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

NOTICE OF GRANT OF PLANNING PERMISSION

Mr Michael Scaife
8 Northfield House
Lodge Close
Great Clifton
CA14 1QD

APPLICATION No: 4/24/2120/0B1

**VARIATION OF CONDITIONS 2 (PLANS), 5 (CULVERT PROTECTION) AND 16
(CULVERT SURVEYING) OF PLANNING APPROVAL 4/22/2315/0F1 - ERECTION
OF THREE DWELLINGS
LAND ADJACENT TO SCHOOL HOUSE WITH ACCESS FROM THE B5345, ST
BEES**

Mr Michael Scaife

The above application dated 11/04/2024 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. The development hereby permitted must be commenced before the 2nd June 2026.

Reason

To comply with Section 91 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 shall be carried out in accordance with them:-

- Location and Block Plan (Amended), Scale 1:500 & 1:1250, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Proposed Site Plan (Amended), Scale 1:200, Drawing No: 010, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Proposed Property – Plot 1 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 2 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 3 (Amended), Scale 1:100, Drawing No: 006, Rev: G, received by the Local Planning Authority on the 30th May 2024.
- Site Sections (Amended), Scale 1:100, Drawing No: 012, Rev: E, received by the Local Planning Authority on the 7th March 2023.
- Site Section Plan (Amended), Scale 1:200, Drawing No: 013, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Tree Removal Plan (Amended), Scale 1:200, Drawing No: 014, Rev: C, received by the Local Planning Authority on the 7th March 2023.
- Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023.
- Proposed Drainage Plan, Scale 1:200, Drawing No: 22-C-16630-02, Rev: F, received by the Local Planning Authority on the 11th April 2024.
- Drainage Strategy Report (Amended), Prepared by A L Daines & Partners October 2022, received by the Local Planning Authority on the 17th February 2023.
- Design Statement & Character Appraisal (Amended), Prepared by Ashwood Design Associates LTD, received by the Local Planning Authority on the 23rd February 2023.
- Tree Survey Topographical Survey, Scale 1:200, Drawing Number, 060521-BLOSS-STBEE-TOPO-001, received by the Local Planning Authority on the 4th November 2022.
- Tree Survey Site Plan, Scale 1:500, received by the Local Planning Authority on the 28th October 2022.
- Tree Survey, received by the Local Planning Authority on the 28th October 2022.
- Material Schedule, received by the Local Planning Authority on the 11th January 2023.
- Road Details (Amended), Scale 1:100, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Visibility Splays (Amended), Scale 1:200, Drawing No: 017, Rev: D, received by the Local Planning Authority on the 14th March 2023.

- Micro Drainage Calculations, Prepared by A L Daines & Partners, received by the Local Planning Authority on the 3rd April 2023.
- Location of Existing Culvert, Scale 1:500, Drawing No: 22-C-16630-05, Rev: A, received by the Local Planning Authority on the 11th April 2024.
- Proposed Culvert Replacement, Scale 1:100, Drawing No: 22-C-16630-07, received by the Local Planning Authority on the 11th April 2024.
- Appendix 1, received by the Local Planning Authority on the 11th April 2024.

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 hereby approved must be carried out in accordance with the visibility splays approved as part of condition 3 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The development must provide clear visibility as shown on approved plan 'Visibility Splays (Amended), Scale 1:200, Drawing No: 017, Rev: D, received by the Local Planning Authority on the 14th March 2023' of 45 metres in both directions measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. 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 must be constructed before general development of the site commences so that construction traffic is safeguarded. The visibility splays must be retained at all times thereafter.

Reason

In the interests of highway safety.

4. The development hereby approved must be carried out in accordance with the surface water drainage details approved as part of condition 4 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

5. The replacement of the existing culvert within the south west of the application site, and its protection during construction, must be completed in accordance with the following approved plans:
- Location of Existing Culvert, Scale 1:500, Drawing No: 22-C-16630-05, Rev: A, received by the Local Planning Authority on the 11th April 2024.
 - Proposed Culvert Replacement, Scale 1:100, Drawing No: 22-C-16630-07, received by the Local Planning Authority on the 11th April 2024.
 - Proposed Drainage Plan, Scale 1:200, Drawing No: 22-C-16630-02, Rev: F, received by the Local Planning Authority on the 11th April 2024.
 - Appendix 1, received by the Local Planning Authority on the 11th April 2024.

The replacement culvert must be retained in accordance with these approved details at all times thereafter. The culvert must be protected in accordance with these approved details at all times during construction.

Reason

To ensure the provision of a satisfactory drainage scheme.

6. The development hereby approved must be carried out in accordance with the Arboricultural Method Statement approved as part of condition 6 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The development must be carried out in accordance with the approved method statement at all times thereafter, and any approved tree protection measures/barriers must be erected prior to any construction works on the site and must be maintained for the duration of the construction operations.

Reason

To adequately protect the existing trees on site

7. The development hereby approved must be carried out in accordance with the Landscape Plan approved as part of condition 7 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The development must be completed in accordance with these approved details and must be retained for the lifetime of the development.

Reason

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

8. The development hereby approved must be carried out in accordance with the schedule of landscape maintenance approved as part of condition 8 of permission 4/22/2315/0F1, as detailed within correspondence dated 3rd November 2023 (ref: 4/23/2228/DOC). The development must be completed in accordance with these approved details and must be retained for the lifetime of the development.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

Prior to Erection of External Walling Conditions

9. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development 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.

Prior to Occupation Conditions:

10. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the following approved documents:
 - Drainage Strategy Report (Amended), Prepared by A L Daines & Partners October 2022, received by the Local Planning Authority on the 17th February 2023.
 - Proposed Drainage Plan, Scale 1:200, Drawing No: 22-C-16630-02, Rev: F, received by the Local Planning Authority on the 11th April 2024.

For the avoidance of doubt surface water must drain at the restricted rate of 3l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

11. Prior to occupation of the development hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to and approved in writing by the Local Planning Authority. The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

12. 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 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

13. The new access and access road hereby approved as detailed on the approved plan 'Road Details (Amended), Scale 1:100, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023', 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.

14. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the approved plans 'Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity.

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

- Proposed Property – Plot 1 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 2 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 3 (Amended), Scale 1:100, Drawing No: 006, Rev: G, received by the Local Planning Authority on the 30th May 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.

16. Prior to the occupation of plot 3, the replacement culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during construction. Should damage be identified, this must be repaired to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

Other conditions:

17. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- Material Schedule, received by the Local Planning Authority on the 11th January 2023.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

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

18. Any access gates installed within the site must be of a style which do not open onto the shared access and must be retained as such at all times thereafter.

Reason

In the interest of highway safety.

19. The existing boundary wall and hedgerow along the west boundary of the site must be retained at all times in accordance with the details submitted in the approved document 'Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023'.

Reason

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

Informative Notes:

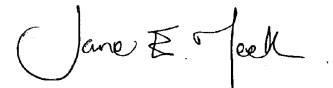
1. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.
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

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

A handwritten signature in black ink, appearing to read 'Jane E. Meek'.

Jane Meek
Assistant Director

06th June 2024

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.