

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2100/0R1	
2.	Proposed Development:	RESERVED MATTERS APPLICATION RELATING TO ACCESS, ROAD LAYOUT & DRAINAGE ONLY PURSUANT TO OUTLINE PLANNING APPROVAL 4/21/2368/001 FOR RESIDENTIAL DEVELOPMENT	
3.	Location:	LAND TO SOUTH OF SOUTHRIGG, NETHERTOWN ROAD, ST BEES	
4.	Parish:	St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:  Site and Location		
		The application site relates to an area of agricultural land which fronts onto Nethertown Road, on the southern edge of St Bees. The sloping site adjoins the development site which was approved under outline planning application reference 4/20/2491/001 and reserved matters planning application reference 4/21/2369/0R1 to the north. Nethertown Road lies immediately to the west with residential properties to the east and open countryside to the south. The properties located to the east of the application site are set at a higher level than both the	

application site and the existing properties on Nethertown Road.

### **Relevant Planning History**

4/98/0656/0 – Outline for one residential unit – Refused.

4/01/0841/0 – Outline for one residential unit – Refused.

4/20/2491/001 – Outline application for residential development – Approved.

4/21/2368/001 – Outline application for a residential development with all matters reserved – Approved.

4/21/2369/0R1 – Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/001 – Residential development – Approved.

4/22/2300/0R1 – Reserved matters relating to access only pursuant to outline planning approval 4/21/2368/001 for residential development – Withdrawn.

4/22/2377/0B1 – Variation of condition 2 (to revise design of house types) of planning approval 4/21/2369/0R1 - Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/001 – Withdrawn.

4/22/2378/0B1 - Variation of condition 2 (to revise design of house types) of planning approval 4/21/2369/0R1 - Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/001 – Withdrawn.

4/23/2086/0B1 – Variation of condition 2, 3, 4, 5, 6, 7, 8 , 9 and 11 of planning application 4/21/2369/0R1 (reserved matters following outline approval 4/20/2491/001 for residential development – Ongoing.

### **Proposal**

This application seeks the approval of reserved matters relating to the proposed access, road layout, and drainage associated with the outline planning approval at this site. This application follows the approval of outline planning permission (ref: 4/21/2368/001) in May 2022 by Members of the Planning Panel for the residential development of this site with all matters reserved.

The application site will be accessed from Nethertown Road. The proposed access will be located along the north west of the application site and will utilise the access approved by the development approved under application reference 4/21/2369/0R1 for plots 1 - 3, however the access road will be extended south into the application site.



## Cumberland Council

As per the previous approval at this site the proposed access will provide visibility splays of 2.4m x 26.8m to the north of the site and 2.4m x 26.3m to the south. The access will also form a passing place for the existing road. Access to each plot will be from a shared private road which will be surfaced with tarmac which will lead to separate driveways, details of which will be provided in subsequent applications for the site. The site will also accommodate an additional visitor car parking spaces to the front of the site which are to be finished with grass screed, adding to the two spaces previously approved under application 4/21/2369/0R1.

The frontage of the site onto Nethertown Road is currently bound by a stone wall. As part of this development this wall will be rebuilt to 900mm in height along the site frontage and around the proposed entrance.

The foul water from the proposed development will be pumped into the extended adopted sewer to the north of the site along Nethertown Road which is to be installed as part of the previously approved application 4/21/2369/0R1. It is proposed that surface water discharge will be dealt with through a combination of permeable paving and below ground infiltration soakaways.

### Consultation Responses

#### St Bees Parish Council

*27<sup>th</sup> April 2023*

The Parish Council notes that dye testing has now been carried out which confirms that the manhole opposite Shaunessy on Nethertown Road connects to the existing sewer. However, the application does not mention whether any test has been undertaken to confirm that the foul water drain is able to deal with the additional volume of foul water. There are already numerous properties connected into this sewer and the Parish Council believes that volume testing should be carried out to be certain that the foul water drain has sufficient capacity.

