

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2019/0F1
2.	<b>Proposed Development:</b>	INSTALLATION OF FOUL AND SURFACE WATER INFRASTRUCTURE TO SERVE 22 DWELLINGS APPROVED UNDER APPLICATION 4/21/2519/0R1
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, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>The Application Site comprises c.0.1 hectares of land located to the southwest of Frizington.</p> <p>The Application Site is bounded by Rheda Park to the west; agricultural land 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>Mature trees exist adjacent to the south.</p> <p>There are no conservation areas or listed buildings on or directly adjacent to the Application Site.</p> <p>The Application Site is located within Flood Zone 1.</p>	

**Proposal:**

This application seeks Full Planning Permission for the installation of off-site drainage infrastructure to serve the residential development approved under application ref. 4/18/2426/001 and application ref. 4/21/2519/0R1.

The development includes:

- Surface water drainage pipe work;
- Foul water drainage pipe work;
- Part of a filter drain and kest system to control overland flows;
- Underground storage and infiltration tank; and,
- Connection to existing land drainage system.

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

<b>Consultee:</b>	<b>Nature of Response:</b>
United Utilities	<p><i>17<sup>th</sup> Feb. 2025</i></p> <p>Acceptable in principle to United Utilities.</p> <p>Request the imposition of planning conditions securing completion in accordance with the submitted details prior to occupation of the development and securing long-term maintenance and management.</p> <p><i>6<sup>th</sup> May 2025</i></p> <p>Acceptable in principle to United Utilities.</p> <p>Request the imposition of planning conditions securing completion in accordance with the submitted details prior to occupation of the development and securing long-term maintenance and management.</p>
LLFA	<p><i>17<sup>th</sup> Feb. 2025</i></p> <p>The Lead Local Flood Authority (LLFA) has the following observations and recommendations: Lead Local Flood Authority response:</p> <p>The proposed drainage details for this site were originally submitted under Discharge of Condition Application 4/24/2246/DOC in order to satisfy Conditions 10 and 16 of the Outline Planning Permission.</p> <p>The LLFA had no objection to the proposals submitted and I note that this stand-alone application is essentially the same design with one</p>

		<p>minor change. Surface water manhole S14 has been omitted, with the surface water drainage system terminating at surface water manhole S13 inside the field boundary of the field drain discharge point.</p> <p>I note that the proposed invert at SWMH S13 is 2.3m below ground level. It is not clear from the drawings how the drainage route is connected into the field drain / ditch downstream to route / convey surface water to the desired system and what is to stop surface water running down the field. I suspect a discharge point near to surface level will be required unless there is a buried carrier / field drain within the field in the ownership of the applicant.</p> <p>Further details of this arrangement are required including photographs of the existing layout, confirmation of levels, cross or long-sections, headwalls / discharge point etc.</p> <p><i>23<sup>rd</sup> April 2025</i></p> <p>Lead Local Flood Authority response:</p> <p>The proposed drainage details have also been submitted under Discharge of Condition Application 4/24/2246/DOC in order to satisfy Conditions 10 and 16 of the Outline Planning Permission. The design has been assessed against these Conditions and the response below is the same.</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.</p> <p>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.</p> <p>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.</p> <p>The design includes sufficient features and evidence to satisfy the LLFA that the site and downstream properties are not at an increased risk of</p>
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		<p>flooding.</p> <p>The LLFA has no objection to the proposal.</p>
	Arb. Consultant	<p>DESCRIPTION OF PROPOSAL</p> <p>.</p> <p>The creation of a Kested Hedge drain running around the western boundary of the site.</p> <p>DISCUSSION</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>RECOMMENDATIONS</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 Arboricultural Method Statement must be erected in the correct location and remain in position for the duration of the construction operations.</li> </ul> <p>Reason</p> <p>To ensure that existing trees are protected in accordance with Policy DM28 of the Copeland Local Plan 2013-2028.</p>
	<b>Neighbour Responses:</b>	
	<p>This planning application has been advertised by way of a site notice and neighbour notification letters.</p> <p>Representations have been received from 40no. parties in objection to the planning application.</p>	



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A significant number of the objections received relate to the principle and details of the of the residential development approved under application ref. 4/18/2426/001 and application ref. 4/21/2519/0R1. These matters are not material to this Full Planning Application, which relates to the provision of drainage infrastructure only.

