

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

Tetra Tech Planning  
Quay West @ MediaCity:UK  
Trafford Wharf Road  
Manchester  
M17 1HH  
FAO Chris Bradshaw

**APPLICATION No: 4/21/2534/001**

**OUTLINE RESIDENTIAL APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ALL MATTER  
RESERVED EXCEPT FOR ACCESS  
LAND AT BOWRIE FAULD, WEST OF SMITHY BANKS, HOLMROOK**

**Mrs T Knutsford**

The above application dated 01/12/2021 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions

1. The layout, scale, appearance and landscaping must be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission  
Or  
b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-

- Site Location Plan, Scale 1:2500, received by the Local Planning Authority on the 1st December 2021.
- Proposed Access Arrangements, Drawing No: C001A, received by the Local Planning Authority on the 1st December 2021.
- Drainage Strategy and Design, prepared by Kingmoor Consulting August 2018, received by the Local Planning Authority on the 1st December 2021.
- Flood Risk Assessment, Prepared by Kingmoor Consulting April 2028, received by the Local Planning Authority on the 1st December 2021.
- Ecological Appraisal (Amended), Prepared by Tetra Tech Planning February 2022, received by the Local Planning Authority on the 28<sup>th</sup> February 2022.
- Access Appraisal, Prepared by WYG Transport August 2018, received by the Local Planning Authority on the 1st December 2021.
- Planning Statement (Amended), Prepared by Tetra Tech Planning February 2022, received by the Local Planning Authority on the 28<sup>th</sup> February 2022.

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:

4. Before development commences full details of the foul and surface water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

#### Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

5. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - a) 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;
  - b) 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); and
  - c) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

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 in accordance with Policy T1 and DM22 of the Copeland Local Plan.

7. 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 shall 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 and must be retained as such at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

8. Ramps must 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 and must be retained as such at all times thereafter.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details and retained at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with ENV5 and DM10 of the Copeland Local Plan.

10. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule must include details for its implementation. Development must be carried out in accordance with the approved schedule.

Reason

To ensure the implementation of a satisfactory landscaping scheme in accordance with ENV5 and DM10 of the Copeland Local Plan.

11. Prior to the commencement of any works relating to the creation of the approved access from the B5344 into the site a scheme must be submitted to and approved in writing by the Local Planning Authority which illustrates the extent of the existing mature hedgerow that is to be retained as part of this development. Development must be carried out in accordance with the approved details thereafter.

Reason

To ensure the implementation of a satisfactory landscaping scheme in accordance with ENV5 and DM10 of the Copeland Local Plan.

12. Following the construction of the approved access a Hedgerow Management Plan which sets out how the section of retained hedgerow along the road frontage is to be maintained must be submitted to and approved in writing by the Local Planning Authority. The approved Management Plan must thereafter be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the implementation of a satisfactory landscaping scheme in accordance with ENV5 and DM10 of the Copeland Local Plan.

Prior to Occupation Conditions:

13. 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

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Other Conditions:

15. In the case of any 'Reserved Matter' or 'Full Application' for approval of detailed design for this site, if the scheme consists of 10 or more dwellings, the applicant must enter into a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 which will cover the provision of affordable housing contributions.

Reason

To ensure the provision of affordable housing on the site in accordance with the National Planning Policy Framework (2018) or any subsequently adopted Copeland Borough Council Local Plan.

16. The development must implement all of the mitigation and compensation measures set out in the approved document 'Ecological Appraisal (Amended), Prepared by Tetra Tech Planning February 2022', received by the Local Planning Authority on the

28<sup>th</sup> February 2022. The development must be carried out in accordance with the approved document at all times thereafter.

Reasons

To protect the ecological interests evident on the site in accordance with Policies ST1, ENV3, and DM25 of the Copeland Local Plan.

17. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within 'Flood Risk Assessment, Prepared by Kingmoor Consulting April 2018, received by the Local Planning Authority on the 1st December 2021', and must be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

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

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

19. There must 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 avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

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

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

21. All matters relating to the layout of the site, parking and turning within the site shall be reserved for approval at the detail planning stage.

Reason

In the interest of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings / buildings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity.

**Informatives:**

1. The street lighting layout on the B5344 will need to be modified to accommodate the creation of a new junction, these changes will be at the developer's expense.
2. The applicant is advised to liaise with the Resilience Unit office via [emergency.planning@cumbria.gov.uk](mailto:emergency.planning@cumbria.gov.uk) to allow for further discussion to ensure the applicant is aware of the appropriate information and actions to take should there be an incident at the Sellafield site.
3. Northern Gas Networks have confirmed that there may be apparatus in the area that may be at risk during construction works. The promoter of these works should contact Northern Gas Network directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable to the developer/applicant.

4. Electricity North-West have confirmed that their overhead network will be impacted as part of this development. The developer should contact Electricity North-West to discuss details of their proposal to divert these cables.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read "N. S. Hayman", with a stylized flourish at the end.

Pat Graham  
Chief Executive

20<sup>th</sup> June 2022

**APPROVALS**  
**(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

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.