

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2055/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 4, 6, 8, 9 AND 10 OF PLANNING APPLICATION 4/20/2086/001
3.	<b>Location:</b>	LAND ADJACENT TO 25 ARLECDON ROAD, ARLECDON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: NO  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>Site and Location:</b> This application relates to an open area of land which is located on the northern edge of Arlecdon. The site is bound by an existing stone wall and fronts onto Arlecdon Road. It is adjoined on its southern boundary by two existing residential properties.</p> <p>Outline planning permission was granted in June 2020 for residential development (application reference 4/20/2086/001 relates).</p> <p><b>Proposal:</b></p>

Planning Conditions imposed on application ref. 4/20/2086/001 state the following:

4. 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.

6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason



## Cumberland Council

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

8. The carriageway, footways, footpaths etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

### Reason

To ensure a minimum standard of construction in the interests of highway safety.

9. A 2.0m footway, including street lighting, shall be built along the sites frontage to the U4016 to a standard suitable for adoption, in accordance with details that have first been approved by the local planning authority.

The applicant will need to enter in to an agreement with this authority for these works to be built, all of these works will be at the applicants expense.

### Reason

In order to ensure Highway safety for all users.

10. Development shall not commence until a Construction Phase Traffic Management Plan has been 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;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, 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;
- surface water management details during the construction phase

Reason

In order to ensure the amenity and highway safety of the area during construction.

This application seeks to discharge the details of these conditions with the submission of the following information:

- Application Form
- Proposed Overall Site Layout
- Construction Traffic Management Plan
- Drainage Strategy and Design
- Operation and Maintenance Plan for Drainage System
- External Levels Layout
- Access Road Sections
- External Works Layout and Construction Details
- Foul and Surface Water Drainage Plan
- Attenuation Tank Details
- Lighting Layout, Schedule and Calculations.

<b>Consultee:</b>	<b>Nature of Response:</b>
Environmental Health	No response received.
Flood and Coastal Drainage Engineer	<u>1<sup>st</sup> response</u>  CONDITION 4



**Cumberland  
Council**

- (i) Ground investigations were undertaken, that infiltration is not suitable for surface water disposal. Surface water disposal following the drainage hierarchy is to a watercourse via the highway drainage network.
- (ii) Surface water disposal will be restricted to the greenfield run off rate of 1.4l/s by means of a geocellular attenuation tank and hydrobrake.
- (iii) There is no timetable for the implementation of the surface water scheme.

This condition cannot be discharged until a timetable for the implementation of the surface water scheme. It may be required that formal agreement to discharge into the highway drainage system is required before any work on the ground can start.

#### CONDITION 6

- (a) The submissions do not directly state whether the surface water system will be offered for adoption or not. However, it is inferred that the system will be maintained by a Management Company.
- (b) The Operation & Maintenance Plan for Sustainable Drainage Systems submitted details the requirements for inspection and maintenance of the surface water system.

This condition cannot be discharged until further information on the arrangements Management Company is supplied.

#### CONDITION 8

No comments.

#### CONDITION 9

No comments.

#### CONDITION 10

No comments on the first 8 bullet points, but with regards to the 9th, the Construction Traffic Management Plan does not include information on surface water management during the construction phase.

This condition cannot be discharged until information on surface water management during the construction phase is supplied.

2<sup>nd</sup> Response

CONDITION 4

- (i) Ground investigations were undertaken, that infiltration is not suitable for surface water disposal. Surface water disposal following the drainage hierarchy is to a watercourse via the highway drainage network.
- (ii) Surface water disposal will be restricted to the greenfield run off rate of 1.4l/s by means of a geocellular attenuation tank and hydrobrake.
- (iii) The Condition 4(iii) and Condition 6 Statement submitted now sets out the timetable for implementation of the drainage.

This condition can now be discharged.

It may be required that formal agreement to discharge into the highway drainage system is required before any work on the ground can start.

CONDITION 6

- (a) The Condition 4(iii) and Condition 6 Statement submitted states the surface water system will remain private. .
- (b) The Operation & Maintenance Plan for Sustainable Drainage Systems submitted details the requirements for inspection and maintenance of the surface water system.

This condition can now be discharged

CONDITION 8

No comments.

CONDITION 9

No comments.