There are also some concerns about the possible state of the sewer. There has recently been flooding of a property on Sea Mill Lane from a surface water drain on Nethertown Road which has been damaged by tree roots. Whilst the new development will not feed into this surface water drain, the sewer and surface water pipes run close together from Doe Hill down to Sea Mill Lane which raises the issue of possible similar damage to the sewer pipe.

*6<sup>th</sup> July 2023*

The Parish Council welcomes the statement in the Traffic Management Plan that site traffic will travel along the B5345 and enter the village from the south so that large vehicles will not be travelling through the centre of the village. However, the Plan fails to address any of the concerns expressed by the Parish Council and local residents over recent months about the safety of residents, walkers, cyclists and horse riders when construction traffic turns off the

main road to travel along Nethertown Road itself.

The turn into Nethertown Road from Egremont Road is very tight and there is no clear line of sight from the junction to the development site so drivers of lorries turning into Nethertown Road will be unable to see oncoming vehicles. This will almost inevitably result in vehicles meeting head on and having to reverse, as there are no opportunities for vehicles to pass between the junction and the small cul de sac. Events on the 27 January 2023 exemplify these concerns. Work started without any approval and heavy items of plant and equipment were transported to site without any prior notification with several residents being significantly inconvenienced. The Parish Council believes that a banksman system or some form of traffic control is needed to ensure the safety of other road users on Nethertown Road.

We hope that construction work will be carried out under the remit of an appropriate Code of Construction Practice, if indeed Cumberland Council has such a document, to give guidelines to developers and contractors. However, the Traffic Management Plan does not give any core information that would develop a good working relationship with the Parish Council, the residents and indeed the wider village, as many local people use this road for leisure activities.

We would wish to see the document cover the following information;

- core delivery times, particularly for heavy loads. For example, there are specific times when it becomes difficult to drive through the village as a consequence of train times, Sellafeld muster times and school buses, a particular concern as the bus picks up and drops off close to the junction of Nethertown Road and Egremont Road.
- consideration of the inconvenience to the residents of the Nethertown Road cul-de-sac as the entrance is to be used as a turning point for large vehicles travelling to site. This will cause severe disruption if not managed effectively.
- details of how plant and equipment deliveries will be managed. We believe that it would be completely unacceptable to see vehicles stacked up on any of the surrounding roads and lay bys whilst waiting for access to the site.

On numerous occasions the Parish Council has urged the developers to engage directly with the local residents affected to listen to their concerns and look at ways to mitigate the effects of the construction work. We are concerned that the final sentence on page seven of the document states that 'Expected dates for works and deliveries will be communicated to the St Bees Parish Council'. Whilst any progress reports received will be reported to the Parish Council, the council does not have the resources to act as a conduit or route of communication with individual residents of Nethertown Road.

We note that the response from Highways deals only with traffic routes to St Bees and traffic arrangements on site. The Parish Council hopes that the council's comments about safety on Nethertown Road will be shared with Highways officers. The Parish Council would be happy to meet Highways officers on site, if needed, to explain the issues more fully.



## Cumberland Council

8<sup>th</sup> August 2023

No further comments to add on this particular issue. However, I must add that we are disappointed that the applicants have shown no consideration to the village, residents and to the comments that we tabled to the previous revisions of these documents.

As such the points that we raised remain.

I must also remind you that the PC will not act as a conduit to pass on delivery movements from the developer to the village residents.

### Cumberland Council – Highway Authority & LLFA

4<sup>th</sup> May 2023

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection in principle to the proposed development. Although we have no objections in principle we would like the following points addressed before a final response is submitted to the LPA.

- Within the Construction Management plan it states, *Pre-construction Road condition established by a detailed survey for accommodation works within the highway's 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 Condition detailed in Reference Document; LAND ADJACENT TO SOUTHRIGG, NETHERTOWN ROAD PRE-CONSTRUCTION SURVEY (used as part of application 4/21/2369/0R1).*

Unfortunately I am unable to obtain this document and would like to review before a response is submitted.

- As part of application 4/23/2086/0B1 which is phase 1 of this development site, A construction vehicle routing plan has been requested, We as the LHA would also like to see the same document submitted in support of this application.
- The Proposed Drainage Plan for plots 4 and 5, show 3 road side gullies to be installed which connect to a manhole within the proposed access road, it is assumed from the manhole the surface water will enter the proposed soakaway tank but on the plan this is not shown. For completeness can this be rectified to show the manholes outfall.

