

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

DRAFT NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

**THIS PERMISSION IS SUBJECT TO A SECTION 106 AGREEMENT**

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

**APPLICATION No: 4/21/2360/001**

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH DETAILS OF PROPOSED  
ACCESS JUNCTION AND ALL OTHER MATTERS RESERVED  
LAND AT SCALEGILL ROAD, MOOR ROW**

**Mr David Sharpe**

The above application dated 10/08/2021 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions

1. The layout, scale, appearance, and landscaping must be approved by the Local Planning Authority.

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. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission  
Or  
b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

#### Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-
- Location Plan, Scale 1:2500, Drawing No 20/07/977-01, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
  - Existing Site Plan, Scale 1:500, Drawing No 20/07/977-02, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
  - Proposed Site Plan, Scale 1:500, Drawing No 20/07/977-03, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
  - Access Advice, prepared by Tetra Tech, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
  - Flood Risk Assessment, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
  - Preliminary Ecological Appraisal, Prepared by Hesketh Ecology August 2021, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
  - Planning/Design & Access Statement, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.
  - Phase 1: Desk Top Study Report (Preliminary Risk Assessment), Prepared by GEO Environmental Engineering August 2021, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.

#### 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.

#### Pre- Commencement Conditions

4. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - iii. A timetable for its implementation.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted must be carried out only in accordance with the approved drainage scheme.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

5. The carriageway, footways, footpaths, cycleways etc. must be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work must be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete and shall be maintained at all times thereafter.

#### Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

6. Before development commences full details of the foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

7. No dwellings, buildings or structures must be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason

To ensure that the access roads are defined and laid out at an early stage in In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason:

In the interests of highway safety and environmental management.

9. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP must include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;

- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian);
- surface water management details during the construction phase.

The development must be carried out in accordance with the approved details at all times thereafter.

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

10. Prior to the commencement of development, a design for a traffic management scheme on the C4003 as shown indicatively on drawing number 20/07/977-03 must be provided including full engineering, drainage, lighting and construction details, for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter, prior to occupation of any dwelling, the scheme must be implemented in accordance with the approved plans and retained at all times thereafter.

#### Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028.

11. No development must take place until a Noise Assessment has been submitted to, and approved in writing by the Local Planning Authority. The noise assessment must fully consider the weekend/evenings and night time operation of the nearby licensed premises to provide representative levels of noise. The development must be carried out in accordance with the approved scheme and any remedial action must be implemented prior to the occupation of any dwelling hereby approved and retained at all times thereafter.

#### Reason

To reduce potential issues arising from the close proximity of the adjacent licensed premises.

12. Before development commences, a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must include provide details of dust emissions, noise and vibration, and must identify remedial action to prevent nuisance. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In order to protect residential amenity.

13. No development must take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

14. No development must take place until an Arboricultural Impact Assessment and Method Statement, has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details at all times thereafter.

Reason

To adequately protect the existing trees on site which are considered worthy of retention in the interests of visual amenity.

15. Prior to the commencement of development, full details of the proposed 6 metre high ball stop fence to be installed along the western edge of the application site must be submitted to and approved in writing by the Local Planning Authority. This fence must be installed in accordance with the approved details prior to the first

occupation of any dwelling hereby approved. The approved fence must be retained at all times thereafter.

Reason

To protect the playing field and enable the residential development to exist alongside in order to meet the requirements of paragraph 187 of the NPPF.

Prior to Occupation/Use Conditions:

16. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is occupied/brought into use.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

17. Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

18. Prior to the first occupation of any dwelling hereby approved footways must be provided that link continuously and conveniently to the nearest existing footway, details of which must be submitted to and approved in writing by the Local Planning Authority prior to their first installation. Once installed the footways shall be retained at all times in accordance with the approved details.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

## Other Conditions

19. Foul and surface water must be drained on separate systems.

### Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

20. This permission gives outline approval for a maximum of nineteen dwellings only at this site.

### Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

21. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the Flood Risk Assessment, received by the Local Planning Authority on the 10<sup>th</sup> August 2021.

### Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

22. The development must implement all of the mitigation and compensation measures set out in the approved document Preliminary Ecological Appraisal, Prepared by Hesketh Ecology August 2021, received by the Local Planning Authority on the 10<sup>th</sup> August 2021. The development must be carried out in accordance with the approved document at all times thereafter.

### Reasons

To protect the ecological interests evident on the site.

23. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within Phase 1: Desk Top Study Report



(Preliminary Risk Assessment), Prepared by GEO Environmental Engineering August 2021, received by the Local Planning Authority on the 10<sup>th</sup> August 2021, including the submission of a Phase 2 Ground Investigation Report to the Local Planning Authority for further approval. All mitigation measures identified must be maintained as such at all times thereafter.

Reason

To ensure the protection of controlled waters from potential land contamination.

24. All HGV deliveries to the site must be carried out solely between the hours of 09:00 and 17:00 Monday to Friday. There must be no HGV deliveries on Saturdays, Sundays and/or Bank Holidays.

Reason

In the interest of residential amenity.

25. Construction site operating hours will be Monday-Friday 08:00 to 18:00 and Saturdays 08:00 to 13:00. No construction on Sundays or Bank Holidays.

Reason

In the interest of residential amenity.

**Informatives:**

1. If the public footpath is to be temporarily obstructed then a formal temporary closure will be required there is a 12 week lead in time for this process, for further information please contact [Sandra.smith@cumbria.gov.uk](mailto:Sandra.smith@cumbria.gov.uk).
2. The proposed development appears to be within very close proximity to Electricity North West's high and low voltage electricity distribution assets. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion is usually borne by the applicant. The applicant should be aware of Electricity North West's requirements for access to inspect, maintain, adjust, repair, or alter any of their distribution equipment.

3. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011).
4. 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



Pat Graham  
Chief Executive

08<sup>th</sup> July 2022

**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.