



**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2393/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 4, 5, 9 AND 12 OF PLANNING APPLICATION 4/18/2504/001
3.	<b>Location:</b>	LAND OFF ARLECDON PARKS ROAD, ARLECDON, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location</b>  <p>This application relates to a greenfield site comprising an area of 0.39 hectares which fronts onto Arlecdon Parks Road (A5086). The site has residential development to the east and south and a small access road to the west which serves Station House. It lies opposite a terraced row of cottages that front directly onto Arlecdon Parks Road. The site slopes down from north to south and is currently bound by a mature hedgerow.</p> <p>Outline approval was granted in December 2020 for the erection of 9 dwellings on the site (application 4/18/2504/001 refers).</p>  <b>Relevant Planning History</b>  <p>Outline application for house, refused in July 2002, application reference 4/02/0506/0 relates; Two bungalows, application withdrawn in 1993, application reference 4/93/0140/0 relates; Outline application for the erection of 9 dwellings including layout with proposed new access, approved in December 2020 (application reference 4/18/2504/001 relates).</p>	

A subsequent application for the Approval of Reserved Matters was approved on 4<sup>th</sup> June 2024 (application reference 4/23/2370/0R1 relates)

### **Proposal**

This application seeks the discharge of conditions 4, 5, 9 and 12 of the outline planning approval reference 4/18/2504/0O1.

These conditions state the following:-

#### Condition 4

Prior to the commencement of any development on the site full details of the foul water and surface water drainage scheme, including attenuation and the future maintenance regime (as indicatively shown on drawing no D1196/01) must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before any part of the development is brought into use and must be so maintained at all times thereafter.

#### Reason

To ensure a satisfactory scheme of surface and foul water disposal from the site in accordance with policies ENV1 and DM24 of the Copeland Local Plan.

#### Condition 5

No development approved by this planning permission or such other date or stage in the development as may be agreed in writing by the Local Planning Authority, will take place until a scheme that includes the following components to deal with the geotechnical and contaminative risks detailed in the Preliminary Environmental Risk Assessment must each be submitted to and approved, in writing, by the local planning authority:

- 1) Site investigation scheme, based on the Preliminary Environmental Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- 2) The results of the site investigation and detailed risk assessment referred to in 1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation or mitigation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangement for contingency action. Any changes to these components require the

express written consent of the Local Planning Authority. The scheme must be implemented as approved.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with Policy ST1 of the Copeland Local Plan.

**Condition 9**

Prior to the commencement of development on site, a detailed Management Plan for the control and management of the invasive species on the site must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved plan at all times thereafter.

**Reason**

To protect the ecological interests evident on the site and in accordance with policies ENV3 and DM25 of the Copeland Local Plan.

**Condition 12**

The carriageway and footpaths 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 and in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

The following details have been submitted with this application: -

- Application form – amended February 2024

- Drainage Strategy, prepared by R G Parkins, ref K40828.DS/001
- Proposed Drainage Layout, reference K40828 drawing number 01
- Typical Drainage Details, Sheets 1 and 2, reference K40828 drawing numbers 02 and 03
- Access Road Levels Layout, K40828 drawing number 05
- Access Road Longsection Typical Details, K40828 drawing number 06 Rev A
- External Works Plan, K40828 drawing number 07
- Operation and Maintenance Plan for Sustainable Drainage Systems, prepared by R G Parkins, ref K40828.OM/002
- Phase 1 – Desk Top Study. Prepared by GEO Environmental Engineering, reference 2023-6003
- Planning Statement, prepared by Martin Cuthnell Ltd, dated 18 February 2024
- Cable Calculation, prepared by SHD Lighting, reference SHD1349, dated 27<sup>th</sup> January 2024
- Cable Schematic, prepared by SHD Lighting, dated 27<sup>th</sup> January 2024
- Outdoor Lighting Report, prepared by SHD Lighting, reference SHD1349, dated 27<sup>th</sup> January 2024
- Electrical additional information, prepared by SHD Lighting, reference SHD1349, dated 27<sup>th</sup> January 2024
- Private Lighting Design, prepared by SHD Lighting, reference SHD1349, dated 27<sup>th</sup> January 2024
- Lighting Design Risk Assessment, prepared by SHD Lighting, reference SHD1349, dated 27<sup>th</sup> January 2024
- Lighting Schedule, prepared by SHD Lighting, reference SHD1349, dated 27<sup>th</sup> January 2024

## **Consultation Responses**

### **Highway Authority/Local Lead Flood Authority**

10<sup>th</sup> January 2024

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 4 - Foul and Surface Water Scheme**

I note the revised surface water drainage strategy with a discharge to the ordinary watercourse to the east of the site via an existing SW culvert in the highway. This proposed destination is more favourable than the previously proposed discharge to the UU Public Combined Sewer, and thus complies with the NPPF Drainage Destination Hierarchy (having ruled out infiltration).

I also note that the design includes the necessary features and has adopted the appropriate parameters and values for a NSTS compliant design, namely:

- treatment provided by gullies and an attenuation basin with forebay
- using the correct 50% Climate Change and 10% urban creep parameters in the rainfall and run-off calculations
- Adopting a CV value of 1.0 makes this a more robust design
- Restricting the run-off rate from the basin to the greenfield equivalent for the impermeable areas = 2.4 l/s
- bunds and cut-off filter drains to the east and south site boundary to manage surface water migration and flood risk to adjacent properties
- exceedance routes shown that do not endanger existing or proposed properties
- suitable temporary storage to contain the 100-year design storm

In summary, the proposed SW design addresses the requirement of the condition and also satisfied the NPPF and NSTS. I can confirm that the LHA and LLFA have no objection to this condition being discharged. (With regards the Foul Water scheme, United Utilities is the governing body and will comment in the foul water proposals)

Please note that the developer will need to engage with Cumberland Council Streetworks to obtain the necessary permits prior to carrying out the work on the highway. Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team. <https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements /street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

With regards the Foul Water scheme, United Utilities is the governing body and will comment on the foul water proposals.

