



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

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|----|--|--|------------|
| 1. | Reference No:  | 4/21/2249/OG1  |            |
| 2. | Proposed Development:  | VARIATION OF CONDITION 3 (SURFACE WATER DRAINAGE), CONDITION 4 (SURFACE WATER DISCHARGE) AND CONDITION 5 (BOUNDARY TREATMENT) OF PLANNING APPROVAL 4/20/2516/OF1 |            |
| 3. | Location:  | PLOT 1, FLEATHAM FARM, HIGH HOUSE ROAD, ST BEES  |            |
| 4. | Parish:  | St. Bees   |            |
| 5. | Constraints:   | ASC;Adverts - ASC;Adverts,<br>Conservation Area - Conservation Area,<br>Coal - Standing Advice - Data Subject To Change  |            |
| 6. | Publicity Representations &Policy  | Neighbour Notification Letter  | Yes        |
|    |  | Site Notice  | No         |
|    |  | Press Notice   | No         |
|    |  | Consultation Responses   | See Report |
|    |  | Relevant Policies  | See Report |
| 7. | Report:  |  |            |
|    | Site and Location  |  |            |
|    | This application relates to a vacant site, located off High House Road, within the St Bees Conservation Area.  |  |            |
|    | The site is part of the Fleatham Farm development which has previously been granted planning permission under various approvals for the conversion of the former farm house to two dwellings, and the change of use of the existing barn to form five dwellings. Permission was also granted in 2006 (ref: 4/06/2541/0) for the erection of two dwellings on land adjacent to Fleatham Farm. Plot two of this site was subsequently granted permission in 2007 (4/07/2367/0) for the erection of a detached dwelling, which has since been developed and is now known as Arenisca. |  |            |

This current application refers to the remaining vacant plot subject to the 2006 approval.

### **Relevant Planning History**

4/16/2219/OF1 – Erection of detached dwelling - Refused

4/18/2290/OF1 – Erection of detached dwelling – Approved

4/20/2516/OF1 – Three bedroomed dwelling – Approved

4/21/2205/DOC – Discharge of conditions 7 & 8 of planning approval 4/20/2516/OF1 – Approved

### **Proposal**

In December 2020, planning permission (ref: 4/20/2516/OF1) was granted for a three bedroomed dwelling at this site. This current application seeks permission to vary the following conditions attached to this planning permission:

3. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;
  - (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); and
  - (III) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to and approved in writing by the Local Planning Authority for prior to development being commenced at this site. Any approved works must be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

5. Notwithstanding the information already submitted, full details of the proposed boundary treatment along the frontage of the site (south and south west boundary), including any reprofiling of the land, must be submitted to and approved in writing by the Local Planning Authority before works commence on site. The proposed development must be carried out in accordance with the approved details and must be maintained as such at all times thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

## **Consultation Responses**

### St Bees Parish Council

Much of the information included in the application is of a technical nature and the Parish Council does not have the skills and expertise required to evaluate this. However, the Parish Council's main concern is that the development should not worsen the existing surface water drainage problems in the High House Road area. Over the past few years there have been several significant flooding issues which have caused damage to properties.

### Cumbria County Council – Cumbria Highways & LLFA

Condition 3 - The LHA and LLFA did not recommend this condition to be included therefore our comments are advisory only. From an LLFA point of view the infiltration tests carried out are not adequate and do not appear to have been carried out in line with BRE365. +30% Climate Change has

been calculated and this needs to be altered to +40%. If space is an issue for this site and locating a soakaway 5m from the dwelling or road, we suggest that permeable paving is used instead proving that in-depth BRE365 testing is carried out and the results submitted to the LPA. If infiltration is not an option for this site then attenuation would be preferred.

Cumbria Highways would not allow the use of the Highway Gully to be utilize for this development.

Condition 4 - Providing that infiltration tests generate positive results allowing for the use of permeable paving to be suitable for this site, we would have no objections to this condition being discharged. However, as previously stated, SW from this site cannot connect to a highway gully therefore we would suggest that an ACO drain is installed and connected to either a soakaway or the attenuation measures.

Condition 5 - The Highway Authority and LLFA did not recommend this condition therefore we have no comments to make.

Based on additional comments received from the applicant Cumbria Highways have made the following comments:

Condition 3 – The LHA and LLFA did not recommend this condition to be included therefore our comments are advisory only. We would have no objections to this condition being discharged.

Condition 4 - The Highway Authority have no objection to this condition being discharged.

Condition 5 - Same as previous response.

