Application for approval of details reserved by planning conditions

Permission No: 4/16/9014

Conditions: No. 1, 2, 5, 31, 33, 34 and 36

Location: Campus Whitehaven, Red Lonning, Whitehaven, CA28 8UG

Proposal: Construction of new school buildings for St Benedicts and Mayfield schools with associated sports pitches/facilities, car parking, landscaping, new access onto Moresby Road and Red Lonning. Service access road onto U4008

Applicant: Cumbria County Council

1.1 **RECOMMENDATION**

1.2 That the information submitted for the purposes of conditions 1, 33 and 36 to planning permission 4/16/9014 be noted, the details submitted for the purposes of condition 2 be approved and the requirements of the condition discharged and that the pre-commencement elements of conditions 5 and 34 to planning permission 4/16/9014 be discharged.

1.3 Condition 31 relates to Archaeology and will be reported verbally to Members.

2.0 **BACKGROUND / OVERVIEW**

2.1 Planning permission for the development of new school buildings for St Benedicts and Mayfield schools with associated sports pitches/facilities, car parking, landscaping, new access onto Moresby Road and Red Lonning in Whitehaven was granted in February 2017 subject to conditions (ref. 4/16/9014). An application has been submitted providing confirmation of commencement and seeking approval of details/schemes required to discharge pre-commencement planning conditions attached to the planning permission.

2.1 The application and subsequent details/schemes have been submitted by the Director of Economy and Highways under the provisions of Regulation 3 of the Town and Country Planning General Regulations 1992 (the Regulations). Regulation 3 enables the Council to make such planning applications, as long as the development is to be carried out by (or on behalf of) the Council. The development may be on land in the Council's ownership or on any other land.

2.2 In these circumstances, Regulation 10 of the Regulation states that no application for planning permission for development to which regulation 3...
applies may be determined by a committee or sub-committee of the interested planning authority concerned if that committee or sub-committee is responsible (wholly or partly) for the management of the land or buildings to which the application relates; or by an officer of the interested planning authority concerned if his/her responsibilities include any aspect of the management of any land or buildings to which the application relates.

2.3 Consequently details submitted for the purposes of conditions, as in this case, must be determined by the Development Control and Regulation Committee.

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2.4 The full text of these planning conditions and assessment of the submissions are set out in the assessment section of this report.

3.0 PLANNING POLICY

3.1 The proposed development was assessed against:

- National Planning Policy Framework (March 2012) and Planning Practice Guidance (PPG)

4.0 CONSULTATION RESPONSES

4.1 Copeland Borough Council Planning Department: no response received.

4.2 CCC Highways and Lead Local Flood Authority: confirm the details submitted to discharge condition 5 are acceptable.

4.3 CCC Ecology: No objection to the details submitted.

4.4 CCC Archaeology: The geophysical survey shows it is unlikely archaeological remains would be disturbed during the course of development. No further archaeological work would be required. It is considered the requirements of condition 31 have been fulfilled.

4.5 Crime Prevention: No objection.

4.6 Northern Gas: No objection. However, there may be apparatus in the area that may be at risk during construction operations.
5.0 PLANNING ASSESSMENT

5.1 The proposed submissions of details are set out as follows:

**Condition 1 (Time Limit for Implementation of Permission)**

4.2 Condition 1: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

4.3 It is noted that the time limit for implementation of permission has been undertaken within the permitted three year expiry date.

**Condition 2 (Notification of commencement of development)**

4.4 Condition 2: Notification of the date of commencement of the development shall be made in writing to the County Planning Authority within 7 days of such commencement.

5.4 Development of the site commenced on 8 May 2017. The requirement of the condition has therefore been complied with and can be discharged.

**Condition 5 (Construction Method Statement)**

5.5 Condition 5: No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include details of the following:

a) Contractors compound/parking provision including a plan reserving adequate land for the parking of vehicles engaged in construction operations, including vehicular access;

b) The location and design of wheel cleaning facilities including the provision for cleaning of the site entrances and adjacent highway to prevent debris from the site being deposited by vehicle wheels upon the public highway;

c) Management of traffic within and accessing the site;

d) Means of receiving construction material;

e) Identification of potential sources and measures to control;
   i. Noise
   ii. Dust
   iii. Vibration

f) The storage of fuels and soils during construction phase;

g) A scheme for recycling/disposing of waste resulting from construction works;

h) Details of temporary lighting during construction;

i) Access gates shall be hung to open away from the public highway, no less than 10m from the carriageway edge and shall incorporate visibility splays;

j) Details of temporary construction/warning signage;

k) Provision for facilities of manoeuvring, loading and unloading of vehicles’

l) Construction vehicle routing.
The construction phase of the development shall be carried out in accordance with the approved Construction Management Plan.

5.6 CCC Highways has confirmed the details submitted for the purposes of the condition 5 are acceptable. The pre-commencement requirements of the condition have therefore been met and can be discharged. The developer is required to carry out the development in accordance with the approved Construction Management Plan for the condition to be discharged in full.

**Condition 31 (Archaeology)**

5.7 Condition 31: No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the County Planning Authority. The written scheme shall include the following:

a) An archaeological evaluation;

b) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;

Where significant archaeological remains are revealed by the programme of archaeological work, as post-exavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the County Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

5.7 CCC Archaeologist has been consulted on the additional information and have confirmed that the geophysical survey shows that it is unlikely any archaeological remains would be disturbed during the course of development. It is considered that the requirements of condition 31 have been fulfilled.

**Condition 33 (Retention of trees)**

5.9 Condition 33: No trees, bushes or hedges within the development site shall be removed, lowered or pruned during the bird nesting season between 1 March and 31 July inclusive. If areas cannot be cleared outside this time, they should be checked for breeding birds in accordance with Natural England’s Guidance and, if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

5.10 Works involving the removal of trees and bushes on the site were undertaken in February 2017 and completed before the end of February 2017 prior to the bird nesting season. The requirements of the condition have therefore been complied with.

**Condition 34 (Construction of Exclusion Zone)**

5.11 Condition 34: No development shall commence until the Construction Exclusion Zone for the protection of trees to be retained on site has been put
5.12 The Construction Exclusion Zone for the protection of trees has been put in place and will be retained for the duration of construction works. The pre-commencement element of this condition can therefore be discharged.

**Condition 36 (Japanese knotweed)**

5.13 Condition 36: All site clearance and removal of the invasive alien Japanese knotweed from the site must take place in accordance with Section 5.2 of the invasive alien plant WYG report 'Invasive Plant Species Report' (October 2016).

5.14 CCC Ecologist has been consulted on the details submitted and has raised no objection and the details submitted are noted for information purposes.

**Approved Documents**

5.15 Approved Documents:
- Application form dated 13 April 2017
- Covering letter dated 13 April 2017
- 5 year warranty certificate dated 12 April 2017
- Completion Survey dated 13 April 2017 – Japanese Knotweed
- Construction Management Plan: Campus Whitehaven

**6.0 CONCLUSION**

6.1 The submitted schemes/details submitted for the purposes of conditions 1, 33 and 36 of planning permission 4/16/9014 are noted, the details submitted for the purposes of condition 2 be approved and acceptable and the requirements of the condition discharged and that the pre-commencement elements of conditions 5 and 34 to planning permission 4/16/9014 be discharged.

Dominic Donnini  
**Corporate Director Economy and Highways**

**Contact:** Mrs Jayne Petersen, Kendal,

**Background Papers:** Planning Application File Reference No. 4/16/9014

**Electoral Division Identification:** Hillcrest and Hensingham – Councillor Christine Warriner