

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2016/OF1
2.	Proposed Development:	FORMATION OF SURFACE WATER RETENTION BASIN TO SERVE RESIDENTIAL DEVELOPMENT WITH PLANNING PERMISSION
3.	Location:	KEEKLE MEADOWS, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report
7.	Report: Site and Location: <p>This application comprises part of the residential development of Keekle Meadows located to the western boundary of Cleator Moor.</p> <p>The development is currently under construction.</p> <p>The Application Site is located within the centre of the approved residential development and straddles the boundaries of two approved phases of the development, each of which were approved under separate outline planning permissions, namely application reference 4/16/2409/001 and application reference 4/18/2472/001.</p> <p>The site has a complex planning history with both application reference 4/16/2409/001 and application reference 4/18/2472/001 having been the subject of both reserved matters applications/permission and numerous Section 73 planning applications/permissions which comprise the now effective planning permission but take forward the planning conditions etc. of the initial outline planning permissions.</p> Proposal:	

This application seeks Full Planning Permission for the creation of a surface water attenuation basin to form part of the surface water drainage scheme to serve the development approved under application reference 4/16/2409/001 and application reference 4/18/2472/001 and proposed under application reference 4/22/2028/0F1.

A Section 73 planning application, application reference 4/22/2015/0B1 has been submitted separately. This application seeks removal of previously approved Plots 23, 24 and 25 and the previously approved landscaped area to create the space within the approved development for the proposed surface water attenuation basin.

Consultee:	Nature of Response:
Town Council	<p><i>9th February 2022</i></p> <p>Where does the retention basin drain to and should there be some safety measures to prevent persons entering the basin if there is standing water.</p>
Cumbria County Council – Highways and LLFA	<p><i>9th February 2022</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:</p> <p>Further information and clarification is required.</p> <p>In principal we have no objection to the formation of an attenuation basin to drain phase 4 and part of phase 3 of this development, unfortunately due to ongoing discussion regarding condition 7 of application 4/21/2416/DOC to discharge conditions which deal with the surface water discharge aspect of this application, we are unable provide further comment to the suitability of the basin as presented as a final design cannot be established until details within condition 7 are resolved.</p> <p>Upon receipt of further information I will be able to provide further response.</p> <p><i>3rd November 2022</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p><i>Local Highway Authority response:</i></p>

	<p>In principle the LHA have no objections to the proposed.</p> <p><i>Lead Local Flood Authority response</i></p> <p>Although the LLFA welcome the information/documents submitted with this application we would like further detail to be included within this application, the LLFA would welcome the additional details listed below.</p> <ul style="list-style-type: none">- A detailed cross section plan of the attenuation Basin- A detailed overview plan showing which areas drain or will drain to the basin and where the outfall of the basin will connect to the existing surface water system.- Confirmation of the storage capacity of the basin and any other attenuation features (i.e. pipes and chambers).- Evidence on how the discharge rates at the flow control chambers has been determined.- A detailed plan showing Exceedance routes for rainfall events >1:100 yrs to comply with NSTS S9. <p>In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.</p> <p><i>24th January 2023</i></p> <p>If we are confident that a full technical drainage plan will be submitted in the future then we as the LLFA have no objections to the location only of basin. My self and Shamus find this process it bit strange from the applicant, as you stated there is a risk that if the technical drainage plan doesn't meet standards required the basin and phase4 housing plan may need redesigned.</p> <p>If you like I could create another official response to approve the location of the Basin ?</p> <p><i>25th January 2023</i></p> <p>We are happy with the below conditions to be included in any permission granted.</p> <p>Are you content with pre-commencement planning conditions along the lines of the following:</p> <p>Condition 1</p>
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		<p><i>No development shall commence until full details of the surface water attenuation basin have been submitted to and approved in writing by the Local Planning Authority.</i></p> <p><i>The relevant details shall include:</i></p> <p><i>A detailed specification of the attenuation basin including a cross section plan and where the outfall of the attenuation basin will connect to the existing surface water system.</i></p> <p><i>Confirmation of the storage capacity of the attenuation basin and any other attenuation features (i.e. pipes and chambers).</i></p> <p><i>Evidence of how the discharge rates at the flow control chambers of the attenuation basin has been determined.</i></p> <p><i>A detailed plan showing exceedance routes for rainfall events >1:100 yrs to comply with NSTS S9.</i></p> <p><i>A detailed overview plan showing the areas that will drain to the attenuation basin and calculations to demonstrate that the attenuation basin has sufficient capacity to accommodate the drainage flows from the identified areas without increasing flood risk.</i></p> <p><i>The approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.</i></p> <p>Condition 2</p> <p><i>No development shall commence until a Maintenance and Management Plan detailing measures of how the attenuation basin will be maintained and managed for its lifetime has been submitted to and approved in writing by the Local Planning Authority.</i></p> <p><i>The attenuation basin shall be managed and maintained in accordance with the approved details for the lifetime of the development.</i></p>
	United Utilities	<p><i>28th February 2022</i></p> <p>We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review PRIOR TO DETERMINATION so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be</p>

necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

DRAINAGE

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent

Decision Notice:

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.

4th October 2022

		<p>United Utilities have no comments to make, our original comments still apply. A copy of the previous letter is attached above.</p>
	Environment Agency	<p><i>8th September 2022</i></p> <p>The management of surface water drainage fall under the remit of the Lead Local Flood Authority, and the Environment Agency have no comment to make regarding this application.</p>
	Copeland Flood and Coastal Defence Engineer	<p><i>26th January 2022</i></p> <p>With regards to this application, there is a lack of detail supplied, specifically, although not necessarily limited to:</p> <ul style="list-style-type: none"> • Engineering design of the basin. (How it should be constructed.) • Hydraulic design of the basin. (Determination of size basin based on the on surface water system design.) <p>It is likely that this was submitted along with an earlier application for the site, but since then design criteria may have changed.</p> <p><i>21st September 2022</i></p> <p>With regards to the additional and amended information supplied for the above application, this does not change my response of 26th January 2022.</p>
	Neighbour Responses:	
	<p>The application has been advertised by way of a planning application site notice and press notice.</p> <p>No written representations have been received in respect of the proposals.</p>	
	<p>Development plan policies:</p> <p>Development Plan:</p> <p><u>Copeland Local Plan 2013-2028 (Adopted December 2013):</u></p> <p><u>Core Strategy (CS):</u></p> <p>Policy ST1 – Strategic Development Principles</p> <p>Policy ENV1 – Flood Risk and Risk Management</p> <p>Policy ENV3 – Biodiversity and Geodiversity</p>	

Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Policy DS1PU - Presumption in favour of Sustainable Development

Policy DS2PU - Reducing the impacts of development on Climate Change

Policy DS6PU - Design and Development Standards

Policy DS7PU - Hard and Soft Landscaping

Policy DS8PU - Reducing Flood Risk

Policy DS9PU - Sustainable Drainage

Policy SC1PU - Health and Wellbeing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N3PU - Biodiversity Net Gain

Policy N5PU - Protection of Water Resources

Policy N6PU - Landscape Protection

Policy N9PU - Green Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Cumbria Development Design Guide (CDDG).

Assessment:

Principle

This application seeks Full Planning Permission for the creation of a surface water attenuation basin to form part of the surface water drainage scheme to serve the development approved under application reference 4/16/2409/001 and application reference 4/18/2472/001.

A Section 73 planning application, application reference 4/22/2015/0B1 has been submitted separately. This application seeks removal of Plots 23, 24 and 25 and the landscaped area to create the space within the approved development for the proposed surface water attenuation basin.

Drainage

Planning Condition 7 attached to application reference 4/16/2409/001 requires that drainage be completed in accordance with the principles set out in the submitted Flood Risk Assessment & Drainage Strategy ref. 06/11/542-FRA/1. The planning condition does not require approval of a detailed scheme in advance of the commencement of the development. As the proposed basin would discharge to watercourse, the requirements of Planning Condition 7 would reasonably be achieved.

Planning Conditions 6, 7 and 8 attached to application reference 4/18/2472/001 requires that drainage be completed in accordance with the principles set out in the submitted Flood Risk Assessment & Drainage Strategy dated 16th October 2018 and requires the submission and approval of a detailed drainage design and management scheme prior to the commencement of development. Flood Risk Assessment & Drainage Strategy referenced in Planning Condition 6 refers to discharge to watercourse via a scheme of attenuation comprising over-sized pipes. The proposed basin would discharge to watercourse albeit via the proposed attenuation basin; therefore, the overarching principles of Planning Condition 6 i.e. attenuated discharge to watercourse would still reasonably be achieved. No development approved under application reference 4/18/2472/001 could commence until a detailed drainage design has been approved, which includes requirements to demonstrate that the proposed attenuation basin has capacity to accept all relevant flows and will not increase flood risk elsewhere.

