

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2246/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, 20 AND 21 OF PLANNING APPLICATION 4/18/2426/001
3.	<b>Location:</b>	LAND AT NORTH PARK, RHEDA, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	N/A
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>The Application Site comprises c.2 hectares of land located to the southwest of Frizington.</p> <p>The Application Site is bounded by the existing residential developments of Rheda Park to the north and west; the 'Beckstones' housing development which is currently under construction by Genesis Homes to the south; and a farmhouse, agricultural land and established tree belt to the east.</p> <p>The Application Site comprises an area of greenfield land which is currently used for agricultural grazing purposes.</p> <p>The topography of the land is crowned and falls from the south towards to the north, east and west boundaries.</p> <p>Mature trees exist adjacent to the east and west boundaries.</p>	

Access to the Application Site is via the existing highway serving the 'Beckstones' housing development.

There are no conservation areas or listed buildings on or directly adjacent to the Application Site.

The Application Site is located within Flood Zone 1.

**Proposal:**

This Application seeks approval of details reserved by Planning Conditions 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, 20 and 21 of application ref. 4/18/2426/001.

*4. The carriageway, footways, footpaths and cycleways associated with the development 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 prior to the commencement of development. No work shall be commenced until a full specification has been approved in writing by the Local Planning Authority. 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.*

*7. A detailed scheme for any road signage associated with the development shall be submitted to the Local Planning Authority for approval prior to the first occupation of the site. These details shall be in accordance with the standards laid down in the Cumbria Design Guide. Any works approved shall be constructed before the development is complete.*

*8. Prior to the commencement of development a scheme of vehicle management associated with the construction of the development including details of parking for staff and visitors to the site, turning areas and areas for loading and unloading of vehicles shall be submitted to and approved in writing. The development of the first property shall not be commenced until the scheme has been implemented in full. The site area shall be retained for the duration of the construction period.*

*9. Ramps shall be provided on each side of every junction to enable wheelchairs and pushchairs to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to, and approved in writing, by the local planning authority prior to the first occupation of the site. Development shall be carried out in accordance with the approved details and shall be constructed before the development is complete.*

*10. Prior to commencement of development full details of the highway surface water drainage system shall be submitted to and approved in writing by the local planning authority. The approved works shall be implemented in full and retained for the lifetime of the development.*

*11. No development shall take place until full details of hard and soft landscaping works,*



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*including root protection and mitigation methods for any trees and hedgerows which are to be retained, have been submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with a programme as agreed with the local authority.*

*12. Prior to the commencement of any landscaping works, a landscape management plan, including measures for the treatment and disposal of non-native invasive species, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.*

*13. No development shall take place until a construction method statement and management plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement must include details relating to:- formation of the construction compound; -the means of access and egress for demolition and construction traffic; -the loading and unloading of plant and materials; -the means of keeping the public highway free from obstruction and dirt; -the storage of plant and materials used in construction, including measures to prevent silt and other containments entering surface water drains and a scheme for recycling/disposing of waste resulting from construction works; - construction traffic routing.*

*15. No dwelling within the development shall be occupied until details of proposed refuse collection arrangements have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, refuse collection shall be commenced and maintained in accordance with the approved management and maintenance details approved by the local planning authority.*

*16. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.*

*18. Prior to the first occupation of the development a Sustainable Drainage Management and Maintenance Plan shall be submitted to the Council and approved in writing for the life time of the development. The drainage shall be managed and maintained for the lifetime of the development. The plan shall include: 1. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a development management company; and 2. 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.*

19. Prior to commencement of development a programme of further ecological survey and an accompanying Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations set out in the Preliminary Ecological Appraisal prepared by WYG, reference A103720, dated June 2017. The survey shall be undertaken as agreed and the findings adhered to. The contents of the management plan shall be adhered during the construction of the scheme.

