

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2251/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 5, 6, 7, 8, 9, 10 AND 15 OF PLANNING APPROVAL 4/20/2455/0F1
3.	Location:	LAND SOUTH OF WATERS EDGE CLOSE, KELLS, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	N/A.
6.	Publicity Representations & Policy	N/A.
7.	Report: Site and Location <p>The Application Site comprises an area of previously developed and now vacant land extending to 1.37ha located to the south of Waters Edge Close, High Road, Whitehaven.</p> <p>The Site comprises part of the site of the clerical buildings and vehicle parking areas serving the former Marchon plant.</p> <p>The Application Site is bounded by Waters Edge Close to the north; the previously developed and now vacant former Marchon plant to the south and west; and, High Road to the east.</p> <p>The Site is generally level, with some mounds of earth associated with the clearance of the land and likely the adjacent development and hard surfacing present.</p> <p>The Site is currently enclosed by herras fencing to prevent unauthorised access.</p> <p>The Site is located in Flood Zone 1.</p> <p>The Site is not within a conservation area and no Tree Preservation Orders exist.</p>	

Proposal

This Application seeks approval of details reserved by Planning Conditions 5, 6, 7, 8, 9, 10 and 15 of Application Ref. 4/20/2455/0F1.

The relevant planning conditions state the following:

5. No development shall commence until further details, including longitudinal/cross sections of the carriageway, footways, footpaths etc. have been submitted to and approved in writing by, the local planning authority. The carriageway, footways, footpaths etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and accord with the standards laid down in the Cumbria Development Design Guide or any such replacement documentation. The development shall be completed in accordance with the approved details before the development is complete.

6. 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 Local 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; and,*
- specific measures to manage and limit the impact on the school, including working hours including any special measures to accommodate pedestrians 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. The approved CTMP shall be adhered to throughout the construction period.*

7. No development shall commence until a scheme of improvement works to the existing drainage infrastructure serving Waters Edge Close in accordance with the principles detailed in Flood Risk Assessment and Drainage Strategy – Report Ref. TC/T19360/2021/06 Version 06 12th January 2022 have been submitted to the local planning authority, approved in writing by the local planning authority and implemented in accordance with the approved details approved by the local planning authority.

8. 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 to and approved in writing by the local planning authority. Any approved works shall be implemented prior to the development being brought into use and shall be retained for the lifetime of

the development.

9. No development shall commence until a Construction Surface Water Management Plan has been submitted to and approved in writing by the local planning authority.

10. No development shall commence until a Construction Environmental Management (CEMP) Plan has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:-

- The parking of vehicles of site operatives and visitors;*
- Loading and unloading of plant and materials;*
- Storage of plant and materials used in constructing the development;*
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- Measures to control the emission of dust and dirt during construction;*
- A scheme for recycling / disposing of waste resulting from demolition and construction works;*
- Measures to control noise, dust and vibration; and,*
- Measures or diversions to permit access during the construction. The approved CEMP shall be adhered to throughout the construction period.*

15. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Information Submitted In Support of Application

Condition 5

Road Construction Details – Drawing No. 21201 D700 Rev. 2

Section 38/278 Plan – Drawing No. 21201 D800 Rev. 1

Surface Finishes Plan – Drawing No. 21201 D500 Rev. 1

Road Setting Out Plan – Drawing No. 21201 D401 Rev. 1

Proposed Road Long Sections – Drawing No. 21201 D300 Rev. 1

Condition 6

Construction Environmental Management Plan 2091 - Waters Edge - Gleeson - Construction Management Plan v1.4

2091 Waters Edge - Traffic Management Plan Ref. v1.2

Condition 7

Proposed Modifications To Existing Surface Water Network – Drawing No. 21108 02 P3

Condition 8

Proposed Drainage Plan – Drawing No. 21201 D200 Rev. 1

Condition 9

Surface Water Construction Phase Management Plan – Ref. 21201/AE/SWCMP.1 V.1

Condition 10

Construction Environmental Management Plan 2091 - Waters Edge - Gleeson - Construction Management Plan v1.4

2091 Waters Edge - Traffic Management Plan Ref. v1.2

Condition 15

Surface Finishes Plan – Drawing No. 21201 D500 Rev. 1

The details have been revised during the course of the planning application in response to the comments received from consultees.

