

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2351/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 7, 8, 9 AND 11 OF PLANNING APPLICATION 4/22/2070/001	
3.	Location:	LAND NORTH OF STATION ROAD, DRIGG	
4.	Parish:	Drigg and Carleton	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafeld 10KM, PROWs - Public Right of Way	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a greenfield site located on the western edge of Drigg. The site is gently sloping and fronts onto the B5344, the main road running through the village from Seascale to Holmrook. A bus stop is located on the site frontage and an existing footway is located on the opposite side of the highway.	
	Relevant Planning History		

4/22/2070/001 – Outline application (with all matters reserved) for residential development – Approved on Appeal.

4/25/2079/0R1 – Reserved matters of access, appearance, landscaping, layout and scale following outline approval 4/22/2070/001 for residential development (the outline application was not an EIA application) – Ongoing.

Proposal

In October 2023, outline planning permission (ref: 4/22/2070/001) was allowed on Appeal for a residential development at this site.

This current application seeks to discharge conditions 7, 8, 9, and 11. These conditions state the following:

7. No development shall commence until full details of a surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, these drainage schemes must demonstrate or include:
 - a. A restricted rate of discharge to the culverted watercourse of 4.7l/s where applicable;
 - b. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - c. Incorporation of mitigation measures to manage the risk of sewer surcharge where applicable;
 - d. measures to prevent surface water discharging onto or off the highway
 - e. a timetable for implementation; and,
 - f. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The submitted details shall have regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version).

The approved schemes shall be implemented and thereafter managed and maintained in accordance with the approved details.

8. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

This written scheme will include the following components:

- a. An archaeological evaluation;
- b. An archaeological recording programme, the scope of which will be dependant upon the results of the evaluation;
- c. Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, and submission of a completed archive report.

9. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors;
- b. the routing of construction vehicles to and from the site
- c. loading and unloading of plant and materials;
- d. storage of plant and materials used in constructing the development;
- e. details of any temporary access points
- f. wheel washing facilities;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

11. Prior to the first occupation of the dwellings hereby approved, a footway must be provided that links continuously and conveniently to the nearest existing footway, the details of which shall have been first submitted to and approved in writing by the Local Planning Authority. The footway shall thereafter be retained.

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

- Application Form, received by the Local Planning Authority on the 11th October 2024.
- Drainage Strategy Report (Amended), Prepared by A L Dains & Partners February 2025, Ref: 22-C-16573, Rev: C, received by the Local Planning Authority on the 5th March 2025.
- Proposed Drainage Plan (Amended), Scale 1:200, Drawing No: 22-C-16573/02, Revision: D, received by the Local Planning Authority on the 5th March 2025.
- Proposed Drainage Outfall Plan (Amended), Scale 1:500, Drawing No: 22-C-

16573/04, Revision: D, received by the Local Planning Authority on the 5th March 2025.

- Proposed Footpath, Scale 1:100, Drawing No: 22-C-16573/05, received by the Local Planning Authority on the 11th October 2024.
- Archaeological Evaluation, Prepared by Gerry Martin Associates Ltd July 2024, Report: 480, received by the Local Planning Authority on the 11th October 2024.
- Construction Traffic Management Plan, received by the Local Planning Authority on the 11th October 2024.
- Proposed Drainage Layout (Amended), Scale 1:200, Drawing No: 2024-026-001, received by the Local Planning Authority on the 13th May 2025.
- Impermeable Areas Plan, Scale 1:200, Drawing No: 2025-026-002, received by the Local Planning Authority on the 13th May 2025.
- Construction Details 1 of 3, Scale 1:200, Drawing No: 2025-026-003, received by the Local Planning Authority on the 13th May 2025.
- Construction Details 2 of 3, Scale 1:200, Drawing No: 2025-026-004, received by the Local Planning Authority on the 13th May 2025.
- Construction Details 3 of 3, Scale 1:200, Drawing No: 2025-026-005, received by the Local Planning Authority on the 13th May 2025.

Consultation Responses

Drigg and Carleton Parish Council

Neutral.

Cumberland Council – Highway Authority & Lead Local Flood Authority

12th November 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 7:

The applicant needs to demonstrate they have fully considered the drainage hierarchy as a connection to an existing watercourse has been identified but not considered. The LLFA would recommend connection to the existing water course and any remedial works needed to reach the outfall before a connection to the combined sewer is approved.

The proposed Drainage Plan (Drawing number 22-C-16573/02) demonstrates that surface water will leave the site at a rate of 5.0 L/S this does not meet the requirements of condition 7



Cumberland Council

bullet point a) as it requested surface water should leave the site at 4.7 L/S.

Ground and finished floor levels have been provided and are acceptable.

No drainage overflow exceedance routes have been included within any drainage documents. Surface water exceedance flows need to be designed to control surface water overflow within the site.

Within the proposed Drainage plan (Drawing Number 22-C-16573/02) there are no measures in place to prevent surface water discharge onto or off the highway such as a Aco drain.

A management and maintenance plan have been provided within the drainage strategy report.

The LHA and LLFA would like the above points addressed before condition 7 can be discharged.

