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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

Cohesion Consult  
Primrose Cottage  
Little Houghton  
Northampton  
NN7 1AD  
FAO: Stuart Ainsley

**APPLICATION No: 4/24/2089/0F1**

**COMMUNITY ACTIVITY CENTRE REFURBISHMENT AND EXTENSION, AND  
ASSOCIATED PARKING AND LANDSCAPING  
LAND TO THE REAR OF WYNDHAM STREET, CLEATOR MOOR**

**Cumberland Council**

The above application dated 21/03/2024 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:

**Defining The Permission**

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.

## Plans and Documents

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form, received 21st March 2024;

Site Location Plan, scale 1:1250, drawing number P0001 C01, received 21st March 2024;

Proposed Site Plan, scale 1:500, drawing number P2002 C02, received 21st March 2024;

Proposed Block Plan, scale 1:1250, drawing number P2001 C02, received 21st March 2024;

Proposed Floor Plan, scale 1:200, drawing number P2101 C02, received 21st March 2024;

Proposed Elevations, scale 1:200, drawing number P2301 C01, received 21st March 2024;

Proposed Roof Plan, scale 1:200, drawing number P2102 C01, received 21st March 2024;

Proposed Site Sections, scale 1:500, drawing number P2501 C01, received 21st March 2024;

Proposed Building Sections, scale 1:200, drawing number P2201 C01, received 21st March 2024;

Landscape Masterplan, scale 1:500, drawing number P8101 C01, received 21st March 2024;

Outline Sustainability Statement, document number 14823-CGP-00-ZZ-RP-N-0002, received 21st March 2024;

Energy Use Design Note, document number 14823-CGP-00-ZZ-RP-N-003, received 21st March 2024;

Lighting Design, drawing number D49437/C received 21st March 2024;

Transport Statement, document number 230616/SK22315/TS01(-00), received 21st March 2024;

Ecological Survey and Assessment (including Licesnsed Bat Survey), document number 2023-043, received 21st March 2024;

Flood Risk Assessment, document number GEOL22-8472, received 21st March 2024;

Phase II Ground Investigation Report, written by Geol Consultants Ltd, received 21st March 2024;

Drainage Strategy, document number L2763, received 21st March 2024;

Proposed Impermeable Areas Plan, scale 1:250, drawing number L2763 0902 P2, received 21st March 2024;

Proposed Foul Water Drainage Layout, scale 1:250, drawing number L2763 0911 P2, received 21st March 2024;

Proposed Surface Water Drainage Layout, scale 1:250, drawing number L2763 0921 P2, received 21st March 2024;

Proposed Surface Water Drainage Details Sheet 1 of 2, drawing number L2763 0931 P1, received 21st March 2024;

Proposed Surface Water Drainage Details Sheet 2 of 2, drawing number L2763 0932 P2, received 21st March 2024;

Noise Assessment Report, written by Hoare Lea, received 21st March 2024;

Arboricultural Constraints Appraisal, written by Bowland Tree Consultancy Ltd, received 15th October 2024;  
Design and Access Statement, document number P01, received 21st March 2024;  
Further Planning Consultation Information, received 3rd September 2024;  
Landscape Maintenance and Management Plan, written by Westwood Landscape Ltd, received 15th October 2024;  
Landscape Management Scheduled Tasks, written by Westwood Landscape Ltd, received 15th October 2024;  
Landscape Plan, drawing number WW/L01, received 15th October 2024;  
Landscape Implementation Program, written by Westwood Landscape Ltd, received 15th October 2024;  
Schedule of Quantities, written by Westwood Landscape Ltd, received 15th October 2024;  
Arboricultural Impact Assessment, written by Bowland Tree Consultancy Ltd, received 15th October 2024.

Reason

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

## **Pre-Commencement Conditions**

### Highways

3. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

Reason:

To protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039.

### Land Affected by Japanese Knotweed

4. Prior to the commencement of development on site, a Management Plan for the control and management of the invasive species on the site must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved plan at all times thereafter.

Reason:

To protect the ecological interests evident on the site and in accordance with in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

### Landscaping

5. Prior to the commencement of the development hereby approved, a Tree Protection Plan must be submitted to and approved by the Local Planning Authority. The document must be in accordance with the guidance given in the British Standard BS 5837 (2012) – Trees in relation to design, demolition and construction – recommendations, to show how the retained trees will be protected during the construction and landscaping phases of this project. This must be carried out by a qualified Arboricultural Consultant.

Reason

To ensure the protection of the existing trees in accordance with Policy N3 of the Copeland Local Plan 2021-2039.

## **Pre-Occupation Conditions**

### BNG

6. Prior to the occupation of the extension hereby approved a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the Local Planning Authority.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain of at least ten percent. The BNGS shall use the Statutory Biodiversity Metric Calculation Tool associated with the Environment Act 2021.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

## Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3P of the Copeland Local Plan 2021-2039.

## Drainage

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

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) 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 shall 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 in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

## **Prior to the Erection of Superstructure Conditions**

### Materials

8. 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 and retained for the lifetime of the development.

## Reason

To ensure high quality design in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

## **Other Conditions**

### Drainage

9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (ref L2763, rev P1, dated 26th July 23). For the avoidance of doubt surface water must drain at the restricted rate of 4.6 l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason:

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

### Ground Conditions

10. Development must be carried out in accordance with the recommendations and mitigations measures proposed within the Phase II Ground Investigation Report, written by Geol Consultants Ltd, received 21st March 2024 at all times.

Reason:

To ensure the safety and stability of the development, in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the safety and stability of the development, in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

### Noise

12. The rating level of any noise generated by plant and equipment as part of the development shall not exceed the existing background noise level of 31 DB LA90 (07.00 – 23.00 hours daytime) and 23 DB LA90 (23.00 – 07.00 hours night time) at 3.5 m from the façade of the nearest noise sensitive premises. Measurements and

assessments shall be made in accordance with BS 4142:2014 and its subsequent amendments.

Reason:

To protect amenity of nearby residential dwellings in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

13. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason:

To protect amenity of nearby residential dwellings in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

### External Lighting

14. No external lighting shall be installed unless or until a scheme of external lighting has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the intensity of illumination and predicted lighting spill contours.

All external lighting shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Artificial Lighting (External) Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To protect residential amenity, to ensure high quality design and to protect the environment from light pollution in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

### Ecology

15. The development here by approved shall not proceed except in accordance with the recommendations outlined in Ecological Survey and Assessment (including a Licensed Bat Survey) compiled by ERAP (Consultant Ecologists) Ltd, Reference 2023-043, Dated November 2023

#### Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

#### CCTV

16.No external closed circuit television equipment shall be installed unless or until a scheme of closed circuit television equipment has first been submitted to and approved in writing by the Local Planning Authority.

All closed circuit television equipment shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

#### Reason

To protect residential amenity and ensure high quality design in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

#### Landscaping

17.The development hereby approved shall not proceed except in accordance with the Landscape Maintenance and Management Plan, written by Westwood Landscape Ltd, received 15th October 2024.

#### Reason

For the avoidance of doubt and to ensure that the landscaping is suitable in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

#### **Informative Note**

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/thecoal-authority](http://www.gov.uk/government/organisations/thecoal-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

A handwritten signature in black ink, appearing to read 'N. S. Hayhurst' with a stylized flourish at the end.

Nick Hayhurst  
Head of Planning and Place  
Inclusive Growth and Placemaking

29th November 2024

**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/appeal-planning-decision> . 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.