#### United Utilities

Initially United Utilities stated that further to their review of the submitted drainage submission the plans are not acceptable to United Utilities. It is because United Utilities will only consider a surface water connection to the combined sewer at a pass forward flow that does not exceed max. 5 l/s for any storm event after surface water hierarchy has been fully explored. United Utilities would suggest that permeable paving and landscaping and other forms.

Further to our review of the amended detail for this application, proposing surface water max 5 l/s connecting to the combined sewer after permeable paving and landscaping and other forms of sustainable drainage have been fully utilized, the plans are acceptable in principle to United Utilities.

#### Copeland Borough Council – Flood & Coastal Defence Engineer

Condition 3: The use of the drainage hierarchy has been investigated and the use of soakaways has been discounted, as there no suitable locations to site a soakaway and undertaken percolation tests.

There is no known surface water body to discharge the surface water to and although there is a surface water drain that can and will be used, this itself discharges into the combined sewer.

The drainage report seeks to discharge from site unrestricted given the small size of the site and the small maximum rate that will be generated from the development.

This is a variation from the condition and can be agreed subject to United Utilities accepting the surface water from the site unrestricted.

A programme of implementation has been provided.

Condition 4: It is proposed that the driveway will be of permeable paving, although in periods of prolonged or intense rain, there may still be some surface water runoff from the driveway.

The applicant may still need to include channel drainage along the boundary of the driveway.

Ultimately this should be for Cumbria Highways to comment upon.

Condition 5: No comments.

Copeland Borough Council – Conservation Officer

No objections.

This application seeks to vary conditions 3, 4 and 5 attached to 4/20/2516/0F1. Of these, 3 and 4 deal with water drainage and have neutral implications for the character and appearance of the conservation area and nearby heritage assets, within the realms of what the Officer is able to assume.

Condition 5 deals with the boundary treatment along the frontage of the plot. The submitted details, suggesting a fence at the top of an embankment and providing justification, imply a less-than-substantial level of harm to the character and appearance of the conservation area, however the Officer would estimate this to be nearer the negligible end of the scale given the smallness of the proposal and minimal visibility between it and the public areas of the conservation area or the Old Telephone Exchange. Given the justification outlined in the application, the Officer views this as acceptable.

Cumbria County Council – Footpath Officer

Public Footpath 423003 follows an alignment to the south side of the proposed development area and must not be altered or obstructed before or after the development has been completed, if the Footpath is to be temporarily obstructed, then a formal temporary closure will be required, there is a 12 week lead in time for this process, please contact [Sandra.smith@cumbria.gov.uk](mailto:Sandra.smith@cumbria.gov.uk) for further information.

Public Representation

This application has been advertised by way of neighbour notification letters issued to fourteen properties. One letter of support has been received which states that the proposals are sensible in the circumstances.

### **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**

#### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

##### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Policy ENV4 – Heritage Assets

##### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

### **Other Material Planning Considerations**

National Planning Policy Framework (2019)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

**Assessment**

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/20/2516/0F1), as works have commenced on site it is not necessary to repeat condition 1 relating to timescales. Conditions 2, 6, 9, 10, 11 and 12 will be repeated to ensure that works are carried out as per the approved detail. Conditions 7 and 8 will be repeated to reflect the details submitted as part of the discharge of conditions application for this site (ref: 4/21/2205/DOC) and to ensure continued compliance with the approved detail.

The current application seeks to vary condition 3, 4, and 5 of the original planning approval, ref: 4/20/2516/0F1.

Condition 3 relates to the proposed surface water drainage scheme for this development. . As the

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|    | <p>development has already commenced on the site the variation of condition 3 allows the works to be completed whilst ensuring that a satisfactory drainage scheme is achieved at this site. Following the submission of amended information, no objections have been received from UU of the Council's Flood and Coastal Defence Engineer.</p> <p>Condition 4 relates to measures to prevent surface water discharging onto or off the highway. As the development has already commenced on the site the variation of condition 4 allows the works to be completed whilst ensuring that a satisfactory drainage scheme is achieved at this site. No objections have been received from Cumbria Highways in relation to this amendment.</p> <p>Condition 5 relates to the proposed boundary treatment along the frontage of the site. As the development has already commenced on the site the variation of condition 5 allows the works to be completed whilst ensuring that a satisfactory boundary treatment is achieved at this site. No objections have been received from the Council's Conservation Officer in relation to this amendment. The application has also submitted justification for the proposed boundary treatment along the frontage of the site, which compares a number of different options for the site. It is considered that the preferred option of a timber fence is the most acceptable option in terms of scale, appearance and impact on the surrounding area.</p> |
| 8. | <p><b>Recommendation:</b></p> <p>Approve</p>   |
| 9. | <p><b>Condition(s):</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. –</li> <li>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Block Plan with Ground Floor Plan (Amended), Scale 1:200, Dwg No. 20/0267/5D, Rev D, received by the Local Planning Authority on the 9<sup>th</sup> March 2021.</li> <li>- Ground Floor Plan General Arrangements, Scale 1:50, Dwg No. 20/0267/1, received by the Local Planning Authority on the 22<sup>nd</sup> December 2020.</li> <li>- First Floor Plan General Arrangement (Amended), Scale 1:50, Dwg No. 20/0267/2A, Rev A, received by the Local Planning Authority on the 12<sup>th</sup> February 2021.</li> <li>- Proposed Elevations, Scale 1:100, Dwg No. 20/0267/3, received by the Local Planning Authority on the 22<sup>nd</sup> December 2020.</li> <li>- Proposed Elevations with Original Approved Profiles Shaded, Scale 1:100, Dwg No. 20/0267/3, received by the Local Planning Authority on the 22<sup>nd</sup> December 2020.</li> </ul> </li> </ol>   |



