

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2080/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 3 AND 4 OF PLANNING APPROVAL 4/23/2240/0F1
3.	<b>Location:</b>	LAND AT SNECKYEAT INDUSTRIAL ESTATE, HENSINGHAM, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: NO  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>This application relates to the Sneckyeat Industrial Estate, located off Sneckyeat Road in Whitehaven. The Industrial Estate spans to the north and south of Sneckyeat Road and is accessed from Homewood Road to the west. There are residential properties to the west, the West Cumberland Hospital to the south and open fields to the east and north.</p> <p>Planning permission was approved in December 2023 for the erection of one business/industrial building to provide 4 self-contained units to be utilized for use classes B2, B8, E(G)(I), E(G)(II) and E(G)(III) along with car parking, access and associated works (application reference 4/23/2240/0F1 relates).</p>	

**Proposal:**

Planning Conditions imposed on application ref. 4/23/2240/0F1 state the following:

3. Prior to the commencement of any works on site, a Construction Traffic Management Plan must be 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.

4. Prior to the commencement of the units hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation must include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;



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- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems;
- (vi) Permeable material for the surfaced car parking.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

This application seeks to discharge the details of these two conditions with the submission of the following information:

- Application Form;
- Proposed Drainage Strategy;
- Drainage Strategy Report;
- Drainage Memo;
- Construction Traffic Management Plan;
- Borehole Logs.

### Consultation responses:

Consultee:	Nature of Response:
United Utilities	<u>1<sup>st</sup> response</u>  Further to our review of the submitted Drainage Strategy Report

		<p>(ref 2022.262, Rev 01, Issue 1, dated 18/08/2023) United Utilities request condition 4 is not yet discharged. This is because it is not clear/confirmed where foul and surface water flows from Site 1 will ultimately connect/discharge to.</p> <p><u>2<sup>nd</sup> response</u></p> <p>Further to our review of the submitted Proposed Drainage Strategy (ref 2022-262-C006, rev F, dated 19/04/2024) and survey information, United Utilities recommends that condition 4 is not yet discharged. This is because it is still not clear where foul or surface water flows ultimately discharge. Foul flows are stated to connect to UUMH1201 which is a private asset and is not chartered downstream to confirm where it connects to the public sewer network. The receiving surface water pipe is shown to follow the highway downstream - there are sewer networks further along the highway so it is not clear if the flows will connect to the sewer network or to watercourse.</p> <p><u>3<sup>rd</sup> response</u></p> <p>Further to our review of the submitted survey documents which confirm foul is ultimately connects to the public foul network at UUMH9307 and surface water ultimately discharges to watercourse, United Utilities confirm we are happy with the drainage proposals as detailed on drawing 2022-262-C006 (Rev F, dated 19.04.2024) and we have no objection to condition 4 being discharged.</p>
	Highways and Local Lead Flood Authority	<p><u>1<sup>st</sup> response</u></p> <p><b>Condition 3 -</b></p> <p>The LHA and LLFA are content with the information/documents submitted in support of this condition, therefore condition 3 can be discharged.</p> <p><b>Condition 4 -</b></p> <p>The LLFA have concerns regarding the drainage design of this development site, we would encourage the applicant to rethink the surface water routing around the site and relocate any surface water pipes that run directly under the proposed building units, the LLFA feel this may become a maintenance issue in the future for</p>

		<p>tenants of the units. Therefore at this point Condition 4 cannot be discharged.</p> <p><u>2<sup>nd</sup> response</u></p> <p><b>Condition 3 -</b></p> <p>The LHA and LLFA are content with the information/documents submitted in support of this condition, therefore condition 3 can be discharged.</p> <p><b>Condition 4 -</b></p> <p>The LHA and LLFA are content with the information/documents submitted in support of this condition, therefore condition 4 can be discharged.</p>
	Environmental Health	<p>Condition 4 relating to the design of a sustainable surface water drainage scheme and a separate foul water drainage scheme relate to Environmental Health insofar as the drainage within the curtilage of the Sneckyeat Industrial Estate is private (and not within the responsibility of United Utilities) and legal powers for its maintenance are at the disposal of Environmental Health.</p> <p>There was a blockage on the surface water system reported to the Council in November 2021 and this was subsequently resolved by the landowner.</p> <p>The information submitted on the separate foul and surface water drainage schemes is approved by Environmental Health.</p> <p>Environmental Health have no comment on the discharge of condition 3 (Construction Traffic Management Plan).</p>
	<b>Neighbour Responses:</b>	
	No responses have been received.	
	<p><b>Planning Policy</b></p> <p><b>Development Plan</b></p>	

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):

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.



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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

Policy DS10PU: Soils, Contamination and Land Stability

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

### **Assessment:**

#### Condition 3 – Construction Traffic Management

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.

Further to the request of additional information, it was fully assessed by the Highways Team and was considered to be acceptable. The condition is therefore suitable for discharge.

#### Condition 4 – Drainage

The application has been accompanied by a Drainage Plan, Drainage Strategy Report, Drainage Memo and Borehole Logs.

The Strategy report outlines that the site is within Flood Zone 1 and therefore not at high risk from flooding.

The documents detail how the drainage hierarchy has been considered and followed. Whilst there is a private drainage system on site, further information requested by United Utilities showed that the foul water ultimately connects to the public foul network and surface water to the existing watercourse.

Environmental Health, United Utilities and the Local Lead Flood Authority raised no objections to the proposals.

	<p>On this basis, condition 4 can be discharged.</p> <p><b>Conclusion</b></p> <p>Overall, the information submitted is considered to be acceptable to satisfy the requirements of conditions 3 and 4 of planning permission 4/23/2240/0F1 and therefore these conditions should be considered to be discharged.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve Discharge of Conditions</p>	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 25/07/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 26/07/2024</b>
<b>Dedicated responses to:- N/A</b>		