

Notice of Decision



District Council

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

To: Mr H Lanham
New Nenthall Farm
Alston
Cumbria
CA9 3LQ

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) Order 2015

Application No: 19/0031

On Behalf Of: Mr H Lanham

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby GRANT full planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Full Application

Proposal: Demolish existing dwelling and replace with one dwelling.

Location: MILL HOUSE NENTHALL ALSTON CA9 3LQ

This consent is subject to compliance with the following condition(s):

Time limit for commencement

1) The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason - In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2) The development hereby granted shall be carried out in accordance with the drawings hereby approved:

i. Application form dated 11 January 2019

ii. Location plan received 11 January 2019

iii. Block plan, drawing no. 0010c received 1 May 2019

iv. Proposed elevations, drawing no. 0060c received 1 May 2019

v. Proposed ground floor plan, drawing no. 0040c received 1 May 2019

vi. Proposed first floor plan, drawing no. 0050c received 1 May 2019

vii. Proposed outbuilding, drawing no. 0120a received 1 May 2019

viii. Visibility plan, drawing no. 00070 received 11 January 2019

ix. Preliminary Ecological Appraisal, by SAP Ecology & Environmental Ltd received 11 January 2019

x. Flood Risk Assessment, by Tweddell & Slater received 9 March 2019

xi. Pre-development Tree Assessment and Tree Protection Requirements by BB Trees Ltd, received 17 April 2019

xii. Arboricultural Impact Assessment by BB Trees Ltd, documents reference 356-19 (AIA) received 4 June 2019

xiii. Bat Survey, by E3 Ecology Ltd dated 2019

Reason - To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Before the development is commenced

3) Prior to commencement of the development hereby approved, in accordance with the Arboricultural Impact Assessment, trial excavation works to tree roots shall be undertaken to establish the most appropriate design of the foundations. Once information on the foundation designs has been received and approved, works shall be carried out in accordance with the approved scheme and the Pre Development Tree Report (received 17 April 2019) and the Arboricultural Impact Assessment (Received 4 June 2019).

Reason - To safeguard the trees in the interest of visual character and appearance of the area.

Pre-occupancy or other stage conditions

4) The development hereby approved shall only be carried out in accordance with the recommendations and mitigation strategy identified in the Bat Survey, dated June 2019 and submitted with the application.

Reason - To comply with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended).

5) Prior to occupation of the dwelling hereby approved, the access road shall be constructed and completed in accordance with the visibility splay shown on the approved Visibility Plan, drawing no. 0070.

Reason - In the interests of highway safety

6) Prior to occupation of the dwelling hereby approved, the first 5 metres of the access drive on to the public highway shall be surfaced in bituminous or cement bound materials, or otherwise bound.

Reason - In the interests of highway safety.

7) The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) titled; Proposed new dwelling, Mill House, Nenthall, Cumbria dated March 2019 referenced AKP prepared by Tweddell & Slater Ltd Consulting Civil & Structural Engineers and the following mitigation measures it details.

- Finished floor levels shall be set no lower than the 100 year flood level with 600 mm free board. This level is states in the FRA as 355.52m.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To reduce the risk of flooding to the site.

Ongoing conditions

8) The garden area shall not extend outside of the red line as show on Block plan, drawing 0010c received 1 May 2019.

Reason - In the interests of the visual amenity and character of the area.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, no development which increases the floor area of the dwellings hereby approved shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason - To ensure the satisfactory appearance of the building in the interests of visual amenity.

10) The dwelling hereby approved shall be finished in the existing on-site stone and timber (south elevation only). Where additional materials are required, samples shall be submitted to and approved by the Local Planning Authority before any new external surface materials is brought onto the site.

Reason - To safeguard the appearance of the area.

Note to Developer

1) This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement.

It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.

Informatives

1) Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Council's Building Control Team should be consulted before works commence. You contact the team directly at building.control@eden.gov.uk

2) BATS and BARN OWLS - All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ

3) Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works. Enquires should be made to Cumbria County Councils Street Work's team - eastst@cumbria.gov.uk

4) No development should commence until Land Drainage/Ordinary Watercourse consent has been granted for proposed changes to the watercourse flowing through the site.

Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

It is considered that, subject to compliance with the additional conditions attached to this permission, the development would be in accordance with the development plan and would not materially harm the character or appearance of the area or the amenity currently enjoyed by neighbouring occupiers and would be acceptable in terms of highway safety.

Date of Decision: 23 July 2019

Signed:

A handwritten signature in black ink, appearing to read 'O Shimell', is written over a light grey rectangular background.

Oliver Shimell LLB

Assistant Director Planning and Economic Development