

Town and Country Planning Act 1990 (As amended).

4/18/2426/001

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

WYG

Unit 6 Lakeland Business Park
Lamplugh Road
COCKERMOUTH
Cumbria CA13 0QT
FAO Ms J Diamond

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH FULL DETAILS OF ACCESS
AND ALL OTHER MATTERS RESERVED
LAND AT NORTH PARK, RHEDA, FRIZINGTON

Genesis Homes Ltd and KCS Agriculture

The above application dated 28/09/2018 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, reference Rheda 13 Rev 01, received on 28th September 2018
 - Access Plan A103335 C001, scale 1:500, reference C001, received on 28th September 2018
 - Phase 1 Desktop Study Report, compiled by Geo Environmental, reference 2017-2566, dated 31st May 2017
 - Planning Statement A109666
 - Design and Access Statement September 2018
 - Transport Assessment Report, compiled by WYG, reference A103335, dated November 2017
 - Interim Travel Plan Report, compiled by WYG, reference A103335, dated November 2017
 - Flood Risk and Drainage Statement A109666
 - Landscape and Visual Amenity issues brief report, prepared by Eden Environment Ltd, dated September 2018
 - Preliminary Ecological Appraisal, compiled by WYG, reference A103720, dated November 2017
 - Archaeological Assessment A107463
 - Bat Survey A103720
 - Tree Survey EES17-082 V2

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 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.

5. 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.

6. 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.

7. A detailed scheme for any road signage associated with the development shall be submitted to the Local Planning Authority for approval prior to the first occupation of the site. 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.

8. Prior to the commencement of development a scheme of vehicle management associated with the construction of the development including details of parking for staff and visitors to the site, turning areas and areas for loading and unloading of vehicles shall be submitted to and approved in writing. The development of the first property shall not be commenced until the scheme has been implemented in full. The site area shall be retained for the duration of the construction period.

Reason

To ensure that construction vehicles can be safely accommodated within the development site to prevent obstruction of the highway in accordance with Local Transport Plan policies LD7, LD8 and Policy DM22 of the Copeland Local Plan.

9. 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 the first occupation of the site. Development shall be carried out in accordance with the approved details and shall be constructed before the development is complete.

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.

10. Prior to commencement of development full details of the highway surface water drainage system shall be submitted to and approved in writing by the local planning authority. The approved works shall be implemented in full and retained for the lifetime of the development.

Reason

In the interests of highway safety and surface water management and in accordance with policies DM22 and ENV1 of the Copeland Local Plan.

11. No development shall take place until full details of hard and soft landscaping works, including root protection and mitigation methods for any trees and hedgerows which are to be retained, have been submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with a programme as agreed with the local authority.

Reason

To ensure a satisfactory form of landscaping in the interests of the visual appearance and character of the area, in accordance with policy DM26 of the Copeland Local Plan.

12. Prior to the commencement of any landscaping works, a landscape management plan, including measures for the treatment and disposal of non-native invasive species, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In order to protect and safeguard the amenity of the area in accordance with Policy DM26 of the Copeland Local Plan.

13. No development shall take place until a construction method statement and management plan 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 must include details relating to:-
- formation of the construction compound;
 - the means of access and egress for demolition and construction traffic;
 - the loading and unloading of plant and materials;
 - the means of keeping the public highway free from obstruction and dirt;
 - 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;
 - construction traffic routing.

Reason

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

14. 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.

15. No dwelling within the development shall be occupied until details of proposed refuse collection arrangements have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, refuse collection shall be commenced and maintained in accordance with the

approved management and maintenance details approved by the local planning authority.

Reason

To ensure that adequate provision is made with the development for refuse collection arrangements in the interests of residential amenity and highway safety and in accordance with the National Planning Policy Framework and policy DM22 of the Copeland Local Plan.

16. 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.

17. 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.

18. Prior to the first occupation of the development a Sustainable Drainage Management and Maintenance Plan shall be submitted to the Council and approved in writing for the life time of the development. The drainage shall be managed and maintained for the lifetime of the development.

The plan shall include:

1. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a development management company; and

2. arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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.

19. Prior to commencement of development a programme of further ecological survey and an accompanying Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations set out in the Preliminary Ecological Appraisal prepared by WYG, reference A103720, dated June 2017. The survey shall be undertaken as agreed and the findings adhered to. The contents of the management plan shall be adhered during the construction of the scheme.

Reason

To ensure that adequate protection is given to protected species, in the interests of the environmental protection and in accordance with policy DM25 of the Copeland Local Plan.

20. Prior to commencement of development approved by this planning permission, a phase 2 ground investigation assessment shall be submitted to and approved, in writing, by the local planning authority and implemented for the development thereafter. This assessment should include the following components to deal with the risks associated with contamination of the site:
 1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and detailed risk assessment referred to in (1) 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.
 3. Where required, 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 (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at acceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented.

21. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- The written scheme shall include the following components:
1. An archaeological evaluation;
 2. An archaeological recording programme, the scope of which will depend on 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 archive ready for deposition at a store approved by the local planning authority, completion of an archive report and 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 recording of such remains in accordance with Policy DM27 of the Copeland Local Plan.

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.

Approve in Outline

Please read the accompanying notice

23/01/2019

Pat Graham
Chief Executive

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.