

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

**THIS PERMISSION IS SUBJECT TO A SECTION 106 AGREEMENT**

SRE Associates  
4 Summergrove Park  
WHITEHAVEN  
Cumbria CA28 8YH  
FAO Mr Simon Blacker

**APPLICATION No: 4/20/2455/0F1**

**RESIDENTIAL DEVELOPMENT OF 40 DWELLINGS  
LAND SOUTH OF WATERS EDGE CLOSE, KELLS, WHITEHAVEN**

**Gleeson Homes**

The above application dated 09/11/2020 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. 1839 007 Rev. A  
Site Layout – Drawing No. 1839 001 Rev. C  
Plot Type Layout – Drawing No. 1839 006 Rev. C

Parking Layout – Drawing No. 1839 003 Rev. C  
 Hard Surfaces Layout – Drawing No. 1839 004 Rev. C  
 Boundary Treatments Layout – Drawing No. 1839 002 Rev. C  
 Affordable Housing Plan – Drawing No. 1839 008 Rev. C  
 Bin Location Layout – Drawing No. 1839 009 Rev. B  
 Landscape Plan – Drawing No. G010 001 Rev C  
 Landscape Management Plan – Drawing No. G010 LM01 Rev A  
 Boundary Treatments – Drawing No. 1839 006  
 House Type Drawing Type 201 Elevations (Rural 13) - Drawing No. 13/201-8 Rev. A  
 House Type Drawing Type 201 Floor Plans - Drawing No. 201-1F  
 House Type Drawing Type 254 Elevations (Rural 13) - Drawing No. 13/254-9  
 House Type Drawing Type 254 Floor Plans - Drawing No. 254-1  
 House Type Drawing Type 301 Elevations (Rural 13) - Drawing No. 13/301-8 Rev. E  
 House Type Drawing Type 301 Floor Plans - Drawing No. 301/1G  
 House Type Drawing Type 304 Elevations (Rural 13) - Drawing No. 13/304-10 Rev. H  
 House Type Drawing Type 304 Floor Plans - Drawing No. 304/AC  
 House Type Drawing Type 309 Plot 24 Elevations (Rural 13) - Drawing No. 13/309-10 Rev. D  
 House Type Drawing Type 309 Floor Plans - Drawing No. Issue 309X  
 House Type Drawing Type 341 Plot 9 Elevations (Rural 13) - Drawing No. 13/341-10 Rev. A  
 House Type Drawing Type 341 Floor Plans - Drawing No. Issue 341  
 House Type Drawing Type 360 Elevations (Rural 13) - Drawing No. 13/360-9 Rev. A  
 House Type Drawing Type 360 Elevations (Rural 13) - Drawing No. 13/360-9 Rev. B  
 House Type Drawing Type 360 Floor Plans - Drawing No. 360/B  
 House Type Drawing Type 435 Elevations (Rural 13) - Drawing No. 13/345-9 Rev. A  
 House Type Drawing Type 435 Floor Plans - Drawing No. Issue 435/1A  
 House Type Drawing Type 436 Elevations (Rural 13) - Drawing No. 13/436-10 Rev. A  
 House Type Drawing Type 436 Floor Plans - Drawing No. Issue 436/1  
 Detached Garage Plans/Elevations – Drawing No. SD700 E  
 Flood Risk Assessment and Drainage Strategy – Report Ref. TC/T19360/2021/06  
 Version 06 12th January 2022  
 Sustainable Urban Drainage System – Management and Maintenance Plan – Report Ref. T19360/2021/01 Issue 01.  
 Preliminary Ecological Appraisal - Land at Water's Edge, High Road, Whitehaven - Proposed Housing Development  
 Reptile Survey Land at Water's Edge, High Road, Kells, Whitehaven, Cumbria, CA28 9PE 2021 – Job No. SRE20REP006 Doc No. 1  
 Phase 1 and 2 Geoenvironmental Investigation for Residential Development on Land at Water's Edge, Whitehaven - Report Ref. 8190OR03 Rev01

#### 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.

## **Pre-Commencement**

### *Ground Conditions*

3. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and approved in writing by, the local planning authority.

