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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

Ashwood Design Associates Ltd  
Solway House Business Centre  
Parkhouse Road  
Carlisle  
CA6 4BY  
FAO: Mr Raymond King

**APPLICATION No: 4/23/2045/0F1**

**ERECTION OF DETACHED DWELLING TOGETHER WITH DETACHED GARAGE  
(REVISION OF APPROVED APPLICATION 4/22/2078/0F1)  
LAND ADJACENT TO BELVERDERE, CLEATOR**

**Mr Gerrard Coan**

The above application dated 16/02/2023 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 shall be commenced 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. 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: -

Application form, received 16<sup>th</sup> February 2023;  
Proposed Site Plan, scale 1:1250, drawing number 2034/004/E, received 16<sup>th</sup> February 2023;  
Proposed Block Plan, scale 1:500, drawing number 2034/005/J, received 16<sup>th</sup> February 2023;  
Proposed Floor Plans, scale 1:100, drawing number 2034/006/B, received 16<sup>th</sup> February 2023;  
Proposed Elevations, scale 1:100, drawing number 2034/007/B, received 16<sup>th</sup> February 2023;  
Proposed Garage Plans and Elevations, scale 1:100, drawing number 2034/008/B, received 16<sup>th</sup> February 2023;  
Proposed Site Sections, scale 1:200, drawing number 2034/009/B, received 16<sup>th</sup> February 2023;  
Design and Access Statement, received 16<sup>th</sup> February 2023;  
Stone Material Sample, received 26<sup>th</sup> April 2023;  
Landscaping Plan, scale 1:200, drawing number 2034/021, received 26<sup>th</sup> April 2023;  
Drainage Report, written by Kingmoor Consulting, reference 23-041r001, received 26<sup>th</sup> April 2023;  
Construction Environmental Management Plan, scale 1:500, drawing number 2034/020, received 26<sup>th</sup> April 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 must not commence until visibility splays providing clear visibility of 41.1 meters left by 2.4 meters by 46.2 meters right 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 relating to permitted development, no structure, vehicle or object of any kind must be erected, parked or placed and no trees, bushes or other plants must be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

#### Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

4. Prior to the removal of any trees on site a scheme for the protection and future management of the retained trees (the tree protection plan) must be submitted to and agreed in writing with the Local Planning Authority. The tree protection measures must be carried out as described and approved and the trees must be permanently retained.

Reason:

To adequately protect the existing trees on site which are considered worthy of retention in accordance with the provisions of Policy DM28 of the Copeland Local Plan 2013-2028.

#### Prior to Use/Occupation Conditions

5. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved prior to the development being brought into use and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

7. The dwelling hereby approved must not be occupied until the foul and surface water infrastructure to serve that dwelling has been constructed and brought into full operational use.

Reason

To ensure suitable provision for the control and management of surface and foul water in accordance with the provisions of Policy ENV1 and Policy DM24

of the Copeland Local Plan 2013-2028.

8. Development must be carried out in accordance with the submitted Landscaping Block Plan, drawing number 2034/021, received on 26<sup>th</sup> April 2023 and completed prior to the first occupation of the dwelling. The landscaping must be retained as such at all times during the lifetime of the development.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

Other Conditions

9. Development must be undertaken in accordance with the Drainage Report, written by Kingmoor Consulting, reference 23-041r001 and submitted as part of the application on 26<sup>th</sup> April 2023 at all times and retained as such thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

10. Development must be carried out in accordance with the submitted Environmental Management Plan, drawing number 2034/020 and received on 26<sup>th</sup> April 2023 at all times throughout the construction period.

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

11. Development must be carried out with the details of external materials submitted within the application form, received 16<sup>th</sup> February 2023 and the stone sample received 26<sup>th</sup> April 2023 and retained as such at all times thereafter.

Reason

To ensure a satisfactory appearance of the building in the interests of visual

amenity and in accordance with Policy DM10 of the Copeland Local Plan.

12. No construction work associated with the development hereby approved must be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

13. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) must be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination must be dealt with. The remediation strategy must be implemented as approved.

Reason

To ensure the protection of controlled waters from potential land contamination in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

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

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

15. The detached garage building hereby approved must only be used in association with and ancillary to the residential property hereby approved and must not be used for any commercial or business purposes or as a separate residential unit whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area in accordance with Policies ST1 and DM18 of the Copeland Local Plan.

## **Informatives**

### Coal Authority Standing Advice

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)

### Public Right of Way

The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close them has been confirmed.

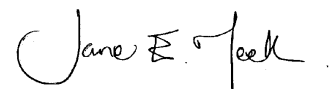
The granting of planning permission does not give the applicant the right to block or obstruct the right of way shown on the attached plan.

No development should take place on or near the footpath unless the appropriate statutory legal process has been successfully completed.

## **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



Jane Meek

Assistant Director

Thriving Place and Investment

02<sup>nd</sup> June 2023

**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.