Consultation Responses**Cumbria County Council – Highways and LLFA**

31st August 2022

Condition 5

The LHA are content with the proposal as further detail regarding the ACO drains has been provided within the latest documents submitted to the LPA. Condition 5 can now be discharged.

Condition 6

Within the latest documents submitted to the LPA plan number (2091-Waters Edge - CTMP V1.2) has now been provided to which the LHA and LLFA are content with the proposal. Condition 6 can now be discharged.

Condition 7

Condition 7 can be discharged as the LHA and LLFA are content with the documents submitted to support the discharge of this condition.

Condition 8

The LHA are content with the proposal as further detail regarding the ACO drains has been provided within the latest documents submitted to the LPA. Condition 8 can now be discharged.

Condition 9

Within the latest documents submitted to the LPA a Construction Surface Water Management Plan was included, after review the LHA and LLFA are content with the proposal stated within the Construction Surface Water Management Plan, therefore condition 9 can be discharged.

Condition 10

Within the latest documents submitted to the LPA plan number (2091-Waters Edge - CTMP V1.2) has

now been provided to which the LHA and LLFA are content with the proposal, Condition 10 can now be discharged.

Condition 15

Condition 15 can be discharged as the LHA and LLFA are content with the documents submitted to support the discharge of this condition.

30th June 2022

Condition 5

The LHA are content with the proposal in principle but before the condition can be discharged the LHA would like to see the construction detail for the ACO channel/Drain that is proposed for individual driveways on this site, looking at the Drainage Plan (Drawing No D200 Rev 1) most but not all units have this detail drainage channels within driveway, the location of these channels are dependent on the FFL of the unit compared to the carriageway height and agree surface water may not flow to the highway but the LHA would like drainage channels on all driveways due to the topography of the development site, either where the driveway meets the rear of the footway or where the driveway meets the house/unit.

Condition 6 -

The LHA and LLFA are content with the proposal in principal but within the last paragraph of the Construction Environmental and Traffic management plan it states that the traffic plan is attached plan number (2091-Waters Edge - CTMP V1.2) unfortunately this has not been submitted with the rest of the documents. Until this document has been submitted and reviewed by LHA and LLFA this condition cannot be discharged.

Condition 7

Condition 7 can be discharged as the LHA and LLFA are content with the documents submitted to support the discharge of this condition.

Condition 8

The LHA are content with the proposal in principle but before the condition can be discharged the LHA would like to see construction detail for the ACO channel/drain that is proposed for individual driveways on this site, looking at the Drainage Plan (Drawing No D200 Rev 1) most but not all units have this detail drainage channels within driveway, the location of these channels are dependent on the FFL of the unit compared to the carriageway height and agree surface water may not flow to the highway but the LHA would like drainage channels on all driveways due to the topography of the development site, either where the driveway meets the rear of the footway or where the driveway meets the house/unit.

Condition 9

Condition 9 cannot be discharged as no information has been submitted to support the discharge of

this condition.

Condition 10

The LHA and LLFA are content with the proposal in principal but within the last paragraph of the Construction Environmental and Traffic management plan it states that the traffic plan is attached plan number (2091-Waters Edge - CTMP V1.2) unfortunately this has not been submitted with the rest of the documents. Until this document has been submitted and reviewed by LHA and LLFA this condition cannot be discharged.

Condition 15

Condition 15 can be discharged as the LHA and LLFA are content with the documents submitted to support the discharge of this condition.

United Utilities

15th June 2022

Further to our review of the submitted documents (Drawing D200, Rev 1, Dated 08/04/2022 and drawing 21108 02, Rev P2, dated 28/09/2021), United Utilities has no objection to condition 7 being discharged.

Copeland Borough Council - Environmental Health

No consultation response received.

Copeland Borough Council – Flood and Coastal Defence Engineer

15th June 2022

CONDITION 5

No comments.

CONDITION 6

No comments.

CONDITION 7

The submitted drawing for the drainage modifications to the existing is (Coast Consulting Engineers) 21108 02 Rev P2.

The condition calls for the amended drainage to be as per Flood Risk Assessment and Drainage Strategy TC/T19360/2021/06. The drainage modification included in this document is (Coast Consulting Engineers) 21108 02 Rev P3.

