

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2255/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4, 7, 8 AND 10 OF PLANNING APPROVAL 4/17/2214/001
3.	Location:	LAND TO NORTH OF CROSS GROVE, CROSS GROVE, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	N/A
6.	Publicity Representations & Policy	N/A
7.	<p>Report:</p> <p>Site and Location:</p> <p>The Application Site comprises a 0.5 hectare parcel of land located to the north of the residential estate known as Cross Grove, Cleator Moor.</p> <p>The land is bounded by the cemetery associated with St Marys Church to the northeast; the Cross Grove residential estate to southeast; and, agricultural land to the northwest and southwest.</p> <p>The northwest boundary is lined with mature trees.</p> <p>Direct Planning Application History:</p> <p>Application Ref. 4/17/2214/001 – Outline for the erection of 7 dwellings. Approved.</p> <p>Application Ref. 4/20/2218/0R1 – Reserved matters application for appearance, landscape, layout and scale following on from approved application 4/17/2214/001. Approved.</p>	

Proposals:

This application seeks approval of the requirements of Planning Condition 4, Planning Condition 7, Planning Condition 8 and Planning Condition 10 of application ref. 4/17/2214/001.

4. The carriageway and footways 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 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.

7. Prior to the commencement of any development, a 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 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.

The development shall be completed in accordance with the approved details.

8. Prior to occupation 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:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system 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.

10. Prior to the occupation of any dwelling details of the boundary treatment along the eastern edge of the site for each plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained at all times thereafter.



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The following details have been submitted in support of the planning application:

Application Form

Planning Condition 4

Highway Construction Details – Drawing No. 1842 41 T3
SR12A & Top Meadows Surface Finishes - Drawing No. 1832 1032 P2
Proposed Longsections Sheet 1 – Drawing No. 1842 11 T5
Proposed Equipment Schedule - SHD629-SHD-HLG-FLOS-SH-EO-Lighting Schedule-R0
S38 Street Lighting Design - SHD629-SHD-HLG-FLOS-DR-EO-Lighting Layout-R0
Outdoor Lighting Report - SHD629

Planning Condition 7

SR12A & TOP MEADOWS Engineering Layout – Drawing No. 1842 1002 P6
Exceedance Routes – Drawing No. 1842 131 T3
Drainage Construction Details Sheet 1 of 4 – Drawing No. 1842 51 T1
Drainage Construction Details Sheet 2 of 4 – Drawing No. 1842 52 T1
Drainage Construction Details Sheet 3 of 4 – Drawing No. 1842 53 T1
Drainage Construction Details Sheet 4 of 4 – Drawing No. 1842 53 T1
Geo Environmental Engineering - GEO2014-952: Land at Cleator – Exploratory Hole Information
FLOSH MEADOWS, CLEATOR, SR12A AND TOP MEADOWS Drainage Strategy – Report Ref. 1842-DS11 Rev. F
SR12A & TOP MEADOWS Cleator Construction Surface Water Management Plan – Report No. 1842-SWMP-02 Rev. A

Planning Condition 8

SUDS Maintenance Plan SR12 The Meadows SR12A Mid Meadows Top Meadows – Report No. 1842 SMP01 Rev. D

Planning Condition 10

Site Plan – Top Meadow – Drawing No. 1236 05 Rev. H-RWM – 03/03/22

Consultee:	Nature of Response:
Cumbria County Council – Highways and LLFA	<i>11th September 2023</i> Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

