

Town and Country Planning Act 1990 (As amended).

4/21/2334/0B1

NOTICE OF GRANT OF PLANNING PERMISSION

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

**AMENDMENT OF CONDITION 5 (MODIFICATION OF ACCESS JUNCTION) OF PLANNING APPROVAL 4/16/2409/001 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 65 DWELLINGS INCLUDING FULL DETAILS OF ACCESS WITH ALL OTHER MATTERS RESERVED KEEKLE MEADOWS, CLEATOR MOOR**

**High Grange Developments Ltd**

The above application dated 21/07/2021 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 and shall be carried out in accordance with them:

- Plans and documents approved under Outline Planning Application Ref. 4/16/2409/001.
- Plans and documents approved under Reserved Matters Planning Application Ref. 4/18/2069/0R1.
- Plans and documents approved under Reserved Matters Planning Application Ref. 4/18/2223/0R1.
- Plans and documents approved under Reserved Matters Planning Application Ref. 4/19/2158/0R1.
- Plans and documents approved under Section 73 Planning Application Ref. 4/21/2227/0B1

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.

2. All work to the internal roads shall be completed prior to the occupation of the 50<sup>th</sup> dwelling hereby permitted.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

3. The junction of the access road and the B5295 shall be modified strictly in accordance with the details approved on WYG drawing no. A 085136 – C001 to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. The modification works shall be completed and made fully operational before the 125<sup>th</sup> dwelling on the estate served by the access road is occupied.

Reason

For the avoidance of doubt and to ensure that a safe junction can be provided to serve the site in the interests of highway safety.

4. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy, ref: 06/11/542-FRA/1 dated November 2016 which was prepared by Alpha Design proposing surface water discharging into the River Keekle and foul water discharging into combined/foul sewer.

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 prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

5. The development shall be completed, maintained and managed in accordance with the approved drainage management and maintenance plan for the lifetime of the development.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

#### Reason

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

7. None of the dwellings hereby approved shall be occupied until the vehicular access, turning and parking requirements serving that dwelling have been constructed in accordance with the approved plan and brought into use. The vehicular access/turning provisions shall be retained and capable of use 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 the requirements of Policy T1 of the Copeland Local Plan 2013-2028.

8. All hard and soft landscape works shall be carried out in accordance with the approved details.

The hard and soft landscape works to the dwellings shall be carried out in the first planting season following the first occupation of the dwellings.

The hard and soft landscape works to the open spaces shall be carried out in the first planting season following the first occupation of the dwellings sharing a boundary with that open space.

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.

#### Reason

To ensure the implementation of a satisfactory landscaping scheme in accordance with Policy ENV5 and Policy DM26 of the Copeland Local Plan 2013-2028.

9. The hedgerows to the western boundaries of the application site as identified on Landscape Layout – Drawing No. 06/11/542-174d) received 13th July 2020 shall be allowed to grow to a height exceeding 1m metre and shall be retained thereafter at or above the stated height for the lifetime of the development.

#### Reason

To ensure that the character of the area is not adversely affected in accordance with 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



PP Pat Graham  
Chief Executive

01<sup>st</sup> October 2021

**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/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.