

Town and Country Planning Act 1990 (as amended)

4/18/2177/001

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

MJN Associates
Red How Lodge
Lamplugh
WORKINGTON
Cumbria CA14 4RN

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING TWO MAXIMUM PROPERTIES
LAND AT GILGARRAN PARK, GILGARRAN
Mr K Wirga

The above application dated 25/04/2018 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 1:2500, drawing number KW/1/18, received 25th April 2018;
Site Plan, scale 1:500, drawing number KW/2/18, received 25th April 2018;
Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), produced by GEO Environmental Engineering, received 25th April 2018;
Tree Survey in Relation to an Outline Planning Application for Proposed Development on Land at Gilgarran (West Site), produced by Open Space, received 25th April 2018;
Design and Access Statement, received 25th April 2018.

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. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

5. 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. This condition is imposed in light of policies within the NPPF and NPPG.

6. The plans and particulars for the reserved matters application shall include:

(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree and hedge on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees and hedges are to be removed;

(b) and in relation to every tree and hedge identified a schedule listing:

- i. information as specified in section 4.4 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations;
- ii. Any proposed pruning, felling or other work;

(c) and in relation to every existing tree and hedge identified to be retained on the plan referred to in (a) above, details of:

- i. any potentially damaging activities proposed in the vicinity of the trees and hedges, such as, proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.4.2 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations)
- ii. all appropriate tree and hedge protection measures required before and during development (in accordance with in section 5.5 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations).

Reason

To ensure that existing trees are protected in accordance with Policy DM 28 – Protection of Trees of the Copeland Local Plan 20013- 2028.

7. Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be at a scale appropriate to the proposal and shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas;

- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) The proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason

To ensure an adequate landscaping scheme in accordance with Policy DM 26 – Landscaping, and Core Strategy Policy ENV5: Protecting and Enhancing the Borough's Landscapes, of the Copeland Local Plan 20013-2028

8. Prior to the commencement of the development hereby approved, a Phase 2 Ground Investigation Works shall be undertaken and submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plans thereafter.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

9. Prior to the commencement of the development hereby permitted, a "watching brief" and "observational technique" shall be carried out and submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plans thereafter.

Reason

In order to ensure that the ground conditions have not varied from those identified in the Phase 1: Desk Top Study Report.

10. Prior to the start of development, all of the mitigation and compensation measures set out in the Preliminary Ecological Appraisal of Land at Gilgarran (West Site), prepared by Open Space Ecology and Habitat Solutions, dated April 2018, and submitted as part of the planning application shall be implemented and retained for the lifetime of the scheme.

Reason

To protect the ecological interests evident on the site.

Informatives

- 1) 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>

- 2) 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. Enquiries should be made to Cumbria County Councils Streetwork's team.

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

22/06/2018

N.J. Hayhurst

Pat Graham
Chief Executive

P-P

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.