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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73

NOTICE OF GRANT OF PLANNING PERMISSION

Architects Plus (UK) Ltd
Architects Plus UK Ltd
Victoria Galleries
Victoria Viaduct
Carlisle
CA3 8AN
FAO: Mrs Barbara Gower

APPLICATION No: 4/23/2272/0B1

**VARIATION OF CONDITON 2 OF PLANNING APPLICATION 4/22/2359/0F1
(CHANGE IN FINISHED FLOOR LEVELS AND REPLACEMENT OF RETAINING
WALLS WITH BANKING TO REAR OF PROPERTIES) - ERECTION OF 40
DWELLINGS COMPRISING 24 NO. TWO BED BUNGALOWS, 4 NO. THREE BED
BUNGALOWS AND 12 NO. TWO BED HOUSES AND ASSOCIATED EXTERNAL
WORKS
LAND AT FELL VIEW AND WINDERMERE AVENUE, WHITEHAVEN**

Home Group

The above application dated 02/10/2023 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. -
2. 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, ref. 22016-PL-001, received 2nd October 2023;
- Fell View Avenue Existing Block Plan, scale 1:200, ref 22016-PL-025, received 30th August 2022;
- Fell View Avenue Existing Site Plan 1, scale 1:200, ref 22016-PL-002, received 30th August 2022;
- Fell View Avenue Existing Site Plan 2, scale 1:200, ref 22016-PL-003, received 30th August 2022;
- Fell View Avenue Existing Site Plan 3, scale 1:200, ref 22016-PL-004, received 30th August 2022;
- Fell View Avenue Proposed Block Plan, scale 1:500, ref 22016-PL-026, received 30th August 2022;
- Fell View Avenue- Proposed Site Block Plan 1, scale 1:200, ref. 22016-PL-005F, received 9th November 2023;
- Fell View Avenue- Proposed Site Block Plan 2, scale 1:200, ref. 22016-PL-006F, received 9th November 2023;
- Fell View Avenue- Proposed Site Block Plan 3, scale 1:200, ref. 22016-PL-007G, received 9th November 2023;
- Fell View Avenue- Proposed Overall Elevation 1, scale 1:200, ref. 22016-PL-008B, received 2nd October 2023;
- Fell View Avenue- Proposed Overall Elevation 2, scale 1:200, ref. 22016-PL-009B, received 2nd October 2023;
- Fell View Avenue - Proposed Sections, scale 1:200, ref. 22016-PL-010C, received 2nd October 2023;
- Windermere Road Existing Site Plan 1, scale 1:200, ref 22016-PL-011, received 30th August 2022;
- Windermere Road Existing Site Plan 2, scale 1:200, ref 22016-PL-012, received 30th August 2022;
- Windermere Road Existing Site Plan 3, scale 1:200, ref 22016-PL-013, received 30th August 2022;
- Windermere Road – Proposed Site Block Plan 1, scale 1:200, ref. 22016-PL-014F, received 9th November 2023;
- Windermere Road – Proposed Site Block Plan 2, scale 1:200, ref. 22016-PL-015F, received 9th November 2023;
- Windermere Road – Proposed Site Block Plan 3, scale 1:200, ref. 22016-PL-016, received 9th November 2023;
- Windermere Road – Proposed Overall Elevation 1, scale 1:200, ref. 22016-PL-017B, received 2nd October 2023;
- Windermere Road – Proposed Overall Elevation 2, scale 1:200, ref. 22016-PL-018B, received 2nd October 2023;
- Windermere Road – Proposed Sections, scale 1:200, ref. 22016-PL-019B, received 2nd October 2023;
- Windermere Road Existing Block Plan, scale 1:500, ref 22016-PL-027, received 30th August 2022;
- Windermere Road Proposed Block Plan, scale 1:500, ref 22016-PL-024, received 30th August 2022;
- Supporting Statement, ref. 22016, received 2nd October 2023;

- Proposed Perspective Views, ref 22016-PL-020A, received 28th November 2022;
- House Type A (HT-A), scale 1:100, ref 22016-PL-021A, received 21st October 2022;
- House Type B (HT-B), scale 1:100, ref 22016-PL-022A, received 21st October 2022;
- House Type C (HT-C), scale 1:100, ref 22016-PL-023A, received 21st October 2022;
- Ecological Appraisal, ref 8088, received 30th August 2022;
- Phase 1 Geoenvironmental Site Assessment, ref 15-861-R1-1 dated April 2022, received 30th August 2022;
- Phase 2 Ground Investigations Report, ref 2022-5335 date 29.07.2022, received 30th August 2022;
- SuDs Construction Management Plan, ref K39225.CMP-003, received 30th August 2022;
- SuDs Operation and Maintenance Plan, ref K39225.OM-002A, received 9th November 2022;
- Flood Risk Assessment and Drainage Strategy, ref K39225.DS-001A, received 9th November 2022;
- Proposed Drainage Plan 1/4, ref K39225-105A, received 9th November 2022;
- Proposed Drainage Plan 2/4, ref K39225-106A, received 9th November 2022;
- Proposed Drainage Plan 3/4, ref K39225-107A, received 9th November 2022;
- Proposed Drainage Plan 4/4, ref K39225-108A, received 9th November 2022;
- Proposed Sewer Diversion and Abandonment Plan 1/4, scale 1:200, ref 109, received 30th August 2022;
- Proposed Sewer Diversion and Abandonment Plan 2/4, scale 1:200, ref 110, received 30th August 2022;
- Proposed Sewer Diversion and Abandonment Plan 3/4, scale 1:200, ref 111, received 30th August 2022;
- Proposed Sewer Diversion and Abandonment Plan 4/4, scale 1:200, ref 112, received 30th August 2022;
- Design and Access Statement, ref SF4.12 dated August 2022, received 30th August 2022;
- Proposed Phasing Plan, ref 22016-PL-028A, received 16th November 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.

