

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTICE OF APPROVAL OF RESERVED MATTERS

Gary May  
16 Hollins Close  
Mirehouse  
Whitehaven  
CA28 8EX

**APPLICATION No: 4/22/2029/OR1**

**RESERVED MATTERS APPLICATION RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOR ERECTION OF A DWELLING PURSUANT TO OUTLINE APPLICATION 4/21/2099/001 - OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR RESIDENTIAL DEVELOPMENT  
PLOT 1, LAND AT SCALEGILL ROAD, EGREMONT, MOOR ROW**

**Gary May**

The above application dated 18/01/2022 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:

Standard Conditions

1. The development must 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. 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 and Site & Block Plan, (Amended), Scale 1:500 & 1:1250, Ref: P1SR-GM-003, Rev: B, received by the Local Planning Authority on the 20<sup>th</sup> February 2022.
- Proposed Elevation Plan, Proposed Site Plan & Proposed Block Plan (Amended), Scale 1:50, 1:500, & 1:1250, Ref: P1SR-GM-002, Rev: B, received by the Local Planning Authority on the 9<sup>th</sup> February 2022.
- Proposed Site Landscape Plan (Amended), Scale 1:250, Ref: P1SR-GM-005, Rev: B, received by the Local Planning Authority on the 20<sup>th</sup> February 2022.
- Proposed Ground Floor and First Floor Plans (Amended), Scale 1:50 & 1:100, Ref: P1SR-GM-001, Rev: A, received by the Local Planning Authority on the 9<sup>th</sup> February 2022.
- Proposed Site Drainage Plan (Amended), Scale 1:250, & 1:1250, Ref: P1SR-GM-004, Rev: B, received by the Local Planning Authority on the 17<sup>th</sup> February 2022.
- Drainage Report, Prepared by Kingmoor Consulting July 2021, received by the Local Planning Authority on the 18<sup>th</sup> January 2022.
- Design and Access Statement (Amended), received by the Local Planning Authority on the 20<sup>th</sup> February 2022.
- Proposed Site Highways Plan (Amended), Scale 1:300, Ref: P1SR-GM-008, Rev: A, received by the Local Planning Authority on the 20<sup>th</sup> February 2022.
- Email from Agent: 4/22/2029/0R1 - PLOT 1, LAND AT SCALEGILL ROAD, EGREMONT, MOOR ROW - Amendments Following Consultation, received by the Local Planning Authority on the 24<sup>th</sup> March 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.

#### Prior to Commencement Conditions:

3. The development hereby approved must not commence until visibility splays providing clear visibility as shown on the approved plan 'Proposed Site Highways Plan (Amended), Scale 1:300, Ref: P1SR-GM-008, Rev: A, received by the Local Planning Authority on the 20<sup>th</sup> February 2022', has been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

#### Reason

In the interests of highway safety.

4. Prior to the commencement of any development at this site, the existing front boundary wall of 41 Scalegill Road must be lowered in accordance with the approved plans 'Proposed Site Highways Plan (Amended), Scale 1:300, Ref: P1SR-GM-008, Rev: A, received by the Local Planning Authority on the 20<sup>th</sup> February 2022'. The boundary wall must be retained at this approved height at all times thereafter.

Reason

In the interests of highway safety.

Prior to Occupation Conditions:

5. Prior to the first occupation of the dwelling hereby approved the proposed landscaping must be carried in accordance with the approved documents:
  - Proposed Site Landscape Plan (Amended), Scale 1:250, Ref: P1SR-GM-005, Rev: B, received by the Local Planning Authority on the 20<sup>th</sup> February 2022.
  - Design and Access Statement (Amended), received by the Local Planning Authority on the 20<sup>th</sup> February 2022.

The landscaping scheme must be implemented within the first available planting season from the date of this permission. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

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

6. The new access road hereby approved as detailed on the approved plan 'Proposed Site Highways Plan (Amended), Scale 1:300, Ref: P1SR-GM-008, Rev: A, received by the Local Planning Authority on the 20<sup>th</sup> February 2022', must be constructed, completed and brought into use prior to the occupation of any dwelling hereby permitted. The access road must remain operational as approved at all times thereafter.

Reason

To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity).

7. Prior to the first occupation of the dwelling hereby approved the first floor north gable window must be fitted with obscure glazing in line with the approved documents:

- Proposed Elevation Plan, Proposed Site Plan & Proposed Block Plan (Amended), Scale 1:50, 1:500, & 1:1250, Ref: P1SR-GM-002, Rev: B, received by the Local Planning Authority on the 9<sup>th</sup> February 2022.

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties.

Other Conditions:

8. The proposed landscaping relating to the development hereby approved must be maintained in accordance with the approved document, 'Design and Access Statement (Amended), received by the Local Planning Authority on the 20<sup>th</sup> February 2022'. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

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

9. The development hereby approved must be finished in strict accordance with the materials set out on the approved document 'Email from Agent: 4/22/2029/0R1 - PLOT 1, LAND AT SCALEGILL ROAD, EGREMONT, MOOR ROW - Amendments Following Consultation, received by the Local Planning Authority on the 24<sup>th</sup> March 2022', and must be maintained as such at all times thereafter.

Reason

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

**Informatives:**

1. The development hereby approved must be carried out in accordance with conditions 7, 8 and 9 of Outline Planning Approval Ref: 4/20/2468/001.
2. The development hereby approved must be carried out in accordance with the details submitted to discharge conditions 4, 5 and 6 of Outline Planning Approval Ref: 4/21/2099/001 under the discharge of conditions application ref 4/21/2331/DOC.
3. A non-return valve should be installed before connecting into the public sewer.
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

31<sup>st</sup> March 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.