

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2215/OF1
2.	<b>Proposed Development:</b>	CREATION OF TWO VEHICULAR ACCESSES TO WHANGS BECK FLOOD STORAGE AREA FOR MAINTENANCE PURPOSES
3.	<b>Location:</b>	UPPER & LOWER WHANGS BECK STORAGE AREA, WHANGS BECK SECTION FRMS, EGREMONT
4.	<b>Parish:</b>	Egremont
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	<b>Publicity Representations &amp; Policy</b>	See report
7.	<b>Report:</b>	<p><b>Site/ Location</b></p> <p>The Site forms part of the wider Flood Risk Management Scheme granted planning permission in October 2019 which is currently under construction, covering an area of land on the western side of Egremont.</p> <p>There are two separate areas of land to which this application relates. The western most site (upper access) which is 0.18ha in size, is located to the north adjacent to a residential area known as “The Lilacs”, which in turn neighbours “The Oaks”. Whilst the eastern most site (lower access), an area of 0.19ha, is located at the northern end of “The Larches”.</p> <p>In respect of the upper access, the adopted highway forms the southern boundary which runs along the rear of The Lilacs and the curtilage of two residential properties (numbers 10 The Lilacs and 14 The Ferns). The western boundary generally follows the alignment of the neighbouring public footpath. This runs northwards from The Lilacs past the residential properties to the west, at The Oaks. The northern and eastern boundaries include grassed areas and the Whangs Beck Upper FSA which the proposal will provide new access to.</p> <p>As regards the lower access, the southern boundary adjoins the adopted highway which runs to the rear of The Larches and the curtilage of residential properties at numbers 9 to 12 The Larches, and number 15 The Hollies. The northern boundary includes grassed areas and the Whangs Beck Lower FSA which the lower access will provide access to.</p>

A Public footpath (Cumbria 406 001) runs east to west through this area.

### **Background / relevant Planning History**

The Whangs Beck FSA is one of three main FSAs, which together form the Egremont Flood Defence Scheme, which was granted planning permission in October 2019 (application reference: 4/19/2044/OF1).

Two sections of the Scheme at West Lakes Academy & Falcon and How Bank are almost complete and the section at Whangs Beck, which the proposed development relates to are still under construction.

It has since become apparent that two new accesses would be required to the Whangs Beck FSA to allow vehicular access for routine maintenance purposes. This will include debris clearance, grass cutting, and maintenance of the telemetry installations to ensure that the new flood defences can operate safely and effectively. The new accesses would also allow for quick mobilisation should this be needed during a flood event. It is estimated that the accesses will be used infrequently, possibly only two or three times per a normal year.

### **Proposal**

Work to create both the new accesses will involve alterations to the existing highway which currently serves the adjacent residential areas. In terms of design the accesses will be a single width and involve the creation of a turning head adjacent to the FSA. They will lead off each respective existing highway turning head, then cross over existing paths / hardstanding and across the grassed area leading to the FSA currently under construction.

In respect of the upper access there is already an existing maintenance track/ hardstanding in place leading from the turning head to the grass which will be used. As regards the lower access existing bollards will require removal and an overhead cable may need relocating. This access will run alongside and form part of an existing tarmac access/ path. Demountable bollards will be placed at the start of the accesses to prevent unauthorised vehicular usage.

In terms of proposed materials and finishes the new access tracks will be surfaced in tarmac for a short section where they run from the existing turning heads and cross the footpath then grasscrete across the grassed areas leading to the FSA. The latter will provide an environmentally friendly and hardwearing surface for vehicles with good infiltration. The crossfall (direction as appropriate to the track location) will be 2.5% (1 in 40).

### **Consultations**

Egremont Town Council

No comments received

Natural England

No comments received.

Environment Agency

No objections.

CCC LLFA & HA

No objections. Detailed design for the highway can be dealt with under a Section 278 Agreement.

CCC Footpath Officer

No comments received.

Flood and Coastal Defence Engineer

No objections.

