

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

Taylor and Hardy
North House
Kingstown
CARLISLE
Cumbria CA6 4BY
FAO Ms Julie Diamond

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT UP TO 100 DWELLINGS (PHASE 2)
LAND AT HARRAS MOOR, WHITEHAVEN
North Associates**

The above application dated 28/11/2016 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, means of access thereto 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: -
- Site Location Plan, scale 1:1250, drawing number 11, received on 28th November 2016
 - Potential Harras Road Pedestrian Crossing and Pedestrian Refuge, scale 1:500, drawing number A102248/C004 dated 03rd April 2017
 - Planning Statement, prepared by Taylor and Hardy, reference JTD/16/123, dated October 2016
 - Design and Access Statement, prepared by Taylor and Hardy, reference JTD/2016/123, dated October 2016
 - Ecology Appraisal-Phase 1, prepared by Open Spaces. Reference SCS82v1, dated April 2016
 - Ecological Appraisal for Great Crested Newts, prepared by Open Space, reference GCN16v1, dated June 2016
 - Preliminary Environmental Risk Assessment, prepared by GEO Environmental Engineering, reference 2015-1558, dated 23rd July 2015
 - Coal and Mining Assessment, prepared by Elliott Environmental Surveyors, reference EES15-174, dated 6th June 2016
 - Transport Assessment, prepared by RWO Associates, reference PB/15032.100 version 2, dated November 2015
 - Travel Plan, prepared by RWO Associates, reference PB/15032.200, dated November 2015
 - Flood Risk Assessment and Outline Drainage Strategy, prepared by WYG, reference A101943, dated March 2017

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 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. 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 Copeland Local Plan.

6. 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.

7. 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.

8. Ramps shall be provided on each side of every junction to enable wheelchairs and pushchairs to be safely manoeuvred at kerb lines. Details of all such ramps shall be

submitted to, and approved in writing, by the local planning authority prior to works commencing and implemented as approved.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions safely in accordance with policy DM22 of the Copeland Local Plan.

9. The travel plan (document reference PB/15032.200) shall be implemented and monitored in accordance with details set out in the plan and the results of monitoring shall be submitted to the local planning authority within one month of the end of each monitoring period.

Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

10. No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement will include:
 - the means of access for demolition and construction traffic
 - the loading and unloading of plant and materials
 - the storage of plant and materials used in construction, including measures to prevent silt and other containments entering surface water drains and a scheme for recycling/disposing of waste resulting from construction works.

Reason

To protect the amenity of the surrounding area and to protect the environment from pollution in accordance with policy ST1 of the Copeland Local Plan.

11. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours-18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of neighbouring residential amenity and in accordance with policy ST1 of the Copeland Local Plan.

12. As part of the reserved matters application, additional information in relation to the following should be submitted to the local authority for approval:-

- i) A report to confirm the status (wholly or partly removed) of the recorded mine entry on the site following the surface mining operations including any remedial/mitigation measures which may be required.
- ii) A layout plan which identifies appropriate zones of influence for the recorded mine entry on the site as well as identification of defined 'no build' zones for the mine entry and high wall.

The remediation works, as required, must be implemented, as approved, prior to commencement of development.

Reason

In the interests of safety of the future occupiers of dwellings and in accordance with policy ST1 of the Copeland Local Plan.

13. No development shall commence on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

This written scheme will include the following components:

1. An archaeological evaluation:
2. An archaeological recording programme, the scope of which will be dependent upon the results of the evaluation:
3. Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site achieve ready for deposition at a store approved by the local planning authority, completion of an archive report, and a submission of the results for publication in a suitable journal

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for examination and for the preservation, examination or recording of such remains.

14. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

1. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 25% of housing units unless otherwise agreed in writing by the local planning authority;

2. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
3. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
4. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
5. The occupation criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason

In the interests of ensuring that affordable housing is provided within the borough, in accordance with policies ST1 and SS3 of the Copeland Local Plan.

15. The development hereby permitted shall not be commenced until such times as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the local planning authority in relation to the development. The scheme shall be implemented as approved.

Reason

To protect the water environment and in accordance with policy DM11 the Copeland Local Plan.

16. The development hereby permitted shall not begin until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion;
- details of the design parameters used and confirmation that climate change has been incorporated into the design.

Reason

To prevent increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with policies DM10 and DM24 of the Copeland Local Plan.

17. Before development commences full details of the foul drainage scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with policy DM24 of the Copeland Local Plan.

18. Prior to the commencement of any development on site a condition survey of the existing connection into the ordinary watercourse shall be carried out. The results of this survey shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with policy DM24 of the Copeland Local Plan.

Informatives

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk

factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

<http://www.groundstability.com> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2. The receiving waterbody for the surface water discharge is an ordinary watercourse, therefore consent for this would be required from Cumbria County Council and not the EA. A condition survey is required for the connection into the ordinary watercourse for the surface water discharge.

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

02/08/2017

N. J. Hayhurst

Pat Graham
P.P. - Managing Director

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.