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.

30<sup>th</sup> June 2023

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority

(LLFA) has reviewed the above planning reference and the additional information/documents requested on our previous response, I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

*8<sup>th</sup> August 2023*

I can confirm that the response made previously application should still apply.

*17<sup>th</sup> August 2023*

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and additional detail within the Construction Traffic Management Plan (CTMP) and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

The LHA and LLFA are content that the information submitted in support of application 4/23/2100/OR1 is sufficient to address Conditions 4,5,6 and 7 of the original decision notice of application 4/21/2368/OO1.

*18<sup>th</sup> August 2023*

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and additional detail within the Construction Traffic Management Plan (CTMP) and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

The LHA and LLFA are content that the information submitted in support of application 4/23/2100/OR1 is sufficient to address Conditions 4,5,6 and 7 of the original decision notice of application 4/21/2368/OO1.

The LHA and LLFA can confirm that we have no objections to the proposal, subject to the inclusion of conditions relating to visibility splays, lowering of the boundary wall, and access arrangements.

United Utilities

*26<sup>th</sup> July 2023*

In accordance with the National Planning Policy Framework (NPPF) and the National

Planning Practice Guidance (NPPG), the surface water should drain in the most sustainable way.

*Further to our review of the submitted Proposed Drainage Plan (ref 22-C-16767-01, Rev B, dated 23/05/2023), we can confirm the proposals are acceptable in principle.*

United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

17<sup>th</sup> August 2023

Fundamentally we are happy with the drainage proposals, with this in mind please deal with the conditions as you see fit.

Cumberland Council – Flood and Coastal Defence Engineer

17<sup>th</sup> April 2023

#### FLOOD MAPPING

The Flood Map for Planning shows the proposed development lies in Flood Zone 1.

The Flood Risk for Surface Water Map shows the proposed development lies in an area ranging a high to a very low risk of surface water flooding.

#### COMMENTS ON DRAINAGE STRATEGY REPORT

Main points made:

[3.0] The site lies entirely within Flood Zone 1.

[5.0] Surface water calculations are based on two plots of 210m<sup>2</sup>, so if the plot size changes, the calculations will need to be amended accordingly.

[6.0] Percolation testing was undertaken in two trial pits in accordance with guidance in BRE 365.

[7.0] There are no open watercourse within the site.

[7.0] There are no United Utilities sewers on the site, but there is a combined sewer on Nethertown Road.

[8.0] It is noted that to the rear of Plot 5 there is an area of high risk of surface water flooding, with mapping showing the predicted flood level being less than 300mm. As such the finished floor level should be set as a minimum of 300mm above the lowest ground level (35.825m AOD). It is noted that the design level is 36.400m AOD a clearance of 575mm.

[9.0] It is proposed to discharge surface water through a combination of permeable paving and below ground infiltration soakaways.

[10.0] A 50% climate change allowance has been used. Permeable paving is deemed

satisfactory for the low pollution risk for parking and driveway areas based on use.

[11.0] All components should be maintained in accordance with the requirements of the SuDS Manual.

[12.0] Foul sewage will be pumped into the extended adopted sewer network.

[13.0] The separate foul and surface water systems are to remain private and be maintained by a newly formed management company.

#### GENERAL COMMENTS

Looking upslope of Plot 5 and the area shown at a high risk of surface water flooding, is a reference on GIS "deepghyll". It is not unreasonable that this may be a reference to what was possibly once a watercourse. Continuing downslope of Nethertown Road is what appears to be the remnants of a dyke kest. Caution should therefore be considered on Plot 5 as to the possibility of a culverted watercourse.

It isn't entirely clear from the information as to whether the foul pumping station is to be adopted or not. Based on it being shared, it would be logical that it would be adopted.

The siting of soakaways on slope land can sometimes cause problems downslope. Although the assumption is that water will percolate vertically downwards, it is possible that it will hit an impermeable layer and travel downslope beneath the surface emerging elsewhere.

