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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Mr David Shankland
26 Corporation Road
Carlisle
Cumbria
CA3 8XB

APPLICATION No: 4/20/2309/0F1

**CONVERSION OF EXISTING BUILDING CONTAINING FLATS TO FORM FIVE DWELLINGS, MINOR EXTERNAL ALTERATIONS, DEMOLITION OF EXISTING SINGLE STOREY EXTENSION, THE CONSTRUCTION OF A NEW ACCESS AND ASSOCIATED CAR PARKING AREA
HENSINGHAM HOUSE, EGREMONT ROAD, HENSINGHAM, WHITEHAVEN**

Thomas Milburn Property Ltd

The above application dated 11/08/2020 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:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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:

Planning Application Form

Location Plan – Drawing No. DS/TMS/2/21 Rev. A2

Block Plan Identifying Courtyard Elevations – Drawing No. DS/TMS/9A/23 Rev. B3

Site Plan Detail (Phase 1) With New Access – Drawing No. DS/TMP/P1/NA/23 Rev. A

Planning (Existing Floor Plans) - Drawing No. DS/TMP/2/21 Rev. A

Existing And Proposed Elevations – Drawing No. DS/TMS/7A/23 Rev. B3

Proposed Ground Floors – Drawing No. DS/TMS/4A/23 Rev. B3

Proposed First Floors – Drawing No. DS/TMS/5A/23 Rev. B3

Proposed Second Floor House 3 – Drawing No. DS/TMS/6A/23 Rev. B3

New Access Road Entrance Detail Overlay – Drawing No. DS/TMP/2ED/23 Rev. C

New Access Details – Ref. 15 DS/H/SW/1/P/23

Door Reveal Details - Contained in email dated 28th April 2023

Render Specification - Contained in email dated 12th October 2022

Step Specification – Contained in email dated 11th December 2023

Section 38 Works Agreement Plan – Drawing No. 138443/1041 Rev. B

S278 Works Agreement Plan – Drawing No. 138443/1039 Rev. B

S278 Works External Works Construction Details – Drawing No. 138443/1034 Rev. A

Highway Construction Details – Drawing No. 138443/1043 Rev. A

Road General Arrangement And Long Sections – Drawing No. 138443/1042 Rev. B

Section 278 Works General Arrangement – Drawing No. 138443/1031 Rev. B

S278 Works Setting Out And Spot Levels – Drawing No. 138443/1035 Rev. B

S278 Works Site Clearance – Drawing No. 138443/1032 Rev. B

S278 Works Surface Finishes and Kerbs – Drawing No. 138443/1033 Rev. B

S278 Works Swept Path Analysis – Drawing No. 138443/1038 Rev. C

Section 278 Works Drainage Construction Details and Notes – Drawing No. 138443/1037 Rev. A

Section 278 Works Drainage – Drawing No. 138443/1036 Rev. B

Hensingham House Proposed Site Levels Drawing No. 138443/1002

Hensingham House Proposed Drainage Layout – Drawing No. 138443/2002 Rev. E

Hensingham House Manole Schedules – Drawing No. 138443/2005 Rev. B

Hensingham House Drainage Notes – Drawing No. 138443/2006 Rev. A

Hensingham House Drainage Construction Details Sheet 1 – Drawing No. 138443/2003 Rev. B

Preliminary Site Inspection for Bats - Hensingham House, Hensingham, Whitehaven, CA28 8QB - Ref. No.: DS21BAT041

Hensingham House, Whitehaven Phase 1 Desk Study Thomas Milburn (Property) Limited - Rev: O January 2022

Flood Risk Statement and Drainage Strategy - Document Number: D/I/D/138443/03 Issue 4

Drainage Management and Maintenance Plan - Document Number: D.I.D.138443.05 Issue 3

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.

3. Notwithstanding its identification on the approved plans and details, this planning permission does not approve or imply approval of any new building housing development and its associated infrastructure.

Reason

For the avoidance of doubt and in the interest of proper planning.

Pre-Commencement Planning Conditions

4. No development shall commence in the construction of the access and parking areas hereby approved until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- i. Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- ii. Cleaning of site entrances and the adjacent public highway;
- iii. Details of proposed wheel washing facilities;
- iv. The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- v. Construction vehicle routing;
- vi. The management of junctions to and crossings of the public highway and other public rights of way/footway;
- vii. Details of any proposed temporary access points (vehicular / pedestrian)
- viii. Surface water management details during the construction phase
- ix. Specific measures to manage and limit the impact on the church, including working hours, any special measures to accommodate pedestrians deliveries and movement of equipment on the road network surrounding the site must not take place during church muster times.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

5. No development shall commence in the construction of the access and parking areas hereby approved until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. Measures to control the emission of dust and dirt during construction;
- vi. A scheme for recycling / disposing of waste resulting from demolition and construction works;
- vii. Measures to control noise and vibration; and,
- viii. Measures or diversions to permit access during the construction.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason

To ensure the undertaking of the development does not adversely impact upon residential amenity and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

6. No development shall commence in the construction of the access, parking areas and garden areas hereby approved until a scheme that includes the following components to deal with the contaminative risks have been submitted to and approved, in writing by the local planning authority:

- I. Site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- II. 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 or mitigation measures required and how they are to be undertaken.
- III. 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 arrangement for contingency action.

The scheme shall be implemented as approved.

Reason

To prevent harm to human health and the environment in accordance in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Pre-Occupation Planning Conditions

7. No dwelling hereby approved shall be occupied until the estate road including footways and cycleways to serve such dwellings has 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 into full operational use.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

8. No dwelling hereby approved shall be occupied until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge 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.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

9. No dwelling hereby approved shall be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- communications cables, pipelines etc. indicating lines, manholes, supports); and
- retained landscape features such as trees together with details of how they will be protected during construction – an Arboricultural Method Statement.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);

schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high-quality landscaping in accordance with Policy DM10 and Policy DM26 of the Copeland Local Plan 2013 - 2028.

Other Stage Planning Conditions

10. The development shall not proceed except in accordance with the mitigation strategy described in Preliminary Site Inspection for Bats - Hensingham House, Hensingham, Whitehaven, CA28 8QB - Ref. No.: DS21BAT041.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013 - 2028.

Other Planning Conditions

11. Construction works, including site preparation, earthworks, start-up of machinery, deliveries and unloading of equipment and materials shall not take place outside the hours of 08.00 - 18.00 Mondays to Fridays and 08.00 - 13.00 on Saturdays and at no time on Sundays, Public or Bank Holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the local planning authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the local planning authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

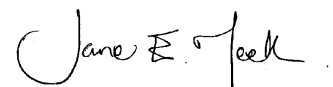
Informative

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



Jane Meek

Assistant Director

Thriving Place and Investment

15th January 2024

**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.