attenuation Rev A 3.3.3
  - Document - Proposed Drainage Strategy

- Drawing – 16057–101
- Proposed Site Plan 3.4.2 Document - Proposed Drainage Strategy

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

12. Prior to the first occupation of the dwelling on Plot 1 the windows at first floor level on the north elevation of the dwelling on Plot 1 shall be fitted with obscure glazing in accordance with the details illustrated on the North Elevation Plan, drawing number 16057-130A prepared by Architects Plus and received by the Local Planning Authority on 29<sup>th</sup> June 2022.

Once installed the obscure glazing shall be maintained in accordance with the approved details at all times thereafter.

#### Reason

For the avoidance of doubt and in the interests of residential amenity.

#### Informatives

1. 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)
2. Guidance on the requirements for the Land Drainage/Ordinary Watercourse consent is available from the Cumbria County Council – [LFRM.consent@cumbria.gov.uk](mailto:LFRM.consent@cumbria.gov.uk)

#### 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

08<sup>th</sup> July 2022

A handwritten signature in black ink, appearing to read "N. S. Hayman" followed by a stylized flourish.

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.