20. Prior to commencement of development approved by this planning permission, a phase 2 ground investigation assessment shall be submitted to and approved, in writing, by the local planning authority and implemented for the development thereafter. This assessment should include the following components to deal with the risks associated with contamination of the site: 1. A site investigation scheme, based on the desk study 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 measures required and how they are to be undertaken. 3. Where required, 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 arrangements for contingency action. Any changes to these components require express written consent of the local planning authority. The scheme shall be implemented as approved.

21. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The written scheme shall include the following components: 1. An archaeological evaluation; 2. An archaeological recording programme, the scope of which will depend on the results of the evaluation; 3. Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report and submission of the results for publication in a suitable journal.

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

- Application Form
- Existing Layout And Services – Drawing No. AA7281/EW/01 Rev. A
- General Arrangement – Drawing No. AA7281/EW/02 Rev. F
- Overall Drainage Layout – Drawing No. AA7281/EW/03 Rev. J
- Drainage Layout 1/3 – Drawing No. AA7281/EW/04 Rev. G
- Drainage Layout 2/3 – Drawing No. AA7281/EW/05 Rev. G
- Drainage Layout 3/3 – Drawing No. AA7281/E/06 Rev. E
- Surface Water Manhole Schedules – Drawing No. AA7281/EW/07 Rev. D



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- Foul Manhole Schedule – Drawing No. AA7281/EW/08 Rev. B
- Drainage Catchment Plan – Drawing No. AA7281/EW/09 Rev. D
- Drainage Details – Drawing No. AA7281/EW/10
- Rising Main Pressure Break Chamber Details – Drawing No. AA7281/EW/12
- North Park Rheda, Phase 2. Operation & Maintenance Plan for Sustainable Drainage Systems - Document No: AA7281/8.4/DMP Rev. A
- Off Site Drainage Profiles – Drawing No. AA7281/EW/20 Rev. A
- Land Drain & Ditch – Drawing No. AA7281/EW/19
  
- Typical Road Cross Section – Drawing No. AA7281/EW/15 Rev. C
- Truckpave Details – Drawing No. AA7281/EW/11
- Swept Paths – Drawing No. AA7281/EW/13 Rev. A
- Vertical Profiles – Drawing No. AA7281/EW/14 Rev. A
  
- Plant Specification And Schedule - Rheda Park Phase 2 – Document No. 17 Rev. 1
- Landscape Plan – Drawing No. 15 Rev. 08
- Planning Plant – Drawing No. 16 R05
  
- Archaeological Evaluation - North Park, Rheda, Frizington – Report 459
- SPECIFICATIONS FOR A PROGRAMME OF ARCHAEOLOGICAL EXCAVATION - North Park, Rheda, Frizington, Cumbria - 19th August 2024
  
- Rheda Park – Phase 2, Frizington, Cumbria Ecology Construction Environmental Management Plan (CEMP) - Report Ref: 22651 V2.0
  
- CONSTRUCTION MANAGEMENT PLAN for RESIDENTIAL DEVELOPMENT AT NORTH PARK (PHASE 2), RHEDA, FRIZINGTON, CUMBRIA Issue: 0.02
  
- PHASE 2: GROUND INVESTIGATION REPORT PROPOSED RESIDENTIAL DEVELOPMENT OF LAND AT HOME FARM, RHEDA CLOSE FRIZINGTON, CUMBRIA - Report Ref: 2023-6111 v1
  
- Rheda, Phase 2 – Outdoor Lighting Report – Project No: SHD1609
- Street Lighting Design – Drawing No. SHD1609-SHD-HLG-RHED-DR-EO-Lighting Layout-R0
- STREET LIGHTING DESIGN RISK ASSESSMENT - SHD1609-SHD-HLG-RHED-RA-EO-Lighting Design Risk Assessment-R0
- Streetlighting Layout – Drawing No. AA7281/EW/16 Rev. B
- Proposed Equipment Schedule - SHD1609-SHD-HLG-RHED-SH-EO-Lighting Schedule-R0
  
- Technical Note – Arboricultural Method Statement - Installation of a kest and drain at North Rheda Park, Frizington

The proposals have been amended during the course of the planning application.

