

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2325/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4, 5, 8, 10, 13 AND 14 OF PLANNING APPROVAL 4/16/2175/001
3.	Location:	TWO PIECES OF LAND TO THE NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN
4.	Parish:	Moresby
5.	Constraints:	N/A.
6.	Publicity Representations & Policy	N/A.
7.	Report:	<p>Site and Location:</p> <p>The Application Site comprises a parcel of agricultural land located to the north of School Brow, Moresby Parks.</p> <p>The Application Site is enclosed by the highway known as School Brow to the south; the highway known as Moresby Parks Road to the east; open agricultural land to the north; and, a combination of dwellings and agricultural land to the west.</p> <p>The Application Site slopes gently from north to south and east to west.</p> <p>The Application Site is enclosed by a combination of fences, stone walls and hedgerows.</p> <p>Relevant Planning Application History:</p> <p>Application Ref. 4/16/2175/001 – Outline Application For Residential Development – Approved subject to planning conditions and a Section 106 Agreement.</p> <p>Application Ref. 4/21/2327/0R1 – Reserved matters approval for the erection of 19no. detached dwellings including associated infrastructure pursuant to Outline Planning Application Ref. 4/16/2175/001.</p>

Application Ref. 4/21/2328/OF1 – Formation of an attenuation basin including connection routes to adjoining proposed housing development.

Proposal:

This application seeks approval of the requirements of Planning Conditions 4, 5, 8, 10, 13 and 14 of Application Ref. 4/16/2175/001 which state the following:

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.

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.

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.

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.

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.

Application ref. 4/16/2175/001 included two parcels of land denoted as Site A and Site B. Site A comprises land to the west of Moresby Parks School and Site B comprises the current Application Site.

This application seeks approval of the requirements of relevant planning conditions in relation to Site B only.

The information submitted in support of the planning application comprises the following:

Planning Application Form received 13th July 2021

Planning Condition 4:

Adoptable Road Layout – Drawing No. 6972 100 Rev. K received 13th September 2022
Section 38 Plan – Drawing No. 6972 106 Rev. E received 13th September 2022
Section 104 Agreement Plan – Drawing No. 6972 204 Rev. F received 13th September 2022
Road and Drainage Longsections Sheet One – Drawing No. 6972 101 Rev. F received 24th March 2022
Road and Drainage Longsections Sheet 2 – Drawing No. 6972 102 Rev. B received 24th March 2022
Typical Road Construction Details – Drawing No. 6972 103 Rev. B received 24th March 2022
Road Cross Sections – Drawing No. 6972 105 received 24th March 2022
Outdoor Lighting Report Ref. SHD130 18 March 2022 received 13th July 2021
Site Layout – Drawing No. 6972 01 Rev. E received 13th September 2022

Planning Condition 5:

These details are secured through Application Ref. 4/21/2327/0R1 – Reserved matters approval for the erection of 19no. detached dwellings including associated infrastructure pursuant to Outline Planning Application Ref. 4/16/2175/001.

Planning Condition 8:

Construction Management Plan – Detailed in Document Ref. Raemore Developments Ltd Ref 2-16-2175-001 received 30th October 2022

Planning Condition 10:

Proposed Development Access Plan – Drawing No. 15020 800 Rev. A received 24th March 2022

Planning Condition 13:

Proposed New Housing Development Moresby Parks – Cumbria – 4th July 2022 – Operation and Maintenance Plan Surface Water Drainage System received 13th July 2021

Planning Condition 14:

Phasing Plan – Detailed in Document Ref. Raemore Developments Ltd Ref 2-16-2175-001 received 24th March 2022

Consultee:	Nature of Response:
<p>Cumbria County Council – LLFA and Highways</p>	<p><i>3rd August 2021</i></p> <p>Condition 4 - Details seem in order but, as you are aware, the adoption process, including the confirmation on the technical correctness of the submission, is something governed by sec 38 of the Highways act 1980. The details, and by that definition, the approved drawings, are informed by safety audits and will normally go through quite a few iterations. Each one slightly different in layout and technical detail to the previous. We cannot therefore agree that the submitted drawings is used to discharge the condition as they are not approved.</p> <p>Condition 5 - As above.</p> <p>Condition 8 - Details provided is in line with the wording of the condition and can be discharged.</p> <p>Condition 10 - Details provided is in order and can be discharged (as far as they relate to the parking spaces only) the applicant has not shown how this relatively extensive area is going to be drained.</p> <p>Condition 13 - Details provided is in order and can be discharged</p> <p>Condition 14 - Details provided is in order and can be discharged.</p> <p><i>13th June 2022</i></p> <p>Condition 4 - With new information submitted in March 2022 and May 2022 the LLFA and LHA are content with the discharge of condition 4 of application 4/16/2175/001.</p> <p>Condition 5 - With new information submitted in March 2022 and May 2022 the LLFA and LHA are content with the discharge of condition 4 of application 4/16/2175/001.</p>

