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

NOTICE OF GRANT OF PLANNING PERMISSION

Home Group
1 Strawberry Lane
Newcastle Upon Tyne
NE1 4BX
FAO: Miss Louise Huddart

APPLICATION No: 4/23/2369/0B1

**VARIATION OF CONDITION 9 (LANDSCAPING) OF PLANNING APPLICATION
4/21/2339/0F1 - CONSTRUCTION OF 14 DWELLINGS FOR AFFORDABLE RENT
AND ASSOCIATED INFRASTRUCTURE, PARKING AND LANDSCAPING
JEFFERSON PARK, WHITEHAVEN**

Home Group

The above application dated 08/12/2023 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. 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: -
 - Site Location Plan, scale 1:1250, drawing number 101, received 22nd July 2021;
 - Block Plan, scale 1:200, drawing number 201A, received 16th December 2021;
 - Site Plan, scale 1:200, drawing number 202A, received 16th December 2021;

HT01 Floor Plans and Elevations, scale 1:100, drawing number 203, received 22nd July 2021;

HT01 Floor Plans and Elevations, scale 1:100, drawing number 204, received 22nd July 2021;

Plot 1-3 Overall Elevations, scale 1:50, drawing number 21039-90003A-A, received 16th December 2021;

Plot 4-8 Overall Elevations, scale 1:50, drawing number 21039-90004A-A, received 16th December 2021;

Plot 4-8 Overall Elevations 2, scale 1:50, drawing number 21039-90005A-A, received 16th December 2021;

Plot 9-12 Overall Elevations, scale 1:50, drawing number 21039-90007A-A, received 16th December 2021;

Plot 13-14 Overall Elevations, scale 1:50, drawing number 21059-90008A-A, received 6th December 2021;

Materials and Boundary plan, scale 1:200, drawing number 205A, received 16th December 2021;

Site Sections, scale 1:200, drawing number 206, received 22nd July 2021;

House Types, scale 1:100, drawing number 207, received 22nd July 2021;

External Materials Schedule, drawing number 001, received 22nd July 2021;

Topographical Information, scale 1:200, drawing number 102, received 22nd July 2021;

Phase 1 and II Geo-Environmental Site Investigation, written by E3P, received 22nd July 2021;

Preliminary Ecological Appraisal, written by Hesketh Ecology, received 14th September 2021;

Coal Mining Risk Assessment, written by E3P, received 14th September 2021;

Flood Risk Assessment and Drainage Strategy Phase 2, written by RG Parkins, received 14th September 2021;

Operation and Maintenance Plan for Sustainable Drainage Systems Phase 2, written by RG Parkins, received 8th November 2021;

Affordable Housing Statement, received 22nd July 2021;

Transport Statement, written by Modal Highway Consultants Limited, received 22nd July 2021;

Pre-development Arboricultural Report, written by Treescapes Consultancy Ltd, received 22nd July 2021;

Design and Access Statement, written by Home Group, received 22nd July 2021.

Construction/Environmental Management Plan (CEMP), dated May 2023, received 4th May 2023;

Boundary and Materials Plan, scale 1:200, drawing number 205B, received 8th December 2023;

Landscaping Plan, scale 1:200, drawing number 208A, received 8th December 2023;

Arboricultural Method Statement, dated December 2021, written by Treescapes Consultancy Ltd, received 16th December 2021;

CCTV Inspection Report, written by SK Drainage Solutions Ltd, received 16th December 2021;

Construction parking and storage plan, written by Thomas Armstrong, received 13th March 2023;

Proposed foul and surface water drainage plan, scale 1:200, drawing number K8379-20G, received 13th March 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.

3. No development must commence until the remediation works and/or mitigation measures to address land instability arising from coal mining legacy have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works must be carried out in accordance with authoritative UK guidance.

Reason

To ensure that land stability is ensured in accordance with Policy ST1 of the Copeland Local Plan.

4. The development hereby approved must be carried out in accordance with the Specification for Consolidation of Mine Workings, written by e3p, reference 10-365-L3 and dated 24th February 2022 submitted and approved under application reference 4/22/2104/DOC. Development must be maintained as

such at all times thereafter.

Reason

In order to ensure that the land is stable and in accordance with Policy ST1 of the Copeland Local Plan.

5. -
6. The development hereby approved must be carried out in accordance with Remediation and Enabling Works Strategy, written by e3p, reference 10-365-R2-1 and dated 24th February 2022, submitted and approved under application reference 4/22/2104/DOC. Development must be maintained as such at all times thereafter.

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 water pollution in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policy ST1 of the Copeland Local Plan.

7. The application hereby approved must be carried out in accordance with the CCTV Inspection report, written by SK Drainage Solutions Ltd, reference SK-S 256/2021 and dated 22nd November 2021 submitted and approved under application reference 4/21/2553/0B1. The development must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

8. Construction must be undertaken at all times in accordance with the submitted Construction/Environmental Management Plan (CEMP), dated May 2023 and received 4th May 2023.

Reason

To safeguard the amenity of the existing occupants on Jefferson Park and in accordance with Policy ST1 of the Copeland Local Plan.

9. Development must be undertaken and retained in accordance with the Landscaping Plan, scale 1:200, drawing number 208A, received 8th December 2023.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM26 of the Copeland Local Plan.

10. Development must be undertaken at all times with the submitted Arboricultural Method Statement, dated December 2021, written by Treescapes Consultancy Ltd, received 16th December 2021.

Reason

To ensure a satisfactory appearance and method in accordance with Policy DM26 of the Copeland Local Plan.

11. -

12. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011) and be retained as such at all times thereafter.

Reason

To ensure the amenity of all occupants in accordance with Policy ST1 of the Copeland Local Plan.

13. 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 K38379 – 20G, Dated 24.02.2023 which was prepared by RGPARKNS. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority. No surface water will be permitted to drain directly or indirectly into the public sewer. The development must be completed in accordance with the approved details.

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 DM24 of the Copeland Local Plan.

14. The development must be constructed, maintained and managed in accordance with the Operation and Maintenance Plan for Sustainable Drainage Systems, written by R.G. Parkins, received 14th September 2021 for the lifetime of the use of the site.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

15. All recommendations and mitigations set out in the Preliminary Ecological Appraisal, written by Hesketh Ecology, received 14th September 2021 must be considered and implemented at all times during the site clearance and ongoing development.

Reason

To ensure the protection of all species and possible species on site and in accordance with Policy ENV3 of the Copeland Local Plan.

Informative Notes

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial

liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

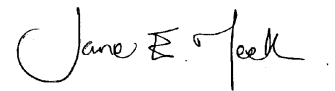
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2. A PROW (public footpath/bridleway/byway) number 43101 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

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 a variation of condition 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 that reads "Jane E. Meek". The signature is written in a cursive style with a large initial 'J' and a distinct 'E'.

Jane Meek
Assistant Director
Thriving Place and Investment

22nd 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.