Consultee:	Nature of Response:
<p>Historic Environment Officer</p>	<p><i>July 2024</i></p> <p>With reference to condition 21 attached to consent 4/18/2426/001, the applicant has helpfully commissioned an archaeological evaluation of the site and submitted the report. The evaluation is required by part (i) of condition 21 and I consider that the requirements of part (i) of condition 21 have been fulfilled.</p> <p>The evaluation revealed the buried archaeological remains of a ditched enclosure measuring approximately 55m by 49m. Roman pottery was retrieved from the enclosure ditches and it is likely that the remains are a Romano-British farmstead. As such, the archaeological assets are considered to be of some significance. These remains will be disturbed by the construction of the proposed development and so I advise that they should be recorded in advance of construction by commissioning a programme of archaeological investigation, as required by part ii of condition 21. Archaeological post-excavation work and the submission of the results of the archaeological investigation for publication should be undertaken, as required by part iii of condition 21. I therefore do not recommend the discharge of parts ii and iii at present.</p> <p>I am, of course, happy to advise the applicant or their agent/archaeological contractor on the archaeological work necessary to fulfil the requirements of parts ii and iii of condition 21.</p> <p><i>September 2024</i></p> <p>With reference to condition 21 attached to consent 4/18/2426/001, the new information that has been submitted is a written scheme of investigation (wsi) for an archaeological excavation of the Romano-British enclosure that survives on the site. I confirm that I consider this written scheme of investigation to be acceptable and that, once the archaeological work outlined in the wsi has been implemented, will fulfil the requirements of part (ii) of condition 21.</p> <p>So, while I advise that the submission of this wsi does not in itself fulfil the requirements of part (ii) of condition 21, I understand, having spoken to the applicant's agent, this written acceptance will provide reassurance to the applicant.</p>
<p>Highways and</p>	<p><i>August 2024</i></p>