Comments: Whilst the grasscrete tracks will impact the natural infiltration and increase runoff compared to the current situation it is accepted that this is more permeable than the alternative of concrete or tarmac, and that the increase in im-permeability is only small. Aware that the proposed works are part of the larger flood alleviation scheme, that will significantly reduce flood risk in the area.

Capita Arborist

No objections. Acknowledges that no trees are affected by the proposal.

Public Representation

This application has been advertised by way of a site notice and neighbour notification.

Extensive neighbour consultation has taken place and to date no objections have been received.

**Planning Policy**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

**Adopted Copeland - Local Plan 2013-2028 (CLP)**

**Relevant CLP policies:**

Policy ST1 'Strategic Development Principles'

Policy ST4 'Providing Infrastructure'

Policy ENV1 'Flood Risk and Risk Management'

Policy DM11 'Sustainable Development Standards'

Policy DM24 'Flood Risk and Risk Management'

Policy DM26 'Landscaping'.

Policy DM28 'Protection of Trees'

### **Emerging Local Plan Copeland Local Plan – 2021-2038 (ECLP)**

The emerging Copeland Local Plan has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following ECLP policies are relevant to this proposal:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS6PU: Design and Development Standards

Strategic Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Strategic Policy DS9PU: Sustainable Drainage

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

However, it should be noted that the CLP currently carries the primary weight in relation to decision making.

### **Other Material Considerations**

National Planning Policy Framework (2021)

National Planning Policy Guidance

Cumbria Development Design Guide

### **Assessment – Key Planning Considerations**

The main considerations relevant to the determination of this application are as follows:

#### **Principle of development**

The principle of development has already been established for the wider scheme with planning permission having been granted for the Whangs Beck FSA as one of three main FSAs forming the Egremont Flood Alleviation Scheme. Construction is underway (application reference: 4/19/2044/OF)

which will help improve the overall level of flood protection to properties in Egremont.

This proposal only seeks permission for relatively minor associated works that have subsequently been identified – creation of two new accesses to the Whangs Beck FSA for maintenance purposes to ensure that the new flood defences operate effectively. And these per se do not raise any particular issues of concern.

As such the proposed Development is considered to accord with the policies of the Development Plan, in particular policies ST1 and ENV1 as well as national planning policy.

### **Drainage**

The Drainage Strategy Technical Note demonstrates that the FSA at Whangs Beck, will significantly reduce surface water run-off in the local area, with water intercepted before reaching residential and other properties. Although there could be a nominal increase in surface water from the grasscrete/ surfacing proposed as part of the proposals, it is likely that any effects would be negligible and there would be no significant impact to flood risk at or increased risk of flooding elsewhere. This is supported by our Flood and Coastal Defence Engineer.

The proposal supports the aim of the overall Scheme which is to reduce flood risk in Egremont and has been designed to limit any impacts on surface water run-off and aligns with policies ENV1 and DM24 of the CLP and national planning policy.

### **Ecology**

The submitted Ecology Technical Note demonstrates that the proposal seeks to protect the biodiversity value of the site and vicinity via minimising the fragmentation of habitats. No trees will be lost, and much grassed land will be retained. The Landscape Masterplan also proposes to compensate for any loss through appropriate replacement and enhancement.

As such the proposal is considered to accord with the Development Plan, particularly policy DM25, and national planning policy.

### **Trees and Landscaping**

The application is accompanied by an Arboricultural Report and Tree Survey undertaken for the original FSA this affirms that the proposed development does not affect any trees in the vicinity. Our consultant Arborist has confirmed this and that no protection measures are required.

A landscaping scheme was approved for the Whangs Beck FSA which adequately compensates for any potential landscape and visual impacts. That said there will be construction activities that may affect the landscape, but this activity will be temporary and short term in nature. It is estimated that construction of each access will take circa 3 weeks.

The proposal is therefore considered to comply with relevant CLP policies DM26, DM28 and ENV5.

