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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

JTS Architectural Services Ltd
1 Curwendale
Stainburn
Workington
CA14 4UT
FAO: Mr Gavin Taylor

APPLICATION No: 4/25/2048/0F1

**RESIDENTIAL DEVELOPMENT OF 6 DWELLINGS
FORMER GROVE COURT HOTEL, CLEATOR**

Frank Scott Builder Ltd

The above application dated 07/02/2025 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. 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 7th February 2025;
Site Location Plan, scale 1:1250, drawing number DWG15, received 7th February 2025;
Proposed Elevations – Plot 1, scale 1:100, drawing number DWG01, received 6th June 2025;
Proposed Floor Plans – Plot 1, scale 1:100, drawing number DWG02, received 6th June 2025;
Proposed Elevations – Plot 2, scale 1:100, drawing number DWG03, received 6th June 2025;
Proposed Floor Plans – Plot 2, scale 1:100, drawing number DWG04, received 6th June 2025;
Proposed Elevations – Plot 3, scale 1:100, drawing number DWG05, received 6th June 2025;
Proposed Floor Plans – Plot 3, scale 1:100, drawing number DWG06, received 6th June 2025;
Proposed Elevations – Plot 4, scale 1:100, drawing number DWG07, received 6th June 2025;
Proposed Floor Plans – Plot 4, scale 1:100, drawing number DWG08, received 6th June 2025;
Proposed Elevations – Plot 5, scale 1:100, drawing number DWG09, received 6th June 2025;
Proposed Floor Plans – Plot 5, scale 1:100, drawing number DWG10, received 6th June 2025;
Proposed Elevations – Plot 6, scale 1:100, drawing number DWG11, received 6th June 2025;
Proposed Floor Plans – Plot 6, scale 1:100, drawing number DWG12, received 6th June 2025;
Materials, drawing number DWG16, received 6th June 2025;
Construction Traffic Management Plan, drawing number DWG17, received 6th June 2025;
Site Plan, scale 1:500, drawing number DWG14, received 6th June 2025;
Site Section, scale 1:250, drawing number DWG018, received 6th June 2025;
Topographical Survey, scale 1:200, drawing number FSC-005-001, received 7th February 2025;
Biodiversity Net Gain Assessment, written by Arbtech, received 7th February 2025;
Preliminary Ecological Appraisal, written by Arbtech, received 7th February 2025;
Design and Access Statement, received 7th February 2025;
Proposed Drainage Strategy, received 26th September 2025;
Proposed Drainage Layout drawing 1 of 3, scale 1:75, drawing number 5075-DD-XX-XX-DR-D-0001, received 26th September 2025;
Proposed Drainage Layout drawing 2 of 3, scale 1:75, drawing number 5075-DD-XX-XX-DR-D-0002, received 26th September 2025;
Proposed Drainage Layout drawing 3 of 3, scale 1:75, drawing number 5075-DD-XX-XX-DR-D-0003, received 26th September 2025;
Proposed Drainage Arrangement, scale 1:50, drawing number 5075-DD-XX-XX-DR-D-0004, received 1st December 2025;

Typical Construction Details, scale 1:20, drawing number 5075-DD-XX-XX-DR-D-0005, received 11th September 2025;
Phase 2 Ground Investigation Report, written by GEO Environmental Engineering, received 11th September 2025;
Heritage Impact Assessment, received 17th December 2025;
Shadow Habitat Regulations Assessment: River Ehen SAC, written by Arbtech, received 17th February 2026;
Construction Environmental Management Plan, written by Arbtech, received 16th March 2026;
Standard Road Details and Section, drawing number 904, received 16th March 2026.

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.

Prior to Occupation Conditions

3. Prior to occupation of any of the dwellings hereby approved the drainage schemes shall be completed in accordance with the approved details as set out on drawing number 5075-DD-XX-XX-DR-D-0004, received 1st December 2025. Once installed the drainage arrangements shall be retained in accordance with the approved details thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DS6 and DS7 of the Copeland Local Plan 2021-2039.