	LLFA	<p>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.</p> <p>Condition 4 - Carriageways, footways etc to adoptable standards</p> <p>There are a number of inconsistencies and lack of clarity on the drawings that need resolving:</p> <ol style="list-style-type: none"> <li>1. The shared surface entrance into the development ties into a regular carriageway design of Phase 1 which will be 100mm lower. Therefore a 100mm ramp in the carriageway needs to be included.</li> <li>2. The footway construction detail in the cross-sections (bituminous construction) is not to the CDDG specification and it is inconsistent with the key which says that it will be concrete block pavements (note that these paths adjacent to the carriageway are footways not footpaths). The proposed construction is not suitable for vehicles.</li> <li>3. The adopted footway has no detail / cross section</li> <li>4. The short linking footpath in front of Plot 12 should have 0.5m clearance strip at the south end as well as the north end marked with a change in material or pin kerb</li> <li>5. The carriageway detail outside Plots 3,4,5 and 6 is very confusing and appears to have several kerb lines and other features with possible use of several paving types. It is unclear how this space will work in practice and the LHA are concerned about the number of materials used and maintenance complications. Please revisit this feature / layout to simplify the arrangement.</li> <li>6. The adoption provision of service and clearance strips and verges is acceptable in principle but the extent appears to be inconsistent with the extent of the adopted carriageway. The LHA will only adopt the clearance strip / verge when it is adjacent to the adopted carriageway (i.e. see verges and strips to Plots 8-12 and 13-18). As well as clarifications listed above, there will need to be a separate S38 Technical Approval process to go through in due course.</li> </ol> <p>7. Lighting</p> <ul style="list-style-type: none"> <li>• There appears to have been a revision to the site layout since the lighting design was completed. I would suggest that a revised lighting design drawing is submitted only. It does not require a revised lighting calculation to be supplied.</li> <li>• The key on the site layout drawing does not appear to show any footways, just verges off the edge of carriageway. On the lighting layout drawing, any columns located in verges need to be a hardstanding and there may be more columns to be located in verges than is currently shown on the drawing. At all locations it does not necessarily need to be</li> </ul>
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		<p>a concrete hardstanding as per the key. The LHA will accept block pavements to be used to be in keeping with the wider street scene.</p> <ul style="list-style-type: none"> <li>• Column LC05 looks like it is outside of the extents of adoption. Due to the position and orientation of plot 13 any relocation of this column would place it directly in front of windows. The applicant should relocate this column so that it is inside the proposed adopted extents or explore the possibility of extending the adopted carriageway so that it was parallel with the current proposed location of column.</li> <li>• Since the layout was amended, LC02 and LC06 are proposed in an area's setback quite far from the carriageway edge. These could potentially be difficult for MEWP access to reach for maintenance and unlikely to be included in adoption. It needs to be brought forward a few metres onto the adopted verge.</li> <li>• Depending on availability of electricity services, an option could be to relocate LC08 so that it moves across the road between the two garages of plots 6 and 7. This would remove it from directly in front of the house. As there are many outstanding details to be resolved, the LHA consider that this condition has not been met.</li> </ul> <p><u>Condition 7 - Detailed Scheme for Road Signage</u> There are no road signs required. The LHA has no objection to this condition being discharged.</p> <p><u>Condition 8 - Construction Vehicle Management Plan</u> The measures in the plan are considered suitable to address the requirements of this condition. The LHA has no objections to this condition being discharged.</p> <p><u>Condition 9 - Ramps (dropped kerbs)</u> The road is a shared surface street with no footways or kerbs. Therefore there is no need for dropped kerbs at crossover locations. This condition is considered to be satisfied, I have no objection to it being discharged.</p> <p><u>Condition 10 - Highway Surface Water Drainage System</u> This is suitable in principle, i.e drainage using gullies and carrier drains to the main system, but none of the highway drainage infrastructure is actually shown on the plans. Please provide plans showing the locations of the gullies and gully tails for adoption.</p> <p>See observation below regarding the surface water SUDS design. If dry basins are used, it may be possible to drain the carriageway directly into these at certain locations over the edge rather than using gullies. i.e. in the two 'greens' or islands.</p> <p>This condition should not be discharged.</p>
