



Town and Country Planning Act 1990 (As amended).

4/16/2315/001

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

MJN Associates
Red How Lodge
Lamplugh
WORKINGTON
Cumbria CA14 4RN

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH FULL DETAILS OF PROPOSED ACCESS
LAND TO REAR OF ENNERDALE VIEW, BIRKS ROAD, CLEATOR MOOR
Mr N Kay**

The above application dated 09/09/2016 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The layout, scale, appearance and landscaping shall be as may be approved by the Local Planning Authority.

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. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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, scale 1:2500, reference EV/1/16, received on 09th September 2016
 - Proposed Site Access Junction Detail, reference A095505/C001 Rev B, received on 13th February 2017
 - Landscape and Visual Impact Assessment prepared by Galpin Landscape Architecture, Rev 3, received on 09th September 2016
 - Phase 1 Desk Top Study (PERA) prepared by GEO Environmental Engineering, reference 2015-174, dated 10th November 2015
 - Transport Assessment prepared by WYG, reference A095505, dated August 2016
 - Interim Travel Plan, prepared by WYG, reference A095505, dated August 2016
 - Flood Risk Assessment and Foul Drainage Assessment, prepared by WYG, reference A095505, dated July 2016
 - Report on an Archaeological Desk Based Assessment, prepared by Philip Cracknell, reference HBSA1-09/15, dated February 2016
 - Phase One Habitat Survey and Scoping Survey for European Protected Species, prepared by Openspace, reference OP-F-6C Ennerdale View-SCS96VI, dated January 2016
 - Design and Access Statement prepared by MJN Associates, dated August 2016

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.

4. The proposed access road hereby approved shall be formed in accordance with the approved plans.

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

5. The carriageway, footways, footpaths and cycleways associated with the development shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal cross sections, shall be submitted to the Local Planning Authority for approval prior to the commencement of development. No work shall be commenced until a full specification has been approved in writing by the Local Planning Authority. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety, in accordance with the National Planning Policy Framework and to support Local Transport Plan policies LD5, LD7, LD8 and policies ST1, T1 and DM22 of the Copland Local Plan.

6. No dwellings shall be occupied until the approved estate roads including footways and cycleways to serve such dwellings have been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought in to full operational use.

Reason

In the interests of highway safety, in accordance with the National Planning Policy Framework and to support Local Transport Plan policies LD5, LD7, LD8 and policies T1 and DM22 of the Copland Local Plan.

7. There shall be no vehicular access to, or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the National Planning Policy Framework and to support Local Transport Policies LD7, LD8 and policies T1 and DM22 of the Copland Local Plan.

8. Footways shall be provided that link continuously and conveniently to the nearest existing footway including the NCN72. Pedestrian routes within the site and too and from the site shall be provided that are convenient to use. The access and parking/turning requirements shall 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 in accordance with the National Planning Policy Framework and to support Local Transport Policy LD8, and policies T1 and DM22 of the Copeland Local Plan.

9. Any road signage associated with the development shall be designed, constructed and lit to a suitable standard and in this respect further details shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall commence until a full specification has been approved in writing by the Local Planning Authority. These details shall be in accordance with the standards laid down in the Cumbria Design Guide. Any works approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the National Planning Policy Framework and to support Local Transport Plan Policies LD5, LD7 and LD8 and in accordance with policies T1 and DM22 of the Copeland Local Plan.

10. Full details of the Surface Water Drainage System associated with the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Any approved works shall be implemented prior to the development being completed and shall be maintained in good working operation thereafter for the lifetime of the development.

Reason

In the interests of highway safety and environmental management in accordance with the National Planning Policy Framework and to support Local Transport Policies LD7 and LD and in accordance with policies ST1 and ENV1 of the Copeland Local Plan.

11. No development approved by this planning permission or such other date or stage in the development as may be agreed in writing by the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- 1) All previous uses;
 - 2) Potential contaminants associated with those uses;
 - 3) A conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination of the site.
- 2) Site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - 3) The results of the site investigation and detailed risk assessment referred to in 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3) are complete and identifying any requirements for longer term monitoring of pollutant linkages , maintenance and arrangement for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To protect controlled waters in accordance with the National Planning Policy Framework in relation to the enhancement of the natural and local environment by preventing new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution and in accordance with policies ST1 and ENV1 of the Copeland Local Plan.

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect controlled waters in accordance with the National Planning Policy Framework in relation to the enhancement of the natural and local environment by preventing new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution and in accordance with policies ST1 and ENV1 of the Copeland Local Plan.

13. Foul and Surface water shall be drained on separate systems

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework and in accordance with policies ST1 and ENV1 of the Copeland Local Plan.

14. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework and National Planning Practice Guidance and in accordance with policies ST1 and ENV1 of the Copeland Local Plan.

15. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- 1) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents Management Company; and
- 2) Arrangement concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with the National Planning Policy Framework and policies ST1 and ENV1 of the Copeland Local Plan.

16. The development shall implement all of the mitigation and compensation measures set out in the Phase One Habitat Survey and Scoping Survey for European Protected Species. Report, prepared by Openspace, reference OP-FGC Ennerdale View-SCS96V1, dated January 2016 and submitted as part of the planning application.

Reasons

To protect the ecological interests evident on the site.

17. No development approved by this planning permission shall be commenced until a reptile survey has been undertaken on the site by a competent ecological surveyor and if reptiles are found on the site mitigation measures shall be implemented both within the site and off-site as necessary.

Reason

To ensure the protection of protected reptile species.

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

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
Managing Director

2 March 2018

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

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.