#### SUGGESTED CONDITIONS

None.

#### SUMMARY

Caution required.

*26<sup>th</sup> June 2023*

With regards to the additional and amended information for the above application, I have no further comments to make at this time.

#### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to seventy properties. Four letters of objection have been received in relation to this consultation process raising the following concerns:

- Whilst I am pleased that the safety and wellbeing of those working on the development are being considered I am extremely concerned that the equally important safety and wellbeing of those residents currently living along and using Nethertown Road appear to have less importance to the planners.



- Nethertown Road is a single track road with few opportunities to pass along the whole length from St Bees to Nethertown.
- Although the road has good visibility there are a number of concealed driveways.
- The length and straightness of the road encourages drivers to accelerate to speeds which are potentially dangerous.
- Existing driveways is becoming increasingly hazardous and can only become worse with the expected volume of construction traffic and the inevitable increase in traffic once the development is complete.
- The junction with the B5345 is difficult at the best of times and dangerous when cars are parked up to and at times even on the junction. Nothing has been done to ease this problem. Double yellow lines would certainly help.
- The Traffic Management plan only concerns with on site proposals and nothing to actually manage the traffic going along Nethertown Road itself before reaching the building site.
- Residents are now very concerned and would like the developer to tell use how they propose to safely manage the traffic along Nethertown Road before reaching the development site.
- How will the traffic be managed from the entrance to Nethertown Road. This request has previously landed on deaf ears and we are now very concerned about it.
- I raised my concerns initially when work at the site was stopped due to non-compliance pre commencement conditions. I witnessed the chaos which ensued when huge wagon navigated and completely blocked Nethertown Road posing a very real danger to pedestrians and traffic.
- This has not been addressed in this application and the dangers of the site traffic navigating this single track road together with other roads in and out of the village and without an appropriate traffic management plan someone could get injured or worse.
- Concerns that in this time of climate change and challenges to this countryside food security this development is continuing to be allowed on this land. This shows very regressive out of date thinking influencing policies and planning.
- Some form of traffic control is essential regarding health and safety of all road users.
- There needs to be regulates as to the hours of operation for the mental health of residents.
- Many residents that live in this southern are of St Bees could be described, from a health aspect, as vulnerable or acutely vulnerable. Therefore in addition to noise pollution controls I ask for conditions to control air pollution.
- Drainage is a concern after recent flooding events in St Bees.

- There is particular concern that the foul water drain cannot cope with the extra volume created by these additional dwellings. Volume needs to be done to check there is sufficient capacity.
- The developers have already behaved illegally so how do we trust they will comply with any regulations. There is only one enforcement officers and the Council rely on the general public to report breaches. We do not wish to police this development. In light of previous non compliance extra supervision should be written into the planning regulations for this site.

Following receipt of amended information for this application a reconsutlation was carried out for all previously consulted neighbours and objectors to this application. One letter of concern was received raising the following concerns:

- The revised construction management plan refers to the use of the cul-de-sac on Nethertown Road as a temporary turning area for site traffic but does not go into detail as to how this will be controlled or safely managed.
- How will this effect residents access ad the safety of ourselves and our families who use this access on a regular basis.
- Concerns about damage to may occur to the cul-de-sac road surface during the manoeuvring of heavy site vehicles, along with extreme concerns as to the ability of Nethertown Roads surface to cope with sustained heavy traffic to the development.
- Not enough attention is given to potential impact of this development on the residents of Nethertown Road and the above matters should be address prior to any works commencing.

### **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**

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 local development plan documents continue to apply to the geographic area 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.

## **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 SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

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 DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

### Emerging Copeland Local Plan 2021 - 2038 (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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

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

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

### **Assessment**

The key issues raised by this application relate to the principle of the development; access and highway safety; and flood risk and drainage.

#### Principle of Development

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

St Bees is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

The application lies outside of the designated settlement boundary for St Bees, and as such, the proposal is in conflict with Policy ST2. Policy ST2 of the Copeland Local Plan states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.

Policy DS3PU of the Emerging Local Plan continues to identify St Bees as a Local Service Centre and the site as outside of the designated settlement boundary.