- Design and Access Statement, received by the Local Planning Authority on the 15<sup>th</sup> January 2021.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Block Plan with Ground Floor Plan (Amended), Scale 1:200, Dwg No. 20/0267/5D, Rev D, received by the Local Planning Authority on the 9<sup>th</sup> March 2021.
- Ground Floor Plan General Arrangements, Scale 1:50, Dwg No. 20/0267/1, received by the Local Planning Authority on the 22<sup>nd</sup> December 2020.
- First Floor Plan General Arrangement (Amended), Scale 1:50, Dwg No. 20/0267/2A, Rev A, received by the Local Planning Authority on the 12<sup>th</sup> February 2021.
- Proposed Elevations, Scale 1:100, Dwg No. 20/0267/3, received by the Local Planning Authority on the 22<sup>nd</sup> December 2020.
- Proposed Elevations with Original Approved Profiles Shaded, Scale 1:100, Dwg No. 20/0267/3, received by the Local Planning Authority on the 22<sup>nd</sup> December 2020.
- Design and Access Statement, received by the Local Planning Authority on the 15<sup>th</sup> January 2021.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:

- Prevention of Surface Water Discharge onto or off the Highway, prepared by Scholfield Property Solutions Ltd, received by the Local Planning Authority on the 1<sup>st</sup> June 2021.

The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and environmental management.

5. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:

- Boundary Treatment Proposal, Prepared by Schofield Property Solutions Ltd, received by the Local Planning Authority on the 1<sup>st</sup> June 2021.
- Block Plan, Scale 1:200, Drawing No 20/02675D, Rev D, received by the Local Planning Authority on the 1<sup>st</sup> June 2021.

The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Prior to Use/Occupation Conditions

6. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is occupied/brought into use.

Reason

In the interests of highway safety.

7. The development hereby approved must be carried out in accordance with the List of External materials approved as part of condition 7 of permission 4/20/2516/0F1, as detailed within correspondence dated 5th July 2021 (ref: 4/21/2205/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

8. The development hereby approved must be carried out in accordance with the Existing Boundary Wall Height Plans approved as part of condition 8 of permission 4/20/2516/0F1, as detailed within correspondence dated 5th July 2021 (ref: 4/21/2205/DOC). Development must be carried out in accordance with the approved details before the development is brought into use and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety.

9. Prior to occupation of the dwelling hereby approved a 2m close board timber fence shall be erected along the northern boundary of the site in accordance with approved plan 'Block Plan with Ground Floor Plan (Amended), Scale 1:200, Dwg No. 20/0267/5D, Rev D, received by the Local Planning Authority on the 9<sup>th</sup> March 2021'. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties and to ensure a sympathetic boundary treatment which is appropriate to this part of the Conservation Area.

Other Conditions

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the Conservation Area.

11. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

12. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

**Informatives:**

1. Public Footpath 423003 follows an alignment to the south side of the development and must not be altered or obstructed before or after the development has been completed. If the footpath is to be temporarily obstructed then a formal temporary closure will be required there is a 12 week lead in time for this process, for further information please contact [Sandra.smith@cumbria.gov.uk](mailto:Sandra.smith@cumbria.gov.uk).
2. If the application is approved the applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central [streetworks.central@cumbria.gov.uk](mailto:streetworks.central@cumbria.gov.uk) for the appropriate permit.

**Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer: C. Burns****Date : 05.08.2021****Authorising Officer: N.J. Hayhurst****Date : 06/08/2021****Dedicated responses to:- N/A**