		<p>Condition 8 - This condition has already been discharged on previous response dated 03/08/2021.</p> <p>Condition 10 - This condition has already been discharged on previous response dated 03/08/2021.</p> <p>Condition 13 - This condition has already been discharged on previous response dated 03/08/2021.</p> <p>Condition 14 - This condition has already been discharged on previous response dated 03/08/2021.</p>
	<p>Flood and Coastal Defence Engineer</p>	<p><i>10th August 2021</i></p> <p>CONDITION 4 No comment.</p> <p>CONDITION 5 No comment.</p> <p>CONDITION 8 No comment.</p> <p>CONDITION 10 No comment.</p> <p>CONDITION 13</p> <ol style="list-style-type: none"> 1. The drawings shows that the surface water system is to be built to adoptable standards and United Utilities specifications. The Drainage Strategy states that the system is not to be adopted by United Utilities and states that the developer will maintain the system, including the detention basin. It does not expressly state that this will be for the lifetime of the development, or just until the development has been completed. 2. The Operation and Maintenance Plan for the Surface Water Drainage System sets out how the general drainage system, detention basin and hydro brake chamber will be maintained. This does not include appropriate funding mechanisms and operating costs. <p>CONDITION 14 No comment.</p>

1st April 2022

I just come across some contradictory information relating to this site:

- Submitted under 4/21/2325/DOC: The Maintenance Plan states that the surface water system on site will be unadopted by United Utilities and will be under the maintenance and management of the developer. This will include the pond.
- Submitted under 4/21/2327/OR1: The Drainage Strategy states that the surface water system will be offered for adoption by United Utilities.

Can you please get this clarified.

If it is the former, then further information would be required to satisfy the condition, such as funding and long-term maintenance after the development is completed.

If it is the latter, it needs to be clear as to whether this will include the pond.

6th April 2022

CONDITION 4

No comments.

CONDITION 5

No comments.

CONDITION 8

A Construction Management Plan has been submitted. Based on the wording of the condition the following points are noted:

- No mention of offsite transport routes is included.
- Information is provided stating that signage will be constructed within the site detailing site entrances and safety notices.
- Site working hours are included.
- Wheel cleaning facilities are not included in the Construction Management Plan, but are referred to within the covering letter in response to Condition 14.

CONDITION 10

No comments.

CONDITION 13

A Sustainable Maintenance and Management Plan has been submitted. Based on the wording of the condition the following points are noted:

- The surface water drainage systems have been designed to Building Regulations.
- It is proposed that the entire surface water system on site will be adopted by United Utilities and this includes the detention basin.
- A maintenance schedule is included, however, this is a suggested schedule and the actual schedule will be determined by United Utilities.

CONDITION 14

Phasing of the proposed development has been detailed in the covering letter submitted with the application.

Neighbour Responses:

None received.

Development plan policies:Copeland Local Plan 2013-2028 (Adopted December 2013):Core Strategy (CS):

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy ST4 – Providing Infrastructure
- Policy T1 – Improving Accessibility and Transport
- Policy ENV1 – Flood Risk and Risk Management
- Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP):

- Policy DM10 – Achieving Quality of Place
- Policy DM11 – Sustainable Development Standards
- Policy DM12 – Standards for New Residential Development
- Policy DM22 – Accessible Developments
- Policy DM24 – Development Proposals and Flood
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Copeland Local Plan 2001-2016 (LP):

- Policy TSP8 – Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment**Planning Condition 4:**

Cumbria County Council – Highways have reviewed the proposed highway specifications and confirmed that the details submitted are acceptable.

Planning Condition 5:

These details are secured through Application Ref. 4/21/2327/OR1 – Reserved matters approval for the erection of 19no. detached dwellings including associated infrastructure pursuant to Outline Planning Application Ref. 4/16/2175/001.

There are therefore no details to be approved.

Planning Condition 8:

Cumbria County Council – Highways have reviewed the proposed Construction Management Plan and have confirmed that the details submitted are acceptable.

The proposed hours of construction accord with normal standards.

The proposed management measures are appropriate to the application site and context.

Details of the proposed routing of construction traffic is not provided. This has not been specifically

requested by Cumbria County Council – Highways in their response.

Planning Condition 10:

Cumbria County Council – Highways have reviewed the proposed parking layout specifications and confirmed that the details submitted are acceptable; however, confirm that details of the proposed means of drainage area required.

Planning Condition 13:

Cumbria County Council – Highways and the Flood and Coastal Defence Engineer have reviewed the proposed Operation and Maintenance Plan for the Surface Water Drainage System and have confirmed that the details submitted are acceptable.

The system is ultimately to be offered for adoption by United Utilities.

Planning Condition 14:

The proposed scheme of phasing is appropriate to the application site and context.

Conclusion

Planning Condition 4:

Approve the requirements of Planning Condition 4 in relation to the Site B area of Application ref. 4/16/2175/001 only.

Planning Condition 5:

These details are secured through Application Ref. 4/21/2327/0R1 – Reserved matters approval for the erection of 19no. detached dwellings including associated infrastructure pursuant to Outline Planning Application Ref. 4/16/2175/001.

There are therefore no details to be approved.

Planning Condition 8:

Approve the requirements of Planning Condition 8 in relation to the Site B area of Application ref. 4/16/2175/001 only.

Planning Condition 10:

	<p>Approve the requirements of Planning Condition 4 in relation to the parking layout only.</p> <p>Details of the proposed means of surfacing and drainage remain required. These details are required prior to the commencement of the development of the parking area.</p> <p>Planning Condition 13:</p> <p>Approve the requirements of Planning Condition 13 in relation to the Site B area of Application ref. 4/16/2175/001 only.</p> <p>The system is ultimately to be offered for adoption by United Utilities.</p> <p>Planning Condition 14:</p> <p>The proposed scheme of phasing is appropriate to the application site and context.</p>
8.	<p>Recommendation: Approve</p>
<p>Case Officer: Chris Harrison</p>	<p>Date : 31.10.2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 02.11.2022</p>
<p>Dedicated responses to:-</p>	