The principle for developing the site for two residential dwellings has, however, been established in May 2022 when outline planning permission was granted by Members of the Planning Panel. This decision was made in the context that the Council's settlement boundaries were considered out of date as required by paragraph 11 of the NPPF. Permission was also granted by Members of the Planning Panel on the adjoining site for three detached residential dwellings.

This application seeks approval of access, road layout and drainage. These matters are

considered below.

#### Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The application site will be accessed from Nethertown Road, utilising the accessed approved by Members of the Planning Panel under application reference 4/21/2369/0R1 for plots 1 – 3 on the adjacent site. The access road previously approved will be extended south into the application site. As per the previous approval at this site the proposed access will provide visibility splays of 2.4m x 26.8m to the north of the site and 2.4m x 26.3m to the south and will form a passing place for the existing road. Access to each plot will be from a shared private road which will be surfaced with tarmac which will lead to separate driveways, details of which will be provided in subsequent applications for the site. The site will also accommodate an additional visitor car parking spaces to the front of the site finished with grass screed, adding to the two spaces previously approved under application 4/21/2369/0R1.

The frontage of the site onto Nethertown Road is currently bound by a stone wall. As part of this development this wall will be rebuilt to 900mm in height along the site frontage and around the proposed entrance.

Although concerns have been raised with regard to the suitability of the access and access road from local residents, Cumbria Highways have offered no objections to proposal subject to the inclusion of conditions relating to visibility splays, lowering of the boundary wall, and access arrangements.

As part of the outline planning approval conditions were placed upon the decision notice to ensure that the applicant submitted details of measures to prevent surface water discharging onto the highway and a construction traffic management plan prior to the commencement of works at this site. As some site clearance has been undertaken it was deemed by the Local Planning Authority that these conditions could no longer be complied with therefore these conditions are to be dealt with as part of this current reserved matters application to overcome this current breach of planning conditions.

The application includes details of measures to prevent surface water discharging onto the highway. The submitted Construction Traffic Management Plan confirms that surface water at the site entrance will be controlled by the Aco channel within the access and highway boundary. The installation and retention of these measures will be secured by an appropriately worded planning condition.

The application is also supported by a Construction Traffic Management Plan. Following initial concerns from the Highway Authority this plan has been amended to address all

requirements of the original condition. Based on these amendments the Highway Authority offered no objections to the amended Management Plan for this site, concerns however were still raised by the Parish Council and local residents with particular regard to delivery times, and inconvenience to and safety of residents of Nethertown Road. The Highway Authority have reviewed the concerns submitted by the Parish Council and requested that the Management Plan be amended further to include secure the use of a banksman to manage HGV deliveries to the site during initial works until the proposed access road is functional and the siting of works start here boards two weeks before works commence at the site. The Highway Authority are content that the existing cul-de-sac on Nethertown Road will only be used for turning vehicles while the access road for the site is installed under banksman instruction, and they have confirmed that due to the scale of the site it is unlikely HGVs will be queuing in laybys waiting to get to the site but the CTMP allows for vehicle routing to be continually assess during the build phase to ensure that there are adequate measures in place to keep residents safe and to minimise disruption. Whilst the Parish Council retain their concerns the Highway Authority have no objections to the submitted CTMP. An appropriately worded planning condition will be attached to any decision notice to ensure the development is carried out in accordance with this approved document.

On the basis of the amended detail for this application and the inclusion of these proposed conditions, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

#### Drainage and Flood Risk

Policy ST1 of the Copeland Local Plan and paragraph 159 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Eemerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1, however the Council's Flood and Coastal Defence Engineer, Lead Local Flood Authority and United Utilities have been consulted upon this application.

As part of the outline planning approval at this site conditions were placed upon the decision notice to ensure that full details of foul and surface water drainage are submitted to the Local Planning Authority prior to the commencement of works at this site. As some site clearance has been undertaken it was deemed by the Local Planning Authority that these conditions could no longer be complied with therefore these conditions are to be dealt with as part of this

current reserved matters application to overcome this current breach of planning conditions.

A drainage strategy report, drainage details, and dye testing results have been submitted to support this application.