3. The development hereby approved must be carried out in accordance with the drainage proposal approved as part of condition 3 of permission 4/22/2359/0F1, as detailed in correspondence 4/23/2089/DOC dated 27th September 2023. Only the approved scheme shall be implemented prior to first occupation and thereafter maintained.

Reason

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

4. The development hereby approved must be carried out in accordance with the Construction Environmental Management Plan approved as part of condition 4 of permission 4/22/2359/0F1, as detailed in correspondence 4/23/2005/DOC dated 30th January 2023. Development must be carried out in accordance with the approved details thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the operation of the development.

5. The development hereby approved must be carried out in accordance with the Phase 2: Ground Investigations Report approved as part of condition 5 of permission 4/22/2359/0F1, as detailed in the correspondence 4/23/2008/DOC dated 24th February 2023. Development must be carried out in accordance with the approved details thereafter.

Reason

To ensure that risks from land contamination are understood and any such risks are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors

6. The development hereby approved must be carried out in accordance with the Construction Traffic Management Plan approved as part of condition 6 of permission 4/22/2359/0F1, as detailed in correspondence 4/23/2089/DOC dated 27th September 2023. Development must be carried out in accordance with the approved measures in the Construction Traffic Management Plan thereafter.

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 interest of highway and pedestrian safety.

7. The development hereby approved must be carried out in accordance with the details of the highway drains protection at the access approved as part of condition 6 of permission 4/22/2359/0F1, as detailed in correspondence

4/23/2089/DOC dated 27th September 2023. The works to protect the drain shall be carried out in accordance with a specification approved by the Local Planning Authority.

Reason

In the interest of highway safety and environmental protection.

8. The development hereby approved must be carried out in accordance with the construction access and parking/turning requirements for each phase approved as part of condition 6 of permission 4/22/2359/0F1, as detailed in correspondence 4/23/2089/DOC dated 27th September 2023. The provision should be substantially met before any building work commences on site so that construction traffic can park and turn clear of the highway.

Reason

In the interest of highway safety.

Prior to Occupation Conditions

Highways

9. Prior to the first occupation of any of the dwellings on each phase of the development hereby approved, the parking provision for each property as demonstrated on Windermere Road – Proposed Block Plan (Phase 1) and Fell View Avenue – Proposed Block Plan (Phase 2) received by the Local Planning Authority on 30th August 2022 must be constructed and brought into use and maintained as such at all times thereafter.

Reason

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

Landscaping

10. Prior to occupation, a detailed Landscaping Plan should be submitted to and approved in writing by the Local Planning Authority. This should include a specification and planting details for new tree and hedgerow planting along with an aftercare maintenance program. Development must be carried out in accordance with the approved details thereafter.

Reason

To ensure adequate landscaping is provided in accordance with Policy DM26 of the Copeland Local Plan.

Other Conditions

Materials

11. The external finishes of the development hereby permitted shall be completed in accordance with the details set out in the Design and Access Statement, ref SF4.12 dated August 2022, received by the Local Planning Authority on 30th August 2022.

Reason

To ensure the development is of a high-quality design in accordance with Policy DM10 of the Copeland Local Plan 2013 - 2028.

Ecology

12. Development shall be carried out in accordance with the mitigation measures and recommendations set out in Preliminary Ecological Appraisal. Ref. 8088 received by the Local Planning Authority on 30th August 2022.

Reason

To ensure that adequate protection is given to protected species, in the interest of the environmental protection and in accordance with Policy DM25 of the Copeland Local Plan.

Ground Conditions

13. Development shall be carried out in accordance with the recommendations set out in Phase 1 Geoenvironmental Site Assessment, ref 15-861-R1-1 and Phase 2 Ground Investigations Report, ref 2022-5335 received by the Local Planning Authority on 30th August 2022.

Reason

To ensure that adequate protection is given to protected species, in the interest of the environmental protection and in accordance with Policy DM25 of the Copeland Local Plan.

14. 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.

Highways

15. The vehicular crossing over the footway, including the lowered kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason

To ensure a suitable standard of crossing for pedestrian safety and in accordance with Policy DM22 of the Copeland Local Plan.

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

Reason

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

Working Hours

17. No work for the construction of these developments, including demolition, shall take place on site, except between the hours:
 - 08.00 – 18.00 Monday to Friday; and
 - 08.00 – 13.00 on Saturdays.No work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of the neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan.

Informative Notes:

Public Right of Way

1. A PROW (public footpath) number 431016 lies adjacent to the site at Fell View Avenue. The granting of planning permission would not give the applicant the right to block or obstruct the right of way. It must be kept open

and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

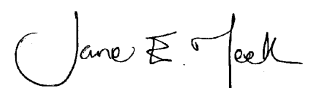
Coal Authority Standing Advice

2. 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 Coal Standing Advice

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

05th January 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.