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		<p><u>Condition 11 - Hard and Soft Landscaping</u> No comment</p> <p><u>Condition 12 - Landscape Management Plan</u> No comment</p> <p><u>Condition 13 - Construction Method Statement and Management Plan</u> The measure contained in the plan address the requirements of this condition, I have no objection to this condition being discharged.</p> <p><u>Condition 15 - Refuse Collection Arrangements</u> The arrangements are acceptable. I have no objection to this condition being discharged.</p> <p><u>Condition 16 - Surface Water Drainage Scheme</u> The principle of the SW drainage system , i.e. a hybrid infiltration with a positive overflow to a watercourse is acceptable in principle. I note that the contributing area has been limited to the impermeable area only, based on the principle that the garden areas will be permeable. The Ground Investigation and infiltration does confirm that the underlying sub-soil has good infiltration coefficient and therefore it is likely tat the soakaways at the correct depth will be successful. However, the garden area, depending on the quality and compactness of the topsoil, may not be so pervious and could result in surface water flow in extreme situations. I note and welcome there perimeter filter drain to deal with this scenario, but this does not extend to the far SW corner of the site. Please review the extent of the filter drain.</p> <p>I also note the reference to an infiltration blanket feature and infiltration basin in the maintenance plan but cannot see these on the drawings. Please clarify the proposed design.</p> <p>I note that the attenuation is provided by a series of underground infiltration / attenuation crates. Whilst I appreciate these do the same job as a basin, the LLFA consider these features less beneficial to bio-diversity, ecology and amenity. They could also be more difficult to maintain. Please state why the 'open' water features of swales and basins are not specified.</p> <p>Having reviewed the drainage design calculations I am satisfied with the parameters and values adopted. I note that the necessary Climate Change and urban creep values have been included. I also note that the contributing area is less than a typical site, but taking into account the infiltration potential I am satisfied with this. I am also satisfied with the</p>
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		<p>proposed discharge overflow rate from the site. This is much lower than for a clay site of the total site area (i.e 2 Ha) which I calculate as around 20 l/s. This reflects the proportion of surface water that will naturally infiltrate to ground.</p> <p>However, In events &gt; 1:100 years, there will be exceedance flows over the surface, especially from the flow control location. There is no plan or description how this exceedance flow is managed. Please provide an exceedance flow diagram, showing how this flow is directed away from properties and how it will end up in the correct receptor. Swales might be useful in this instance.</p> <p>This condition is not considered to be discharged.</p> <p><u>Condition 18 – Sustainable Drainage Management and Maintenance Plan</u> The Plan lists the maintenance requirements / proposals for several surface water drainage components including soakaways, blankets and an infiltration basin. None of these features actually appear in the drainage drawings. Instead, the drawings show several underground storage tanks with infiltration. The condition is not fully addressed. Please clarify the design and provide a revised Maintenance Plan as well as any necessary drawings and documents.</p> <p><u>Condition 19 - Further Ecological Survey and Ecological Management Plan</u> No comment</p> <p><u>Condition 20 - Phase 2 Ground Investigation Assessment</u> No comment</p> <p><u>Condition 21 - Programme of Archaeological Works</u> No comment</p> <p><i>2<sup>nd</sup> October 2024</i></p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the response document and supporting revised drawings in connection with the above planning reference and our findings are detailed below. Please note this response only deals with the conditions that were considered not to be fully satisfied. The response to the other conditions remains as per my previous response.</p> <p><u>Condition 4 - Carriageways, footways etc to adoptable standards</u></p>	
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		<p>Of the seven observations raised previously, I am satisfied that No's 1, 2, 3, 4, 6 and 7 (lighting) have been addressed in the revised design and as described in the supporting document.</p> <p>However, an area of unconventional paving mentioned in Point 5 still appear as a circle in the 'square' area. If this is some kind of mosaic layout of small blocks set in tegular paving - this is still a maintenance concern. Please review this area again. The LHA will adopt regular and tegular block paving but not intricate shapes or special block sizes or materials in this kind of site. I do not consider that this condition has been fully satisfied.</p> <p><u>Condition 10 - Highway Surface Water Drainage System</u></p> <p>I am satisfied that the concerns and observations previously noted have all been addressed satisfactorily in the revised design.</p> <p>I have no objection to this condition now being discharged.</p> <p><u>Condition 16 - Surface Water Drainage Scheme</u></p> <p>I am satisfied that the concerns and observations previously noted have all been addressed satisfactorily in the revised design.</p> <p>I have no objection to this condition now being discharged.</p> <p><u>Condition 18 - Sustainable Drainage Management and Maintenance Plan</u></p> <p>I am satisfied that the concerns and observations previously noted have all been addressed satisfactorily in the revised design.</p> <p>I have no objection to this condition now being discharged.</p> <p><i>7<sup>th</sup> October 2024</i></p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the response document and supporting revised drawings in connection with the above planning reference and our findings are detailed below. Please note this response only deals with condition 4 that was considered not to be fully satisfied. The response to the other conditions remains as per my previous responses.</p> <p><u>Condition 4 - Carriageways, footways etc to adoptable standards</u></p>
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I note that the intricate paving layout has been removed in the square regular area to the east part of the site. I am satisfied that the proposals now address the requirements of this condition and have no objection to this condition being discharged.

