

Town and Country Planning Act 1990 (As amended)

4/20/2155/OR1

NOTICE OF APPROVAL OF RESERVED MATTERS

Alpha Design  
7 Europe Way  
COCKERMOUTH  
Cumbria CA13 0RJ  
FAO Mr Glen Beattie

**RESERVED MATTERS APPLICATION FOR SCALE, LAYOUT, LANDSCAPING & APPEARANCE  
FOR 10 DWELLINGS FOLLOWING PREVIOUSLY APPROVED PLANNING APPLICATION  
4/16/2315/001 (OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH FULL  
DETAILS OF PROPOSED ACCESS)**

**LAND AT BIRKS ROAD, CLEATOR MOOR**

**Mr Nigel Kay**

The above application dated 17/04/2020 has been considered by the Council in pursuance of its powers under the above Act and APPROVAL OF RESERVED MATTERS HAS BEEN GRANTED subject to the following conditions:

1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Planning Application Form received 9<sup>th</sup> April 2020
  - Site Location Plan – Drawing No. 15/11/869-01 received 9<sup>th</sup> April 2020
  - Phase 4 – Site Plan – Drawing No. 15/11/869-54a received 3<sup>rd</sup> August 2020
  - Cross-Section Thro' Plot 55 – Drawing No. 15/11/869-56 received 9<sup>th</sup> April 2020
  - The Thirlmere – Plans and Elevations – Drawing No. 15/11/869-55 received 9<sup>th</sup> April 2020

- The Ennerdale – Plans and Elevations – Drawing No. 15/11/869-05 received 9<sup>th</sup> April 2020
- The Buttermere – Plans and Elevations – Drawing No. 15/11/869-09 received 9<sup>th</sup> April 2020
- The Bassenthwaite – Plans and Elevations – Drawing No. 15/11/869-06 received 9<sup>th</sup> April 2020
- The Wastwater – Plans and Elevations – Drawing No. 15/11/869-10 received 9<sup>th</sup> April 2020
- Design and Access Statement – Doc Ref. 15/11/869-DAS/4 received 9<sup>th</sup> April 2020
- External Material Schedule – Ref. 15/11/869-EM received 9<sup>th</sup> April 2020

Reason

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

3. No dwelling hereby approved shall be occupied until the vehicular access and parking requirements serving that dwelling has been constructed in accordance with the approved plan and brought into use. The vehicular access and parking requirements shall be retained and capable of use at all times at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with Policy DM22 – Accessible Developments of the Copeland Local Plan 2013-2028.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):
  - no roof extensions or dormer windows shall be constructed; and,
  - no extensions shall be constructed on the northeast (rear) elevation of the dwellings identified as Plot 55 and Plot 55a on Phase 4 – Site Plan – Drawing No. 15/11/869-54a received 3<sup>rd</sup> August 2020 without the express permission of the Local Planning Authority.

Reason

The safeguard the residential amenity of neighbouring dwellings in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local

Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

#### Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy DM26 of the Copeland Local Plan 2013-2028.

#### Informative

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](http://www.gov.uk/government/organisations/the-coal-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



10<sup>th</sup> August 2020

PP Pat Graham  
Chief Executive

**APPROVALS**  
**(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

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/planning-inspectorate>. 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.