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

NOTICE OF APPROVAL OF RESERVED MATTERS

Manning Elliott Partnership
Langlands
Pallet Hill
Penrith
CA11 0BY
FAO: Mr C Staniowski

APPLICATION No: 4/24/2035/0B1

VARIATION OF CONDITION 2 TO ALTER HOUSE TYPES, REMOVE PARKING COURTS & CHANGE THE HOUSING MIX OF APPROVED APPLICATION 4/21/2195/0R1 APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOR 85 DWELLINGS FOLLOWING OUTLINE APPROVAL 4/16/2415/0O1
HARRAS DYKE FARM, HARRAS DYKE, WHITEHAVEN

Thomas Armstrong (Construction) Ltd

The above application dated 24/01/2024has been considered by the Council in pursuance of its powers under the above Act and APPROVAL OF RESERVED MATTERS HAS BEEN GRANTED subject to the following conditions:

1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

   Reason

   To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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 1:2500, drawing number 1931-PL101 A, received 27th April 2021;
- Site Layout Plan as Proposed, scale 1:500, drawing number 2258-PL250(A), received 11th March 2024;
- Landscaping Plan as Proposed, scale 1:500, drawing number 2258-PL260, received 24th January 2024;
- Boundaries and Enclosures, scale 1:500, drawing number 2258-PL252, received 24th January 2024;
- Hard Surfacing and Facades, scale 1:500, drawing number 2258-PL253, received 24th January 2024;
- Geotechnical Assessment, written by Sword Geotechnical, dated April 2021, received 29th June 2021;
- Existing Site Constraints, scale 1:500, drawing number 2258-PL251, received 24th January 2024;
- External finishes schedule, received 24th January 2024;
- Phase 2 Landscape Plan, scale 1:500, drawing number 1931-PL219 F 06, received 15th June 2022;
- Phase 2 Planting Plan, scale 1:500, drawing number 1931-PL219 F 07, received 15th June 2022;
- Plant Specification and Schedule, written by Eden Environmental, drawing number 03, received 15th June 2022;
- Geotechnical Assessment, written by Sword Geotechnical, document reference SG-Harras-001b, received 15th June 2022;
- Boundary Treatments, scales 1:50 and 1:100, drawing number 1931-BT 01, received 6th January 2022;
- Character Areas Site Layout Plan as Proposed, scale 1:500, drawing number 1931-PL218 G, received 15th June 2022;
- Circulation Routes as Proposed, scale 1:500, drawing number 2258-PL257, received 24th January 2024;
- Parking Layout as Proposed, scale 1:500, drawing number 2258-PL254, received 24th January 2024;
- Footway Connection Drawing, drawing number B031397-TTE-00-XX-PL-D-002 P03, received 16th May 2022;
- Site Access Visibility Drawing, drawing number B031397-TTE-00-XX-PL-D-001 P03, received 16th May 2022;
- Footpath Diversion Route, 1:500, drawing number 2258-PL259, received 24th January 2024;
- Managed Areas and Adoption Plan, scale 1:500, drawing number 2258-PL255, received 24th January 2024;
- Design and Access Statement Addendum, written by Manning Elliott, received 24th January 2024;
- JJA House Type floor plans, scale 1:100, drawing number 2258-PL300, received 24th January 2024;

