

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2323/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 4 AND 5 OF PLANNING APPLICATION 4/24/2252/0F1
3.	Location:	LAND BETWEEN GRIFFIN CLOSE & GREENVALE COURT, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location This application relates to a parcel of land measuring 0.5 hectares. The land is sited between Griffin Close and Greenvale Court in Frizington. The land was previously in used as sheltered housing which was demolished in 2011. The site has been left as hardstanding and used as informal open space since demolition. The site is accessed directly from Griffin Close and is flanked by residential properties to the south and east. There is a surgery and a care home to the south and open fields to the north and west. Planning permission was approved in April 2025 for the erection of 17 no. 2 bedroomed dwellings (application reference 4/24/2252/0F1 relates). Directly Relevant Planning History Demolition of existing buildings (sheltered housing), approved in February 2011 (application	

reference 4/10/2593/0F1 refers).

Proposal

This current application seeks to discharge conditions 3, 4 and 5 of planning permission 4/24/2252/0F1.

The conditions consist of the following:

Construction Environmental Plan

3. Prior to the commencement of any construction on site, a site specific Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and any use of site lighting in the construction phase.

Reason

In the interests of the amenities of the surrounding occupiers during the construction of the development and in accordance with Policy DS4 of the Copeland Local Plan.

Construction Traffic Management Plan

4. Prior to the commencement of any construction 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,

- 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;
- 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)



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- Surface water management proposals 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 and in accordance with Policy CO7 of the Copeland Local Plan.

Foul and Surface Water Drainage

5. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall 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 shall 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.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

1st Response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as

follows:

Condition 3 - Condition 3 is not for the LHA/LLFA to discharge.

Condition 4 - The LHA welcome the CTMP submitted to the LPA but would like the following point addressed before condition can be discharged,

- Within section 13 of the CTMP it states " SECTION 13: SURFACE WATER MANAGEMENT PLANS The existing and proposed topography of the site to the Southwest & Southeast will give natural protection from surface water run-off, so we don't plan any mitigating measures for this. To the Northwest & Northeast of the site there is a fast number of established trees and vegetation bounded by open fields which will be a natural deterrent to water run off but bunding with as-dug material will be deployed if necessary.

We as the LHA and LLFA expected a drain and bund within the development site in the pre build phase as submitted on the Construction Phase Surface Water Run-Off Mitigation detailed plan (Project K41128 Drawing 14 Rev A)

The developer needs to amend the CTMP to match the proposal set out in the the original application.

Condition 5 - We as the LHA/LLFA are content with the information submitted to the LPA in support of the above condition. therefore Condition 5 can be discharged In light to the above comments for condition 4 additional details are required from the applicant.

Upon receipt of the amended detail I shall be better placed to provide full response.

2nd Response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 3 - Condition 3 is not for the LHA/LLFA to discharge.

Condition 4 - The LHA welcome the amended CTMP submitted to the LPA in October 2025, after review the LHA and LLFA are content with the information submitted, therefore condition 4 can be discharged.

Condition 5 - We as the LHA/LLFA are content with the information submitted to the LPA in support of the above condition. therefore Condition 5 can be discharged.

Cumberland Council - Environmental Health

Thank you for the above planning consultation. In respect of its remit, Environmental Health has considered the Construction Environmental Management Plan (CEMP) dated 20.09.25 (condition 3). There are no objections to this document other than to point out that the proposed hours of work are listed on page 9 as 07.30 – 18.00 Monday to Friday and 08.00 –



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16.00 Saturday, when the approved hours are 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday (condition 11 of 4/24/2252/0F1). In all other respects the document is satisfactory.

United Utilities

United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal.

The letter and Appendix should be read in their entirety to support the determination, the design, and should the scheme be approved, the subsequent delivery of the proposal.

Condition 5 - Foul and Surface Water Drainage

Further to our review of the submitted documents, Drainage strategy K41128.FRA/001 Rev A Dated 24th October 2024 and Drawing number K41128 10, Rev B - Dated 24th October 2024, United Utilities has no objection to the drainage condition 5 being discharged. We have no comments to make on conditions 3 and 4.

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 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 2001-

2016.

Planning approval 4/23/2313/0F1 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: 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

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework

Assessment

Condition 3:



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	This condition seeks to discharge the requirement for the development to provide details of a construction environmental plan. Based on the information submitted, Environmental Health have confirmed that the condition can be discharged. It is therefore confirmed that condition 3 can be discharged. <u>Condition 4:</u> This condition seeks to discharge the requirement for the development to provide a construction traffic management plan. Based on the additional amended information submitted to support this application, the Highway Authority have confirmed that the condition can now be discharged. It is therefore confirmed that condition 4 can be discharged. <u>Condition 5:</u> This condition seeks to discharge the requirement for the development to provide a Foul and Surface Water Drainage Plan. Based on the information submitted to support this application, the Highway Authority and United Utilities have both confirmed that the condition can now be discharged. It is therefore confirmed that condition 5 can be discharged. <u>Conclusion:</u> Discharge conditions 3, 4 and 5 of planning approval 4/24/2252/0F1.	
8.	Recommendation: Approve	
Case Officer: Sarah Papaleo		Date : 11/11/2025
Authorising Officer: N.J. Hayhurst		Date : 12/11/2025
Dedicated responses to:- N/A		