Condition 8:

The LHA and LLFA did not recommend this condition therefore we have no comments to make.

Condition 9:

Having reviewed the supplied document Construction Traffic Management Plan condition 9 can be discharged.

Condition 11:

Having reviewed the supplied document Proposed Footpath condition 11 can be discharged.

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.

27th May 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows. The only outstanding Condition from our previous response was Condition 7:

Condition 7: Details of the Surface Water and Foul Water drainage schemes

Having reviewed the revised drainage strategy and detailed drainage drawings I note the following:

- The site has been split into 3 areas, each with it's own attenuation and flow control device. The top storage area (discharging at 1 l/s) feeds into the second area (discharging both at a rate of 2.5 l/s). The lower storage area is controlled to 2 l/s discharge rate sop the combined is 4.5 l/s, slightly lower than the agreed greenfield rate of 4.7 l/s for the whole site area.

- The proposed outfall route to the highway surface water drain is acceptable in principle. As noted, this element is outside the red-line boundary is subject to a S278 agreement including a further technical review.
- The off-site flows are managed with cut-off filter drains.
- The access has a series of gullies to prevent run-off from reaching the highway.

It is considered the proposal addresses the requirement of this condition. I have no objection to the condition being discharged.

United Utilities

5th November 2024

Further to our review of the submitted Drainage Strategy Report (ref 22-C-16573), United Utilities recommends that condition 7 is not discharged. This is because the proposals involve draining surface water to the public combined sewer network, but the report suggest there is a culverted watercourse system that has collapsed. This should be repaired rather than draining to the combined. Alternatively, other more sustainable options should be proposed (for example draining to the open water course to the south west of the site, or unblocking the highway drain mentioned in the report and connecting here providing this is proven to discharge watercourse).

Cumberland Council & Westmorland & Furness Council – Historic Environment Officer

The applicant has commissioned an archaeological evaluation of the site and submitted the report. The results show that it is very unlikely significant archaeological remains will be disturbed by the construction of the development and so no further work is required. I therefore consider that the requirements of condition 8 attached to application 4/22/2070/001 have been fulfilled.

Public Representation

Two letters of objection have been received from members of the public in relation to this application which raise the following concerns:

- The drainage proposals within the application are wholly inadequate and insufficient, certain to cause flooding issues for those people who have land and properties “downstream” of the proposed drainage strategies documented in the application.
- This area of the village is woefully inadequate when it comes to existing field and road drainage. The proposed site, the field above, the road gullies and the field on the other side of the road, drain into a field drain system that it totally inadequate for current water volumes and as such flooding of the road, fields and residential gardens regularly occurs.

- The existing drainage is already a heavily utilised drainage system which is very old and was never designed to cope with such large water volumes. The system currently runs to full capacity during moderate rainfall.
- Once the drain leaves the field opposite the proposed site, it passes through a number of residential properties gardens before entering another field, crosses back across Old Shore Road, into an open ditch, then down the railway, into the LLWR site before making its way into the River Irt.
- During moderate rainfall, the drains are overwhelmed and the water bubbles up and floods at a number of locations.
- The proposed development would mean an increase in the surface water run-off from hard areas and roofs etc. Treated foul water will also be expected to drain this way. This increased flow of water will be directed into the field drains detailed above. In increase in water entering this system will increase the regularity and severity of the flooding experienced on the road and downstream.
- I do not support discharge of condition 7 as the resulting water entering the existing small sewerage plant designed and built to accommodate Wray head could be over topped with the additional volume. The existing sewerage plant lies close the river Irt which enters the Ravenglass estuary and close the Drigg SSSI , special area of conservation.

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 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 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/22/2070/001 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

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 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 N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Asset

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards



**Cumberland
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Other Material Planning Considerations

National Planning Policy Framework

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)

Assessment

This current application seeks to discharge conditions 7, 8, 9 and 11 of planning approval 4/22/2070/001.

Condition 7:

This condition seeks to discharge the requirement for the development to provide a sustainable surface water drainage and foul water drainage scheme. Based on the submission of amended and additional information, UU and the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 7 can be discharged.

Condition 8:

This condition seeks to discharge the requirement for the development to provide a programme of archaeological works. Based on the details of the information submitted, the Council's Historic Environments Officer has confirmed that the condition can be discharged.

It is therefore confirmed that condition 8 can be discharged.

Condition 9:

This condition seeks to discharge the requirement for the development to provide a Construction Method Statement. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 9 can be discharged.

Condition 11:

This condition seeks to discharge the requirement for the development to provide a footway link to the existing network. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged. The condition however can

	<p>only be discharged in part as the footpath has yet to be installed.</p> <p>It is therefore confirmed that condition 11 can be discharged in part.</p> <p><u>Conclusion</u></p> <p>Fully discharge conditions 7, 8 and 9, and part discharge condition 11.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of conditions 7, 8, and 9.</p> <p>Approve part discharge of conditions 11.</p>	
Case Officer: C. Burns		Date : 04.06.2025
Authorising Officer: N.J. Hayhurst		Date : 05.06.2025
Dedicated responses to:- N/A		