

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2156/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/23/2025/0F1
3.	<b>Location:</b>	LAND AT JOE MCBAIN AVENUE, MORESBY PARKS, MORESBY
4.	<b>Parish:</b>	Moresby, Whitehaven
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts,</p> <p>Safeguard Zone - Safeguard Zone,</p> <p>Coal - Development Referral Area - Data Subject to Change,</p> <p>Coal - Standing Advice - Data Subject To Change,</p> <p>Key Species - Bounds of Sensitive Area for Hen Harriers,</p> <p>Preferred Route Corridor - Within Preferred Route Corridor</p>
6.	<b>Publicity Representations &amp;Policy</b>	<p>Neighbour Notification Letter: NO</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p><b>Report:</b></p> <p><b>Site and Location:</b></p> <p>This application relates to a vacant parcel of land situated adjacent to Joe McBain Avenue in Moresby Parks. The site has Joe McBain Avenue to the south, Blakefell Close to the west and further vacant land to the north and east.</p>	

The site covers a total of 1.7 hectares.

Planning permission was approved in June 2023 for the erection of a building for use as a warehouse, along with the associated car parking, service yard, landscaping and drainage infrastructure (application reference 4/23/2025/0F1 relates).

**Proposal:**

A Planning Condition imposed on application ref. 4/23/2025/0F1 stated the following:

3. Development must not 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:

- 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

**Reason:**

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy DM22 of the Copeland Local Plan.

This application seeks to discharge the details of this condition. The following information has been submitted with the application:

- Application Form;
- Construction Traffic Management Plan.

**Consultation responses:**



## Cumberland Council

Consultee:	Nature of Response:
Whitehaven Town Council	No response received.
Moresby Parish Council	No response received.
Highways and Local Lead Flood Authority	<p><b>1<sup>st</sup> response</b></p> <ul style="list-style-type: none"> <li>• The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;  <b><i>The LHA and LLFA require further detail as not addressed within the CTMP.</i></b></li> <li>• construction vehicle routing;  <b><i>The LHA are LLFA are content the bullet point has been addressed in the CTMP.</i></b></li> <li>• The management of junctions to and crossings of the public highway and other public rights of way/footway;  <b><i>The LHA are LLFA are content the bullet point has been addressed in the CTMP.</i></b></li> <li>• Details of any proposed temporary access points; (vehicular / pedestrian)  <b><i>The LHA are LLFA are content the bullet point has been addressed in the CTMP.</i></b></li> <li>• Surface water management details during the construction phase;  <b><i>The LHA and LLFA require further detail as not addressed within the CTMP.</i></b></li> </ul> <p>Reason:</p> <p>To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy DM22 of the Copeland Local Plan.</p> <p>In light to the above comments additional details are required from</p>

the applicant.

Upon receipt of the amended plans I shall be better placed to discharge condition 3 of this application.

**2<sup>nd</sup> response**

- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

***The LHA and LLFA require further detail as not addressed within the CTMP***

- Surface water management details during the construction phase;

***The LHA and LLFA require further detail as not addressed within the CTMP.***

The LHA and LLFA are happy that the above points have been addressed in the amended CTMP which has been recently submitted to the Local Planning Authority for review, therefore we as the LHA and LLFA are content that condition 3 can be discharged.

**Neighbour Responses:**

No responses have been received.

**Development Plan Policies:**

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 the 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):



## Cumberland Council

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP):

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

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

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> March 2024. The Planning Inspectors Report is awaited.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

	Cumbria Development Design Guide	
	<p><b>Assessment:</b></p> <p><u>Condition 3 – Construction Traffic Management</u></p> <p>A Construction Traffic Management Plan has been submitted to include details on vehicle parking, loading and unloading, the cleaning of public roads, wheel washing, spillage prevention, routes and access points for construction traffic and surface water management.</p> <p>The initial submission omitted some of the required information. An amended CTMP was subsequently submitted to include these details.</p> <p>The information has been fully considered by the Highways department and considered to be acceptable. The condition is therefore suitable for discharge.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable and sufficient to satisfy the requirements of condition 3 of planning permission 4/23/2025/0F1.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of condition</p>	
Case Officer: Sarah Papaleo		Date : 17/05/2024
Authorising Officer: N.J. Hayhurst		Date : 20/05/2024
Dedicated responses to:- N/A		