*23<sup>rd</sup> April 2025*

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 4 - Carriageways, footways etc to adoptable standards

As stated previously, this condition is considered to be satisfied. I have no objection to it being discharged.

Condition 7 - Detailed Scheme for Road Signage

As stated previously, this condition is considered to be satisfied. I have no objection to it being discharged.

Condition 8 - Construction Vehicle Management Plan

As stated previously, this condition is considered to be satisfied. I have no objection to it being discharged.

Condition 9 - Ramps (dropped kerbs)

As stated previously, this condition is considered to be satisfied. I have no objection to it being discharged.

Condition 10 - Highway Surface Water Drainage System

The highway drainage details are now shown on the plans and is acceptable to the LLFA. The design for the adoptable carriageway areas is still subject to the S38 adoption Technical Check process however. I have no objection to this condition being discharged.

Condition 11 - Hard and Soft Landscaping

No comment

Condition 12 - Landscape Management Plan

No comment

		<p><u>Condition 13 - Construction Method Statement and Management Plan</u></p> <p>As stated previously, this condition is considered to be satisfied. I have no objection to it being discharged.</p> <p><u>Condition 15 - Refuse Collection Arrangements</u></p> <p>As stated previously, this condition is considered to be satisfied. I have no objection to it being discharged.</p> <p><u>Condition 16 - Surface Water Drainage Scheme</u></p> <p>I note the filter drain to the western perimeter has been removed due to the clash with tree root protection zone. The surface water run-off in these areas is now managed by a kested hedge arrangement. This is an acceptable solution to deal with exceedance flows and protect downstream properties. I also note the exceedance flow routes have been shown on the drawings. These are acceptable and show that the exceedance routes follow natural flow routes and that properties downstream and the site itself are not at an increased risk of flooding. I note that discharge route has been amended to connect into a field drain within the wider site before discharging to a ditch, with any excess or exceedance following the natural flow path to the NW. This hybrid system with discharge to the ground and natural exceedance routes should replicate the pre-development mechanism. The design includes sufficient features and evidence to satisfy the LLFA that the site and downstream properties are not at an increased risk of flooding. I have no objection to this condition being discharged.</p> <p><u>Condition 18 - Sustainable Drainage Management and Maintenance Plan</u></p> <p>The plan is acceptable, I have no objection to this condition being discharged.</p> <p><u>Condition 19 - Further Ecological Survey and Ecological Management Plan</u></p> <p>No comment</p> <p><u>Condition 20 - Phase 2 Ground Investigation Assessment</u></p> <p>No comment</p> <p><u>Condition 21 - Programme of Archaeological Works</u></p>
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		No comment
	Arb. Consultant	<p><b>Response 1</b></p> <p>We have the following comment/observation to make on the submitted documents. The applicant has submitted an amended Planting Plan (Dwg. No.16) along with a Plant Specification and Schedule (Doc. No.17), produced by Eden Environment Ltd. This plan and schedule fulfil the requirements of Conditions 11 and 12 of planning permission 4/18/2426/001 and they should be implemented in full to fulfil the requirements of the planning conditions.</p> <p><b>RECOMMENDATIONS</b></p> <p>Inform the applicant in writing the Planting Plan (Dwg. No.16) and Plant Specification and Schedule (Doc. No.17) should be implemented in full to fulfil the requirements of Conditions 11 and 12.</p> <p><b>Response 2</b></p> <p><b>DESCRIPTION OF PROPOSAL</b></p> <p>The creation of a Kested Hedge drain running around the western boundary of the site.</p> <p><b>DISCUSSION</b></p> <p>Adjacent property gardens border the western site boundary. These gardens contain a variety of trees, many of which overhang the boundary.</p> <p>The applicant has submitted an Arboricultural Method Statement produced by Charles Bennett, dated 15 April 2025. This shows the proposed location and design dimensions for the drain.</p> <p><b>RECOMMENDATIONS</b></p> <p>We recommend attaching the following condition to any planning permission:</p> <ul style="list-style-type: none"> <li>• The Kest Hedge drain along the western boundary of the site must be constructed in accordance with the Arboricultural Method Statement, prepared by Charles Bennett and dated 15 April 2025. All excavations must follow the details and mitigation measures specified in the Arboricultural Method Statement. All protection measures detailed in the</li> </ul>

