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

NOTICE OF GRANT OF PLANNING PERMISSION

Mr Darren Clark
19 Hillcrest Avenue
Whitehaven
CA28 6ST

APPLICATION No: 4/24/2115/0B1

**VARIATION OF CONDITION 2 FOR AMENDMENTS TO APPROVED DWELLING
AND DETACHED GARAGE FOR PLOT 2 ONLY OF PLANNING APPLICATION
4/24/2022/0B1 - VARIATION OF CONDITION 2 TO AMEND THE FLOOR &
ELEVATION PLANS FOR PLOT 3 ONLY OF PLANNING APPLICATION
4/23/2086/0B1 (VARIATION OF CONDITIONS 2,3,4,5,6,7,8,9 & 11 OF PLANNING
APPROVAL 4/21/2369/0R1 - RESERVED MATTERS FOLLOWING OUTLINE
APPLICATION 4/20/2491/0O1 FOR RESIDENTIAL DEVELOPMENT)**

LAND TO SOUTH OF SOUTHRIGG, NETHERTOWN ROAD, ST BEES

Mr Darren Clark

The above application dated 08/04/2024 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:

Standard Conditions

1. -
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, Scale 1:1250, Drawing No: 01-2024, Rev: A, received by the Local Planning Authority on the 8th April 2024.
- Site Plan (Amended), Drawing No: 02-2024, Rev: B, received by the Local Planning Authority on the 29th May 2024.
- Proposed Plot 1 – Elevations, Scale 1:100, Drawing No: 026, Rev: G, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 1 Floor Plans, Scale 1:100, Drawing No: 023, Rev: H, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 1 – Elevations Garage, Scale 1:100, Drawing No: 030, Rev: C, received by the Local Planning Authority on the 29th March 2023.
- Plot 2 Elevations, Scale 1:100, Drawing No: 031, Rev: C, received by the Local Planning Authority on the 8th April 2024.
- Plot 2 Floor Plans, Scale 1:100, Drawing No: 030, Rev: C, received by the Local Planning Authority on the 8th April 2024.
- Proposed Plot 2 – Elevations Garage, Scale 1:100, Drawing No 031, Rev C, received by the Local Planning Authority on the 29th March 2023.
- Plot 3 – Proposed Plans & Elevations (Amended), Scale 1:100, Drawing No: 21/11/1013-03a), received by the Local Planning Authority on the 19th February 2024.
- Plot 3 – Detached Garage Plans & Elevations (Amended), Scale: 1:00, Drawing No: 21/11/1013-04a), received by the Local Planning Authority on the 19th February 2024.
- Surface Finishes Site Plan, Scale 1:500, Drawing No: 038, Rev F, received by the Local Planning Authority on the 8th April 2024.
- Fencing Types Site Plan, Scale 1:500, Drawing No: 044, Rev H, received by the Local Planning Authority on the 8th April 2024.
- Section Through Site – Plot 1 & 2, Scale 1:500, Drawing No: 036, Rev E, received by the Local Planning Authority on the 8th April 2024.
- Revised Plot 3 Site Section Through, Scale 1:500, Drawing No: 21/11/1013-05, received by the Local Planning Authority on the 19th February 2024
- Site Section 02, Scale 1:500, Drawing No: 03-2024, Rev: A, received by the Local Planning Authority on the 29th May 2024.
- Proposed Site Section 03, Scale 1:200, Drawing No: 040, Rev: D, received by the Local Planning Authority on the 19th February 2024.
- Design and Access Statement, received by the Local Planning Authority on the 29th March 2023.
- Preliminary Ecological Appraisal, Prepared by Hesketh Ecology July 2021, received by the Local Planning Authority on the 7th February 2022.
- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.
- Statement to Vary Conditions, received by the Local Planning Authority on the 29th March 2023.
- Construction Traffic Management Plan, Scale 1:500, Drawing No: 039, Rev: E, received by the Local Planning Authority on the 8th April 2024.

- Construction Management Plan, received by the Local Planning Authority on the 8th April 2024.
- Letter from Unblock Cumbria Ltd dated 17th March 2023, received by the Local Planning Authority on the 29th March 2023.

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. No further works are to commence on site until visibility splays are installed/constructed in accordance with the approved plan 'Site Plan (Amended), Drawing No: 02-2024, Rev: B, received by the Local Planning Authority on the 29th May 2024'. 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.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

4. No further works are to commence on site until the existing front boundary wall along Nethertown Road has been lowered in accordance with the approved plans:
 - Site Plan (Amended), Drawing No: 02-2024, Rev: B, received by the Local Planning Authority on the 29th May 2024.
 - Fencing Types Site Plan, Scale 1:500, Drawing No: 044, Rev H, received by the Local Planning Authority on the 8th April 2024.