This strategy will include the following components:

1. A supplementary site investigation to provide information for a detailed assessment of the risk to all Controlled Water receptors that may be affected, including those off-site.
2. The results of the site investigation and the 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. 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.

The development shall be completed in accordance with the approved details.

#### **Reason**

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with the provisions of Paragraph 174 of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.

4. No development shall commence until a risk assessment for piling and foundation designs using penetrative methods has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

#### **Reason**

To ensure that the proposed foundation design and installation does not harm groundwater resources in accordance with the provisions of Paragraph 174 of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.

## *Highways*

5. No development shall commencement until further details, including longitudinal/cross sections of the carriageway, footways, footpaths etc. have been submitted to and approved in writing by, the local planning authority.

The carriageway, footways, footpaths etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and accord with the standards laid down in the Cumbria Development Design Guide or any such replacement documentation.

The development shall be completed in accordance with the approved details before the development is complete.

### **Reason**

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

6. No development shall commence 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:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Local Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian);
- surface water management details during the construction phase; and,
- specific measures to manage and limit the impact on the school, including working hours including any special measures to accommodate pedestrians deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

The approved CTMP shall be adhered to throughout the construction period.

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 of the Copeland Local Plan 2013-2028.

*Drainage*

7. No development shall commence until a scheme of improvement works to the existing drainage infrastructure serving Waters Edge Close in accordance with the principles detailed in Flood Risk Assessment and Drainage Strategy – Report Ref. TC/T19360/2021/06 Version 06 12th January 2022 have been submitted to the local planning authority, approved writing by the local planning authority and implemented in accordance with the approved details approved by the local planning authority.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

8. No development shall commence until details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway have been submitted to and approved in writing by the local planning authority. Any approved works shall be implemented prior to the development being brought into use and shall be retained for the lifetime of the development.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

9. No development shall commence until a Construction Surface Water Management Plan has been submitted to and approved in writing by the local planning authority.

The development shall be completed in accordance with the approved details.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

10. No development shall commence until a Construction Environmental Management (CEMP) Plan has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:-

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

The approved CEMP shall be adhered to throughout the construction period.

Reason

These details are required to be approved before the commencement of development to safeguard the amenity of neighbouring occupiers, prevent highway impacts and ecological impacts in accordance with the provisions of Policy ST1, ENV3 and T1 of the Copeland Local Plan 2013-2028.

## **Pre-superstructure/Pre-occupation**

### *Highways*

11. No dwellings shall be occupied until the estate road including footways and cycleways to serve that dwelling 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 construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

### *Materials*

12. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved including details of the proposed driveway finishes have been submitted to and approved in writing by the local planning authority.  
The development shall be completed in accordance with the approved details.

#### **Reason**

To ensure the development is of a high quality design in accordance with Policy DM10 of the Copeland Local Plan 2013 - 2028.

13. No dwelling hereby approved shall be occupied unless or until a scheme detailing the layout and design of the childrens play space measuring 100 sqm has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the completion of the development and shall be retained for the lifetime of the development.

#### **Reason**

To ensure sufficient open space and children's play space is proposed within the site for use by future residents in accordance with the requirements of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028.

### **Other**

#### *Ground Conditions*

14. 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.

#### *Highways*

15. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

16. 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 ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

17. Access gates, if provided, shall be hung to open inwards only away from the highway.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

#### *Ecology*

18. The development here by approved shall not proceed except in accordance with the recommendations described in Reptile Survey Land at Water's Edge, High Road, Kells, Whitehaven, Cumbria, CA28 9PE 2021 – Job No. SRE20REP006 Doc No. 1.



#### Reason

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

#### *Working Hours*

19. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:  
08.00 - 18.00 Monday to Friday; and  
08.00 - 13.00 on Saturdays.  
No work should be carried out on Sundays or officially recognised public holidays.

#### Reason

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

#### *Landscaping*

20. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the completion of the development or in accordance with a programme first submitted to and agreed in writing by the local planning authority. 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.

#### Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

21. The development hereby approved shall not proceed except in accordance with the recommendations described in Landscape Management Plan – Drawing No. G010 LM021 Rev A.

#### Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 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](http://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



PP Pat Graham  
Chief Executive

30 March 2022

**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/planning-inspectorate>.  
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](mailto: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.