

Town and Country Planning Act 1990 (As amended).

4/16/2175/001

**This Consent is Subject to a Section 106 Agreement under the Town & Country Planning Act 1990**

**NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION**

Taylor and Hardy  
North House  
Kingstown  
CARLISLE  
Cumbria CA6 4BY  
FAO Ms Julie Diamond

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
TWO PIECES OF LAND TO NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN**

**Messrs Stamper**

The above application dated 01/06/2016 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.

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. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in 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 1:2500, received on 2<sup>nd</sup> June 2016
- Proposed Access and Drainage Plan, scale 1:500, reference 15020/800 Revision A, prepared by RWO Associates and received on 2<sup>nd</sup> June 2016
- Transport Assessment prepared by WYG, reference A098893, dated August 2016
- Transport Note prepared by Taylor and Hardy, reference JTD/13/025, dated May 2016
- Flood Risk Assessment for Land at Moresby (Mp7), prepared by RWO Associates, reference 15020/FRA/1, dated July 2015
- Flood Risk Assessment for Land at Moresby (Mp3), prepared by RWO Associates, reference 15020/FRA/1, dated July 2015
- Planning Statement prepared by Taylor and Hardy, reference JTD/13/025 dated May 2016
- Design and Access Statement prepared by Taylor and Hardy, reference JD/13/025, dated May 2016

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.

4. The carriageway, footways, footpaths, cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be

commenced until a full specification (as well as the improvements to the street lighting) has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

5. Any application for Reserved Matters Application shall provide full engineering details of the estate road layout, which shall be designed, constructed, drained and lit to a standard suitable for adoption. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All works so approved shall be constructed before the development is considered complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

6. Any application for Reserved Matters Application shall include a plan reserving adequate land for site offices and stores and the turning and parking of vehicles engaged in Construction Operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason

The carrying out of this development without the provision of these facilities being available during construction works, is likely to lead to inconvenience and danger to road users.

7. Any application for Reserved Matters for the house plots shall incorporate full details of the access arrangements, including 'in curtilage' parking commensurate with the Parking standards. No dwelling shall be occupied until its access and parking facilities have been constructed in accordance with the approved plan. These facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

8. Prior to the commencement of development, a construction management plan detailing transport routes, signage, working hours, wheel cleaning facilities, and site compound location shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to mitigate the impacts on adjacent neighbouring properties and school.

9. The development shall not commence until visibility splays providing clear visibility of 60 x 2.4 x 60 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of each access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

10. Prior to the commencement of any development on the site details of the car parking for use in connection with the school shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details at all times thereafter.

Reason

For the avoidance of doubt and in the interests of highway safety.

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (ref No. 15020/FRA/1, dated July 2015) which was prepared by RWO Associated Limited,

proposing surface water discharging into watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall 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.

12. Any application for Reserved Matters Application shall include a full surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- 1) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
  - 2) Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason

To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

14. Prior to the commencement of development a detailed plan which shows the proposed phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

For the avoidance of doubt

#### **Informative**

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](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 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



10<sup>th</sup> August 2020

PP Pat Graham  
Chief Executive

**APPROVALS**  
**(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

**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.