

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

THIS PLANNING PERMISSION IS SUBJECT TO A SECTION 106 AGREEMENT

Green Swallow North Limited
Swallow Barn
BLINDCRACK
Cumbria CA13 0QP
FAO Mr Stuart Woodall

APPLICATION No: 4/20/2514/0F1

**RESIDENTIAL SITE FOR UP TO 99 DWELLINGS
LAND AT LOW ROAD, WHITEHAVEN**

Astime Properties Limited

The above application dated 22/12/2020 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:

Standard Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by 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: -

Site Location Plan, scale 1:1250, drawing number 3917 03, received 22nd December

2020;
 Existing Site Plan, scale 1:500, drawing number 3917 01. received 22nd December 2020;
 Proposed Site Layout, scale 1:1000, drawing number 1092 01A, received 22nd December 2020;
 House Type A, scale 1:100, drawing number 3917 04, received 22nd December 2020;
 House Type B, scale 1:100, drawing number 3917 05, received 22nd December 2020;
 House Type C, scale 1:100, drawing number 3917 06, received 22nd December 2020;
 House Type D, scale 1:100, drawing number 3917 07, received 22nd December 2020;
 House Type E, scale 1:100, drawing number 3917 08, received 22nd December 2020;
 Street Elevations, scale 1:250, drawing number 3917 11A, received 22nd December 2020;
 Planning Statement, written by Green Swallow North Limited, received 29th March 2020;
 Design and Access Statement, written by Day Cummins, received 22nd December 2020;
 Ecological Appraisal, written by Envirotech, received 22nd December 2020;
 Flood Risk and Drainage Strategy, written by R.G. Parkins and Partners Ltd, received 22nd December 2020;
 Proposed Surface Water Drainage Offsite Route, scale 1:1000, drawing number K36110/A1/100C, received 22nd December 2020;
 Proposed Outline Drainage Plan, scale 1:500, drawing number K36110/A1/101A, received 22nd December 2020;
 Tree Report, written by Envirotech, received 22nd December 2020;
 Transport Assessment, written by Tetra Tech, report no. B028073, received 15th June 2021;
 Coal Mining Risk Assessment, written by Meridian Geoscience, received 22nd December 2020.

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

3. The carriageway, footways, footpaths, cycleways etc must be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval before work commences on site. No work must be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

4. 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 must be submitted to the Local Planning Authority for approval before development commences. Any details so approved must be constructed as part of the development.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

5. The development shall not commence until visibility splays providing clear visibility of 60 metres in both directions measured 2.4metres 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. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

6. Full details of the highway surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

7. The existing boundary wall to the Low Road boundary, must be taken down and re-built in similar style providing a footway width of not less than 2.4m along the site frontage. Any gates in the wall must open inwards. A full specification of the wall and supporting structural calculations, must be submitted for approval before any works commences. Alternative footway provision must be provided along Low Road during the demolition and rebuilding works.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

8. Development must not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a 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 to and from site;
 - 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.

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.

9. 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 and must include details of the following must be submitted to and approved in writing by the Local Planning Authority:
1. Arrangements for adoption by appropriate public body, statutory undertaker, or private management company; and
 2. Arrangements for inspection and ongoing maintenance of all elements of the surface water drainage scheme to secure its effective operation for the lifetime of the development.
 3. Proposals to repair to the culverted water course along the northern boundary of the site. which must 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 drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement K36110/01/FRA/CA dated 25/11/2020 and plan K36110/A1/101-A.

The development must be completed, maintained and managed 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 Policies ENV1 and DM24 of the Copeland Local Plan.

10. No development must commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

11. Prior to the commencement of any development, a condition and capacity survey of the culverted watercourse (or piped drainage system) downstream of the surface water discharge point in the B5345 below Jefferson Park at must be submitted to and approved by the Local Planning Authority. The information provided must also include mitigation measures where it is deemed the improvements are required.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

12. No development approved by this planning permission must 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 preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
4. 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 (3) 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 the written consent of the local planning authority. The scheme must be implemented as approved.

Reasons

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 line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the Secondary B aquifer and the near surface water which sources the springs emanating to the west of the site and in accordance with Policy ST1 of the Copeland Local Plan.

