

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2003/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/22/2235/0F1	
3.	Location:	NURSERY GARDEN ADJACENT TO CROFT PADDOCK, KIRKSANTON	
4.	Parish:	Whicham	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, Gas Pipeline - Northern Gas Pipeline - 135m buffer	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a site known as Nursery Gardens, located to the west of Kirksanton. The site is 0.5ha and has two access points, one from the northern end of the field from the A5093 and the other from the south end of the site from the single lane unclassified road U4074. The site has been previously used as a market garden, however all structures associated with this use have now been removed. The site is currently let to a local farmer who cuts the grass for silage and grazing stock.	
		The site encompasses a number of trees and the northern boundary is fronted by a well established	

hedgerow.

### **Relevant Planning History**

4/07/2025/0 – Erection of poly tunnel – Approve

4/22/2235/0F1 – Relocation of existing vehicular access – Approve

### **Proposal**

In October 2022, planning permission was granted (ref: 4/22/2235/0F1) for the relocation of the existing vehicular access at this site. This current application seeks to discharge condition 3 attached to planning approval 4/22/2235/0F1. This condition states the following:

3. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

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

- Application Form, received by the Local Planning Authority on the 5<sup>th</sup> January 2023.
- Access Relocation, Details Plan, Proposed, Scale 1:50, Drawing Number 10046/3, received by the Local Planning Authority on the 5<sup>th</sup> January 2023.

### **Consultation Responses**

Cumbria Highways

*25<sup>th</sup> January 2023*

The plan submitted shows there will be a channel drain at the access to the site and a surface water gully that will connect to the soakaway within the site. I can confirm this is acceptable to this authority and we have no objections to this condition being discharged.

### **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

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy T1 – Improving Accessibility and Transport

ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscape

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Development

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

## **Other Material Planning Considerations**

National Planning Policy Framework (2021)

Wildlife and Countryside Act 1981.

#### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

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

	<p>the provisions of the NPPF.</p> <p><b>Assessment</b></p> <p>Cumbria Highways have confirmed that the documents submitted to support this application are acceptable, therefore condition 3 can be discharged.</p> <p><u>Conclusion</u></p> <p>Discharge condition 3.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of condition.</p>	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 03.02.2023
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 03.02.2023
<b>Dedicated responses to:-</b> N/A		