

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2386/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 4, 5, 6, 8, 9, 10 AND 11 OF PLANNING APPROVAL 4/23/2085/0F1
3.	Location:	UNITS 1, 2 & 3 JOE MCBAIN AVENUE, MORESBY PARKS
4.	Parish:	Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Preferred Route Corridor - Within Preferred Route Corridor
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location: <p>This application relates to a vacant parcel of land situated adjacent to Joe McBain Avenue in Moresby Parks. The site is flanked by Joe McBain Avenue to the south and east, further commercial buildings to the west and vacant land to the north.</p> <p>The site covers a total of 0.42 hectares.</p> <p>Planning permission was approved in August 2023 for the erection of two new buildings (one</p>	

to contain units 1 & 2 and one to contain unit 3) to include commercial shop front, manufacture, warehousing & distribution (use classes b2 and b8) (application reference 4/23/2085/0F1 relates).

Proposal:

Planning Conditions imposed on application ref. 4/23/2085/0F1 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.

4. The development must not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order) relating to permitted development, no structure, vehicle or object of any kind will be erected, parked or placed and no trees, bushes or other plants will be planted or be permitted



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to grow within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason:

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

5. Prior to the commencement of the development hereby approved, a detailed car park design must be submitted to and approved by the local planning authority. This must include the detailed design of the car, disabled, motorcycle and pedestrian cycle bays. The car park must be brought into use before the commencement of development on the buildings hereby approved to accommodate construction traffic.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on

(1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate

that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan.

8. Prior to the occupation of the development 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 shall 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;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall 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 and in accordance with Policies ENV1 and DM24 of the Copeland

Local Plan.

9. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing.

The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed In accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. Prior to the first occupation of the development hereby approved, the carriageway access, footways, footpaths, must be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval. The building will not be occupied until a full specification has been approved. Any works so approved must be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

11. Prior to the first occupation of the development hereby approved, a full landscaping scheme must be submitted to and approved by the Local Planning Authority. The landscaping must be maintained as approved at all times thereafter, during the lifetime of the development.

Reason

In the interests of visual amenity and in accordance with Policy ENV5 of the Copeland Local Plan.

This application seeks to discharge the details of these conditions.

Consultation responses:

Consultee:	Nature of Response:
Moresby Parish Council	No response received.
Highways and Local Lead Flood Authority	<p><u>1st response</u></p> <p>Condition 3 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application, to which we have no objection to the proposed, therefore condition 3 can be discharged.</p> <p>Condition 4 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application, to which we have no objection to the proposed, therefore condition 4 can be discharged.</p> <p>Condition 5 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application, to which we have no objection in principle to the proposed but would like the following point addressed before condition 5 can be discharged,</p> <p><input type="checkbox"/> Although the car park includes accessible parking bays no motorcycle bays or bicycle parking has been included in the detailed plan, the LHA requires these additional modes of transport to be included in the parking plan. Please refer to the Cumbria Development Design Guide below for requirements.</p> <ul style="list-style-type: none">- Cars = 1 space per 50m² of gross floor area- Accessible Parking = 1 space or a number equivalent to 3% of car requirement whichever is greater.- Motorcycles = a number equivalent to 5% of the car requirement

		<p>when more than 20 car spaces necessary.</p> <p>- Pedal Cycles = a number equivalent to 10% of the car requirement with minimum space of 2.</p> <p>Condition 6 -</p> <p>Condition 6 is not for the LHA and LLFA to discharge.</p> <p>Condition 8 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application to which we have no objection in principle to the proposed, but would like the following points addressed before condition 8 can be discharged,</p> <ul style="list-style-type: none"> <input type="checkbox"/> The LLFA have concerns regarding the surface water pipe from manhole S1 to manhole S6 as this runs through the building and could cause potential problems in the future for the occupant of the unit if ever a blockage happened. The LLFA would like to see all surface water sewers outside of the proposed units. <input type="checkbox"/> Although the yard surface has not been agreed it has been noted that no road side gullies have been installed as part of drainage design, if this design is to remain as proposed the yard surface cannot be an impermeable surface. <p>Condition 9 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application, to which we have no objection to the proposed, therefore condition 9 can be discharged.</p> <p>Condition 10 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application, to which we have no objection in principle to the proposed, but would like the following point addressed before condition 10 can be discharged,</p> <ul style="list-style-type: none"> <input type="checkbox"/> The LHA request that Highway access North has a footway on both sides of the access road to allow safe passage onto the site as pedestrians accessing the site from north would not cross the access road and walk on the opposite footway to gain access to Unit 3 they would walk up the carriageway which is highway safety issue. <p>Condition 11 -</p> <p>Condition 11 is not for the LHA and LLFA to Discharge.</p>
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		<p>In light to the above comments additional details are required from the applicant.</p> <p>Upon receipt of the amended plans I shall be better placed to provide full response,</p> <p><u>2nd response</u></p> <p>Condition 3 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application, to which we have no objection to the proposed, therefore condition 3 can be discharged.</p> <p>Condition 4 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application, to which we have no objection to the proposed, therefore condition 4 can be discharged.</p> <p>Condition 5 -</p> <p>The LHA and LLFA have reviewed the additional submitted information in support of this application, to which we have no objection to the proposed, therefore condition 5 can be discharged.</p> <p>Condition 6 -</p> <p>Condition 6 is not for the LHA and LLFA to discharge.</p> <p>Condition 8 -</p> <p>The LHA and LLFA have reviewed the additional submitted information in support of this application, to which we have no objection in principle to the proposed, but would still like the following point addressed before condition 8 can be discharged,</p> <p><input type="checkbox"/> The LLFA have concerns regarding the surface water pipe from manhole S1 to manhole S6 and S16 to S17 as this runs through the building and could cause potential problems in the future for the occupant of the unit if ever a blockage happened. The LLFA would like to see all surface water sewers outside of the proposed units.</p>
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		<p><i>The LLFA have review the applicants response regarding the above point although we understand the point raised by the applicant, we as the LLFA would not recommend surface water pipes running under new buildings when it is achievable to install a new surface water around the new units as part of the new development, therefore as the above point has not been rectified condition 8 cannot be discharged at this time.</i></p> <p>Condition 9 -</p> <p>The LHA and LLFA have reviewed the submitted information in support of this application, to which we have no objection to the proposed, therefore condition 9 can be discharged.</p> <p>Condition 10 -</p> <p>The LHA and LLFA have reviewed the additional submitted information in support of this application, to which we have no objection to the proposed, therefore condition 10 can be discharged.</p> <p>Condition 11 -</p> <p>Condition 11 is not for the LHA and LLFA to Discharge.</p> <p>In light to the above comments additional details are required from the applicant.</p> <p>Upon receipt of the amended plans I shall be better placed to provide full response,</p>
	United Utilities	<p><u>1st response</u></p> <p>Further to our review of the submitted Drainage Statement (ref 24-471r001, dated Nov 2024), United Utilities recommends that condition 8 is not discharged. This is because the proposals are not clear with respect to the surface water discharge rate. The report states surface water will be restricted to the Greenfield QBAR runoff rate, however the rate shown on the drainage plans is much higher. The rate used in the hydraulic calculations is different again. Finally, the greenfield runoff rate appears to have been calculated using an area which is considerably larger than the actual drained areas for this site.</p> <p><u>2nd response</u></p> <p>Further to our review of the submitted drainage statement (ref 24-</p>