The submitted drainage strategy report for this application reflects the strategy approved for the adjacent site for plots 1-3 under application reference 4/21/2369/0R1. The report states that surface water discharge from the proposed development will be dealt with by a combination of permeable paving and below ground infiltration soakaways. This will ensure that drainage will be achieved as close to the source as possible, therefore limiting any change to on-site flow paths and that there is no increase risk of flooding beyond the site boundaries. In line with the drainage hierarchy the proposed surface water drainage system has been designed to utilise infiltration based SuDs components. In this case the infiltration rates of the ground will allow for the storage systems to be sized to store the full 1:100 year event without any overland flow or above ground storage. Due to the slope of the site the report states that the storage structures will be placed to either the front or rear of the plots to aid gravity drainage and to keep the storage away from the building. The report states that as surface water flooding occurs to the rear of plot 5 all infiltration systems will be placed towards the front of both plots to ensure their effectiveness at all times.

The report states that all foul water from the plots will be pumped into the extended adopted sewer network which is to be installed as part of the previous approval for the adjacent site for plots 1-3. Under application reference 4/21/2369/0R1, it was approved that foul water would be positively drainage by a new system which discharged into the existing public sewer to the north of the site along Nethertown Road. It was proposed to connect into the existing identified foul sewer and form a new adopted foul drainage pope running up Nethertown Road to the proposed development site. The previously approved strategy required that further dye testing or CCTV inspections would be required prior to construction in accordance with UU policies. The dye testing results proving a connection to the Nethertown Road Chamber have been submitted to support this application

Concerns have been raised by the Parish Council with regard to the connection to the existing sewer, in particular whether the existing drain is able to deal with the additional volume of water and potential damage to the existing sewer due to tree roots. United Utilities who are the responsible for the connection to the existing sewer have confirmed that the proposal is acceptable in principle. The LLFA have also offered no objections to the application or to securing the detail reserved by the outline approval under the current application.

In order to ensure the development is carried out in accordance with the approved drainage report appropriately worded planning conditions will be attached to the decision notice for this application. As this is a self-build site separate conditions will be attached to any permission to secure the drainage for the wider site and individual plots.

On the basis of the above the drainage conditions attached to the previous outline permission



	<p>are considered to be discharged. The proposed drainage strategy for this application will be conditioned to secure proper drainage within the site to manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.</p> <p><u>Planning Balance and Conclusions</u></p> <p>The application site is located outside of the settlement boundary for St Bees as defined in Policy ST2 of the Copeland Local Plan. The principle for developing the wider site for up to two residential dwellings was established in May 2022 when outline planning permission was granted by Members of the Planning Panel. This decision was made in the context that the Council's settlement boundaries are considered out of date as required by paragraph 11 of the NPPF.</p> <p>The proposed development will be access from Nethertown Road, utilising the access approved previously by Member for the adjoining site to serve plots 1-3. The current application will be extended south into the application site to provide access to the additional properties. As part of the outline planning approval at this site conditions were placed upon the decision notice to ensure that the applicant submitted details of measures to prevent surface water discharging onto the highway, a construction traffic management plan, and details of the proposed foul and surface water drainage for this site prior to the commencement of works. As site clearance has taken place the LPA have determined that these conditions should be dealt with under this reserved matters application.</p> <p>The submitted drainage strategy for the application reflects that previously approved at the adjacent site for plots 1-3, therefore UU and the LLFA have offered no objections to the proposal. The submitted Construction Traffic Management Plan has been amended to secure additional mitigation measures for the development following concerns raised by the Parish Council. Cumbria Highways have offered no objections to the amended plan. Appropriately worded planning conditions will be attached to this approval to ensure the development is carried out in accordance with these approved details.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Reserved Matters</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <p>1. The development must be carried out in accordance with the plans submitted and in</p>

accordance with the conditions attached to the outline planning permission.

