Cumberland Council
Cumbria House
107-117 Botchergate
Carlisle
Cumbria CA1 1RD
Telephone 0300 373 3730
cumberland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

DRAFT NOTICE OF GRANT OF PLANNING PERMISSION

This Permission is Subject to a Section 106 Agreement

Manning Elliott Partnership
Chartered Architects and Designers
Langlands
Pallet Hill
Penrith
CA11 0BY

APPLICATION No: 4/22/2466/0F1

REDEVELOPMENT OF FORMER BUILDERS YARD INTO NEW HOUSING TO PROVIDE 35 DWELLINGS
LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN

Prima Homes Group Ltd

The above application dated 28/11/2022 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 Planning Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Application Form

Site Boundary Plan – Drawing No. 2245-EX-001
Aerial / Satellite View – Drawing No. 2245-EX-010
Topographical Survey Inc. Surrounding Area – Drawing No. 2245-EX007
Topographical Survey – Drawing No. D2R - HAL – 01 Rev. 0
Existing Site Services Plan – Drawing No. 559/01 (SI)002 P01

Type A Plans – Drawing No. 2240-A-101 Rev. A
Type D2 Plans - Drawing No. 2240-D2-101
Type E1 Plans – Drawing No. 2240-E1-101 Rev. A
Type E2 Plans – Drawing No. 2240-E2-101
Type F Plans – Drawing No. 2240-F-101 Rev. A
Type H2 Plans – Drawing No. 2240-H2-101

Type A Elevations - Drawing No. 2240-A-102 Rev. A
Type D2 Elevations - Drawing No. 2240-D2-102
Type E1 Elevations - Drawing No. 2240-E1-160 Rev. B
Type E2 Elevation – Drawing No. 2240-E2-102
Type F Elevation – Drawing No. 2240-F-102
Type H2 Elevations – Drawing No. 2240-H2-102

Streetscenes as Proposed – Drawing No. 2245-PL-200 Rev. B

Site Plan As Proposed – Drawing No. 2245-PL-100 Rev. B
Affordable Housing Provision As Proposed – Drawing No. 2245-PL-130 Rev. B
Parking Provision As Proposed – Drawing No. 2245-PL-160 Rev. A
S38 Adopted Highway as Proposed – Drawing No. 2245-PL-170 Rev. A

Ground Remodelling Plan – Drawing No. 23-C-16902-004 Rev. B

Design and Access Statement 2245-D001 2245 Proposed Residential Development, Land off Coach Road, Whitehaven, Cumbria.
Planning Statement - 2245-D004 2245 Proposed Residential Development, Land at Coach Road, Whitehaven.
Development Sustainability Assessment - 2245-D002 2245 - Proposed Residential Development, Land at Coach Road, Whitehaven, Cumbria.

Sequential Test Report – Land at Coach Road, Whitehaven, Cumbria - November 2022

Transport Statement - Proposed Residential Development, Coach Road, Whitehaven August 2023 - Ref. VN232716

Coach Road, Whitehaven Coach Road, Whitehaven Phase 1 Desk Study Report – Ref. 559-01

Preliminary Ecological Appraisal - Land off Coach Road Whitehaven – Ref. MEP-22-03 R1

Non-Residential Coal Authority Mining Report LAND ON THE EAST SIDE OF PRESTON STREET, WHITEHAVEN, CUMBRIA – Ref. 51000432176001

Flood Risk Assessment COACH ROAD, WHITEHAVEN Ref. 23-C-16902 August 2023

GEO-ENVIRONMENTAL SITE INVESTIGATION - REC REFERENCE: 45418P1R1

Reason

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

Pre-Commencement Planning Conditions

Site Levels

3. No development shall commence until finished floor levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

Drainage

4. Notwithstanding the submitted details, no development shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

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 of the Copeland Local Plan 2013-2028.

Ground Conditions

5. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority.

This strategy will include the following components:
1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

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

6. No development shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, 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 shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site accordance the provisions of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.

7. No development shall commence until a detailed site specific risk assessment in relation to any deep foundation piling techniques in made ground to be used in the construction of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.

The assessment should include details that demonstrate any techniques do not cause or exacerbate existing contamination. Some techniques may not be suitable.

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

Reason

To ensure that the proposed foundation design and installation does not harm groundwater resources in accordance with the provisions of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013- 2028.

Highways

8. No development shall commence until details, including longitudinal/cross sections of the carriageway, footways, footpaths etc. have been submitted to and approved in writing by the Local Planning Authority.

The carriageway, footways, footpaths etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and accord with the standards laid down in the Cumbria Development Design Guide or any such replacement documentation.

The development shall be completed in accordance with the approved details 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 2013-2021.

9. No development shall commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway.

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 grown within the visibility splay which obstruct the visibility splays.

The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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 2013-2021.

10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.

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)
• surface water management details during the construction phase
• specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

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

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 2013-2021.

Landscaping

11. Notwithstanding any submitted details, no development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.
These details shall include:-

- proposed finished levels or contours;
- means of enclosure including details of any retaining walls/structures;
- other vehicle and pedestrian access and circulation areas; and,
- hard surfacing materials.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. Any trees / shrubs which are removed, die, become severely damaged or diseased within

five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

Ecology - Biodiversity Net Gain

12. No development shall commence until a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) have been submitted to and approved in writing by the Local Planning Authority.

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 of at least ten percent. The BNGS shall use the Statutory Biodiversity Metric Calculation Tool associated with the Environment Act 2021.

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.

13. No development shall commence until a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

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
- measures to control noise and vibration.

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 2013-2028.

14. No development shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the Local Planning Authority.

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.

Pre-Superstructure Planning Conditions

Materials

15. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason

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

Pre-Occupation Planning Condition

Drainage

16. Prior to occupation of the first dwelling hereby approved a Sustainable Drainage Management and Maintenance Plan (SDMMP) for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority.

The SDMMP shall include as a minimum:
(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
(ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system and compensatory storage areas to secure the operation of the surface water drainage scheme and flood storage areas throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved SDMMP.

Reason

To ensure that management arrangements are in place for the sustainable drainage system and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

Ground Conditions

17. Prior to occupation of the first dwelling hereby approved a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

In order to ensure the safety and stability of the development in accordance with the provisions of National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.

Highways

18. No dwelling hereby approved shall be occupied until the estate road including footways and cycleways to serve that dwelling have been constructed in all respects to base course level and street lighting where it is to form part of the estate road have been provided and brought into full operational use.

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 2013-2021.

19. No dwelling hereby approved shall be occupied until the approved parking layout and turning space to serve that dwelling has been constructed, marked out and made available for use.

The parking spaces shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose and shall be retained for the lifetime of the development.

Reason

To ensure a minimum standard of parking provision and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

Other Planning Conditions

Ground Conditions

20. 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 within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Construction Management

21. 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.

Reason

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

Highways

22. 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.

Ecology

23. The development shall not proceed except in accordance with the mitigation strategy described in Preliminary Ecological Appraisal - Land off Coach Road Whitehaven – Ref. MEP-22-03 R1.

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.

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 identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and 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

Xx May 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.