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

NOTICE OF GRANT OF PLANNING PERMISSION

PFK Rural
10 Courtyard
Edenhall
Penrith
CA11 8ST
FAO: Mr Simon Blacker

APPLICATION No: 4/24/2318/0B1

**VARIATION OF CONDITIONS 2, 3, 4, 5, 6, 7 AND 18 (PLOT 5 ONLY) OF
PLANNING APPROVAL 4/23/2082/0F1 - RESIDENTIAL DEVELOPMENT
CONSISTING OF 8 DWELLINGS AND ASSOCIATED INFRASTRUCTURE
LAND AT NORTH LANE, HAVERIGG**

Mr Steven Tyson

The above application dated 24/09/2024 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:

Standard Conditions

1. The development hereby permitted must be commenced before the 13th October 2026.

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. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 28th March 2023.
- Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16th January 2025.
- Proposed Site Plan 01, Scale 1:500, Drawing Reference: 22-15-P-00, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Proposed Site Plan 02, Scale 1:500, Drawing Reference: 22-15-P-01, Revision: C, received by the Local Planning Authority on the 28th March 2023.
- Proposed Street Elevation, Scale 1:250, Drawing Reference: 22-15-P-31, Revision: B, received by the Local Planning Authority on the 24th September 2024.
- Ground Floor Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-03, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-04, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Roof Plan as Proposed – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-05, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 01 – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-06, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 02 – Plot 01, Scale 1:100, Drawing Reference: 22-15-P-07, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 01 – Plot 01, Drawing Reference: 22-15-P-08, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 01, Drawing Reference: 22-15-P-09, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Ground Floor Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-10, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-11, Revision: A, received by the Local Planning Authority on the 28th March 2023.

- Roof Plan as Proposed – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-12, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 01 – Plot 02, Scale 1:100, Drawing Reference: 22-15-P-13, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 02 – Plot 2 (Amended), Scale 1:100, Drawing Reference: 22-15-P-14, Revision: B, received by the Local Planning Authority on the 4th July 2023.
- Proposed 3D Sketches 01 – Plot 02, Drawing Reference: 22-15-P-15, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 02, Drawing Reference: 22-15-P-16, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Ground Floor Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-17, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-18, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Roof Plan as Proposed – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-19, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 01 – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-20, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Elevations as Proposed 02 – Plot 3 & 4 (Amended), Scale 1:100, Drawing Reference: 22-15-P-21, Revision: B, received by the Local Planning Authority on the 4th July 2023.
- Proposed 3D Sketches 01 – Plot 3 & 4, Drawing Reference: 22-15-P-22, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 3 & 4, Scale 1:100, Drawing Reference: 22-15-P-23, Revision: A, received by the Local Planning Authority on the 28th March 2023.
- Ground Floor Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-03, Revision: D, received by the Local Planning Authority on the 24th September 2024.
- First Floor Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-04, Revision: D, received by the Local Planning Authority on the 24th September 2024.
- Roof Plan as Proposed – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-05, Revision: D, received by the Local Planning Authority on the 24th September 2024.
- Elevations as Proposed 01 – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-06, Revision: D, received by the Local Planning Authority on the 24th September 2024.

- Elevations as Proposed 02 – Plot 5, Scale 1:100, Drawing Reference: 22-39-P-07, Revision: D, received by the Local Planning Authority on the 24th September 2024.
- Proposed 3D Sketches 01 – Plot 5, Drawing Reference: 22-39-P-08, Revision: D, received by the Local Planning Authority on the 24th September 2024.
- Proposed 3D Sketches 02 – Plot 5, Drawing Reference: 22-39-P-09, Revision: D, received by the Local Planning Authority on the 24th September 2024.
- Ground Floor Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-24, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- First Floor Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-25, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Roof Plan as Proposed – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-26, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Elevation as Proposed 01 – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-27, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Elevation as Proposed 02 – Plot 6-7-8, Scale 1:100, Drawing Reference: 22-15-P-28, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 01 – Plot 6-7-8, Drawing Reference: 22-15-P-29, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Proposed 3D Sketches 02 – Plot 6-7-8, Drawing Reference: 22-15-P-30, Revision: -, received by the Local Planning Authority on the 28th March 2023.
- Planning Statement (Amended), received by the Local Planning Authority on the 4th July 2023.
- Preliminary Ecological Appraisal, Prepared by Envirotech April 2022, received by the Local Planning Authority on the 28th March 2023.
- Flood Risk Assessment and Drainage Report, Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 24th September 2024.
- Letter from Agent – Biodiversity Information, received by the Local Planning Authority on the 6th September 2023.
- Response to Flood Officer, Prepared by Kingmoor Consultants June 2023, received by the Local Planning Authority on the 4th July 2023.
- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4th July 2023.
- External Materials & Landscaping Schedule – Plot 5 (Amended), received by the Local Planning Authority on the 16th January 2025.
- Email from Agent – Ecological Survey Status, received by the Local Planning Authority on the 23rd May 2023.

- Letter Regarding Condition Amendments (Amended), received by the Local Planning Authority on the 16th January 2025.
- Construction Traffic Management Plan, Prepared by FOX-AD, received by the Local Planning Authority on the 24th September 2024.

