

Town and Country Planning Act 1990 (As amended).

4/21/2012/0B1

NOTICE OF GRANT OF PLANNING PERMISSION

Simon Blacker  
10 Parklands Drive  
Cockermouth  
CA13 0WX

**VARIATION OF CONDITION 3 OF PLANNING APPROVAL 4/16/2206/001 (TO MOVE  
BOUNDARY BETWEEN PLOTS 2 & 3)  
CLARACK DRIVE, MOOR ROW**

**RGG Developments Ltd**

The above application dated 11/01/2021 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: -

Amended Plot Layout, drawing no. B8845/Rev M, scale 1:500, received on 12 January 2021.

Design & Access Statement by MJN Associates, dated June 2016, received June 2016.

Flood Risk Assessment by Bingham Yates Ltd, issue 1-31, May 2016, received June 2016.

Phase 1 Desk Top Study Report, (Preliminary Risk Assessment) by GeoEnvironmental Engineering ref. 2015-1517, dated 11-11-2015, received June 2016.

Phase 1 Habitat and Scoping Report for European Protected Species on Land adjacent to Scalegill Road, Moor Row, Cumbria, by Openspace, dated July 2015, received 15 June 2016.

Reptile Survey, on Land adjacent to Scalegill Road, Moor Row, Cumbria by Openspace, dated October 2015, received 15 June 2016.

Amended Location Plan, scale 1:1250, received 28 July 2016.

Amended Visibility Splays **only** as shown on Indicative Layout drawing RG/KT/1501, scale 1:500 & 1:1250, received 13 October 2016.

Proposed Road Layout Longitudinal Sections, drawing no B8845/18 Rev D, by Bingham Yates Ltd Consulting Engineers, received 28 March 2018.

Phase 2 Ground Investigation Report: Redevelopment of Land at Rusper Drive, off

Scalegill Road, Moor Row, GEO Environmental Engineering, reference 2017-2377, dated 31.07.2017, received 29 November 2017.

Reason

To conform to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **Surface Water Drainage**

2. The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment ref. B8846/CJW, Issue 1, dated 31 May 2016, by Bingham Yates Ltd. proposing surface water discharging into the watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority before commencement of the development. The development shall be completed in accordance with the approved details.

Reason

To prevent an undue increase in surface water flood and reduce the risk of flooding.

### **Highway Safety**

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order invoking, amending or re-enacting that Order) no structure, vehicle, object or structure of any kind shall be erected, parked or placed and no trees, bushes or plants shall be planted or permitted to be grown within the visibility splays which would obstruct the visibility splays.

Reason

To protect the visibility splays from any obstruction in the interests of highway safety.

### **Informative – Coal Mining Area**

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.

### **Informative – access to the public sewer**

A public sewer crosses this site and United Utilities may not permit building over it. They will require an access strip width of 6 metres three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of 'Sewers for Adoption' for maintenance or replacement. Therefore a modification of the site layout or a diversion of the affected sewer at the applicant's expense may be necessary. To establish if a sewer diversion is feasible the developer must discuss this at an early stage with our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees shall not be planted directly over sewers or where excavation onto the sewer would require removal of the tree. The developer can discuss any of the above with our United Utilities Developer Engineer at the above email address.

### **Informative – site drainage**

To facilitate sustainable drainage the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

### **Informative – surface water**

Any proposed culverting, alteration or replacement to any culvert likely to affect the flow of waters in any ordinary watercourse is likely to be relevant to Section 3 of the Land Drainage Act 1991. Works should not be carried out without the prior written consent of the Lead Local Flood Authority, Cumbria County Council.

### **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



PP Pat Graham  
Chief Executive

15<sup>th</sup> March 2021

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

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

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.