		471r001, dated Nov 2024), United Utilities has no objection to condition 8 being discharged.
	Environmental Health	<p><u>1st response</u></p> <p>The Construction Environmental Management Plan is fine and may be applied in conjunction with the Construction Traffic Management Plan.</p> <p>The requirement for a CTMP was requested by the Local Highways Authority and they are satisfied that this condition (3) may be discharged.</p> <p>Condition 6 required a Contaminated Land Remediation Strategy but this document has not yet been submitted by the applicant, and therefore condition 6 cannot be discharged at present.</p> <p><u>2nd response</u></p> <p>A Contaminated Land Remediation Strategy (dated December 2024) has been submitted.</p> <p>Given that the initial Environmental Appraisal of this site assessed risk from contamination as negligible / very low / low, the remediation strategy is concerned with the excavation and removal of soil from site, and Environmental Health are satisfied that this approach is a reasonable one.</p> <p>The Environment Agency had concerns over possible contamination to controlled waters during ground works, and so their response to the proposed remediation strategy is required.</p> <p>Pending their approval, Environmental Health are satisfied that condition 6 may be discharged.</p>
	Neighbour Responses:	
	No responses have been received.	
	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	



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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 2021-2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:

Strategic Policy DS1PU: Settlement Hierarchy

Strategic Policy DS2PU: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping Strategic Policy

DS6: Reducing Flood Risk Policy

DS7: Sustainable Drainage Policy

DS8: Soils, Contamination and Land Stability Policy

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

Policy CO7: Parking Standards

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. The information has been fully considered by the Highways department and considered to be acceptable. The condition is therefore suitable for discharge.

Condition 4 – Visibility Splays

A plan was submitted to show visibility splays from the two separate entrances. They show splays of 2.4m x 60m in both directions which is considered to be acceptable.

Condition 5 – Car Parking

The overall site plan shows car and bicycle parking to a satisfactory level. Further information was requested to show motorcycle parking as this is required by the Cumbria Design Guide. This information was submitted and approved by the Highways Authority.

Condition 6 – Remediation Strategy

Initially, the Applicant did not submit a remediation strategy, therefore Environmental Health objected to the discharge of this condition. On submission of this document, the overall contamination risk was considered to be low and the approach set out considered to be acceptable. This condition can therefore be discharged.

Condition 8 – SUDS Scheme

A full drainage scheme was submitted and agreeable by the Local Lead Flood Authority, however the LLFA were concerned about the maintenance of the system if it were to run under the proposed buildings. As a result, the system was moved and agreed with Building Control. This is considered to be acceptable and Condition 8 can therefore be discharged.

Condition 9 – Car Parking

Details of disabled parking have been received and approved by the Highways Authority. This condition can therefore be discharged.

Condition 10 – Footways and Carriageway Details

Whilst the Highways Authority raised no objections to the proposed footways, there were concerns that in order to access Unit 3, pedestrians would have to walk along the



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	<p>carriageway, causing safety concerns. The Agent added an additional footway to the northern entrance which was considered to be acceptable. The condition can therefore be discharged.</p> <p><u>Condition 11 – Landscaping</u></p> <p>The overall site plan shows a predominantly surfaced site, with some granular surfacing and some concrete. There will be a 1.8m high palisade fence to the north and west boundaries and vehicle bollards to the south and east. The landscaping is considered to be typical of this type of commercial site and will be acceptable within the surrounding area.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 3, 4, 5, 6, 8, 9, 10 and 11 of planning permission 4/23/2085/0F1 and therefore these conditions should be considered to be discharged.</p>				
8.	<p>Recommendation:</p> <p>Approve discharge of conditions</p>				
<table><tr><td>Case Officer: Sarah Papaleo</td><td>Date : 10/02/2025</td></tr><tr><td>Authorising Officer: N.J. Hayhurst</td><td>Date : 11/02/2025</td></tr></table>		Case Officer: Sarah Papaleo	Date : 10/02/2025	Authorising Officer: N.J. Hayhurst	Date : 11/02/2025
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Dedicated responses to:- N/A					