

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73

APPROVAL OF RESERVED MATTERS

Mr & Mrs Bennett  
39 Murton Park  
Arlecdon  
Frizington  
CA26 3UT

**APPLICATION No: 4/22/2440/0G1**

**REMOVAL OF CONDITION 6 (PROVISION OF FOOTWAY TO FRONTAGE) OF PLANNING APPROVAL 4/21/2084/0R1 RESERVED MATTERS APPROVAL FOR ONE DETACHED BUNGALOW (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE)**

**BLAKESIDE, BARWISE ROW, ARLECDON**

**Mr & Mrs Bennett**

The above application dated 03/11/2022 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. 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: -

Location Plan with Visibility Splays, scale 1:500, drawing number 7270-103B, received 11th May 2021;

Proposed Site Plan, scales 1:200 and 1:100, drawing number 7270-102C, received

11th May 2021;

Proposed Turning Head Layout, scale 1:50, drawing number 7270-107A, received 11th May 2021;

Proposed Ground Floor Layout, scale 1:50, drawing number 7270-100C, received 11th May 2021;

Proposed First Floor and Roof Layout, scales 1:100 and 1:50, drawing number 7270-101, received 23rd February 2021;

Proposed Elevations, scale 1:50, drawing number 7270-104, received 23rd February 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

3. The development must not commence until visibility splays providing clear visibility of 60 metres in both directions measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway, in accordance with Plan 7270-102 RevC. 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 grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

4. Prior to the commencement of the development hereby approved, any existing highway fence, wall or hedge boundary must be relocated or reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with Plan 7270-102-RevC submitted to the Local Planning Authority and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

5. The access and parking/turning requirements must be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and in accordance with Policy DM22 of the Copeland Local Plan.

#### Pre-occupation Conditions

6. -

7. 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 brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

#### Other Conditions

8. Access gates, if provided, must be hung so they do not open over or into the public highway and be retained as such at all times.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

## **Informatives**

1) No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team. Streetworks West [streetworks.west@cumbria.gov.uk](mailto:streetworks.west@cumbria.gov.uk)

2) 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 a removal of 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



Nick Hayhurst  
Head of Planning and Place

16<sup>th</sup> December 2022

**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.