CONDITION 10



**Cumberland  
Council**

		<p>No comments on the first 8 bullet points.</p> <p>The updated Construction Traffic Management Plan now includes information on surface water management during the construction phase.</p>
	<p>Cumbria Highways and Local Lead Flood Authority</p>	<p><u>1<sup>st</sup> Response</u></p> <p><b>Condition 4 -</b> The LLFA and LHA welcome the information submitted in support of condition 4 and are content with the proposed, therefore condition 4 can be discharged</p> <p><b>Condition 6 -</b> The LLFA and LHA welcome the information submitted in support of condition 6 and are content with the proposed, therefore condition 6 can be discharged</p> <p><b>Condition 8 -</b> The LLFA and LHA welcome the information submitted in support of condition 8 unfortunately no detail has been provided within any plans submitted regarding street lighting for this development site. A proposed detailed street lighting plan is to be submitted to the LPA for review before condition 8 can be discharged.</p> <p><b>Condition 9 -</b> The LLFA and LHA welcome the information submitted in support of condition 9 unfortunately no detail has been provided within any plans submitted regarding street lighting for the proposed new footway to be constructed not within the development site.</p> <p>A proposed detailed street lighting plan is to be submitted to the LPA for review before condition 9 can be discharged.</p> <p><b>Condition 10 -</b> The LLFA and LHA welcome the information submitted in support of condition 10, unfortunately no detail has been included within the Construction Management Plan (CMP) regarding surface water management during construction phase for this development site. The above detail is to included within the CMP as part of condition</p>

		<p>10 requirements, therefore condition 10 cannot be discharged until the CMP is updated.</p> <p><u>2<sup>nd</sup> Response</u></p> <p><b>Condition 4 -</b> The LLFA and LHA welcome the information submitted in support of condition 4 and are content with the proposed, therefore condition 4 can be discharged.</p> <p><b>Condition 6 -</b> The LLFA and LHA welcome the information submitted in support of condition 6 and are content with the proposed, therefore condition 6 can be discharged.</p> <p><b>Condition 8 -</b> The LLFA and LHA welcome the new information submitted 10/04/23 in support of condition 8 and are content with the proposed, therefore condition 8 can be discharged.</p> <p><b>Condition 9 -</b> The LLFA and LHA welcome the new information submitted 10/04/23 in support of condition 9 and are content with the proposed, therefore condition 9 can be discharged</p> <p><b>Condition 10 -</b> The LLFA and LHA welcome the new information submitted 10/04/23 in support of condition 10 and are content with the proposed, therefore condition 10 can be discharged</p>
	United Utilities	Further to our review of the submitted Drainage Strategy & Design (ref K39479.DS/001, Original Version, dated 23rd Feb 2023), United Utilities has no objection to condition 4 being discharged.
<b>Neighbour Responses:</b>		



## Cumberland Council

### Response 1

Objection 1. There is no public transport at all to or from Arlecdon village therefore this development will increase car useage and traffic pressure on the village and surrounding roads.

Objection 2. The destruction of this agricultural land for housing.

Objection 3. The development is in the original part of the village a feature of which is the stone walls.This plan will see the removal of large sections on Arlecdon Road to facilitate an access road and 3 foot ways ( to nos. 1, 2 and 3 houses ).

Objection 4. Road safety. I should point out to you that complaints to the police have already been made concerning the speed of traffic at this point in the road and disregard for any limits. The route is used frequently by HGV's of all types especially by skip wagons from the council waste facility at Frizington. Studies show that 80% of serious accidents occur near a junction by blind spots.

A proposed entrance to this development is very near a junction and blind spot to traffic from the Asby direction. Should the proposal go ahead then delivery vehicles,visitors etc. to nos.1, 2 and 3 would park on Arlecdon Road to access the footways to these properties and cause traffic to move into the opposite carriageway immediately before the blind bend in the road.

Limited ( i.e. none ) parking for tradesmen, delivery vehicles , visitors etc. on the development would inevitably mean parking on Arlecdon Road again causing a hazard. The road here at the moment is free of any parked vehicles.

### Response 2

1. Compared to what was verbally discussed prior to Christmas, i.e. 2 properties facing Arlecdon Road, things have changed quite considerably, now 8 properties!! Not impressed with the number of dwellings in an half an acre plot. Overdevelopment in such a small space!!