The material planning matters relevant to the proposed development are outlined below:

### *Drainage and Flood Risk*

Insufficient information has been supplied in relation to the impact of the development on the residents of Rheda Park.

Not all the planned/marked/painted percolation test sites were bore hole drilled and tested.

Increased flooding of the properties on Rheda Park has occurred because of the completed residential development and this has required the installation of land drains, which are struggling to cope.

Serious concerns exist in relation to the overloading of the foul water and surface water drainage system causing a much higher risk of flooding.

Flooding occurs between Frizington and Hawthorne. The concern over this increasing has been raised in the past when plans were first released and in the plans it states the lead local flood authority is already aware of drainage issues in the area and that the developer has not provided a detailed scheme of drainage.

There are already drainage issues on Beckstones and works are continually occurring the resolve. New connections would breach the capacity and cause environment problems. The residential development should have independent services.

### *Ecology and Arboriculture*

There is an abundance of protected wildlife in this area including red squirrels, bats and owls whose natural habitat would be severely disrupted the proposed development.

The development will impact upon existing trees located within the curtilages of the dwellings on Rheda Park.

The works will impact on sustainability increasing pollution, waste, noise and unnecessary impact on the environment.

### *Highways*

The road through Beckstones has been designed in such a way that you are unable to

drive two cars side by side an increase in traffic with regards to large vehicles will exacerbate existing issues. An alternative access should be considered.

The road through Beckstones is block paved which is already straining under the light vehicle traffic. The damage has caused a flooding issue.

The traffic from the development will result in adverse impacts upon highway safety for residents of Beckstones.

Local infrastructure cannot cope with significantly more traffic the A5086 and other surrounding road are already at capacity and unsafe. No footpath, no lighting etc.

The Applicant should access to the development via the land in their ownership and not the access serving Beckstones.

#### *Construction Management*

The development would result in mud and debris on the roads, causing potential damage to the road, potholes and potentially to vehicles.

The development would result in noise impacts during construction from large vehicles and machinery.

Construction workers will utilize the access serving Beckstones for parking.

Construction hours should be limited to the hours of 09:00 am to 15:00 pm Monday to Friday only.

#### *Other Matters*

The development will impact the privacy and health of the existing residents of Beckstones.

The development will impact the health of the existing residents of Beckstones through anxiety, and stress.

The submitted plan shows a site area far in excess of the planning permission boundary. It is essentially the same area as the rejected plan for 140 houses. It isn't required for the planned drainage and looks like an attempt to leverage a larger development area. The Planning Inspector told Copeland to draw a red line to prevent further development this extends the site far beyond the proposed red line.

This is prime agricultural land and should not be used for developments. Brownfield areas should be a priority.

The Application Site will result in the loss of an area of natural beauty which is labelled as "green belt".

### **Development Plan:**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### Copeland Local Plan 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

Strategic Policy N3: Biodiversity Net Gain

Policy N5: Protection of Water Resources

Strategic Policy N6: Landscape Protection

Policy N14: Woodlands, Trees and Hedgerows

### **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:**

*Principle*

The proposed development comprises the installation of off-site drainage infrastructure to serve the residential development approved under application ref. 4/18/2426/001 and application ref. 4/21/2519/0R1, which benefits from extant planning permission.

Planning Condition 16 and Planning Condition 18 of application ref. 4/18/2426/001 secure the submission, approval and implementation of a surface water drainage scheme and associated management/maintenance.

Application ref. 4/24/2246/DOC seeks approval of the requirements of Planning Condition 16 and Planning Condition 18 of application ref. 4/18/2426/001.

The scheme of surface water drainage proposed under application ref. 4/24/2246/DOC includes drainage infrastructure located beyond the red line boundary of application ref. 4/18/2426/001.

This application seeks Full Planning Permission for development of the drainage infrastructure located beyond the red line boundary of application ref. 4/18/2426/001 to ensure that a lawful and implementable drainage scheme exists at the point of the determination of application ref. 4/24/2246/DOC.

The proposed drainage infrastructure is required to serve the residential development approved under application ref. 4/18/2426/001 and application ref. 4/21/2519/0R1.

*Drainage and Flood Risk*

The LLFA and United Utilities have confirmed no objection to the development proposed or to the overall drainage strategy proposed under application ref. 4/24/2246/DOC.

The ground conditions have been identified as suitable for the infrastructure proposed.

*Ecology and Arboriculture*

The Application Site is of limited ecological value and no protected species are known or likely to exist.

