

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Mark Allison  
17 Holliday Crescent  
Silloth  
Cumbria  
CA7 4EG

**APPLICATION No: 4/22/2127/0F1**

**HOUSING DEVELOPMENT 10 NO. DWELLINGS  
THE ROYAL BRITISH LEGION SITE, HILL TOP ROAD, WHITEHAVEN**

**Messrs Morton, Lister, Zanicchi**

The above application dated 16/03/2022 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 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 16th March 2022;  
Site Location Plan, scale 1:1250, drawing number 1A A, received 27th July 2022;  
Section, scale 1:1250, drawing number 7A, received 27th July 2022;  
Site Plan, scale 1:1250, drawing number 2A, received 13th June 2022;  
Proposed Floor Plans, scale 1:100, drawing number 6A, received 16th March 2022;  
Proposed Elevations, scale 1:250, drawing number 4B, received 8th February 2023;

Topographical Survey, scale 1:200, drawing number 1A, received 16th March 2022;  
Preliminary Ecological Appraisal, written by UES, received 16th March 2022;  
Drainage Strategy, written by Tweddell and Slater, received 8th July 2022;  
Outline Drainage Strategy, scale 1:200, drawing number 7535 200, received 8th July 2022;  
Planning Statement, written by Summit Planning, received 16th March 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.

#### Prior commencement Condition

3. The parking court must be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted to and approved in writing by the Local Planning Authority before work commences on site. No work must be commenced until a full specification has been approved. Any works so approved must be constructed before the development is complete and retained as such at all times thereafter.

#### Reason

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

#### Prior occupation Conditions

4. The frontage footway extension must be constructed and drained to a standard suitable for adoption, further details must be submitted to and approved in writing by the Local Planning Authority. The approved works must be constructed in all respects before the last dwelling is completed. These works will include the relocation of the existing street lighting column to the rear of the new footway.

#### Reason

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

5. 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 and approved in

writing by the Local Planning Authority. Any approved works shall 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 Policy DM22 of the Copeland Local Plan.

6. 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.

7. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing Ref No. 7535 200, Dated Jun 22, Rev A - which was prepared by Tweddell and Slater. For the avoidance of doubt surface water must drain at the restricted rate of no more than 5 l/s. 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 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 DM27 of the Copeland Local Plan.

8. Prior to the first occupation of the dwellings hereby approved, full details of the proposed boundary treatments must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with these approved details and retained as such 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 Policy DM26 of the Copeland Local Plan.

#### Other Conditions

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

##### Reason

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

10. Development must be carried out in accordance with the recommendations within the Preliminary Ecological Appraisal, written by UES and submitted as part of the planning application on 16<sup>th</sup> March 2022.

##### Reason

To protect the sensitive ecological receptors on the site and in accordance with Policy ENV3 of the Copeland Local Plan.

11. 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 or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings, nor will 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 and in accordance with Policy DM10 of the Copeland Local Plan.

#### **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

A handwritten signature in black ink, appearing to read 'N. S. Hayhurst'.

Nick Hayhurst  
Head of Planning and Place

17<sup>th</sup> February 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](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.