

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2010/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 3, 4, 5 AND 14 OF PLANNING APPLICATION 4/24/2089/0F1
3.	<b>Location:</b>	LAND TO THE REAR OF WYNDHAM STREET, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
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 Community Activity Centre which is situated to the rear of Wyndham Street in Cleator Moor. It forms part of a wider sports and recreation facility that serves the town and surrounding settlements. The building is surrounded by playing fields to the east, north and west, with residential properties to the south. The main square and Market Place lies approximately 200 metres to the south west. Access to the site is taken from the corner of Quarry Road and Wyndham Street. A car parking area lies adjacent to the building. The site is owned by the Council.</p>	

Planning permission was approved in November 2024 for the refurbishment and extension of the community activity centre and associated parking and landscaping (application reference 4/24/2089/0F1 relates).

**Proposal:**

This application seeks to discharge the requirements of conditions 3, 4, 5 and 14 of the planning permission reference 4/24/2089/0F1. The wording of these conditions is as follows:-:

3. Development shall not commence until a Construction Traffic Management Plan 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 protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039.

4. Prior to the commencement of development on site, a Management Plan for the control and management of the invasive species on the site must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved plan at all times thereafter.

Reason:

To protect the ecological interests evident on the site and in accordance with in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

5. Prior to the commencement of the development hereby approved, a Tree Protection Plan must be submitted to and approved by the Local Planning Authority. The document must be in accordance with the guidance given in the British Standard BS 5837 (2012)

- Trees in relation to design, demolition and construction
- recommendations, to show how the retained trees will be protected during the construction and landscaping phases of this project.

This must be carried out by a qualified Arboricultural Consultant.

Reason

To ensure the protection of the existing trees in accordance with Policy N3 of the Copeland Local Plan 2021-2039.

14.No external lighting shall be installed unless or until a scheme of external lighting has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the intensity of illumination and predicted lighting spill contours. All external lighting shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development. Artificial Lighting (External) Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To protect residential amenity, to ensure high quality design and to protect the environment from light pollution in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

**Consultation responses:**

<b>Consultee:</b>	<b>Nature of Response:</b>
Cleator Moor Town Council	No objections.
Highways and Local Lead Flood Authority	<p><u>1<sup>st</sup> response</u></p> <p><b>Condition 3 -</b> We as the LHA and LLFA have no objection in principle to the information provided in support of this application. Although we have no objection the CTMP seems to be missing the last pages showing the appendix's, this detail will need to be provided so the condition can be discharged.</p> <p><b>Condition 4 -</b> Condition 4 is not for the LHA and LLFA to discharge.</p> <p><b>Condition 5 -</b> Condition 5 is not for the LHA and LLFA to discharge.</p> <p><b>Condition 14 -</b> Condition 14 is not for the LHA and LLFA to discharge.</p> <p><u>2<sup>nd</sup> response</u></p> <p>The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) have reviewed the additional information submitted on the 24/01/25 as requested, we can now confirm as follows:</p> <p><b>Condition 3 -</b> We as the LHA and LLFA have no objection to the information provided in support of this application, therefore condition 3 can be discharged.</p>

		<p><b>Condition 4 -</b> Condition 4 is not for the LHA and LLFA to discharge.</p> <p><b>Condition 5 -</b> Condition 5 is not for the LHA and LLFA to discharge.</p> <p><b>Condition 14 -</b> Condition 14 is not for the LHA and LLFA to discharge.</p>
	Environmental Health	<p>The Invasive Weed Management Plan is satisfactory and condition 4 may be duly discharged.</p> <p>The Lighting Design is also satisfactory and condition 14 may therefore be discharged.</p>
	Arboriculturist	<p>DISCUSSION</p> <p>We have the following comment/observation to make on the submitted documents.</p> <p>The following condition (5) applies to the trees and hedgerows on and around the site.</p> <p><i>5. Prior to the commencement of the development hereby approved, a Tree Protection Plan must be submitted to and approved by the Local Planning Authority. The document must be in accordance with the guidance given in the British Standard BS 5837 (2012) – Trees in relation to design, demolition and construction – recommendations, to show how the retained trees will be protected during the construction and landscaping phases of this project. This must be carried out by a qualified Arboricultural Consultant.</i></p> <p><i>Reason</i></p>

		<p><i>To ensure the protection of the existing trees in accordance with Policy N3 of the Copeland Local Plan 2021-2039.</i></p> <p>The applicant has submitted a Tree Protection Plan (Dwg. No.WW/L02 A), produced by Westwood Landscape Ltd. This shows the locations of fencing that should protect the trees. This document contain the necessary details to fulfil the requirements of condition 5</p> <p>RECOMMENDATIONS</p> <p>Inform the applicant that the submitted information discharges the requirements of conditions 5.</p>
	<b>Neighbour Responses:</b>	
	No responses have been received.	
	<p><b>Development plan policies:</b></p> <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.</p> <p>The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p><u>Copeland Local Plan 2021-2039 (LP):</u></p> <p>Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.</p>	

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

DS8: Soils, Contamination and Land Stability Policy

Policy N14: Woodlands, Trees and Hedgerows

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 – Invasive Species Management

Further to the discovery of Japanese Knotweed on the site, a Management and Maintenance Plan was submitted and considered by Environmental Health. The Plan is considered to be acceptable, and the condition can therefore be discharged.

	<p><u>Condition 5 – Tree Protection</u></p> <p>A tree protection plan was submitted and fully assessed by the Council's Arborist. The details are considered to fulfil the aims of the condition and are fully acceptable. The condition can therefore be discharged.</p> <p><u>Condition 14 – Exterior Lighting</u></p> <p>A fully designed lighting scheme including types and locations of external lighting was submitted. This was assessed by Environmental Health and is considered to be acceptable, without having an unsatisfactory impact on the surrounding amenity. The condition can therefore be discharged.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 3, 4, 5 and 14 of planning permission 4/24/2089/0F1 and therefore these conditions should be considered to be discharged.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of condition 3, 4, 5 and 14</p>	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 03/03/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 04/03/2025</b>
<b>Dedicated responses to:- N/A</b>		