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

NOTICE OF GRANT OF PLANNING PERMISSION

Calva Design Studio
Waters Edge
2A Church Road
Harrington
Workington
CA14 5QP
FAO: Mr Richard Lindsay

APPLICATION No: 4/24/2388/0B1

VARIATION OF CONDITION 2 (ACCESS GATES) AND CONDITION 3 (ACCESS DRIVE) OF PLANNING APPLICATION 4/20/2278/0B1 - VARIATION OF CONDITION 2 (SITE ACCESS & LAYOUT) OF PLANNING APPROVAL 4/19/2395/0F1 ERECTION OF DETACHED DWELLING & GARAGE

SWALLOWS REST, CROSSFIELD ROAD, CLEATOR MOOR

Mr & Mrs P Swann

The above application dated 19/11/2024 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:

1. 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: -

Location Plan, scale 1:1250, received 19th November 2024;
Proposed Site Plan, scale 1:250, drawing number 156 04003 06, received 19th November 2024;
Surface Water Drainage Layout, scale 1:200, drawing number 156 04006 02, received 19th December 2019;

Ground Floor Plan, scale 1:100, drawing number 156 04001 06, received 5th November 2019;
Proposed Elevations, scale 1:100, drawing number 156 05001 08, received 5th November 2019;
Coal Mining Assessment, written by Geo Environmental Engineering, received 5th November 2019;
Design and Access Statement, received 19th November 2024.

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.

2. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 2.4m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason

In the interests of highway safety.

3. The access drive shall be surfaced in bituminous or cement bound material, or otherwise bound and shall remain as such for the lifetime of the development. The surfacing shall extend for a distance of at least 2.4 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

Informative Notes

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted

alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

<<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this

should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2. The Applicant will require a permit from Cumbria County Council Highways Department for the creation of a vehicular access onto the public highway. The applicant should contact Ian Hall to obtain this on email address ian.hall@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 an amendment of condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice

17th January 2025

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

**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) 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.