		<p>Arboricultural Method Statement must be erected in the correct location and remain in position for the duration of the construction operations.</p> <p>Reason</p> <p>To ensure that existing trees are protected in accordance with Policy DM28 of the Copeland Local Plan 2013-2028.</p>
	Ecologist	No comments.
	Environmental Health	<p><i>13<sup>th</sup> August 2024</i></p> <p>Environmental Health would comment only on condition 20 – the requirement for a phase 2 ground investigation study.</p> <p>This has been duly submitted by the applicant.</p> <p>Historical data indicates that the site has not been developed and the results of the phase 2 ground investigation report bear this out. As such there are no objections from Environmental Health and condition 20 may be discharged.</p> <p>It should be noted, however, that the Radon Map UK shows this site to be within a 1km grid of elevated radon potential.</p> <p>Unless a site-specific radon measurement has been carried out, full radon protection would be required in the build.</p> <p><i>7<sup>th</sup> October 2025</i></p> <p>There are no further comments on this application from Environmental Health further to the response dated 13.08.24, though subsequent clarification was received that a site-specific Radon survey was carried out on behalf of the developer and Radon protection is not required on the build</p>
	<b>Neighbour Responses:</b>	
	N/A.	
	<p><b>Development Plan:</b></p> <p>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.</p>	

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 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.

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N5: Protection of Water Resources

Strategic Policy N6: Landscape Protection

Strategic Policy N11: Provision of Open Space in New Development

Policy N14: Woodlands, Trees and Hedgerows

Policy BE3: Archaeology

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (as amended) (CHSR).

National Design Guide (NDG).

Cumbria Development Design Guide (CDDG).

**Assessment:**

This Application seeks approval of details reserved by Planning Conditions 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, 20 and 21 of application ref. 4/18/2426/001.





## **Cumberland Council**

### *Planning Condition 4*

Cumberland Council – Highways initially raised objections to the specifications submitted; however, following revisions, have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

### *Planning Condition 7*

No signage is proposed. Cumberland Council – Highways have confirmed that there is no requirement for signage; therefore, the requirements of the planning condition can be approved.

### *Planning Condition 8*

Access is proposed via the spine road within Phase 1 of the Beckstones development. Designated off highway parking and loading areas are defined.

Cumberland Council – Highways have confirmed that the measures in the submitted Construction Vehicle Management Plan are considered suitable to address the requirements of this condition and the requirements of the planning condition can be approved.

### *Planning Condition 9*

Cumberland Council – Highways have confirmed that the road is a shared surface street with no footways or kerbs; therefore, there is no need for dropped kerbs at crossover locations. The requirements of the planning condition can be approved.

### *Planning Condition 10*

Cumberland Council – Highways initially raised queries in relation to the specifications submitted; however, following revisions, have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

### *Planning Condition 11*

The Cumberland Council Arboricultural Consultant has confirmed that the submitted landscaping specifications and method statement fulfil the requirements of the planning condition and can be approved.

### *Planning Condition 12*

The Cumberland Council Arboricultural Consultant has confirmed that the submitted details fulfil the requirements of the planning condition and can be approved.

### *Planning Condition 13*

Access is proposed via the spine road within Phase 1 of the Beckstones development. Designated off highway parking and loading areas are defined.

Given the layout of the development including the provision of the drainage infrastructure required to serve the development, it is not reasonable to require access via Home Farm. Given the distance, it is not reasonable to secure access via the highway to the north.

It must be noted and accepted that the use of this access will result in some adverse impact upon existing residents of Beckstones.

Measures are proposed that seek to mitigate and limit the impacts of the use of this access on the existing residents of Beckstones.

The impacts of the development will be lesser than resulted during the recent construction of the Beckstones development.

Cumberland Council – Highways have confirmed that the measures in the submitted Construction Method Statement and Management Plan are suitable to address the requirements of this condition and the requirements of the planning condition can be approved.

#### *Planning Condition 15*

Cumberland Council – Highways have confirmed that the submitted refuse collection details are suitable to address the requirements of this condition and the requirements of the planning condition can be approved.

#### *Planning Condition 16*

Cumberland Council – LLFA initially raised objections to the specifications submitted; however, following revisions, have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

During the determination of the planning application, it was identified that the proposed drainage scheme would adversely impact the existing trees adjacent to the Application Site; therefore, the drainage scheme was amended to reroute the drainage infrastructure away from the root protection areas of the trees and the design of the filter drainage and kest amended. The filter drainage and kest remain proposed within the root protection areas and an Arboricultural Method Statement has been prepared to ensure that the development of these features will not cause unacceptable harm to the existing trees.

