

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
NOTICE OF APPROVAL OF RESERVED MATTERS**

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

**APPLICATION No: 4/21/2490/0B1  
VARIATION OF CONDITION 3 - TO AMEND PREVIOUSLY APPROVED LANDSCAPE PLAN OF  
PLANNING APPROVAL 4/19/2441/0R1 RESERVED MATTERS APPLICATION FOR THE  
ERECTION OF TWO DETACHED DWELLINGS  
LAND AT ASBY ROAD, ASBY**

**M B Constructions LTD**

The above application dated 08/11/2021 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. 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: -  
Site Location Plan, scale 1:2500, drawing number 18/07/936-01, received 23<sup>rd</sup> December 2019;  
Existing Site Plan, scale 1:500, drawing number 18/07/936-02, received 23<sup>rd</sup> December 2019;  
Proposed Site Plan (Reserved Matters), scale 1:500, drawing number 18/07/936-03b), received 23<sup>rd</sup> December 2019;  
Plot 1 – Proposed Plans and Elevations, scale 1:100, drawing number 18/07/936-04, received 23<sup>rd</sup> December 2019;  
Plot 2 – Proposed Plans and Elevations, scale 1:100, drawing number 18/07/936-05,

received 23<sup>rd</sup> December 2019;

Design and Access Statement, received 23<sup>rd</sup> December 2019.

Landscape Plan drawing number WW-108 Rev B, received on 14<sup>th</sup> February 2022.

#### 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.

3. The landscaping scheme and boundary treatments illustrated on the Landscape Plan drawing number WW-108 Rev B shall be implemented within the first planting season following the first occupation of the dwellings approved. The landscaping and boundary treatments scheme must be implemented in accordance with the approved plans and retained as such at all times thereafter.

#### Reason

To protect both the amenity of the neighbouring properties and the highways visibility splays and also to soften the impact of the development within the locality.

4. The dwellings shall be constructed in accordance with the materials approved under the application reference 4/21/2414/DOC.

#### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

### **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 vary the condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read 'N. J. Hayman', with a stylized flourish at the end.

PP Pat Graham  
Chief Executive

17<sup>th</sup> February 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.