

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2328/OF1
2.	Proposed Development:	FORMATION OF AN ATTENUATION BASIN INCLUDING CONNECTION ROUTES TO ADJOINING PROPOSED HOUSING DEVELOPMENT
3.	Location:	LAND TO THE NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN
4.	Parish:	Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
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>Proposal:</p> <p>This application seeks Full Planning Permission for the formation of a surface water attenuation pond and piped connection to the residential development granted outline planning permission under application ref. 4/16/2175/001 and for which an Application for Approval of Reserved Matters following Outline Approval is sought under application ref. 4/21/2327/OR1.</p>

A separate Full Planning Application for the formation of the surface water attenuation pond and piped connection is required as the development is located outside of the approved Application Site of application ref. 4/16/2175/001.

The proposed attenuation pond comprises an earth banked pond developed above the prevailing land level. The banks incorporate a 1:4 gradient internally and a 1:2.5 gradient externally with cast concrete headwalls internally within the pond and at the out fall. The pond is designed to hold water for short period of time during storm events and will not contain water for the significant majority of the time.

A track with a permeable surface is proposed from within the residential development granted outline planning permission under application ref. 4/16/2175/001 to provide access for management and maintenance.

Report:

On the 31st August 2022, Members of the Planning Panel resolved to grant delegated authority to the Head of Planning and Place to approve Full Planning Permission for the development subject to the following:

- The receipt of revised plans detailing the retention of the lower footway and the installation of drainage infrastructure to the lower footway
- The confirmation of no objections from Cumbria County Council – Highways and LLFA, David Bechelli - Flood and Coastal Defence Engineer and United Utilities in relation to the revised plans
- Amendments to the planning conditions set out in the report to reflect any revised plans; and
- Any revisions to the development as deemed necessary and acceptable to the Head of Planning and Place.

Revised Plans

Revised plans detailing the retention of the lower footway and the installation of drainage infrastructure to the lower footway have been received from the Applicant in relation to application ref. 4/21/2327/0R1, which is the planning application controlling drainage and highway design etc..

No revised plans have been received in relation to this application the proposed revisions do not relate to the design of the drainage basin.

Consultation

Cumbria County Council – Highways and LLFA, David Bechelli - Flood and Coastal Defence Engineer

and United Utilities have been consulted in relation to the revised plans.

The consultation responses received comprise the following:

Cumbria County Council – Highways and LLFA

14th September 2022

Welcome a plan showing levels from proposed gully within the footway to the proposed outfall pipe.

27th September 2022

Looking through the plans and Mikes email we as the LHA and LLFA are content with the proposal and have no objections to the installation of the footway gully and connection to the proposed overflow pipe.

Can I suggest that a highway standard gully pot is to be installed, as existing footway gully pots within the network are reduced in size which easily become blocked as they have to be hand cleaned which unfortunately gets overlooked and forgotten about. A highway standard pot is easily cleaned with mechanical cleansing equipment which would encourage maintenance in the future.

David Bechelli - Flood and Coastal Defence Engineer

14th September 2022

From memory, due to it flooding frequently, Cumbria Highways had attended site with the intention of installing a gully.

However, due to levels a gully installed at the low point would actually have been lower than the culvert, so flooding at this point would have been made worse by installing a gully, so it was never installed.

Consequently, if my memory was correct, what the Planning Panel have requested may not be practical.

At this time the developer will need to check level on site to see if a gully will work at this location.

Whilst a non return valve may prevent water coming back up out of the gully when it is closed, this will prevent it from draining the flooding of the footpath, so it would be pointless installing it.

26th September 2022

	<p>Based on the levels the proposed gully in the footpath should work.</p> <p>The additional info in Mike Rae’s e-mail provides further ways in which flooding to the lower should be reduced.</p> <p>I’m quite happy with this.</p> <p><i>United Utilities</i></p> <p><i>21st October 2022</i></p> <p>United Utilities wish to make the following comments regarding the proposal detailed above. It should be noted that we have previously commented on the Outline Application (Planning Ref: 4/16/2175/001) to which the above application relates. Our previous response (Our Ref: DC/16/2529) is available from the Local Planning Authority.</p> <p>DRAINAGE</p> <p>In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the surface water should drain in the most sustainable way. Further to our review of the submitted documents, Drawings 6972 200 (rev P, dated 09/03/2022), 6792 201 (rev Q dated 09/03/2022) and 6792 202 (rev L dated 09/03/2022), we can confirm the proposals are acceptable in principle.</p> <p>It is clear that no objections have been received from any of the consultees.</p> <p><i>Amendments to Planning Conditions</i></p> <p>No revisions are required to the planning conditions as set out in the original report to the Planning Panel on 3rd August and 31st August 2022.</p> <p>In the context of the above, the Full Planning Application can now be approved.</p> <p>Conclusion</p> <p>Approve Full Planning Application subject to planning conditions.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9. **Conditions:**

Standard 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:

Planning Application Form received 13th July 2021

Existing Site Location Plan – Drawing No, 6972 214 Rev. – received 13th July 2021

Detention Basin Section – Drawing No. 6972 210 Rev. D received 30th October 2022

Drainage Strategy Sheet 2 of 3 – Drawing No. 6972 201 Rev. R received 30th October 2022

Reason

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

Pre-Commencement Conditions

3. 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 Note: 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.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

4. No development shall commence until details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway have been submitted and approved in writing by the local planning authority. Any approved works shall be implemented prior to the development being completed and shall be maintained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Other Conditions

5. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

6. Access gates, if provided, shall be hung to open inwards only away from the highway.

	<p>Reason</p> <p>In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.</p> <p>Informative</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>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.</p>
<p>Case Officer: Chris Harrison</p>	<p>Date : 31st October 2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 02.11.2022</p>
<p>Dedicated responses to:-</p>	