	<p>Condition 4 - The LHA/LLFA have reviewed the additional information submitted (Aug 23) in support of the above application to which we have no objections therefore condition 4 can be discharged.</p> <p>Condition 7 - The LHA/LLFA have reviewed the additional information submitted (Aug 23) in support of the above application to which we have no objections therefore condition 7 can be discharged.</p> <p>Condition 8 - The LHA/LLFA have reviewed the additional information submitted (Aug 23) in support of the above application to which we have no objections therefore condition 8 can be discharged.</p> <p>Condition 10 - Condition 10 is not for the LHA/LLFA to discharge.</p>
United Utilities	<p><i>24th July 2023</i></p> <p>The adjacent phases to the west seem to have been resolved following new information.</p> <p>Is there any update to 4/22/2255/DOC and how this will tie in to the drainage solution?</p>
Flood and Coastal Defence Engineer	<p><i>16th June 2022</i></p> <p>With regards to this site generically, I have an issue that the culverted watercourse is deemed a “mill race” and cannot be used for surface water disposal.</p> <p>In my opinion there is no evidence to suggest that it was ever a mill race, therefore the argument used not to use this for surface water disposal has no merit.</p> <p>Therefore at this stage, without further information to support the above opinion, I am unable to provide comments.</p>

Planning Policy

Planning law requires that 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 (CS):



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Policy ST1 – Strategic Development Principles
Policy T1 – Improving Accessibility and Transport
Policy ENV1 – Flood Risk and Risk Management
Policy ENV3 – Biodiversity and Geodiversity
Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place
Policy DM11 – Sustainable Development Standards
Policy DM24 – Development Proposals and Flood Risk
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
Policy DM26 - Landscaping

Copeland Local Plan 2001-2016 (LP):

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Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

As set out at Paragraph 48 of the National Planning Policy Framework (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 NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Policy DS1PU - Presumption in favour of Sustainable Development
Policy DS2PU - Reducing the impacts of development on Climate Change
Policy DS6PU - Design and Development Standards
Policy DS7PU - Hard and Soft Landscaping

Policy DS8PU - Reducing Flood Risk
Policy DS9PU - Sustainable Drainage
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic
Policy N5PU - Protection of Water Resources
Policy N6PU - Landscape Protection
Policy N9PU - Green Infrastructure
Policy N13PU - Woodlands, Trees and Hedgerows
Policy CO4PU - Sustainable Travel
Policy CO5PU - Transport Hierarchy

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).

Assessment

Planning Condition 4

The proposed highway design and construction details have been confirmed as acceptable by the Local Highway Authority.

Planning Condition 7

Extensive protracted discussions have been ongoing between the Applicant, LLFA and United Utilities in relation to the proposed means of surface water discharge.

The key issue has been the potential to discharge surface water to the existing mill race within the Application Site.

The Applicant initially contested that a legal right of discharge to the existing mill race did not exist and could not be supported with connection to the nearest watercourse c.300m south; therefore, discharge to the United Utilities public main was required.

During the course of the application, the Applicant amended the proposed means of surface water discharge to the mill race and amended the overall drainage design accordingly.

In overall terms, it has been demonstrated that surface water discharge via infiltration is not achievable; therefore, discharge to watercourse via the existing mill race accords with the drainage hierarchy.

The drainage principles and technical drainage design of the development have been



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	<p>confirmed acceptable by the LLFA.</p> <p>United Utilities have not directly provided confirmation of the acceptability of the proposed means of discharge in relation to this application; however, they have provided confirmation in relation to other planning applications on this wider development. No response was received from United Utilities to the formal consultation issued following submission of the revised details received from the Applicant.</p> <p>The Flood and Coastal Defence Engineer ceased to be a consultee during the determination period.</p> <p>During the course of the planning application, the Applicant submitted a Construction Surface Water Management Plan. The drainage principles and technical drainage design have been confirmed as acceptable by the LLFA.</p> <p><u>Planning Condition 8</u></p> <p>The technical drainage design has been confirmed acceptable by the LLFA.</p> <p><u>Planning Condition 10</u></p> <p>The proposed scheme of planting is appropriate to the site and layout and will provide screening and softening of view of the development from the adjacent church yard and cemetery.</p> <p>Conclusion</p> <p>Planning Condition 4 – Approve the requirements of the planning condition.</p> <p>Planning Condition 7 – Approve the requirements of the planning condition.</p> <p>Planning Condition 8 – Approve the requirements of the planning condition.</p> <p>Planning Condition 10 – Approve the requirements of the planning condition.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: Chris Harrison		Date : 11/12/2023
Authorising Officer: N.J. Hayhurst		Date : 11/12/2023
Dedicated responses to:- N/A		