### **Sustainability**

The proposal will use locally sourced and sustainable materials where possible to reduce its environmental impact. In this respect the proposed Development is considered to accord with the policies of the Development Plan, in particular policies ST1, ENV1 and DM11, and national planning

policies.

### **Impact on Neighbouring Amenity**

It is envisaged that the main impact of the proposal will arise from construction activities associated with the development. There are a number of homes likely to be affected within the vicinity of the site, principally along the residential areas of The Larches, The Lilacs, The Ferns, and The Oaks, as well as users of the local footpath/cycle network, who could potentially be affected by the construction works. However, it is anticipated that these will be short-term and any effects such as from noise, vibration or dust would be of a temporary duration. During construction, appropriate mitigation measures will be implemented which could include acoustic screening and the adoption of best practicable means to reduce noise and dust arising.

There is also likely to be some temporary disruptions to local footpaths which will be carefully managed to minimise impacts and maintain access. The proposed Development is therefore considered to accord with the requirements of policy ST1 and national planning policy.

There was some concern that the lower access would displace 1 possibly 2 car parking places. However, there are no formal car parking bays that would be affected, it transpires that residents use the turning head for informal parking and at the most only one such space would be affected. It is intended that a 'No parking' area measuring 3m x 4.8m will be laid out at the front of the new access adjacent to the turning head, which will reduce the existing car parking by the equivalent of one parking space however there is existing scope within the residential area adjacent to compensate for this by parking elsewhere on street.

### **Highways.**

There are no adverse issues evident regarding highways/ traffic. The proposal has been designed to be safe and functional and, once completed, will integrate with the existing highway and areas of hardstanding. The Whangs Beck Upper access track incorporates an existing concrete access track, requiring minimal changes to the highway. Proposals for the Whangs Beck Lower access track include reinstatement of the tarmac footpaths.

The Highway Authority has confirmed that detailed design for the highway can be dealt with under a Section 278 Agreement.

### **Planning Balance and Conclusion**

This application seeks permission for the construction of two new vehicular accesses to facilitate improved maintenance and efficient operation of the Whangs Beck FSA.

On balance it is considered that the proposal would not result in any significant adverse impacts that will cause any demonstrable harm and outweigh its significant benefits. The main impacts would arise from construction and would largely be temporary in nature. In addition, the use of industry best practice construction mitigation measures will help to manage any such impacts. It is envisaged that any effects would be negligible and temporary. The benefits however are significant and support the wider flood alleviation scheme for Egremont.

Taking the above into account, it is concluded that the proposed development is compliant with the

	CLP and national planning policies, and particularly the overarching objective of the NPPF to deliver sustainable development.
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p><u>List of approved documents, plans &amp; drawings:</u>  Planning Supporting Statement, by VBA &amp; Environment Agency, dated 29 April 2022  Drainage Strategy Technical Note, by VBA, dated 22/03/22  Ecology Technical Note, Preliminary Ecological Appraisal Report by VBA, dated 3 February 2022  Arboricultural Report, ACS Consulting, dated September 2018</p> <ul style="list-style-type: none"> <li>• Red-line Boundary Drawing, reference: IMNW000818-VBA-HA-3T3-DR-C-0003 Rev. C01</li> <li>• General Arrangement Drawing, reference: IMNW000818-VBA-HA-3T3-DR-C-0001 Rev. C02</li> <li>• Whangs Beck Upper – Existing and Proposed Plans, drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0002 Rev. C01</li> <li>• Whangs Beck Lower – Existing and Proposed Plans, drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0005 Rev. C01</li> <li>• Cross Sections Drawing, drawing reference: IMNW000818-VBA-HA-3T3-DR-C-0004 Rev. C01</li> <li>• Landscape Masterplan, drawing reference: IMNW000818-VBA-LL-3T3-DR-L-0001 Rev. C01</li> </ul> <p>Reason</p> <p>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.</p>

**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: H.S. Morrison****Date : 21/07/2022****Authorising Officer: N.J. Hayhurst****Date : 22/07/2022****Dedicated responses to:- N/A**