

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2209/OF1
2.	Proposed Development:	RETENTION OF GATES, HARDSTANDING, CONCRETE PAD AND TRACK ON AN ACCESS POINT INSTALLED IN CONNECTION WITH THE CUMBRIA WATER SUPPLY PROJECT
3.	Location:	LAND AT GREENSYKES FARM, LAMPLUGH
4.	Parish:	Lamplugh
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to the access to a field close to Greensykes Farm located to the east of Asby on the road leading to Lamplugh. There are agricultural fields surrounding the access to the north, south, east and west.</p> <p>PROPOSAL</p> <p>This application seeks planning permission for the retention of a concrete pad access and gateway which serves a field currently utilized by United Utilities for the water supply upgrades that are being constructed to connect Thirlmere reservoir with West Cumbria. The concrete pad is 16.3m x 5.45m which leads to a hardstanding of 17.2m x 9.5m with 3 x 3.66m galvanized steel gates. The access frontage will include a fence with a gate to be 4.6m. The hedge will be retained on the highway edge.</p>

RELEVANT PLANNING APPLICATION HISTORY

Development of a water supply connection comprising of a new service reservoir, valve house and pumping station, fencing and landscaping, approved in December 2016 (application reference 4/16/2108/0F1 relates).

CONSULTATION RESPONSES

Consultees

United Utilities – No comments.

Cumbria County Highways – Initially advised that the access would not be suitable on highway grounds, but further to the submission of amended plans, the proposal is considered to be acceptable, subject to conditions relating to the design of the fence and a requirement for the gates to open inwards.

Local Lead Flood Authority – No objections.

Public Representation

The application has been advertised by way of a site notice.

No responses have been received as a result of this advertisement.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Strategy Development

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework (2019)

ASSESSMENT

Introduction

Planning Policies DM11 and DM22 within the Copeland Local Plan seek to ensure that access points are designed sufficiently to be safe and which do not create issues for the surrounding highway network. Policies ST2 and DM10 require proposals to be well designed and in keeping with their surroundings whilst choosing materials which do not increase the local flood risk, as required by Policy ENV1.

Planning Permission is required for the retention of a concrete pad, access gates and fence serving an agricultural field to the south of Greensykes Farm. The development was undertaken by United Utilities and required for the upgrading of the water pipeline between Arlecdon and Kirkland, due for completion in 2022. The farmer wishes to retain the development to provide a safe access to the field for agricultural vehicles, without the need to access the field through the other fields.

Drainage

The access has been constructed between the road and the field in non-permeable concrete. It is considered that the access has been previously approved and is not creating drainage issues in the locality, therefore is suitable for retention. The Local Lead Flood Authority have raised no objections to the proposal.

Highway safety

Initial concerns were raised from the Cumbria Highway Authority as the visibility from the access was not sufficient. Discussions were undertaken with the Applicant to put the gateway back to its original position but to increase the width to accommodate a 4.6m gate and timber rail fence, installed from the hedgerow back on a 45 degree taper to meet the gateway. The Highways Officer considered that in doing this the concrete pad could be retained within the field allowing use for stock applications and on the roadside edge to prevent machinery from churning up the verge when turning left out of the gateway opposite. The Applicant's Agent provided revised plans to show these alterations which were considered to be acceptable for road safety, subject to the design of the fence being in accordance with the highway construction details set out in the document "Fences, Stiles and Gates – H3" and that the access gates will be hung to open inwards only.

Conclusion

There have been no objections received to the proposal.

Overall this is considered to be an acceptable form of development which accords with the policies

	set out in the Copeland Local Plan.
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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: -</p> <p>Location Plan, received 8th June 2020; Cross Section, scale 1:1000, received 8th June 2020; Layout Plan, scale 1:200, received 6th July 2020.</p> <p>Reason</p> <p>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.</p> <p>3. Access gates, if provided, must be hung to open inwards only away from the highway and so maintained as such at all times.</p> <p>Reason</p> <p>In the interests of highway safety and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.</p> <p>4. The new fencing adjacent to the highway must be constructed in accordance with the highway construction details contained within the document “Fences, Stiles and Gates – H3”</p> <p>Reason</p> <p>To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.</p>

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

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.

Case Officer: S. Papaleo

Date : 30th July 2020

Authorising Officer: N.J. Hayhurst

Date : 03rd August 2020

Dedicated responses to:- N/A