



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2151/DOC
2.	Proposed Development:	DISHCHARGE OF CONDITIONS 3, 4 AND 5 OF PLANNING APPLICATION 4/22/2118/0F1
3.	Location:	WHITEHAVEN SCHOOL, CLEATOR MOOR ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor
6.	Publicity Representations & Policy	N/A.
7.	Report:	<p>Site and Location:</p> <p>The Application Site comprises the property known as Whitehaven Academy, Cleator Moor Road, Whitehaven.</p> <p>The Application Site comprises an existing surfaced sports facility and part of an existing playing field within the school grounds. The school grounds are bounded by commercial development and a sports ground to the northwest; residential development to the southwest; and, agricultural land to the northeast and southeast.</p> <p>Access to the Application Site is via a one-way access system, the entrance to which is on Moresby Road to the northwest and the exit to which is on Cleator Moor Road to the southwest.</p> <p>Proposal:</p> <p>Full Planning Permission for the development of surfaced sport facilities on the site of the existing redgra surfaced sports facility and part of existing playing field, including: an artificial</p>

hockey turf pitch, an artificial grass pitch, hardstanding tennis/netball courts, polymeric surfaced sprint straight, access/spectator areas and associated fencing and sports lighting system was approved on the 9th June 2022 subject to planning conditions under planning application ref. 4/22/2118/0F1.

This application seeks approval of the details reserved by Planning Conditions 3, 4 and 5.

The details of the conditions are as follows:-

(3) (a) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority after consultation with Sport England. The CMP shall include the following:

(i) details of the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials);

(ii) a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated;

(iii) details of the access and parking provision for vehicles of site operatives and visitors;

(iv) details of provisions for the loading and unloading of plant and materials;

(v) measures to control dust and dirt during construction; and,

(vi) measures to control noise and vibration.

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

(c) The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before commencement of the use of the development hereby approved.

(4) (a) No development shall commence until: (i) a CCTV survey of the existing surface water drainage system to serve the development has been undertaken to show the repairs carried out to the system and the condition of the pipe and outfalls; and. (b) scheme of mitigation measures where it is deemed that further improvements or repairs to the existing surface water drainage system are required have been submitted to and approved in writing by the Local Planning Authority. (c) The development shall be completed in accordance with the approved details.

(5) No development shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. The development shall be completed in accordance with the approved mitigation measures.

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



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Supporting Letter prepared by Notts Sport dated 12th May 2023

Condition 3

Notts Sport Ltd – Construction Management Plan Revision 3

Notts Sport Ltd – Access Management Plan NSTWA004 Revision E

Condition 4

Invek Surveys – Drainage Layout

Unblock Cumbria – Drainage Survey

Unblock Cumbria – Survey Videos (2)

Unblock Cumbria – Drainage Statement

Notts Sport Ltd – Drainage Plan NSTWA009 Revision D

Condition 5

United Utilities – Email Response

Consultee:	Nature of Response:
Highways and LLFA	<p>17th August 2023</p> <p>LLFA Email 2:</p> <p>Yeah we as the LLFA are content with below and agree to discharge the condition.</p> <p>Planning Officer Email Response to LLFA Email 1:</p> <p>In the context of the provisions of Planning Condition 4, we would effectively be approving/agreeing that mitigation/repairs are not required at the present time.</p> <p>We would then have no control moving forward and would be relying on the Whitehaven Academy to complete the assessments and complete any necessary maintenance on their word, which one would assume is in their interest to complete as it would only really impact their own grounds should issues arise.</p> <p>Are you content with the above, or do you retain that repair/mitigation is necessary now.</p> <p>LLFA Email 1:</p> <p>Reviewing the below statement which was within the email from Jason</p>

Palmer, the LLFA would agree to the pipe being inspected biannually and repairs carried out if necessary, I don't know how this will be monitored but it's a better solution than no repairs at all.

In response to the below email regarding Condition 4, Unblock Cumbria (UC) advised that the drainage system was/is functioning as intended hence no 'scheme of mitigation measures' were deemed necessary, as per their supporting survey and statement documents (attached for ease of reference). The applicant and UC have since proposed an ongoing 'monitor and upgrade' programme whereby CCTV surveys of the drains are undertaken biannually to confirm whether they are functioning, with repairs appropriately carried out if they are not.

I welcome the thoughts of the LLFA and yourself Chris with regards to Condition 4.

20th June 2023

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.

Condition 3 -

The LHA and LLFA are content with the information submitted in support of condition 3, therefore condition 3 can be discharged.

