



Cumberland Council
Cumbria House
107-117 Botchergate
Carlisle
Cumbria CA1 1RD
Telephone 0300 373 3730
cumberland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

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

APPLICATION No: 4/21/2494/0F1

**DETACHED DWELLING WITH DETACHED GARAGE
LAND AT INKERMAN TERRACE, WHITEHAVEN**

Mr & Mrs Ian Laughlin

The above application dated 10/11/2021 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: -

Application form, received 10th November 2021;
Site Location Plan, scale 1:2500, drawing number 20/01/962-01, received 10th November 2021;
Proposed Site Plan, scale 1:200, drawing number 20/01/962-03b), received 6th May 2024;
Proposed Elevations Sheet 1, scale 1:100, drawing number 20/01/962-05b), received 6th May 2024;
Proposed Elevations Sheet 2, scale 1:100, drawing number 20/01/962-06b), received 6th May 2024;
Proposed Floor Plans and Cross Section, scale 1:100, drawing number 20/01/962-04b), received 6th May 2024;
External Material Schedule, received 6th May 2024;
Preliminary Environmental Risk Assessment, written by GEO Environmental Engineering, received 10th November 2024;
Design, Access and Heritage Statement, received 6th May 2024;
Access Arrangements, scale 1:1000, drawing number C001, received 21st April 2022;
Site Section, scale 1:200, drawing number 20/01/962-07b), received 6th May 2024.

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 Conditions

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - I. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - II. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - III. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - IV. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - V. Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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.

4. The development hereby approved must not commence until an Arboricultural Method Statement, in accordance with the British Standard – BS5837 (2012) *Trees in relation to design, demolition and construction – Recommendations*, has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include details of suitable tree protection barriers, a scaled and dimensioned tree protection plan showing the locations of the protective barriers, and a detailed schedule of the tree work.

The development must be carried out in accordance with the approved method statement at all times thereafter, and any approved tree protection measures/barriers must be erected prior to any construction works on the site and must be maintained for the duration of the construction operations.

Reason

To adequately protect the existing trees on site in accordance with Policy DM28 of the Copeland Local Plan.

5. Prior to the commencement of the development, the existing highway wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway to secure the required visibility splay of 2m x 43m in accordance with details submitted to the Local Planning Authority and which have subsequently been approved and must not be raised to a height exceeding 1.05m thereafter.

Reason

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

6. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must 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 development hereby approved must not commence until a full landscape plan has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan must include the locations, a detailed planting specification, and a planting method statement for the proposed landscaping at this site. The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

Reason

To enhance the appearance of the development in the interests of visual amenities and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

8. No development shall take place until a phase 2 investigation and risk assessment has been completed in accordance with the recommendations of the Preliminary Environmental Risk Assessment submitted with the application. This must be carried out by a competent person and a written report of the findings should be produced and submitted to the Local Planning Authority for approval in writing.

The report of the findings must also include an appraisal of remedial options and proposal of the preferred option/s.

Reason

To ensure that risks from land contamination, ground gas and unstable ground conditions are understood prior to works on site, both to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy ST1 of the Copeland Local Plan.

Prior to Erection of External Walling Condition

9. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

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.

Prior use Condition

10. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

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

Other Conditions

11. Access gates, if provided, shall be hung to open inwards only away from the highway and set back 5m from the carriageway edge to prevent waiting cars blocking the highway.

Reason

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

12. With the exception of the stretch of frontage wall to be lowered to provide the visibility splays, all boundaries including hedges, mature trees and stone walls must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance and amenity for neighbouring properties in accordance with Policy DM10 of the Copeland Local Plan.

13. Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To safeguard the amenities of nearby residential occupiers and in accordance with Policy ST1 of the Copeland Local Plan.

14. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

Monday to Friday 08.00 – 18.00 and,
Saturday 08.00 – 13.00 and,
at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Measures for the mitigation of dust and other airborne pollutants should also be taken at all times during the construction phase.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy ST1 of the Copeland Local Plan.

Informative Notes

1. 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>

2. The access currently does not have a dropped kerb in place with is required for this to be considered an official access. The applicant will need to obtain a

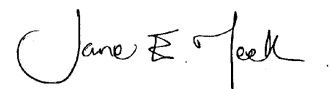
Street Works License from streetworks.central@cumbria.gov.uk before they can carry out any works.

3. The site is located within the Whitehaven Smoke Control Area and any heating appliances and fuel should comply to DEFRA's controls - <https://uk-air.defra.gov.uk/sca/>

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

26th June 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.