13. No development must commence until a scheme of intrusive investigations has been carried out on site to locate and establish the condition of recorded mine shaft 297516-023 and to establish the risks posed to the development by past shallow coal mining activity. The intrusive site investigations must be carried out in accordance with authoritative UK guidance.

Reason

In order to ensure that any historical mine workings have been considered and mitigated and in accordance with Policy ST1 of the Copeland Local Plan.

14. No development must commence until a detailed remediation scheme to protect the development from the effects of coal mining legacy related land stability risks has been submitted to the Local Planning Authority for consideration and approved in writing. The scheme must be informed by the results of intrusive site investigations and must include details of the proposed treatment of recorded mine entry 297516-023 and any treatment works required in respect of past shallow coal mining activity. Following approval, the remedial works must be implemented on site in accordance with the approved details.

Reason

In order to ensure that any historical mine workings have been considered and mitigated and in accordance with Policy ST1 of the Copeland Local Plan.

15. No development hereby approved must commence until a scheme in accordance with BS 5837: 2005 for the management of existing trees on the site and for their protection during construction as well as for replacement tree planting, including species and sizes with a proposed timetable for planting and a maintenance regime, has been submitted to and approved in writing by the Local Planning Authority. The development must be completed in accordance with the approved details.

Reason

To strengthen and improve the existing tree cover on the site and in accordance with Policy DM28 of the Copeland Local Plan.

16. No development hereby approved must commence until full details of both hard and soft landscape works, including any trees or hedgerows which are to be retained have been submitted to and approved in writing by the Local Planning Authority. The approved works must be carried out prior to the occupation of any part of the development or in accordance with a program of works as agreed in writing by the Local Planning Authority.

Reason

To ensure a satisfactory form of landscaping in the interests of the visual appearance and character of the area and in accordance with Policy DM28 of the Copeland Local Plan.

Pre-occupation conditions

17. No dwellings shall be occupied until the estate road including footways and 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

In the interests of highway safety and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

18. No dwelling must be occupied until its access and parking facilities have been constructed in accordance with the approved plans. These facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

19. Prior to occupation of the dwellings the developer must prepare and submit to the Local Planning Authority for their approval a Travel Plan which must identify the measures that will be undertaken by the developer to encourage the achievement of

a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan must be implemented by the developer within the 12 months following the reviews.

Reason

To aid in the delivery of sustainable transport objectives and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

20. Following the implementation and completion of the approved remediation scheme and prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing.

Reason

In order to ensure that any historical mine workings have been considered and mitigated and in accordance with Policy ST1 of the Copeland Local Plan.

21. Before any of the superstructure is erected representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

22. Full details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment to all individual plots shall be installed in accordance with the approved details before that unit is first occupied and shall be maintained thereafter.

Reason

To ensure satisfactory boundary treatments in the interests of visual amenity and in accordance with Policy DM26 of the Copeland Local Plan.

Other conditions

23. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures must be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason

To aid in the delivery of sustainable transport objectives and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

24. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy, ref: K36110/01/FRA/CA dated 25/11/2020 proposing surface water discharging into watercourse via existing highway drain and new surface water sewer. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

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 and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

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

Reason

To secure proper drainage and to manage the risk of flooding and pollution and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

26. The development shall implement all of the mitigation and compensation measures set out in the Ecological Appraisal, prepared by Envirotech, dated 19 September 2014, and submitted as part of the planning application.

Reason

To protect the ecological interests evident on the site and secure enhancements to the biodiversity and landscape within the locality and in accordance with Policies ENV3 and DM25 of the Copeland Local Plan.

27. Any trees or other plants, which die, are removed or become seriously damaged or diseased within the first five years following planting shall be replaced during the next planting season with others of similar size or species unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that an acceptable form of landscaping is maintained on the site in the interests of the visual appearance and amenity of the area and in accordance with policies DM26 and DM28 of the Copeland Local Plan.

Informatives

- 1) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or

coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

- 2) Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

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



Nick Hayhurst
Head of Planning and Place

24th January 2023

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) 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.