Cumbria County Council – LLFA have been consulted and have raised no objections to the development subject to the imposition of planning conditions requiring the submission and approval of a detailed technical design for the basin, evidence to demonstrate that the basin will have sufficient capacity to accommodate the flows from the development, evidence that it will not increase flood risk and a Maintenance and Management Plan. These planning conditions are

	<p>proposed in addition to those of application reference 4/18/2472/001 to ensure that the basin has the required capacity and design to accommodate flows etc. from the development approved under both application reference 4/16/2409/001 and application reference 4/18/2472/001.</p> <p>United Utilities have been consulted. Additional information was requested in advance of the determination of the planning application; however, the imposition of a planning condition securing a technical drainage design prior to commencement of the development is referenced. The planning conditions secured under application reference 4/18/2472/001 and as proposed by the LLFA secure the technical details required by United Utilities</p> <p><i>Design</i></p> <p>The proposed attenuation basin follows the alignment and overall structure of the approved development.</p> <p>It will comprise a landscaped feature on the entrance to this area of the development and will act as a visual reference and way finding point within the development.</p> <p>A planning condition is proposed to secure a detailed landscaping scheme to soften the form and boundaries the attenuation basin within the development.</p> <p><i>Other Matters</i></p> <p>The proposed attenuation basin does not raise issues in relation to highway or residential amenity.</p> <p>The approval of application reference 4/16/2409/001 and application reference 4/18/2472/001 establish the suitability of the ground conditions for residential development and its associated infrastructure. A planning condition is proposed to provide controls in relation to unexpected land contamination.</p> <p>The proposed will deliver comparable if not greater biodiversity enhancement than the previously approved amenity space in this location.</p> <p><i>Planning Balance</i></p> <p>The proposed is acceptable in respect of the design, landscaping, residential amenity and highway safety subject to the planning conditions proposed.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall begin not later than three years from the date of this decision. <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: <p>Application Form received 10th January 2022 Site Location Plan – Drawing No. 06/11/542-100A received 15th September 2022 Site Plan – SW Basin – Drawing No. 06/11/542-206a) received 1st September 2022</p> <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <ol style="list-style-type: none"> 3. No development shall commence until full details of the surface water attenuation basin have been submitted to and approved in writing by the Local Planning Authority. <p>The relevant details shall include:</p> <ol style="list-style-type: none"> 1. A detailed specification of the attenuation basin including a cross section plan and where the outfall of the attenuation basin will connect to the existing surface water system. 2. Confirmation of the storage capacity of the attenuation basin and any other attenuation features (i.e. pipes and chambers). 3. Evidence of how the discharge rates at the flow control chambers of the attenuation basin has been determined. 4. A detailed plan showing exceedance routes for rainfall events >1:100 yrs to comply with NSTS S9. 5. A detailed overview plan showing the areas that will drain to the attenuation basin and calculations to demonstrate that the attenuation basin has sufficient capacity to accommodate the drainage flows from the identified areas without increasing flood risk.
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The approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason

To ensure a satisfactory form of development and prevent additional flood risk in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

4. No development shall commence until a Maintenance and Management Plan detailing measures of how the attenuation basin will be maintained and managed for its lifetime has been submitted to and approved in writing by the Local Planning Authority.

The attenuation basin shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason

To ensure that the development is completed and satisfactorily maintained and managed in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

5. Notwithstanding the submitted details, no development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:-

1. proposed finished levels or contours;
2. means of enclosure;
3. hard surfacing materials; and,
4. minor artefacts and structures.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy ENV3, Policy DM25 and Policy DM26 of the Copeland Local Plan 2013-2028.

6. If during the development, contamination not previously identified is found to be present at the Application Site, no further development shall be carried out until a scheme of investigation and scheme of remediation detailing how the unsuspected contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme of remediation shall be implemented as approved.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

7. No work for the construction of the developments hereby approved, shall take place on the site, except between the hours:

08.00 - 18.00 Monday to Friday; and

08.00 - 13.00 on Saturdays;

In particular, no work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the residential amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

	<p>Statement</p> <p>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.</p>
<p>Case Officer: Chris Harrison</p>	<p>Date: 09.02.2023</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date: 13.02.2023</p>
<p>Dedicated responses to:- N/A</p>	