Condition 5 - Land Contamination Proposals

No comment

Condition 9 - Invasive Species Management Plan

No comment





The carriageway and footway construction details and highway & driveway drainage are now acceptable to the LHA in accordance with the requirements of this condition (i.e. to adoptable standards)

I cannot recommend that this Condition be discharged in its entirety. Either the lighting design should be to a 'standard suitable for adoption', or the condition varied to state that the designs should be to 'the satisfaction of the LHA.

22<sup>nd</sup> January 2024

The applicant can discuss their drainage proposals with our Developer Services team by email at [SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk)

Following further conversations, United Utilities understand there are constraints caused by private land and other utilities affecting the potential foul connection point. Therefore, we would like to confirm we now understand the drainage proposals as shown in the submitted Drainage Strategy (ref K40828.DS/001, Original Version, dated 20th December 2023) and no longer have any objections to condition 4 being discharged.

## Environmental Health

*06<sup>th</sup> February 2024*

Further to the supplementary information submitted with respect to the above planning application.

Condition 5:

A Preliminary Environmental Risk Assessment – a Phase 1 desk top contaminated land study has been provided by the applicant and this is considered satisfactory, such that it duly discharges condition 5. Note that this study recommends that Basic Radon protection is built into the properties, and you may wish to condition this requirement separately.

Condition 9:

A Management Plan for Invasive Non-Native Species on site – a Preliminary Ecological Survey & Hedge Survey was submitted as part of the outline planning application, and this highlighted the presence of Montbretia (an Invasive Non-Native Species of plant) on the site. To date, however, no further information has been submitted by the applicant for its control / eradication, and so this condition is not yet discharged.

*14<sup>th</sup> March 2024*

Further to the supplementary information submitted with respect to the above planning application.

Condition 9:

A Management Plan for Control and Management of Invasive Non Native Plant Species (Montbretia) on Site – a Planning Statement dated 18 February 2024 confirms that infected soil will be excavated and removed off site by a licensed waste carrier as controlled waste to a suitably licensed landfill site. This is a suitable means of eradication. In line with Gov.UK advice, the work can be supervised by a competent person or, ideally, undertaken by a specialist contractor. Appropriate electronic or written records of the work and disposal should be kept by the developer for a minimum of 2 years. See - <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants> As such, condition 9 is suitably discharged.

Condition 5

Note that Condition 5 was discharged as per the response from Environmental Health dated 06 February 2024.

### **Planning Policies**

Planning law requires 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 the 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 2021-2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:

Strategic Policy DS1 - Settlement Hierarchy

Strategic Policy DS2 - Settlement Boundaries

Strategic Policy DS3 - Planning Obligations

Policy DS4 - Design and Development Standards

Policy DS5 - Hard and Soft Landscaping

Strategic Policy DS6 - Reducing Flood Risk Policy

Strategic Policy DS7 - Sustainable Drainage

Policy DS8 – Soils, Contamination and Land Stability

Strategic Policy H1 - Improving the Housing Offer

Strategic Policy H2 - Housing Requirement

Strategic Policy H3 - Housing delivery

Strategic Policy H4 - Distribution of Housing

Strategic Policy H5 - Housing Allocations

Policy H6 - New Housing Development

Policy H7 - Housing Density and Mix Strategic

Policy H8 - Affordable Housing

Strategic Policy N1 - Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2 - Local Nature Recovery Networks

Strategic Policy N3 - Biodiversity Net Gain

Strategic Policy N6 - Landscape Protection

Strategic Policy CO4 – Sustainable Travel

Policy CO5 – Transport Hierarchy

### **Other Material Considerations**

National Planning Policy Framework

### **Assessment**

Condition 4 seeks to discharge the requirements for the development in terms of foul water and surface water drainage. The LLFA and United Utilities have confirmed that the submitted details are acceptable and sufficient to discharge this condition.

Condition 5 relates to contamination. The Environmental Health team has confirmed that the submitted Preliminary Environmental Risk Assessment – Phase 1 desk top contaminated land study has been provided and is satisfactory and sufficient to discharge this condition.

Condition 9 seeks to discharge the requirements for Invasive Species Management. A Management Plan for Control and Management of Invasive Non Native Plant Species (Montbretia) on Site – a Planning Statement dated 18 February 2024 confirms that infected soil will be excavated and removed off site by a licensed waste carrier as controlled waste to a suitably licensed landfill site. This is a suitable means of eradication. The Environmental Health team has confirmed that these details are satisfactory and sufficient to discharge the requirements of condition 9.

Condition 12 requires the roads and footpaths to be constructed and lit to adoptable standards. The Highway Authority has confirmed that the carriageway and footway construction details and highway & driveway drainage submitted are now acceptable and to adoptable standards. Whilst the Highway Authority note that the road lighting design is not to CCDG Adoptable Standards they have confirmed that it is satisfactory for a private road. The applicant's agent has confirmed that the road is to be private and will not be submitted for adoption. On this basis the requirements of the condition can reasonably be discharged.

### **Conclusion**

Discharge conditions 4, 5, 9 and 12



**Cumberland  
Council**

8.	<b>Recommendation:</b> Approve	
<b>Case Officer: S. Papaleo</b>		<b>Date : 25/07/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 25/07/2025</b>
<b>Dedicated responses to:- N/A</b>		