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. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the approved document 'Flood Risk Assessment and Drainage Report, Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 24th September 2024'. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. 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 Policies DS6 and DS7 of the Copeland Local Plan.

4. No further works are to commence on site until all measures shown on the approved document 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16th January 2025' to prevent surface water discharging onto or off the highway have been implemented. These measures must be retained for the lifetime of the development and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management in accordance with Policy CO4 of the Copeland Local Plan

5. No further works are to commence on site until the visibility splays providing clear visibility of 60m in both directions at each approved access measured 2.4m down the centre of the access road and the and the nearside channel

line of the major road have been provided at the junction of the access road with the county highway in accordance with the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16th January 2025'.

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 shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded. The visibility splays must be retained at all times thereafter.

Reason

In the interests of highway safety and in accordance with Policy CO4 of the Copeland Local Plan

6. No further works are to commence on site until the existing boundary wall along North Lane has been lowered in accordance with the approved plans 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16th January 2025'. The boundary must be retained at this approved height at all times thereafter.

Reason

In the interests of highway safety and in accordance with Policy CO4 of the Copeland Local Plan.

7. The development hereby approved must be carried out in accordance with and implement the measures set out in the approved document 'Construction Traffic Management Plan, Prepared by FOX-AD, received by the Local Planning Authority on the 24th September 2024'. The development must be carried out in accordance with the approved details at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

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 CO4 of the Copeland Local Plan.

Prior to Occupation/First Use Conditions:

8. The foul drainage for the development hereby approved, must be carried out in accordance with the following approved documents:
 - Flood Risk Assessment and Drainage Report, Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 24th September 2024.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

9. Prior to the first occupation of any dwelling hereby approved, the boundary treatment and landscaping at this site must be installed in accordance with the following approved plans:
 - Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16th January 2025.
 - External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4th July 2023.
 - External Materials & Landscaping Schedule – Plot 5 (Amended), received by the Local Planning Authority on the 16th January 2025.

The landscaping scheme must be implemented within the first available planting season from the date of this permission. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy N6 of the Copeland Local Plan.

10. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the approved plans 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16th January 2025'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity in accordance with in accordance with the provisions of Policy DS4 of the Copeland Local Plan.

11. Prior to the first occupation of the dwelling hereby approved on plots 2, 3 or 4 the indicated windows must be fitted with obscure glazing in line with the approved documents:

- Elevations as Proposed 02 – Plot 2 (Amended), Scale 1:100, Drawing Reference: 22-15-P-14, Revision: B, received by the Local Planning Authority on the 4th July 2023.
- Elevations as Proposed 02 – Plot 3 & 4 (Amended), Scale 1:100, Drawing Reference: 22-15-P-21, Revision: B, received by the Local Planning Authority on the 4th July 2023.

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with the provisions of Policy DS4 of the Copeland Local Plan.

12. Prior to the first occupation of the development hereby approved the biodiversity enhancement measures set out in the approved document 'Protected Species Survey: Bats and Barn Owls, Prepared by John Temple July 2019, received by the Local Planning Authority on the 20th July 2020' must be installed. The enhancement measures must submitted to and agreed in writing with the Local Planning Authority prior to installation and must be installed in accordance with these approved details and retained at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies N1 of the Copeland Local Plan.

13. The new accesses and driveways hereby approved as detailed on the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16th January 2025', must be constructed, completed and brought into use prior to the occupation of any dwelling hereby permitted. The accesses and driveways road must remain operational as approved at all times thereafter.

Reason

To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity) in accordance with Policy CO4 of the Copeland Local Plan.

14. The access drives hereby approved must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan

15. The development hereby approved must not be occupied until the parking requirements have been constructed in accordance with the approved plan 'Proposed Site Plan – Master (Amended), Scale 1:500, Drawing Reference: 22-15-P-32, Revision: E, received by the Local Planning Authority on the 16th January 2025'. The approved parking provision must be retained at all times thereafter and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan

Other Conditions:

16. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk Assessment and Drainage Report, Prepared by Kingmoor Consulting June 2023, received by the Local Planning Authority on the 24th September 2024', and 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 in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

17. The development must implement all of the mitigation and compensation measures set out in the approved documents:

- Preliminary Ecological Appraisal, Prepared by Envirotech April 2022, received by the Local Planning Authority on the 28th March 2023.
- Email from Agent – Ecological Survey Status, received by the Local Planning Authority on the 23rd May 2023.
- Letter from Agent – Biodiversity Information, received by the Local Planning Authority on the 6th September 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies N1 of the Copeland Local Plan.

18. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- External Materials & Landscaping Schedule, received by the Local Planning Authority on the 4th July 2023.
- External Materials & Landscaping Schedule – Plot 5 (Amended), received by the Local Planning Authority on the 16th January 2025.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with the provisions of Policy DS4 of the Copeland Local Plan.

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

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area in accordance with the provisions of Policy DS4 of the Copeland Local Plan.

Informatives:

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.

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. J. Hayhurst'.

Nick Hayhurst
Head of Planning and Place
Inclusive Growth and Placemaking

22nd January 2025

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.