



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2206/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 3 AND 4 OF PLANNING APPROVAL 4/21/2328/0F1
3.	<b>Location:</b>	LAND TO THE NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN
4.	<b>Parish:</b>	Moresby
5.	<b>Constraints:</b>	N/A.
6.	<b>Publicity Representations &amp; Policy</b>	N/A.
7.	<b>Report:</b>	<p><b>Site and Location:</b></p> <p>The Application Site comprises a parcel of agricultural land located to the north of School Brow, Moresby Parks.</p> <p>The Application Site is enclosed by the highway known as School Brow to the south; the highway known as Moresby Parks Road to the east; open agricultural land to the north; and, a combination of dwellings and agricultural land to the west.</p> <p>The Application Site slopes gently from north to south and east to west.</p> <p>The Application Site is enclosed by a combination of fences, stone walls and hedgerows.</p> <p><b>Proposal:</b></p> <p>Planning application ref. 4/21/2328/0F1 approved the formation of a surface water attenuation pond and piped connection to the residential development granted outline planning permission under application ref. 4/16/2175/001 and for which an Application for Approval of Reserved Matters following Outline Approval was approved under application ref. 4/21/2327/0R1.</p> <p>A separate Full Planning Application for the formation of the surface water attenuation pond and piped connection was required as the development is located outside of the approved</p>

Application Site of application ref. 4/16/2175/001.

The attenuation pond comprises an earth banked pond developed above the prevailing land level. The banks incorporate a 1:4 gradient internally and a 1:2.5 gradient externally with cast concrete headwalls internally within the pond and at the out fall. The pond is designed to hold water for short period of time during storm events and will not contain water for the significant majority of the time.

A track with a permeable surface was proposed from within the residential development granted outline planning permission under application ref. 4/16/2175/001 to provide access for management and maintenance.

This application seeks approval of the details reserved by Planning Conditions 3 and 4 of planning application ref. 4/21/2328/0F1, which state the following:

- 3. 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 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 • Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians Note: 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.*

*4. 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 and approved in writing by the local planning authority. Any approved works shall be implemented prior to the development being completed and shall be maintained for the lifetime of the development.*



**Cumberland  
Council**

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

- Application Form
- Moresby Parks Site B Development – Supporting Statement received 18<sup>th</sup> August 2023

<b>Consultee:</b>	<b>Nature of Response:</b>
Highways and LLFA	<p data-bbox="427 734 655 768"><i>8<sup>th</sup> August 2023</i></p> <p data-bbox="427 808 1465 949">Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and welcome the construction traffic management plan (CTMP) our findings are detailed below in bold.</p> <p data-bbox="427 990 608 1023"><b>Condition 3</b></p> <ul data-bbox="427 1064 1465 2000" style="list-style-type: none"><li>• Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense; <b><i>Although a site meeting was carried out with Craig McCarron Cumberland Council Highway engineer for the Copeland area, No detail has been provided on the following point within the CTMP.</i></b></li><li>• Details of proposed crossings of the highway verge; <b><i>This point has been addressed within the CTMP submitted.</i></b></li><li>• Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development; <b><i>It is assumed that all works vehicles/delivery's will be parked/loaded and unloaded within the development site via the temporary access on Moresby Parks road can this be confirmed please.</i></b></li><li>• Cleaning of site entrances and the adjacent public highway; <b><i>No detail has been provided on the following point within the CTMP.</i></b></li><li>• Details of proposed wheel washing facilities; <b><i>No detail has been provided on the following point within the CTMP.</i></b></li><li>• The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;</li></ul>

***No detail has been provided on the following point within the CTMP.***

- Construction vehicle routing;

***No detail has been provided on the following point within the CTMP.***

- The management of junctions to and crossings of the public highway and other public rights of way/footway;

***This point has been addressed within the CTMP submitted.***

- Details of any proposed temporary access points (vehicular / pedestrian)

***This point has been addressed within the CTMP submitted.***

- Surface water management details during the construction phase

***No detail has been provided on the following point within the CTMP.***

- Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians Note: 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.

***This point has been addressed within the CTMP submitted.***

#### **Condition 4**

The CTMP does not address any mitigation measures to prevent surface water run off during construction phase, therefore the Condition 4 can **not** be discharged.

In light to the above comments additional details are required from the applicant.

*17<sup>th</sup> August 2023*

Revised details contained in email from Applicant dated 16<sup>th</sup> August 2023 are acceptable.

#### **Neighbour Responses:**

None required.



## Cumberland Council

### **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 T1 – Improving Accessibility and Transport
- Policy ENV1 – Flood Risk and Risk Management
- Policy ENV3 – Biodiversity and Geodiversity

#### 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

#### 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

Strategic Policy CO2PU: Priority for improving Transport networks within Copeland Strategic

Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy

### **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

Highways and the LLFA have been consulted and have raised no objections.

A Construction Traffic Management Plan has been prepared.

The documentation provides the information required by Planning Condition 3.

The measures proposed are both proportionate and appropriate to the development proposed.

The measures proposed will prevent harm to the will prevent impact upon the safe operation of the public highway.



## Cumberland Council

	<p><u>Planning Condition 4</u></p> <p>The LLFA have been consulted and initially raising objection due to the lack of details; however, following review the Applicant and the provision of additional information in relation to the operation of the existing culvert diversion etc. they have confirmed no objections.</p> <p>The documentation provides the information required by Planning Condition 3.</p> <p>The measures proposed are both proportionate and appropriate to the development proposed.</p> <p><b>Conclusion:</b></p> <p>Approve requirements of Planning Condition 3.</p> <p>Approve requirements of Planning Condition 4.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Condition(s):</b></p> <p>N/A</p>
<b>Case Officer:</b> C J Harrison	
<b>Date :</b> 21.08.2023	
<b>Authorising Officer:</b> N.J. Hayhurst	
<b>Date :</b> 31.08.2023	
<b>Dedicated responses to:-</b> N/A	