Condition 4 -

No development shall commence until:

(a) a CCTV survey of the existing surface water drainage system to serve the development has been undertaken to show the repairs carried out to the system and the condition of the pipe and outfalls;

The LLFA are content that condition 4(a) has been completed.

(b) A scheme of mitigation measures where it is deemed that further improvements or repairs to the existing surface water drainage system are required have been submitted to and approved in writing by the Local Planning Authority.

Although the drainage contractors who carried out the CCTV works has stated that the condition of the existing pipe is reasonable and repairs are not needed at this time, it is evident that repairs are needed. The LLFA would encourage the applicant to carry out repairs whilst connecting the proposed new surface water system from the MUGA to the existing drainage system, as failure to repair

		<p><i>existing problems may cause blockages in the future. The LLFA would like further details on how the defected areas within the development boundary of the existing drainage system are to be repaired, therefore at this present time Condition 4(b) cannot be discharged.</i></p> <p>(c) The development shall be completed in accordance with the approved details.</p> <p>Condition 5 - Not for the LHA and LLFA to discharge.</p>
	<p>United Utilities</p>	<p><i>14th July 2023</i></p> <p>United Utilities has no comments to make with regards to Condition 3.</p> <p><u>Condition 4</u></p> <p>Further to our review of the submitted documents Drainage Plan (ref NSTWA009, dated 12/05/23), United Utilities note the proposals do not interact with the public sewer network. We also did not recommend the drainage conditions present on the decision notice. We therefore have no objections to the discharge of the drainage conditions.</p> <p><u>Condition 5</u></p> <p>United Utilities can confirm that following trial hole works, the precise location of our asset has been confirmed. It now falls outside of the site boundary, therefore we have no objection to the discharge of this condition.</p> <p>Alternative ways to contact the team are detailed in ‘<i>Useful information for the applicant</i>’, Section 3. Contacts’.</p>
	<p>Sport England</p>	<p><i>6th September 2023</i></p> <p>Thanks for the swift response on this. We’ re content for you to discharge the condition now.</p> <p><i>5th September 2023</i></p> <p>Sport England sought the imposition of condition 3 in order to protect the playing fields/sports facilities from damage, loss or availability of use. The submitted details are fine, as far as they go, but as the Construction Management Plan does not included a scheme for the removal of the</p>

works/contractors' compound, and the restoration of the land on which it is situated we would not wish to see the condition fully discharged.

If you would like any further information or advice please contact the undersigned at the address below.

Neighbour Responses:

None required.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

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

Core Strategy (CS):

- Policy ST1 – Strategic Development Principles
- Policy ENV1 – Flood Risk and Risk Management
- Policy ENV3 – Biodiversity and Geodiversity
- Policy SS4 – Community and Cultural Facilities and Services

Development Management Policies (DMP):

- Policy DM11 – Sustainable Development Standards
- Policy DM22 – Accessible Developments
- Policy DM24 – Development Proposals and Flood Risk
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species



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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 DS8PU - Reducing Flood Risk

Policy DS9PU - Sustainable Drainage

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

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

Cumbria Development Design Guide (CDDG).

Assessment:

Planning Condition 3

A Construction Management Plan and Access Management Plan have been prepared.

The respective documents provide the information required by Planning Condition 3.

	<p>The measures proposed are both proportionate and appropriate to the development proposed.</p> <p>The measures proposed will prevent harm to the amenity, will prevent impact upon the safe operation of the public highway and will protect the playing fields/sports facilities from damage, loss or availability of use.</p> <p>Sport England, Highways and the LLFA have been consulted and have raised no objections.</p> <p><u>Planning Condition 4</u></p> <p>The LLFA have been consulted and whilst initially raising objections, following review and confirmation that the Applicant will inspect the pipework biannually and complete repairs, they have confirmed no objections.</p> <p><u>Planning Condition 5</u></p> <p>United Utilities have been consulted and have confirmed that following trial hole works, the precise location of their asset has been confirmed.</p> <p>The asset falls outside of the site boundary; therefore, they have confirmed no objection.</p> <p>Conclusion:</p> <p>Approve requirements of Planning Condition 3.</p> <p>Approve requirements of Planning Condition 4.</p> <p>Approve requirements of Planning Condition 5.</p>
8.	<p>Recommendation:</p> <p>Approve requirements of Planning Condition 3.</p> <p>Approve requirements of Planning Condition 4.</p> <p>Approve requirements of Planning Condition 5.</p>
9.	<p>Condition(s):</p> <p>N/A.</p>



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Case Officer: Chris Harrison	Date : 06.09.2023
Authorising Officer: N.J. Hayhurst	Date : 06.09.2023
Dedicated responses to:- N/A	