

Town and Country Planning Act 1990 (As amended).

4/20/2486/0B1

**NOTICE OF GRANT OF PLANNING PERMISSION**

Alpha Design  
7 Europe Way  
COCKERMOUTH  
Cumbria CA13 0RJ  
FAO Mr Glen Beattie

**VARIATION OF CONDITION 2 (LANDSCAPE LAYOUT) OF PLANNING APPROVAL  
4/16/2246/0F1 RELATING TO REVISED ALIGNMENT OF FOOTPATH  
THE MOUNT, WHITEHAVEN**

**John Swift Homes Ltd**

The above application dated 07/12/2020 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. 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: -
  - Location Plan, scale 1:2500, drawing number 15/10/863 -01, received on 13<sup>th</sup> July 2016
  - Site Construction Plan, drawing number 15/10/863-CP, received on 13<sup>th</sup> July 2016
  - Landscape Layout Plan, scale 1:200, drawing number M2647.02K, received on 7<sup>th</sup> December 2020
  - Plots 7 and 8 Enlarged Site Plan, scale 1:200, drawing number 15/10/863-15, received on 13<sup>th</sup> September 2016
  - Dwelling Type B Elevations Plots 5 and 8, scale 1:50, drawing number 15/10/863-11A, received on 13<sup>th</sup> September 2016
  - Dwelling Type B Floor Plans, scale 1:50, drawing number 15/10/863 – 10A, received on 13<sup>th</sup> September 2016
  - Dwelling Type A Floor Plans, scale 1:50, drawing number 15/10/863 -04, received on 13<sup>th</sup> July 2016
  - Dwelling Type A Alternative GF Plan, scale 1:50, drawing number 15/10/863 – 05, received on 13<sup>th</sup> July 2016
  - Dwelling Type A Elevations Plot 2, scale 1:50, drawing number 15/10/863-06,

received on 13<sup>th</sup> July 2016

- Dwelling Type A Elevations Plots 4 and 7, scale 1:50, drawing number 15/10/863-07, received on 13<sup>th</sup> July 2016
- Dwelling Type A Elevations Plot 9, scale 1:50, drawing number 15/10/863-08, received on 13<sup>th</sup> July 2016
- Dwelling Type A Elevations Plot 12, scale 1:50, drawing number 15/10/863-09, received on 13<sup>th</sup> July 2016
- Dwelling Type C Floor Plans, scale 1:50, drawing number 15/10/863-12, received on 13<sup>th</sup> July 2016
- Dwelling Type C, Plots 3 and 10, scale 1:50, drawing number 15/10/863-13, received on 13<sup>th</sup> July 2016
- Dwelling Type C Elevations Plots 1, 6, 11, scale 1:50, drawing number 15/10/863, received on 13<sup>th</sup> July 2016
- Proposed Drainage, scale 1:200, drawing number 115487/2002/Rev B, received on 13<sup>th</sup> July 2016
- Proposed Spot Levels, scale 1:200, drawing number 115487/2003/Rev A, received on 13<sup>th</sup> July 2016
- Proposed Surface Finishes, scale 1:200, drawing number 115487/2004, received on 13<sup>th</sup> July 2016
- Proposed Geometry and Setting Out, scale 1:200, drawing number 115487/2005/Rev A, received on 13<sup>th</sup> July 2016
- Constructions Details Sheets 1, drawing number 115487/2007, received on 13<sup>th</sup> July 2016?
- Construction Details Sheet 2, drawing number 115487/2008, received on 13<sup>th</sup> July 2016
- Construction details Sheet 3, drawing number 115487/2009, received on 13<sup>th</sup> July 2016
- Road and Drainage Long Sections, drawing number 115487/2010, received on 13<sup>th</sup> July 2016
- Manhole Schedule, drawing number 115487/2011, received on 13<sup>th</sup> July 2016
- Transport Statement prepared by Alpha Design dated July 2016
- Preliminary Environmental Risk Assessment Parts 1, 2 and 3, prepared by Elliott Environmental Surveyors Ltd, reference EES13-136, dated 11<sup>th</sup> February 2016
- Preliminary Ecological Appraisal. Reference EES13-136, prepared by Elliott Environmental Surveys Ltd, dated 25<sup>th</sup> November 2016
- Sketch Masterplan 3D Viewpoints, drawing number M2647.02, received on 18<sup>th</sup> July 2016
- External Material Schedule, reference 15/10/863-Em, prepared by Alpha Design, dated 27<sup>th</sup> June 2016
- Flood Risk and Drainage Strategy, reference D/I/D/115487/01, prepared by Fairhurst, dated August 2016
- Geophysical Survey Report, reference CP10860, prepared by Wardell Armstrong, dated March 2014
- Supporting Planning Statement prepared by Alpha Design dated July 2016
- Design and Access Statement, reference 15/10/863-DAS, prepared by Alpha

Design, dated 22<sup>nd</sup> June 2016

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.

2. The existing visibility splays providing clear visibility of 54.4 x 41.0 x 2.4 metres measured down the centre of the access road and the nearside channel line of the major road must be retained at the junction of the access road with the county highway for the lifetime of the development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 grow within the visibility splay which obstruct the visibility splays.

Reason:

In the interests of highway safety and to safeguard all traffic including construction traffic.

3. Access to the site from the public highway must be retained in accordance with the approved details for the lifetime of the development

Reason

In the interests of highway safety

4. The stone wall fronting the highway on the eastern boundary of the site shall be retained at the agreed 1 metre height at all times for the lifetime of the development.

Reason:

In the interests of highway safety.

5. Pedestrian footways within and to and from the site shall be retained so that they are convenient to use and should include improvements to the current footway on Victoria Road connecting the new estate to the town.

Reason

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

6. The drainage for the approved development must be retained in accordance with principles set out in the submitted proposed drainage, ref: 115487/2002 rev B, dated 17 June 2016 which was prepared by Fairhurst. No surface water will be permitted to drain directly or indirectly into the public sewer.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification) no external alterations, including replacement windows, doors or skylights and roof coverings shall be carried out to the dwellings nor shall any building, enclosure, extension, porch, domestic fuel container, pool or hardstanding be constructed within the curtilage without the prior written consent of the Local Planning Authority.

Reason

To safeguard the appearance of the buildings in the interests of visual amenity.

8. Once implemented the approved landscaping shall be maintained in accordance with the maintenance schedule set out on the Landscape Layout Plan, drawing number M2647.02k, received on 7<sup>th</sup> December 2020. Should any plants be found to be dead, diseased or dying within 5 years following completion of the planting season, these shall be replaced within the first available planting season.

Reason

To ensure the planting scheme becomes appropriately established in the interests of visual amenity.

9. The approved boundary treatments shall be maintained at all times thereafter in accordance with the Landscape Layout Plan, drawing number M2647.02k, received on 7<sup>th</sup> December 2020.

## Reason

For the avoidance of doubt and to ensure a satisfactory form of boundary treatment in the interests of visual amenity.

## 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

24<sup>th</sup> February 2021

**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 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.