Therefore the submitted drawing is not the latest one.

There is no confirmation that the drainage modification has taken place and if it has to what drawing the works have been undertaken.
This condition cannot be discharged.

CONDITION 8

No comments.

CONDITION 9

A specific Construction Surface Water Management Plan has not been submitted with the application.

However, within the Construction Management Plan is a section entitled Surface Water Construction Phase Management Statement. This briefly references concerns about construction of outfalls and measures to reduce the risk of pollution incidents.

It is not clear how this contributes to discharging the condition.

CONDITION 10

No comments.

CONDITION 15

No comments.

25th July 2022

CONDITION 5

No comments.

CONDITION 6

No comments.

CONDITION 7

The latest submitted drawing for the drainage modifications to the existing is (Coast Consulting Engineers) 21108 02 Rev P3, which is as per Flood Risk Assessment and Drainage Strategy TC/T19360/2021/06 drainage.

The covering e-mail with the latest submission is dated 11th July 2022 and confirms that works have commenced and are due to be completed on 12th August 2022.

Once these works have been completed in accordance with the above drawing, the condition can be discharged.

CONDITION 8

No comments.

CONDITION 9

A Surface Water Construction Phase Management Plan has been submitted with the latest information.

In summary, the plan sets out the following:

- Measures to control water volume leaving site during construction.
- Measures to control water quality leaving site during construction.
- Phasing of construction works relating to the above.
- A method statement for the works.
- That measures put in place are checked for effectiveness.

The submitted document is sufficient to discharge the condition.

CONDITION 10

No comments.

CONDITION 15

No comments.

Development Plan:

Copeland Local Plan 2013-2028 (Adopted December 2013) (CS):

Core Strategy:

Policy ST1 – Strategic Development Principles

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:

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 Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Emerging Local Plan:

The emerging Copeland Local Plan 2017-2038 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.

As set out at Paragraph 48 of the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the Framework.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 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.

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Policy DS6PU - Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Design Guide (NDG).

Planning Practice Guidance (PPG).

Assessment

The relevant planning conditions state the following:

Condition 5.

Cumbria County Council have been consulted and have confirmed that the submitted details are acceptable.

Condition 6.

Cumbria County Council have been consulted and have confirmed that the submitted details are acceptable.

Condition 7.

Cumbria County Council, United Utilities and the Copeland Flood and Coastal Defense Engineer have been consulted and have confirmed that the submitted details are acceptable.

Condition 8.

Cumbria County Council, United Utilities and the Copeland Flood and Coastal Defense Engineer have been consulted and have confirmed that the submitted details are acceptable.

Condition 9.

Cumbria County Council, United Utilities and the Copeland Flood and Coastal Defense Engineer have been consulted and have confirmed that the submitted details are acceptable.

Condition 10.

Cumbria County Council have been consulted and have confirmed that the submitted details are acceptable.

No consultation response has been received from Environmental Health.

The proposed location of the parking, unloading and materials storage areas will not impede the public highway. The location of the compound adjacent to the existing dwellings was questioned and it was confirmed that this was dictated by the build out specification detailed by the Engineer for surface water management, the efficient operation of the build out and the physical features on the site including the existing stockpiled materials and hard standings. Whilst this location is not preferred from an amenity perspective, the Applicant has included measures to minimise the impact upon the occupants of the adjacent dwellings.

The measures proposed to mitigate the emission of dust and dirt during construction are appropriate to the scale of the development and its location.

Condition 15.

Cumbria County Council have been consulted and have confirmed that the submitted details are acceptable.

Conclusion

Condition 5.

Approve requirements of planning condition.

Condition 6.

Approve requirements of planning condition.

	<p><i>Condition 7.</i> Approve requirements of planning condition.</p> <p><i>Condition 8.</i> Approve requirements of planning condition.</p> <p><i>Condition 9.</i> Approve requirements of planning condition.</p> <p><i>Condition 10.</i> Approve requirements of planning condition.</p> <p><i>Condition 15.</i> Approve requirements of planning condition.</p>	
8.	<p>Recommendation: Approve</p>	
Case Officer: Chris Harrison		Date : 16.09.2022
Authorising Officer: N.J. Hayhurst		Date : 20.09.2022
Dedicated responses to:-		