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

**NOTICE OF GRANT OF PLANNING PERMISSION**

Sam Greig Planning  
Sunnyside  
Moorhouse Road  
Moorhouse  
Carlisle  
CA5 6EJ  
FAO: Sam Greig

**APPLICATION No: 4/24/2195/0B1**

**APPLICATION TO VARY CONDITION 14 OF APPLICATION 4/16/2415/001 -  
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT UP TO 100  
DWELLINGS (PHASE 2)  
LAND AT HARRAS MOOR, WHITEHAVEN**

**Thomas Armstrong (Construction) Ltd**

The above application dated 30/05/2024 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. The permission hereby permitted must be commenced not later than the 30th September 2024.

Reason

To enable the Local Planning Authority to control the development detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004

3. 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 no. 11, received on 28th November 2016
- Potential Harras Road Pedestrian Crossing and Pedestrian Refuge, scale 1:500, drawing number A102248/C004 dated 03rd April 2017
- Planning Statement, prepared by Taylor & Hardy, reference JTD/2016/123 dated October 2016
- Ecology Appraisal – Phase 1 by Open Spaces. Reference SCS82v1 dated April 2016
- Ecological Appraisal for Great Crested Newts, prepared by Open Space, reference GCN16v1, dated June 2016
- Preliminary Environmental Risk Assessment, prepared by GEO Environmental Engineering, reference 2015-1558, dated 23rd July 2015
- Coal and Mining Assessment, prepared by Elliott Environmental Surveyors, reference EES15-174, dated 6th June 2016
- Transport Assessment, prepared by RWO Associates, reference PB/15032.100 version 2, dated November 2015
- Travel Plan, prepared by RWO Associates, reference PB/15032.200, dated November 2015
- Flood Risk Assessment and Outline Drainage Strategy, prepared by WYG, reference A101943, dated March 2017
- Supporting Statement, prepared by Sam Greig Planning, Issue No.4 dated 22nd August 2024

Reason

To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The proposed access hereby approved must be formed in accordance with the approved plans.

Reason

To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. There shall be no vehicular access to, or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access route, in the interests of road safety in accordance with the National Planning Policy Framework and to support Local Transport Plan Policies LD7, LD8 and Policies T1 and DM22 of the Copeland Local Plan.

6. The carriageway, footways, footpaths and cycleways associated with the development must be constructed, drained and lit out in accordance with the following documents submitted and approved under application reference 4/24/2161/DOC:

- External Levels Plan-Sheet 1 of 3 (Drawing No. 1);
- External Levels Plan-Sheet 2 of 3 (Drawing No. 2);
- External Levels Plan-Sheet 3 of 3 (Drawing No. 3);
- Highways Longitudinal Sections-Sheet 1 of 2 (Drawing No. 4);
- Highways Longitudinal Sections-Sheet 2 of 2 (Drawing No. 5);
- External Works Plan-Sheet 1 of 3 (Drawing No. 6a);
- External Works Plan-Sheet 2 of 3 (Drawing No. 7a);
- External Works Plan-Sheet 3 of 3 (Drawing No. 8a);
- External Works Plan-Full Site (Drawing No. 12);
- External Works Construction Details-Sheet 1 of 2 (Drawing No. 9);
- External Works Construction Details-Sheet 2 of 2 (Drawing No. 10);
- Vehicle Swept Path Analysis - Refuse Vehicle (Drawing No. 11);
- S38 Highways Adoption Plan (Drawing No. 13A).

Any works so approved must 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 National Planning Policy Framework and to support Local Transport Plan Policies LD5, LD7, LD8 and policies ST1, T1 and DM22 of the Copland Local Plan.

7. No dwellings shall be occupied until the approved estate roads including footways and cycleways to serve such dwellings have 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 National Planning Policy Framework and to support Local Transport Plan Policies LD5, LD7, LD8 and Policies T1 and DM22 of the Copeland Local Plan.

8. Ramps must be provided on each side of every junction in accordance with the following documents submitted and approved under application reference 4/24/2161/DOC:

- External Works Plan-Sheet 1 of 3 (Drawing No. 6a);
- External Works Plan-Sheet 2 of 3 (Drawing No. 7a);
- External Works Plan-Sheet 3 of 3 (Drawing No. 8a);
- External Works Plan-Full Site (Drawing No. 12).