- JJA House Type elevations, scale 1:100, drawing number 2258-PL500, received 24th January 2024;
- Alder House Type floor plans, scale 1:100, drawing number 2258-PL305, received 24th January 2024;
- Alder House Type elevations, scale 1:100, drawing number 2258-PL505, received 24th January 2024;
- Campion House Type floor plans, scale 1:100, drawing number 2258-PL310, received 24th January 2024;
- Campion House Type elevations, scale 1:100, drawing number 2258-PL510, received 24th January 2024;
- Harebell House Type floor plans, scale 1:100, drawing number 2258-PL315, received 24th January 2024;
- Harebell House Type elevations, scale 1:100, drawing number 2258-PL515, received 24th January 2024;
- Kingcup House Type floor plans, scale 1:100, drawing number 2258-PL320, received 24th January 2024;
- Kingcup House Type elevations, scale 1:100, drawing number 2258-PL520, received 24th January 2024;
- Oxlip House Type floor plans, scale 1:100, drawing number 2258-PL325, received 24th January 2024;
- Oxlip House Type elevations, scale 1:100, drawing number 2258-PL525, received 24th January 2024;
- Camphor House Type floor plans, scale 1:100, drawing number 2258-PL330, received 24th January 2024;
- Camphor House Type elevations, scale 1:100, drawing number 2258-PL530, received 24th January 2024;
- FFA House Type floor plans, scale 1:100, drawing number 2258-PL335, received 24th January 2024;
- FFA House Type elevations, scale 1:100, drawing number 2258-PL535, received 24th January 2024;
- Clover House Type floor plans, scale 1:100, drawing number 2258-PL340, received 24th January 2024;
- Clover House Type elevations, scale 1:100, drawing number 2258-PL540, received 24th January 2024;
- Bluebell House Type floor plans, scale 1:100, drawing number 2258-PL345C, received 19th February 2024;
- Bluebell House Type elevations, scale 1:100, drawing number 2258-PL545B, received 19th February 2024;
- Sorrell House Type floor plans, scale 1:100, drawing number 2258-PL360B, received 19th February 2024;
- Sorrell House Type elevations, scale 1:100, drawing number 2258-PL550A, received 19th February 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. Prior to the commencement of the development hereby approved, full details of the areas for highways adoption and those that will be maintained and managed by a management company must be submitted to and approved in writing by the local planning authority. Development must be undertaken in accordance with the approved plans and maintained as such at all times thereafter.

   Reason

   In order to ensure a well maintained and accessible development in accordance with Policy DM22 of the Copeland Local Plan.

4. Development must be undertaken in accordance with the conclusions and mitigation measures set out within the Phase II: Ground Investigation Report, written by GEO Environmental Engineering, received 3rd January 2023 at all times.

   Reason

   To ensure that risks from land contamination are understood prior to works on site, both during the construction phase and to the future users of the land and neighbouring land, 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 and in accordance with Policy ST1 of the Copeland Local Plan.

5. No development must commence (including any earthworks) until details of the means of ensuring the water mains that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details must include a survey of the exact location of the water mains (line and depth) and outline the potential impacts on the water mains from construction activities and the impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures must be implemented in full in accordance with the approved details.

   Reason

   In the interest of public health and to ensure protection of the public water supply in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Other Conditions

6. All hard and soft landscape works must be carried out in accordance with the approved details. The works must be carried out in the first planting season following the completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting must 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.

7. Artificial lighting used within the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01 dated 2005.

   Reason

   In order to safeguard the amenities of adjoining and local residential occupiers and in accordance with Policy ST1 of the Copeland Local Plan.

8. No superstructure must 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. Development must be completed in accordance with the approved details of materials.

   Reason

   To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.
   persons so employed.

9. The existing stone wall which fronts onto Harras Road shall be retained as part of the development.

   Reason

   To ensure a satisfactory appearance of the development in the interests of

visual amenity and in accordance with Policy DM10 of the Copeland Local Plan.

Informatives

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 <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

2. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

   The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

   The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

   The documents are as follows:-
   HS(G)47 – Avoiding danger from underground services.
   GS6 – Avoidance of danger from overhead electric lines.

   The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

   Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website http://www.enwl.co.uk/our-services/know-before-you-dig

   It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

3. Section 130(1) of the Highways Act 1980 places a statutory duty on Cumberland Council as the Highway Authority to: -

   - Assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority; and

- Prevent as far as possible the stopping up or obstruction of those highways.

We would advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed
- No development should take place on or near the footpath until the appropriate statutory legal process has been successfully completed.

4. United Utilities have requested, if possible, that the site be drained on a separate system with foul drainage only connected into the foul sewer in order to ensure a satisfactory drainage scheme.

5. The conditions on the outline planning permission are still required to be discharged prior to commencement of development, including drainage details. It should therefore be noted that the SUDS pond detailed on the site layout is indicative only.

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

Jane Meek
Assistant Director
Thriving Place and Investment

28th March 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.