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**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2228/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 3-8 OF PLANNING APPLICATION 4/22/2315/0F1	
3.	<b>Location:</b>	LAND ADJACENT TO SCHOOL HOUSE WITH ACCESS FROM THE B5345, ST BEES	
4.	<b>Parish:</b>	St. Bees	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letters	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>		
	<b>Site and Location</b>		
	<p>This application relates to a 0.24ha of land located adjacent to School House, located to the north of St Bees. The application site is bounded to the west by the B5345, school buildings to the south and east, and agricultural land to the north. The site is located adjacent to the St Bees Conservation Area, and is enclosed by a combination of established hedgerows and stone walls. The site is significantly sloping away from the adjacent highway, contains a number of well established trees, and was previously used as a golf practice area. An</p>		

existing single storey building finished in render is located within the north east corner of the application site, and will be retained as part of this proposal.

**Relevant Planning History**

4/20/2357/PIP – Application for permission in principle for three residential dwellings – Allowed on appeal.

4/22/2315/0F1 – Erection of Three Dwellings – Approve.

**Proposal**

In June 2023, planning permission was granted (ref: 4/22/2315/0F1) for the erection of three dwellings. This current application seeks to discharge pre commencement conditions 3, 4, 5, 6, 7 and 8 attached to approval 4/22/2315/0F1. These conditions state:

Pre Commencement Conditions:

3. The development hereby approved must not commence until visibility splays providing clear visibility as shown on approved plan ‘Visibility Splays (Amended), Scale 1:200, Drawing No: 017, Rev: D, received by the Local Planning Authority on the 14<sup>th</sup> March 2023’ of 45 metres in both directions measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. 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. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded. The visibility splays must be retained at all times thereafter.

Reason

In the interests of highway safety.

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

Reason



## Cumberland Council

In the interests of highway safety and environmental management.

5. The development hereby approved must not be commenced until a scheme detailing the following has been submitted and approved in writing by the Local Planning Authority:
- Measures to protect the culvert within the application site during the construction phase of the development;
  - Confirmation of arrangements for on-going maintenance of the culvert within the site boundary upon completion of the development.

The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

### Reason

To ensure the provision of a satisfactory drainage scheme.

6. The development hereby approved must not commence until an Arboricultural Method Statement, in accordance with the British Standard – BS5837 (2012) *Trees in relation to design, demolition and construction – Recommendations*, has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include details of suitable tree protection barriers, a scaled and dimensioned tree protection plan showing the locations of the protective barriers, and a detailed schedule of the tree work. The development must be carried out in accordance with the approved method statement at all times thereafter, and any approved tree protection measures/barriers must be erected prior to any construction works on the site and must be maintained for the duration of the construction operations.

### Reason

To adequately protect the existing trees on site

7. The development hereby approved must not commence until a full landscape plan has been submitted and approved in writing by the Local Planning Authority. The landscaping plan must include the locations, a detailed planting specification, and a planting method statement for the proposed landscaping at this site. The development must be completed in accordance with any approved details and must be retained for

the lifetime of the development.

Reason

To enhance the appearance of the development in the interests of visual amenities and to ensure a satisfactory landscaping scheme.

8. The development hereby approved must not commence until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule must include details for its implementation. The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

The information submitted in support of this application comprises the following:

- Application form (Amended), received by the Local Planning Authority on the 10<sup>th</sup> August 2023.
- Discharge of pre commencement conditions statement (Amended), received by the Local Planning Authority on the 4<sup>th</sup> September 2023.
- Appendices for the discharge of pre commencement conditions (Amended), received by the Local Planning Authority on the 10<sup>th</sup> August 2023.
- Tree protection plan (Amended), received by the Local Planning Authority on the 24<sup>th</sup> October 2023.

**Consultation Responses:**

Cumberland Council – Highway Authority and Local Lead Flood Authority

*30<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 our findings are detailed below.

Condition 3:

The LHA and LLFA are content with the information/documents sent in support of the above application, therefore condition 3 can be discharged.



## Cumberland Council

### Condition 4:

The LHA and LLFA are content with the information/documents sent in support of the above application, therefore condition 4 can be discharged.

### Condition 5:

The LHA and LLFA are content with the information/documents sent in support of the above application, therefore condition 5 can be discharged.

For clarification, it states within the

*Measures to protect the culvert within the application site during the construction phase of the development: that The riparian owner(s) will report any incident(s), for example flooding or blockages, at their earliest opportunity via the Environment Agency Incident Hotline,*

Any of the above needs to be reported to the LLFA which is Cumberland Council not the Environment Agency.

### Condition 6:

This condition is not for the LHA and LLFA to discharge.

### Condition 7:

This condition is not for the LHA and LLFA to discharge.

### Condition 8:

This condition is not for the LHA and LLFA to discharge.

*3<sup>rd</sup> October 2023*

Cumberland 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.

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The LHA and LLFA are content with the information/documents sent in support of the above application, therefore condition 3 can be discharged.

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*Measures to protect the culvert within the application site during the construction phase of the development: that The riparian owner(s) will report any incident(s), for example flooding or blockages, at their earliest opportunity via the Environment Agency Incident Hotline,*

Any of the above needs to be reported to the LLFA which is Cumberland Council not the Environment Agency.

This statement has now been amended by the applicant and submitted to the local planning authority therefore Condition 5 can now be Discharged.

Condition 6:

This condition is not for the LHA and LLFA to discharge.

Condition 7:

This condition is not for the LHA and LLFA to discharge.

Condition 8:

This condition is not for the LHA and LLFA to discharge.