**Reason**

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-
- Location Plan, Scale 1:1250, Drawing No: 666, received by the Local Planning Authority on the 6<sup>th</sup> April 2023.
  - Site Plan – Road Layout Only (Amended), Scale 1:1250, Drawing No: 005, Revision: J, received by the Local Planning Authority on the 28<sup>th</sup> June 2023.
  - Construction Traffic Management Plan (Amended), received by the Local Planning Authority on the 27<sup>th</sup> July 2023.
  - Plot 4 & 5 Nethertown Road St Bees Drainage Details, Scale 1:20, Drawing No: 22-C-16767-02, Rev: A, received by the Local Planning Authority on the 6<sup>th</sup> April 2023.
  - Plot 4 & 5 Nethertown Road St Bees Proposed Drainage Plan, Scale 1:200, Drawing No: 22-C-16767-01, Rev: B, received by the Local Planning Authority on the 25<sup>th</sup> May 2023.
  - Letter from Unblock Cumbria Ltd dated 17<sup>th</sup> March 2023, received by the Local Planning Authority on the 6<sup>th</sup> April 2023.
  - Drainage Strategy Report, Prepared by A L Daines & Partners November 2022, Rev A, received by the Local Planning Authority on the 6<sup>th</sup> April 2023.

**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.

**Pre Commencement Conditions:**

3. No further works are to commence on the application site until visibility splays are installed/constructed in accordance with the approved plan 'Site Plan – Road Layout Only (Amended), Scale 1:1250, Drawing No: 005, Revision: J, received by the Local

Planning Authority on the 28<sup>th</sup> June 2023'. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

**Reason**

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

4. No further works are to commence on the application site until the existing front boundary wall along Nethertown Road has been lowered in accordance with the approved plan. 'Site Plan – Road Layout Only (Amended), Scale 1:1250, Drawing No: 005, Revision: J, received by the Local Planning Authority on the 28<sup>th</sup> June 2023'. The boundary wall must be retained at this approved height at all times thereafter.

**Reason**

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

**Prior to Occupation Conditions:**

5. Prior to the first occupation of any dwelling hereby approved the shared drainage for the site must be carried out/installed in accordance with the following approved documents:
  - Drainage Strategy Report, Prepared by A L Daines & Partners November 2022, Rev A, received by the Local Planning Authority on the 6<sup>th</sup> April 2023.
  - Construction Traffic Management Plan (Amended), received by the Local Planning Authority on the 27<sup>th</sup> July 2023.

The shared drainage scheme must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason**

To ensure the provision of a satisfactory drainage scheme in accordance with the

provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

6. Prior to the first occupation of each dwelling hereby approved, the drainage scheme for that occupied plot must be installed in accordance with the following approved documents:
- Drainage Strategy Report, Prepared by A L Daines & Partners November 2022, Rev A, received by the Local Planning Authority on the 6<sup>th</sup> April 2023.

The drainage scheme for each plot must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

7. The new access and access road hereby approved as detailed on the approved plan 'Site Plan – Road Layout Only (Amended), Scale 1:1250, Drawing No: 005, Revision: J, received by the Local Planning Authority on the 28<sup>th</sup> June 2023', must be constructed, completed and brought into use prior to the occupation of any dwelling hereby permitted. The access road must remain operational as approved at all times thereafter.

Reason

To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity) in accordance with Policy T1 and DM22 of the Copeland Local Plan.

Other Conditions:

8. The development must implement all of the measures set out in the approved document Construction Traffic Management Plan (Amended), received by the Local Planning Authority on the 27<sup>th</sup> July 2023. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To ensure the undertaking of the development does not adversely impact upon the

fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

**Informatives:**

1. The development hereby approved must be carried out in accordance with conditions 1, 2, 3, 8, 9, and 10 of Outline Planning Approval Ref: 4/21/2368/001.
2. Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including footways and verges, until you are in receipt of an appropriate permit allowing such works. This also applies to erecting scaffolding or placing traffic management or skips on the highway and the creation of vehicle cross-overs from the highway to a private driveway. Enquires should be made to Cumbria County Councils Street Work's team - [streetworks.west@cumbria.gov.uk](mailto:streetworks.west@cumbria.gov.uk).

**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 :** 23.08.2023

**Authorising Officer:** N.J. Hayhurst

**Date :** 25.08.2023

**Dedicated responses to:-**