The boundary wall must be retained at this approved height at all times thereafter.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

5. The development must implement all of the measures set out in the approved documents:
- Construction Traffic Management Plan, Scale 1:500, Drawing No: 039, Rev: E, received by the Local Planning Authority on the 8th April 2024.
 - Construction Management Plan, received by the Local Planning Authority on the 8th April 2024.

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 Policy T1 and DM22 of the Copeland Local Plan.

6. The drainage of the development hereby approved, must be carried out in accordance with the approved document 'Letter from Unblock Cumbria Ltd dated 17th March 2023, received by the Local Planning Authority on the 29th March 2023.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Prior to Erection of External Walling Conditions

7. No superstructure must be erected on plot 1 until samples and details of the materials to be used in the construction of the external surfaces of the development on that plot hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DM10 of the Copeland Local Plan.

8. The development of plot 2 hereby approved, must be carried out in accordance with the materials approved as part of condition 7 of permission 4/21/2369/0R1, as detailed within correspondence dated 5th March 2024 (ref: 4/24/2043/DOC). Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DM10 of the Copeland Local Plan.

9. The development of plot 3 hereby approved, must be carried out in accordance with the materials approved as part of condition 7 of permission 4/24/2022/0B1, as detailed within correspondence dated 30th April 2024 (ref: 4/24/2092/DOC). Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DM10 of the Copeland Local Plan.

Prior to Occupation Conditions:

10. Prior to the first occupation of each dwelling hereby approved, the boundary treatment and landscaping on that occupied plot must be installed in accordance with the following approved plans:

- Fencing Types Site Plan, Scale 1:500, Drawing No: 044, Rev H, received by the Local Planning Authority on the 8th April 2024.

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 in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.

11. Prior to the occupation of all three dwellings hereby approved the boundary treatment and landscaping within the site must be installed in accordance with the following approved plan:

- Fencing Types Site Plan, Scale 1:500, Drawing No: 044, Rev H, received by the Local Planning Authority on the 8th April 2024.

The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority. 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 in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.

12. Prior to the first occupation of any dwelling hereby approved the shared drainage for the site must be carried out/installed in accordance with the following approved documents:

- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.

The shared drainage scheme must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

13. Prior to the first occupation of each dwelling hereby approved, the drainage scheme for that occupied plot must be installed in accordance with the following approved documents:

- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.

The drainage scheme for each plot must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

14. The new access and access road hereby approved as detailed on the approved plan 'Site Plan (Amended), Drawing No: 02-2024, Rev: B, received by the Local Planning Authority on the 29th May 2024', 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) in accordance with Policy T1 and DM22 of the Copeland Local Plan.

15. Prior to the first occupation of any dwelling hereby approved the gable windows of the occupied dwelling must be fitted with obscure glazing in line with the approved documents:

- Proposed Plot 1 – Elevations, Scale 1:100, Drawing No: 026, Rev: G, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 1 Floor Plans, Scale 1:100, Drawing No: 023, Rev: H, received by the Local Planning Authority on the 29th March 2023.
- Plot 2 Elevations, Scale 1:100, Drawing No: 031, Rev: C, received by the Local Planning Authority on the 8th April 2024.
- Plot 2 Floor Plans, Scale 1:100, Drawing No: 030, Rev: C, received by the Local Planning Authority on the 8th April 2024.
- Plot 3 – Proposed Plans & Elevations (Amended), Scale 1:100, Drawing No: 21/11/1013-03a), received by the Local Planning Authority on the 19th February 2024.

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

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with DM10 of the Copeland Local Plan.

Other Conditions:

16. The development must implement all of the mitigation and compensation measures set out in the approved document 'Preliminary Ecological Appraisal, Prepared by Hesketh Ecology July 2021, received by the Local Planning Authority on the 7th February 2022'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ST1, ENV3, and DM25 of the Copeland Local Plan.

Informative Notes:

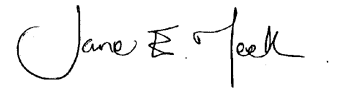
1. The development hereby approved must be carried out in accordance with conditions 3, 4, 5, and 6 of Outline Planning Approval Ref: 4/20/2491/001.
2. Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including footways and verges, until you are in receipt of an appropriate permit allowing such works. This also applies to erecting scaffolding or placing traffic management or skips on the highway and the creation of vehicle cross-overs from the highway to a private driveway. Enquires should be made to Cumbria County Councils Street Work's team - streetworks.west@cumbria.gov.uk.

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

03rd June 2024

A handwritten signature in black ink, reading "Jane E. Meek". The signature is written in a cursive style with a large initial 'J' and a distinct 'E'.

Jane Meek
Assistant Director
Thriving Place and Investment

**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/appeal-planning-decision> . 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) 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.