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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF OUTLINE 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: 4/23/2104/001

OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 40 SELF BUILD PLOTS INCLUDING DETAILS OF PROPOSED ACCESS AND ALL OTHER MATTERS RESERVED

LAND TO THE SOUTH WEST OF SUMMERGROVE PARK, WHITEHAVEN

John Swift Homes Ltd

The above application dated 31/03/2023 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:

Defining The Permission

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

a) FIVE 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 matters to be approved.

Application for the approval of the reserved matters must be made not later than FIVE years from the date of this permission.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. For each phase of the development details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason

To ensure a satisfactory standard of development on site.

3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Planning Application Form
- Location Plan – Drawing No. 15/10/863-101
- Junction Plan – Drawing No. 15/10/863-05a)
- Flood Risk Assessment & Outline Drainage Strategy Summergrove, Whitehaven John Swift Homes Ref: K39183.FRA/001
- Transport Statement - Summergrove, Moor Row (Phase 2) - Project Number - 784-B047255
- Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN April 2022
- Phase 1: Desk Top Study Report Proposed Residential Development of Land at Summergrove, Whitehaven, Cumbria – Ref. 2018-3441.

Reason

For the avoidance of doubt and in the interests of proper planning.

4. The development hereby permitted shall not exceed 40no. dwellings.

Reason

For the avoidance of doubt.

Pre-Commencement Planning Conditions

Design Code

5. No development shall commence until a Design Code for the proposed development has been submitted to and approved in writing by the local planning authority.

The Design Code shall include the details of the following as a minimum:

- i. Site Parameters – The location of the self-build plots; routes of highways within the development; and, a strategic open space and landscaping plan/scheme.
- ii. Plot Parameters – Details of plot coverage; building lines; boundary treatments; gates; corner plot treatment; plot layouts; access/parking/garages within plots; and, plot level landscaping.
- iii. House Parameters – Details of building footprints; building massing; building heights; and, building roofscapes.
- iv. Elevation Parameters – Details of the appearance; fenestration treatment; roof treatment; and, external materials.

All applications for Approval of Reserved Matters following Outline Approval submitted pursuant to this planning permission shall accord with the provisions of the approved Design Code.

Reason

To ensure a high level of design quality in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

Contamination Assessment

6. No development shall commence until a Phase 2 Ground Investigation report prepared in accordance with the recommendations of Phase 1: Desk Top Study Report Proposed Residential Development of Land at Summergrove, Whitehaven, Cumbria – Ref. 2018-3441 has been submitted to and approved in writing by the local planning authority.

The Phase 2 Ground Investigation report shall include:

- an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken; and,
- verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete

and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Visibility Splays - Access

7. No development shall commence unless and until the visibility splays identified on Junction Plan – Drawing No. 15/10/863-05a) have been created.

The visibility splays shall thereafter be maintained free of any obstruction over 1m in height above the adjacent carriageway for the lifetime of the development.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Phasing

8. Prior to the commencement of each phase of the development details of a Phasing Plan for the development shall be submitted to and approved in writing by the Local Planning Authority unless a Phasing Plan has previously been submitted to and approved in writing by the local planning authority for the whole **site**.

The Phasing Plan will provide the following information;

- The boundary of the land within that phase, previous and subsequent phases;
- The number of market dwellings in that phase; and,
- The number of affordable dwellings in that phase.

Reason

To ensure a high level of design quality and minimise impacts upon neighbouring residents in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

Arboriculture

9. Prior to the commencement of each phase of development a full Arboricultural Impact Assessment (AIA) prepared in accordance with the recommendations of BS 5837:2012 shall be submitted to and approved in writing by the local planning authority unless an AIA has previously been submitted to and approved in writing by the local planning authority for the whole site.

The AIA shall consider the exact relationship between the proposed development and any existing trees on and adjacent to the Application Site and include a detailed tree protection plan/scheme.

The development shall be implemented in accordance with the approved details.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy ENV3, Policy ENV5 and Policy DM26 of the Copeland Local Plan 2013-2028.

Biodiversity Net Gain

10. Prior to the commencement of each phase of development a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the local planning authority unless a BNGS and a PIP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain. The BNGS shall use the Biodiversity Metric 3.0 Calculation Tool unless an amended statutory Biodiversity Metric Calculator associated with the Environment Act 2021 becomes mandatory.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3PU of the emerging Copeland Local Plan 2017-2038.

Active Travel

11. Prior to the commencement of each phase of development a detailed Access and Movement Parameters Plan (AMPP) shall be submitted to and approved in writing by the local planning authority unless a AMPP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The AMPP will demonstrate how links to existing Active Travel Routes are to be provided and how connections to any future Active Travel Routes are to be safeguarded on or through the Application Site to/between:

- West Lakes Science Park;
- Summergrove Halls;
- Summergrove Park; and,
- Dalzell Street.

The reserved matters shall be designed to be compatible with the approved Access and Movement Parameters Plan.

Reason

To ensure adequate provision is made for the provision and safeguarding of active travel connections in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Construction Management

12. Prior to the commencement of each phase of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority unless a CEMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The CEMP shall include:

- details of the means of access and parking for construction traffic and vehicles
- procedures for the loading and unloading of plant and materials
- details of the storage of plant and materials used in construction
- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the existing watercourses
- a scheme for recycling/disposing of waste resulting from construction works.

The approved CEMP shall be adhered to throughout the construction period.

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy ST1 of the Copeland Local Plan.

13. Prior to the commencement of each phase of development a Construction Surface Water Management Plan (CSWMP) shall be submitted to and approved in writing by the local planning authority unless a CSWMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The approved CSWMP shall be adhered to throughout the construction period.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

14. Prior to the commencement of each phase of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority unless a CTMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The CTMP shall 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;
- 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)

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 the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Drainage

15. Prior to the commencement of each phase of development details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the local planning authority unless a sustainable surface water drainage scheme and a foul water drainage scheme has previously been submitted to and approved in writing by the local planning authority for the whole site.

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 shall 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 shall 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 the provisions of Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

Highways

16. Prior to the commencement of each phase of development detailed specifications of carriageways, footways, footpaths, cycleways forming part of that phase shall be submitted to and approved in writing by the local planning authority unless detailed specifications of carriageways, footways, footpaths, cycleways have previously been submitted to and approved in writing by the local planning authority for the whole site.

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Pre-Occupation Planning Conditions

Drainage

17. 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 in accordance with the provisions of Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

Highways

18. No dwellings 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 the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

19. The roadside ditch shall be piped at the access prior to the development being brought into use, in accordance with details which have first been submitted for approval by the Local Planning Authority.

The construction shall be in accordance with a specification which has been approved by the Local Planning Authority.

Reason

In the interests of flood risk and highway safety in accordance with the provisions of Policy T1, Policy ENV1, Policy ENV3, Policy DM24 and Policy DM25 of the Copeland Local Plan 2013-2028.

Other Planning Conditions

Ecology

20. The development shall not proceed except in accordance with the mitigation strategy described in Ecological Report for Land to South West of Summergrove, Whitehaven CA28 8YN April 2022.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.

Unexpected Contamination

21. If during development, contamination not previously identified is found to be present at the site then no further development on that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that phase detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Hours of Construction

22. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Highways

23. There shall be no vehicular access to or egress from the site other than via the approved access.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Informative Note

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

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
Inclusive Growth and Placemaking

02nd September 2024

**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) 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.