

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Staniforth Architects  
The Warehouse  
1a Stamford Street  
Leicester  
LE1 6NL  
FAO Mr Ian Palmer

**APPLICATION No: 4/22/2326/0B1**

**VARIATION OF CONDITION 5 AND 8 (PRE COMMENCEMENT CONDITIONS) OF PLANNING APPROVAL 4/21/2189/0F1 - DEMOLITION OF EXISTING TWO STOREY BUILDING FORMERLY POW BECK CARE HOME; THE ERECTION OF A NEW CARE HOME (USE CLASS C2) WITH ASSOCIATED LANDSCAPING COMPRISING OF 36 ONE & TWO BEDROOM FLATS OVER THREE STOREYS  
POW BECK HOUSE, MEADOW ROAD, WHITEHAVEN**

**Pow Beck Developments**

The above application dated 05/08/2022 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:

Standard Conditions:

1. The development hereby permitted must be commenced before the 12<sup>th</sup> November 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:-

- Location Plan, Scale 1:1250, Drawing No P01, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- Topographical Survey, Scale 1:200, Drawing No J1530.DWG, Rev ORIG, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- Ground Floor Plan, Scale 1:200, Drawing No P03, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- Ground Floor Plan, Scale 1:100, Drawing No P03, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- First Floor Plan, Scale 1:100, Drawing No P04, Rev A, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- Second Floor Plan, Scale 1:100, Drawing No P05, Rev A, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- Proposed Elevations (Amended), Scale 1:100, Drawing No P06, Rev C, received by the Local Planning Authority on the 19<sup>th</sup> July 2021.
- Proposed Elevations (Amended), Scale 1:100, Drawing No P07, Rev B, received by the Local Planning Authority on the 19<sup>th</sup> July 2021.
- Perspective Views (Amended), Scale 1:500, Drawing No P08, Rev C, received by the Local Planning Authority on the 19<sup>th</sup> July 2021.
- Proposed Site Plan (Amended), Scale 1:200, Drawing No P03, Rev D, received by the Local Planning Authority on the 19<sup>th</sup> October 2021.
- Proposed Site Plan, Scale 1:200, Drawing No SK03, received by the Local Planning Authority on the 12<sup>th</sup> July 2021.
- Site Plan – Existing Footprint Extents (Amended), Scale 1:200, Drawing No P12, received by the Local Planning Authority on the 22<sup>nd</sup> June 2021.
- Existing Elevation Comparison (Amended), Scale 1:100, Drawing No P10, Rev B, received by the Local Planning Authority on the 22<sup>nd</sup> July 2021.
- Existing Elevation Comparison (Amended), Scale 1:100, Drawing No P11, Rev B, received by the Local Planning Authority on the 22<sup>nd</sup> July 2021.
- Demolition Method Statement, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.
- Design and Access Statement (Amended), Rev A, received by the Local Planning Authority on the 29<sup>th</sup> July 2021.
- Bat Survey, Prepared by Whitcher Wildlife Ltd January 2021, received by the Local Planning Authority on the 29<sup>th</sup> April 2021.

- Supporting Statement – Prepared by Staniforth Architects, received by the Local Planning Authority on the 9<sup>th</sup> July 2021.
- Transport Statement, Prepared by Sanderson Consulting Engineers Ltd, received by the Local Planning Authority on the 11<sup>th</sup> August 2021.

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 Commencement Conditions:

3. The development hereby approved must be carried out in accordance with the Surface Water Drainage Scheme approved as part of condition 3 of permission of permission 4/21/2189/0F1, as detailed within correspondence dated 26<sup>th</sup> September 2022 (ref: 4/22/2103/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4. The development hereby approved must be carried out in accordance with the Foul and Surface Water Drainage Scheme approved as part of condition 4 of permission of permission 4/21/2189/0F1, as detailed within correspondence dated 26<sup>th</sup> September 2022 (ref: 4/22/2103/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

5. The development hereby approved must be carried out in accordance with the schedule of works set out in the approved document:
  - Undertaking Details (Amended), received by the Local Planning Authority on the 30<sup>th</sup> August 2022.

The development must be retained in line with these approved details at all times thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

6. The development hereby approved must be carried out in accordance with the demolition and construction management plan approved as part of condition 6 of permission of permission 4/21/2189/0F1, as detailed within correspondence dated 26<sup>th</sup> September 2022 (ref: 4/22/2103/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

In order to protect residential amenity.

7. The development hereby approved must be carried out in accordance with the Highway Construction and Drainage details approved as part of condition 7 of permission of permission 4/21/2189/0F1, as detailed within correspondence dated 26<sup>th</sup> September 2022 (ref: 4/22/2103/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

After Demolition Conditions:

8. After demolition of the existing building, the section of Pow Beck culvert within the development site must be surveyed and repaired/replaced in line with the schedule of works set out within the approved document:
  - Undertaking Details (Amended), received by the Local Planning Authority on the 30<sup>th</sup> August 2022.

Details of any repairs/replacement of the Pow Beck Culvert must be carried out to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority. The development must be retained in line with these approved details at all times thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

Prior to Use/Occupation Conditions:

9. Before the development becomes operational, the section of Pow Beck culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during construction. Should damage be identified, this must be repaired to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

10. The development hereby approved must not be brought into use until the access and parking requirements have been constructed in accordance with the approved plans. Any such access and or parking provision must be retained and be capable of use when the development is completed and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

11. 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 hereby permitted 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.

12. Prior to their first installation within the development hereby approved, full details of the proposed external lighting must be submitted to and approved in writing by

the Local Planning Authority. The development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To safeguard the amenity of nearby residential properties.

13. Prior to their first installation within the development hereby approved, full detail of proposed biodiversity enhancements must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and so maintained thereafter.

Reasons

To protect the ecological interests evident on the site.

14. Prior to the first use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc, and details of maintenance of the proposed landscaping once implemented. Landscaping must be carried out and managed in accordance with these approved details at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

15. Prior to the first occupation of the development the proposed boundary treatment must be installed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:200, Drawing No P03, Rev D, received by the Local Planning Authority on the 19<sup>th</sup> October 2021'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

In the interest of residential amenity.

16. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system.

Other Conditions:

17. Foul and surface water must be drained on separate systems.

Reason

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

18. A non-return valve must be installed before connecting into the public sewer

Reason

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

19. The development must implement all of the mitigation measures set out in the approved document 'Bat Survey, Prepared by Whitcher Wildlife Ltd January 2021, received by the Local Planning Authority on the 29<sup>th</sup> April 2021'. These measures must be retained at all times thereafter.

## Reasons

To protect the ecological interests evident on the site.

20. Construction site operating hours during both the demolition and construction phase will be Monday-Friday 08:00 to 18:00 and Saturdays 08:00 to 13:00. No construction on Sundays or Bank Holidays.

## Reason

In the interest of residential amenity.

21. All HGV deliveries to the site must be carried out solely between the hours of 09:00 and 17:00 Monday to Friday. There must be no HGV deliveries on Saturdays, Sundays and/or Bank Holidays.

## Reason

In the interest of residential amenity.

## Informatives:

1. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011).
2. If bats are discovered after development has started, all works must stop and expert help should sought from a qualified and licensed ecologist. A survey should be undertaken and mitigation plans developed on the basis of this study. Bats and their roosts are protected by law and it is an offence to wilfully injure or kill a bat or damage or destroy a bat roost.
3. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team. Streetworks West [streetworks.west@cumbria.gov.uk](mailto:streetworks.west@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

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

PP Pat Graham  
Chief Executive

29<sup>th</sup> September 2022

**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.