The proposed scheme of surface water drainage includes drainage infrastructure located beyond the red line boundary of application ref. 4/18/2426/001. A separate Full Planning Application for the development of this drainage infrastructure has been submitted and

approved – application ref. 4/25/2019/0F1.

*Planning Condition 18*

Cumberland Council – LLFA initially raised objections to the specifications submitted; however, following revisions, have confirmed that the submitted details are acceptable and the requirements of the planning condition can be approved.

*Planning Condition 19*

Cumberland Council – Ecologist has confirmed no comments; therefore, the requirements of the planning condition can be approved.

*Planning Condition 20*

Cumberland Council - Environmental Health has confirmed that the historical data indicates that the site has not been developed and the results of the phase 2 ground investigation report bear this out; therefore, the requirements of the planning condition can be approved.

It was noted that the Radon Map UK shows this site to be within a 1km grid of elevated radon potential. The Applicant has confirmed that a site-specific Radon survey was carried out and Radon protection is not required.

*Planning Condition 21*

Cumberland Council – Historic Environment Officer has confirmed that an Archaeological Evaluation of the Application Site has been submitted. The Evaluation is required by part 1. of Planning Condition 21 and it is considered that the requirements of part 1. have been fulfilled.

The Evaluation revealed the buried archaeological remains of a ditched enclosure measuring approximately 55m by 49m. Roman pottery was retrieved from the enclosure ditches and it is likely that the remains are a Romano-British farmstead. As such, the archaeological assets are considered to be of some significance. These remains will be disturbed by the construction of the proposed development and so it is advised that they should be recorded in advance of construction by commissioning a programme of archaeological investigation, as required by part 2 of Planning Condition 21. Archaeological post-excavation work and the submission of the results of the archaeological investigation for publication should be undertaken, as required by part 3 of Planning Condition 21.

A written scheme of investigation (wsi) for an archaeological excavation of the Romano-British enclosure that survives on the site has been submitted. It have been confirmed that consider the wsi is acceptable and that, once the archaeological work outlined in the wsi has been implemented, it will fulfil the requirements of part 2 of Planning Condition 21.

## **Conclusion**

### *Planning Condition 4*

Approve requirements of planning condition.

### *Planning Condition 7*

Approve requirements of planning condition.

### *Planning Condition 8*

Approve requirements of planning condition.

### *Planning Condition 9*

Approve requirements of planning condition.

### *Planning Condition 10*

Approve requirements of planning condition.

### *Planning Condition 11*

Approve requirements of planning condition.

### *Planning Condition 12*

Approve requirements of planning condition.

### *Planning Condition 13*

Approve requirements of planning condition.

### *Planning Condition 15*

Approve requirements of planning condition.

### *Planning Condition 16*

Approve requirements of planning condition.

### *Planning Condition 18*

Approve requirements of planning condition.

### *Planning Condition 19*

Approve requirements of planning condition.

### *Planning Condition 20*

Approve requirements of planning condition.

### *Planning Condition 21*

The submission of an Archaeological Evaluation approves the requirements of Part 1 of Planning Condition 21.



## Cumberland Council

	<p>The submission of the Written Scheme of Investigation approves the specification of the scheme of archaeological works required to be completed under the requirements of Part 2 of Planning Condition 21.</p> <p>The requirements of Part 2 and Part 3 of Planning Condition 21 are not approved.</p> <p>The implementation/completion of the scheme of archaeological work outlined in the Written Scheme of Investigation will fulfil the requirements of Part 2 of Planning Condition 21.</p> <p>The completion and submission of a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report and submission of the results for publication in a suitable journal will approve the requirements of Part 3 of Planning Condition 21.</p>	
8.	<b>Recommendation:</b> Approve	
9.	<b>Conditions:</b> N/A.	
<b>Case Officer:</b> C. Harrison		<b>Date :</b> 14.05.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 16.05.2025
<b>Dedicated responses to:-</b>		