2. A 21st Century Housing Estate/Development is not in keeping with it's surroundings of the original Low Arlecdon period detached properties, dating from the 18th Century, and will not enhance the character of this end of the village.

3. Potential of 16 cars exiting the development onto Arlecdon Road, which has been observed as a reasonably busy through road for many cars, HGV's & PSV's with a potential collision risk. There seems to be no provision for visitor parking, subsequent on road parking will result in inconvenience for local road users and pedestrians alike.

4. 5 proposed properties will now have a direct outlook onto and into our property, living space and bedrooms, incurring unnecessary costs for us to ensure our that we can maintain our own privacy, one reason for leaving City Life to retire to the countryside.

5. Rainwater Management: With the surface water 'run off' heading into the beck outside our property, should the water management system fail, any surface 'run off' will head straight into our property.

6. Given the resulting mess recently left outside the front of our property when locating and repairing rainwater pipework, we see no reason to believe this development will not lead to further destruction of the grass verges and hedgerows.

7. Details of 4/20/2086/001 not really available to view via Copeland Council Website. Please can you send details of where to find the original outline permission or send directly to us. Thanks.

### Response 3

The size of the houses make them likely to be purchased by larger families requiring more than the allotted two parking places. This is likely to encourage on street parking external to the development on the main road near to the junction and double blind corners. There is already a problem of excessive cars within the village and this will be compounded by the additional development and will exacerbate the hazards presented by the already dangerous junction.

The style of the houses is also very removed from the existing pattern of detached low impact housing within the part of the village and pose a stark contrast to the surrounding houses. The plans for the stone wall do not negate this impact due to their significant height and uninterrupted profile.

### **Development plan policies:**

#### Copeland Local Plan 2013-2028 (Adopted December 2013):

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



## Cumberland Council

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.

### Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

### Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

### **Other Material Planning Considerations**

National Planning Policy Framework 2021 (NPPF)

### Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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.

The policies relevant to this application are:

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy H6PU: New Housing Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

**Assessment:**

Condition 4 – Surface Water Drainage Scheme

A full surface water drainage plan was submitted, detailing that ground investigations had been undertaken and concluded that infiltration was not possible for this site. Following the drainage hierarchy, the water is to be disposed to a watercourse via the existing highway drainage network. The water will be attenuated and disposed at a restricted rate of 1.4l/s which is considered to be acceptable. Initially, details of the timetable for implementation of the scheme had not been submitted, however this information was received and considered to be acceptable.

No objections were received from the Local Lead Flood Authority, United Utilities or the Council's Flood and Coastal Drainage Engineer and the condition can therefore be discharged.

Condition 6 – Sustainable Drainage Management and Maintenance Plan

The system is to be maintained by a Management Company and documents were received to detail the requirements for inspection and maintenance of the system. Initially, further information was requested with regards to the Management Company, but on receipt of this information, it was considered to be acceptable.



## **Cumberland Council**

### Condition 8 – Design of Carriageways and Lighting

Initially, information was requested with regards to the street lighting as this information was omitted from the submission.

On receipt, the information submitted was considered to be satisfactory and conforms with the standards expected by the Highways department. This condition can therefore be discharged.

### Condition 9 – Footways

Initially, information was requested with regards to the street lighting for the footway as this information was omitted from the submission.

On receipt of this for both public and private footways, the information was considered to be acceptable and therefore the condition can be discharged.

### Condition 10 – Construction Phase Traffic Management Plan

The Construction Traffic Management Plan did not include information relating to surface water management during the Construction Phase and this was therefore requested for completeness.

On receipt of this information, it was considered to be acceptable and therefore the condition can be discharged.

### Neighbouring Responses received

Three letters of objection have been received with regards to the development – however the concerns stated relate to the principle of the development and not to the technical details being considered as part of this discharge of conditions application. As the principle of development has been established these concerns can therefore not be taken into consideration at this stage.

### Conclusion

	Overall, the information submitted is considered to be acceptable to satisfy conditions 4, 6, 8, 9 and 10 of Outline Planning permission 4/20/2086/001 and therefore these conditions should be considered to be discharged.
8.	<b>Recommendation:</b> Approve
<b>Case Officer: Sarah Papaleo</b>	
<b>Date : 03/05/2023</b>	
<b>Authorising Officer: N.J. Hayhurst</b>	
<b>Date : 03/05/2023</b>	
<b>Dedicated responses to:-</b>	