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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

This Permission is Subject to a Section 106 Agreement

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

APPLICATION No: 4/23/2088/0F1

**PROPOSED RESIDENTIAL DEVELOPMENT FOR 23 DWELLINGS INCLUDING
ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (RESUBMISSION OF
4/22/2135/0F1)
LAND AT HARRAS ROAD, HARRAS PARK, WHITEHAVEN**

John Swift Homes Ltd

The above application dated 24/03/2023 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 24th March 2023;
Location Plan, scale 1:2500, drawing number 18/03/926-01b) received 24th March 2023;
Dwelling Type Schedule, reference 20/10/983-DS, received 24th March 2023;
Dwelling Type A Plans and Elevations, scale 1:100, drawing number 18/03/926-08a), received 24th March 2023;
Dwelling Type B Plans and Elevations, scale 1:100, drawing number 18/03/926-09a), received 24th March 2023;
Dwelling Type C Plans and Elevations, scale 1:100, drawing number 18/03/926-10c), received 24th March 2023;
Dwelling Type D Plans and Elevations, scale 1:100, drawing number 18/03/926-11a), received 24th March 2023;
Dwelling Type E Plans and Elevations, scale 1:100, drawing number 18/03/926-12, received 24th March 2023;
Dwelling Types F and G Plans and Elevations, scale 1:100, drawing number 18/03/926-14a), received 24th March 2023;
External Material Schedule (23 dwellings), reference 18/03/926-EMS, received 24th March 2023;
Site Section, scale 1:500, drawing number 18/03/926-07a), received 24th March 2023;
Site Location Plan – Enlarged, scale 1:500, drawing number 18/03/926-17, received 3rd July 2023;
Landscape Layout, scale 1:500, drawing number M3450-PA-01-V08, received 3rd July 2023;
Access Appraisal, reference 784-B028221 Revision, received 24th March 2023;
Ecological Appraisal, dated March 2022, written by Whistling Beetle Ecological Consultants Limited, received 24th March 2023;
Flood Risk Assessment and Drainage Strategy, reference K39108.FRA/001, received 24th March 2023;
Operation and Maintenance Plan for Sustainable Drainage Systems, reference K39108.OM/002, received 24th March 2023;
Design and Access Statement, received 20th April 2023;
Landscape and Visual Appraisal, reference M3450-LVA-22.06-V3, received 24th March 2023;
Street Scene, scale 1:500, drawing number 18/03/926-15a), received 24th March 2023;
Trip Generation Letter, written by Tetra Tech, reference 784-B028221, received 29th April 2023.

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 any development, the carriageway, footways, footpaths and cycleways 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. 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.

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.

4. The development must not commence until visibility splays as shown on Drawing 784-B028221-TTE-00-XX_DR-O-C001-P0 have been provided at the junction of the access roads 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 will be erected, parked or placed and no trees, bushes or other plants will be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before any development of the site commences so that construction traffic is safeguarded.

Reason

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

5. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:

- details of proposed crossings of the highway verge;
- details of 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 (site must be accessed from the east)
- 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)
- specific measures to manage and limit the impact on St James school on Wellington Row, [Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety]

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. In accordance with Policy DM22 of the Copeland Local Plan.

6. Prior to the commencement of any development, a detailed 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, inclusive of a maintenance schedule of how the scheme shall be managed after completion and an exceedance route diagram 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 will discharge to the public sewerage system either directly or indirectly.

The drainage scheme submitted for approval must also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Strategy dated February 2022 proposing surface water discharging to the watercourse. 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

7. No development must commence until a construction surface water management plan has been submitted to and agreed in writing with the local planning authority. Any approved details must be implemented prior to the commencement of the development and must be retained as such at all times thereafter.

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.

8. No development must take place until a site specific Construction Environmental Management Plan has been submitted to and approved by in writing by the Local Planning Authority. The Plan must demonstrate the adoption and use of the Best Practicable Means (BPM) to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to:
- (a) Procedures for maintaining good public relations
 - (b) Arrangements for liaison with the Councils Environmental Health Team
 - (c) All works which are audible at the site boundary shall be carried out only between the following hours – 08.00 and 18.00 hours Monday to Friday / 08.00 and 13.00 hours Saturday / at no time on Sunday or Bank / Public Holidays
 - (d) 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 at the request by Police and / or Highways Authority.
 - (e) Mitigation measures as defined in BS 5228 – 1: 2009 + A1: 2014 Code of Practice for noise and vibration control on construction and open sites shall be used to minimise noise and vibration disturbance from construction works.
 - (f) Procedures for emergency deviation of the permitted working hours.
 - (g) Practicable control measures for dust and other airborne pollutants.
 - (h) Measures for controlling the use of site lighting whether required for site safety or security purposes.

Reason

In the interests of the amenities of surrounding occupiers during the construction

Prior To Use Condition

9. Prior to the first use of the construction access authorised by this permission full design details of a scheme of traffic calming, site frontage footway and pedestrian crossing facilities on Harray Road must be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details must form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

10. Prior to the occupation of the first dwelling the traffic calming scheme, frontage footway and pedestrian crossings as agreed with the Highways Authority under section 278 of the Highways Act 1980, must be constructed and completed to the satisfaction of the local planning authority in consultation with the Highways Authority (unless otherwise agreed).

Reason

In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Pre-superstructure Condition

11. 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.

Other Conditions

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, 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 off-site receptors. In accordance with Policy ST1 of the Copeland Local Plan.

13. All hard and soft landscape works must be carried out in accordance with the details illustrated on the Landscape Layout Plan, drawing number M3450-PA-01-V08, received 3rd July 2023, prepared by Barnes Walker. The works must be carried out in the first planting season following the completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting must be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

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:

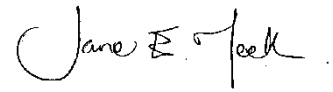
www.gov.uk/government/organisations/the-coal-authority

2. For the avoidance of doubt, the Traffic calming measures will require suitable lighting and signing and should be detailed in a suitably worded legal agreement with the Local Highway Authority. This agreement will include technical details and a commuted sum.

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 "Jane E. Meek". The signature is fluid and cursive, with a large initial "J" and a distinct "E" and "M".

Jane Meek
Assistant Director
Thriving Place and Investment

8th May 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.