United Utilities

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

As we haven't requested any of them we would have no comments to make regarding their discharge.

Cumberland Council – Flood and Coastal Defence Engineer

*22<sup>nd</sup> August 2023*



## Cumberland Council

With regards to the measures to protect the culvert, I'm happy with the proposed measures.

There is just one minor point that does need correcting though.

As the culvert is an Ordinary Watercourse, not a Main River, any issues that need to be reported to a statutory body, should be reported to the Lead Local Flood Authority, rather than the Environment Agency.

*5<sup>th</sup> September 2023*

I've only checked that the document has been amended to state that flooding and blockages will be reported to Cumberland Council, rather than the Environment Agency.

I'm satisfied with this amendment, but have not checked for other alterations, although I wasn't aware that other changes were needed.

Arboricultural Consultant – Capita

*19<sup>th</sup> September 2023*

We have the following comment/observation to make on the submitted documents.

The applicant has submitted a Tree Report as part of the initial application (4/22/2315/0F1) assessing the impacts of the proposed development. The report does not provide any tree protection measures to minimise the impact of the development on the retained trees during construction.

Ashwood Design Associates have submitted a document to discharge the pre-commencement conditions of the planning permission. This contains a response to Condition No.6, which states: '*To protect the existing trees on site and to satisfy the condition(s) stated above, please see Appendix C – Arboricultural Method Statement*'. Page 6 of Appendix C contains the Arboricultural Method Statement, which states '*Construction cannot commence until the root protection areas, shown on the root protection plan, have been fenced off and protected in line with the recommendations specified in BS 5837:2012 Trees in relation to design, demolition and construction.*

*Any necessary excavations located within the root protection areas identified must be carried out by hand so as not to damage the roots in line with BS5837 recommendations.'*

The submitted documents do not give any plans, diagrams or photos of the barrier design needed to protect the retained trees on the adjacent property. Also, the document does not provide any details of necessary excavations within the root protection areas.

## RECOMMENDATIONS

We recommend asking the applicant to submit a detailed tree protection plan showing the design and location of the tree protection barriers, and the positions of any underground services that need to go through the root protection areas.

23<sup>rd</sup> October 2023

Upon for examination of the planning conditions, the submitted tree protection plan only partially fulfils the requirements of Condition 6:

*'The development hereby approved must not commence until an Arboricultural Method Statement, in accordance with the British Standard – BS5837 (2012) Trees in relation to design, demolition and construction – Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include details of suitable tree protection barriers, a scaled and dimensioned tree protection plan showing the locations of the protective barriers, and a detailed schedule of the tree work. The development must be carried out in accordance with the approved method statement at all times thereafter, and any approved tree protection measures/barriers must be erected prior to any construction works on the site and must be maintained for the duration of the construction operations.'*

The plan is not scaled and does not give dimensions of where the barrier fencing should be erected in relation to the trees. The fencing does not protect the root protection areas of trees T1 and T25. Therefore, the amended tree protection plan does not completely fulfil the requirements of Condition 6. I appreciate these are only small issues, but ideally, they should be rectified prior to development of the site.

The Landscape Plan at Appendix D in the *'Appendices for the Discharge of Pre-Commencement Conditions'* fulfils the requirements of Conditions 7 & 8.

30<sup>th</sup> October 2023

The details supplied on the amended tree protection plan should provide adequate protection for the retained trees and therefore fulfils the requirements of planning Condition 6.

I recommend informing the applicant that the amended tree protection plan should be implement in full prior to any construction operations on site.

### **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**

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 ENV4 – Heritage Assets

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 DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

## **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)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

### **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.

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



## Cumberland Council

	<p>Policy DS7PU: Hard and Soft Landscaping</p> <p>Strategic Policy DS8PU: Reducing Flood Risk</p> <p>Policy DS9PU: Sustainable Drainage</p> <p>Strategic Policy H1PU: Improving the Housing Offer</p> <p>Strategic Policy H2PU: Housing Requirement</p> <p>Strategic Policy H3PU: Housing delivery</p> <p>Strategic Policy H4PU: Distribution of Housing</p> <p>Strategic Policy H5PU: Housing Allocations</p> <p>Policy H6PU: New Housing Development</p> <p>Policy H7PU: Housing Density and Mix Strategic</p> <p>Policy H8PU: Affordable Housing</p> <p>Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity</p> <p>Strategic Policy N2PU: Local Nature Recovery Networks</p> <p>Strategic Policy N3PU: Biodiversity Net Gain</p> <p>Strategic Policy N6PU: Landscape Protection</p> <p>Strategic Policy BE1PU: Heritage Assets</p> <p>Policy BE2PU: Designated Heritage Assets</p> <p>Policy BE3PU: Archaeology</p> <p>Policy BE4PU: Non- Designated Heritage Assets</p> <p><b>Assessment</b></p> <p>Following the submission of and amended discharge of pre commencement conditions statement to reflect consultation comments the LLFA, UU and the Council's Flood and Coastal Defence Engineer that the information provided to support the application is sufficient to discharge condition 3, 4 and 5.</p> <p>Capita have also confirmed that following the submission of and amendments to the Tree Protection plan for this development, conditions 6, 7 and 8 can be discharged.</p> <p><u>Conclusion</u></p> <p>Discharge conditions 3, 4, 5, 6, 7 and 8.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of conditions 3, 4, 5, 6, 7 and 8.</p>

<b>Case Officer:</b> C. Burns	<b>Date :</b> 31.10.2023
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 03.11.2023
<b>Dedicated responses to:-</b>	