The development is located outside of the root protection areas of the existing/retained trees.

During the determination of application ref. 4/24/2246/DOC, it was identified that the





## Cumberland Council

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.

A planning condition is proposed to secure tree protection measures in relation to the existing trees/hedgerows on the land in the ownership of the Applicant.

### *Biodiversity Net Gain*

The proposed development principally comprises below ground infrastructure. The development does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats such as hedgerows; therefore, the development is exempt from the requirement to achieve biodiversity net gain.

### *Construction Management*

Access for construction is likely to be via the spine road within Phase 1 of the Beckstones development.

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 under application ref. 4/24/2246/DOC that seek to mitigate and limit the impacts of the use of this access on the existing residents of Beckstones. The proposed development will be completed in conjunction with application ref. 4/18/2426/001 and application ref. 4/21/2519/0R1 and will provide safeguards in respect of impacts.

A planning condition is proposed to control hours of construction.

A planning condition is proposed to control unexpected land contamination.

### **Planning Balance:**

The development is in accordance with the requirement of the Development Plan when considered as a whole.

8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <p><u>Standard Planning Conditions</u></p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Application Form</p> <p>Location Plan – Drawing No. AA7281/EW/18 Rev. A</p> <p>Existing Layout And Services – Drawing No. AA7281/EW/01 Rev. A</p> <p>Overall Drainage Layout – Drawing No. AA7281/EW/03 Rev. J</p> <p>Drainage Layout 1/3 – Drawing No. AA7281/EW/04 Rev. G</p> <p>Drainage Layout 2/3 – Drawing No. AA7281/EW/05 Rev. G</p> <p>Drainage Layout 3/3 – Drawing No. AA7281/E/06 Rev. E</p> <p>Surface Water Manhole Schedules – Drawing No. AA7281/EW/07 Rev. D</p> <p>Foul Manhole Schedule – Drawing No. AA7281/EW/08 Rev. B</p> <p>Drainage Details – Drawing No. AA7281/EW/10</p> <p>Rising Main Pressure Break Chamber Details – Drawing No. AA7281/EW/12</p> <p>North Park Rheda, Phase 2. Operation &amp; Maintenance Plan for Sustainable Drainage Systems - Document No: AA7281/8.4/DMP Rev. A</p> <p>Off Site Drainage Profiles – Drawing No. AA7281/EW/20 Rev. A</p> <p>Land Drain &amp; Ditch – Drawing No. AA7281/EW/19</p> <p>Vertical Profiles – Drawing No. AA7281/EW/14 Rev. A</p> <p>Off-Site Drainage Boundaries – Drawing No. AA7281/EW/17 Rev. D</p>



## Cumberland Council

Technical Note – Arboricultural Method Statement - Installation of a kest and drain at North Rheda Park, Frizington

### Reason

For the avoidance of doubt and in the interests of proper planning.

### *Delivery*

3. The development to which this planning permission relates shall not commence unless or until any part of the development for which planning permission was granted under planning application ref. 4/18/2426/0O1 and application ref. 4/21/2519/0R1.0F1 has already commenced.

### Reason

To ensure that the development is delivered in conjunction with the development approved under application ref. 4/18/2426/0O1 and application ref. 4/21/2519/0R1 and is not delivered in isolation.

### *Arboriculture*

4. Technical Note – Arboricultural Method Statement - Installation of a kest and drain at North Rheda Park, Frizington shall be implemented as approved for the duration of the construction period.

### Reason

To ensure the protection and retention of important landscape features in accordance with the provisions of Policy N14 of the Copeland Local Plan 2021-2039.

5. No excavation shall commence until a scheme for the protection of the retained trees and hedgerows (the tree protection plan) has been submitted to and approved in writing by the Local Planning Authority.

The tree protection measures shall be carried out as described and approved and shall be maintained until the development is completed.

### Reason

To ensure the protection and retention of important landscape features in accordance with

the provisions of Policy N14 of the Copeland Local Plan 2021-2039.

#### *Working Hours*

6. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

#### *Reason*

In the interests of neighbouring residential amenity in accordance with the provisions of the National Planning Policy Framework.

#### *Ground Conditions*

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

#### *Reason*

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

#### Informative

#### **Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is



## Cumberland Council

that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.

Applicable exemption:

- **Development below threshold.**

### Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework

**Case Officer:** C. Harrison

**Date :** 14.05.2025

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

**Date :** 16/05/2025

**Dedicated responses to:-**