The works must be implemented as approved prior to the completion of the development.

#### Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions safely in accordance with Policy DM22 of the Copeland Local Plan.

9. The travel plan (document reference PB/15032.200) must be implemented and monitored in accordance with details set out in the plan and the results of monitoring must be submitted to the Local Planning Authority within one month of the end of each monitoring period.

#### Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

10. The development hereby approved must be carried out in accordance with the Construction and Traffic Management Plan, Issue 2.01 dated 29th July 2024, submitted and approved under application reference 4/24/2161/DOC. The approved statement must 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.

11. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours and 18.00 hours Monday to 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 and in accordance with Policy ST1 of the Copeland Local Plan.

12. -

13. -

14. No work must commence on the dwellings hereby approved until a scheme for the provision of affordable housing as part of the development has been submitted to and approved, in writing, by the Local Planning Authority. The affordable housing must be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme must include:

1. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 10% of housing units unless otherwise agreed in writing by the Local Planning Authority;
2. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
3. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
4. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, and;
5. The occupation criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria must be enforced.

Reason

In the interests of ensuring that affordable housing is provided within the borough, in accordance with Policies ST1 and SS3 of the Copeland Local

Plan.

15. -

16. Prior to the completion of the development the surface water drainage system must be implemented in accordance with the following documents submitted and approved under application reference 4/24/2161/DOC:

- Covering letter from R G Parkins dated 26<sup>th</sup> July 2024;
- Drainage Strategy & Design (Document reference DS-001B);
- SuDS Operation & Maintenance Plan (Document reference OM-002);
- Foul And Surface Water Plan (Drawing No. 20B);
- Foul and Surface Water Drainage Plan-Sheet 1 of 5 (Drawing No. 21B);
- Foul and Surface Water Drainage Plan-Sheet 2 of 5 (Drawing No. 22B);
- Foul and Surface Water Drainage Plan-Sheet 3 of 5 (Drawing No. 23B);
- Foul and Surface Water Drainage Plan-Sheet 4 of 5 (Drawing No. 24B);
- Foul and Surface Water Drainage Plan-Sheet 5 of 5 (Drawing No. 25B);
- Surface Water Drainage Catchment Plan (Drawing No. 26A);
- SuDS Detention basin Construction Details (Drawing No. 27A);
- Surface Water Drainage Exceedance Plan (Drawing No. 28);
- Surface Water Drainage Manhole Schedules-Sheet 1 of 2 (Drawing No. 29A);
- Surface Water Drainage Manhole Schedules-Sheet 2 of 2 (Drawing No. 30A);

Post construction the surface water drainage scheme must be maintained thereafter in accordance with the approved SuDS Operation & Maintenance Plan.

Reason

To prevent increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with Policies DM10 and DM24 of the Copeland Local Plan.

17. The foul drainage system must be implemented in accordance with the following documents submitted and approved under application reference 4/24/2161/DOC:

- Drainage Strategy & Design (Document reference DS-001B);
- Foul And Surface Water Plan (Drawing No. 20B);
- Foul and Surface Water Drainage Plan-Sheet 1 of 5 (Drawing No. 21B);

- Foul and Surface Water Drainage Plan-Sheet 2 of 5 (Drawing No. 22B);
- Foul and Surface Water Drainage Plan-Sheet 3 of 5 (Drawing No. 23B);
- Foul and Surface Water Drainage Plan-Sheet 4 of 5 (Drawing No. 24B);
- Foul and Surface Water Drainage Plan-Sheet 5 of 5 (Drawing No. 25B);
- Foul Water Drainage Manhole Schedules (Drawing No. 31A);
- Plan Showing Drainage Crossovers with UU Water Mains (Drawing No. 40A).

The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

#### Reason

To ensure the provision of a satisfactory drainage scheme and in accordance with Policy DM24 of the Copeland Local Plan.

18. -

#### Informative

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](http://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](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 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



Nick Hayhurst  
Head of Planning and Place  
Place, Sustainable Growth and Transport

23rd August 2024



## **APPROVALS**

### **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](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.