



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Notice of Planning Permission

To: Cumbria County Council
Parkhouse Building
Baron Way
Carlisle
CA6 4SJ

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 28 June 2019.

viz: Demolition of flood damaged footbridge.

Gooseholme Bridge, New Road, Kendal, LA9 4BA

Subject to due compliance with the following conditions:

Time Limit for Implementation of Permission

1. The development hereby permitted shall be begun 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form for relevant demolition in a Conservation Area – dated 27 June 2019;
 - b. Location Plan;
 - c. Demolition Plan – Drawing No. 399629-MMD-00-XX-DR-T-1010-Rev.P01.1 – submitted 1 August 2019;
 - d. Method of Work – Report Ref. SG25050-PLN-001-Rev.3;
 - e. Tree Statement – dated July 2019 (Report Reference 18.050);
 - f. Tree Protection Plan – Submitted 19 July 2019;
 - g. Site Layout Plan (Compounds) – submitted 31 July 2019;
 - h. Email dated 31 July 2019 from Story Contracting re: working compounds;

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Tree Protection Measures

3. No demolition operations, or construction compound set-up on the eastern side of the river, shall take place until the tree protection measures as described in the Tree Statement dated July 2019 (Report Reference 18.050) and shown on the Tree Protection Plan submitted 19 July 2019 have been implemented in full. For the avoidance of doubt, all protective herras fencing for trees should be deployed in line with the specification shown in figures 2 and 3 of BS5837 2012.

The tree protection measures shall be retained in place throughout the undertaking of demolition works and the presence of the temporary compound within their vicinity. Once the temporary compound has been removed and its footprint re-soiled the tree protection fencing shall be removed.

Reason: In order to protect trees within the Conservation Area from damage during demolition operations in recognition of the contribution which trees make to the character and appearance of the conservation area and the wider townscape in accordance with policies DM3 and DM4 of the [South Lakeland Development Management Policies Development Plan Document](#).

Breeding Birds

4. No tall ruderal grassland shall be disturbed, removed or otherwise cleared between the 1st March and 31st August inclusive in any year unless it has first been checked for breeding birds by a qualified ecologist in accordance with Natural England's Guidance. In the event that breeding birds are found to be present an appropriate exclusion zone shall be set up around the habitat in question. No work shall be undertaken within the exclusion zone until nesting birds have been confirmed absent by a qualified ecologist.

Reason: To ensure appropriate protection for breeding / nesting birds under Section 1 of the Wildlife and Countryside Act 1981 and the Local Planning Authority's biodiversity duty under The Natural Environment and Rural Communities Act (NERC) 2006.

Pedestrian Visibility Sight Splays from the Temporary Compounds

5. A 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), shall be provided on both sides of the vehicular access to each temporary working compound. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

Hours of Operations

6. No demolition operations or start-up of generators or other plant and/or machinery shall take place outside the hours specified below without the prior written consent of the local planning authority:

08.00 am to 18.00 pm Monday to Friday
08.00 am to 13.00 pm on Saturdays.

No work shall be carried out on Sundays or public and/or bank holidays.

This condition shall not operate so as to prevent the operation of any traffic control systems and the carrying out, outside these hours, of essential maintenance to plant and machinery used in the demolition works.

Reason: In the interests of local and residential amenity.

Retention of Limestone Masonry for Re-use on Wall Reconstruction

7. The limestone masonry facing to the footbridge ramps and abutments shall be removed by hand (or by hand held tools) only and in a manner so as to prevent damage from occurring to the limestone masonry and its dressed face. All undamaged masonry shall be retained on site and re-used in the construction of the river-side wall on the western side of the river where the bridge once was.

Reason: To preserve and ensure the productive re-use of historic fabric and ensure that the masonry matches that of the existing riverside wall.

Dated 13 August 2019



Signed: Angela Jones
Acting Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
 - The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/5/19/9007>
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
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APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.