Other Conditions

4. The applicant must implement in full the recommendations in the Arboricultural Survey, Impact Assessment and Tree Protection (Ref. No.F476-13/JL) prior to and during construction activity on the site. Any alterations or variations to the recommendations must be agreed in writing from the Local Planning Authority.

Reason

To ensure that existing trees are protected in accordance with Policy N14 of the Copeland Local Plan 2021-2039.

5. The carriageway, footways and footpaths must be constructed and drained in accordance with the Standard Road Details and Section, drawing number 904, received 16th March 2026. They must be completed prior to the first occupation of the development hereby approved.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policies CO4, CO5 and CO7 of the Copeland Local Plan 2021-2039.

6. Construction must be undertaken in accordance with the Construction Environmental Management Plan, written by Arbtech, received 16th March 2026 at all times.

Any alterations or variations to the CEMP must be agreed in writing from the Local Planning Authority.

Reason

In order to ensure that the notable species on site are protected during the construction phase and in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

7. The development shall implement all of the recommendations and mitigation measures contained in the Preliminary Ecological Appraisal, written by Arbtech, received on 7th February 2025.

Reason

To protect the ecological interests of the site and surrounding area in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity and in accordance with Policy DS4 of the Copeland

Local Plan 2021-2039.

9. Development must be undertaken in accordance with the Construction Traffic Management Plan (CTMP), reference DWG17, received 6th June 2025. Any alterations or variations to the CTMP must be agreed in writing from the Local Planning Authority.

Reason

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

Biodiversity Net Gain Conditions

10. Within 30 days from the date of the decision, a certificate must be submitted to, and approved in writing by the Local Planning Authority, confirming the agreement of an Offsetting Provider with a registered/approved site to deliver any additional biodiversity units required to supplement those units provided onsite (and set out in the Biodiversity Net Gain Plan), to achieve no less than 10% biodiversity units overall above the baseline with management guaranteed for a minimum of 30 years.

Reason:

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

11. Within 30 days from the date of the decision a Habitat Management and Monitoring Plan must be submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan shall include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.

- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason:

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

Informative Notes

Coal Mining Legacy

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

Ecology – Bats

In order to minimise the risk disturbance of lighting on foraging and commuting bats along hedgerows and road corridors, a sensitive lighting plan must be adopted and installed in line with the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 Bats and Artificial Lighting in the UK (2018).

A 15m buffer is to be instated on the tree on the southern boundary that has two bat boxes. This will limit disturbance should these boxes be used by bats. If works are due to work within 15m of this tree, noise levels are to be kept to a minimum.

Ecology – Mammals

All development work should be carried out with care to avoid these small mammals such as hedgehogs, and badgers. Contractors should be briefed about the potential presence of hedgehogs and Works should be supervised during initial clearance of the Site to avoid injury to any disturbed individuals.

Any trenches or excavations that are left open overnight should have a means of escape for mammals i.e. a scaffold board to act as a ramp.

Holes 13cm x13cm will be created in boundary fencing to be incorporated to allow access for hedgehogs, amphibians and reptiles.

Ecology – Herptiles

Construction works must adopt a precautionary method of working regarding herptiles, detailed as follows:

- Works to clear any vegetation, debris and soil/debris mounds are undertaken with care, whilst checking for wildlife. If found, they are moved to an area with suitable cover outside the works site.
- Construction materials are stored on pallets or hard standing where possible. This minimises the risk of animals utilising the stored materials for shelter.

Ecology – Breeding Birds

To mitigate disturbance effects vegetation clearance should take place outside of the breeding bird season (which runs March to August, inclusive). Where this timing is not possible the area should be checked prior to removal by a suitably experienced ecologist and if active nests found, vegetation left untouched and buffered until all birds have fledged.

Biodiversity Net Gain – Applies

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan because none of the statutory exemptions or transitional arrangements are considered to apply.

It is acknowledged that a Biodiversity Gain Plan was submitted with the application, and it is proposed to achieve the BNG 10% uplift by purchasing the necessary credits from a registered offsetting provider as set out in the BNG Plan.

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'.

Nick Hayhurst
Head of Planning and Place
Thriving Places

13th April 2026

**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.