

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2018/OB1	
2.	Proposed Development:	VARIATION OF CONDITION 4 (DISCHARGE OF SURFACE WATER) OF PLANNING APPROVAL 4/17/2376/0F1	
3.	Location:	ALLOTMENT GARDENS, RICHMOND STREET, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts Flood Area - Flood Zone 2 Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to an L-shaped site previously used as allotment gardens on Richmond Street, within the residential area of Millom. The site is adjacent to a number of garage plots and backs onto the CGP Ltd factory. The site was previously occupied by large garages, a greenhouse and a storage building.</p> <p>Planning History</p> <p>4/09/2030/0 – New boundary wall & secure block built garden shed – Approved.</p> <p>4/17/2376/0F1 – Erection of a detached bungalow and change of use of allotment area to extend</p>	

domestic curtilage – Approved.

Proposal

In January 2018, planning permission (ref: 4/17/2376/0F1) was granted for the erection of a detached bungalow and change of use of an allotment area to extend the domestic curtilage. This current application seeks permission to vary the following condition attached to this planning permission:

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

Reason

In the interests of highway safety and environmental management.

Consultation Responses

Millom Town Council

No objections.

Cumbria County Council – Cumbria Highways & LLFA

The 'Drainage Detail' plan shows that an ACO drain will be installed at the access to the site paired with permeable tarmac for the driveway surfacing. This is considered acceptable to the Highway Authority and they have no objections to this variation of condition. However, it is noted that the use of soakaways is not suitable for this site due to heavy clay in the ground. Usually Cumbria Highways would require evidence from BRE testing but due to the scale of this development, Building Control will be responsible for investigating the surface water drainage means.

Further to these comments, clarification was requested from Cumbria Highways as the application provides confirmation from Building Control that a soakaway is not suitable at this site and that a connection is to be made to the public sewer. Based on this the Highway Authority confirmed that they have no objections to the proposal.

United Utilities

Initially United Utilities stated that further to their review of the submitted New Drainage Layout proposing surface water discharging into combined sewer; the plans are not acceptable to United Utilities because their records show that there is a watercourse located to the south of the site. They

have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Based on additional clarification submitted by the applicant, United Utilities confirmed that they have no objections.

Copeland Borough Council – Flood and Coastal Defence Engineer

Initially the Officer requested additional information regarding the additional information submitted. Based on this information the Officer confirmed that the aco channel is exactly what is normally used to satisfy the condition, therefore he has no further concerns about this.

Public Representation

This application has been advertised by way of site notice. No comments have been received in relation to the statutory notification procedure.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

Interim Housing Policy

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (4/17/2376/0F1), development

	<p>has commenced on site therefore, it is not necessary to repeat the condition relating to timescales. It has however been deemed necessary to repeat the other conditions (2 and 3) attached to this permission in order to ensure the development is carried out as per the approved detail.</p> <p>The current application seeks to vary condition 4 of the original planning approval.</p> <p>Condition 4 relates to measures to prevent surface water discharging onto or off the highway. As the development has already commenced on the site the variation of condition 4 allows the works to be completed whilst ensuring that a satisfactory drainage scheme is achieved at this site. No objections have been received from Cumbria Highways, the Council's Flood and Coastal Defence Engineer, or UU in relation to this amendment.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. - 2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, Drawing No: (90) 01, received by the Local Planning Authority on the 25th October 2017. - Existing Ground Floor Plan, Scale 1:100, Drawing No: (20) 01, received by the Local Planning Authority on the 25th October 2017. - Existing Elevations, Scale 1:100, Drawing No: (20) 02, received by the Local Planning Authority on the 25th October 2017. - Proposed Elevations and Section (Amended), Scale 1:100, Drawing No: (20) 22, Rev C, received by the Local Planning Authority on the 8th December 2017. - Proposed Site Plan (Amended), Scale 1:100, Drawing No: (20) 20, Rev C, received by the Local Planning Authority on the 8th December 2017. - Proposed GF & LF Plan (Amended), Scale 1:100, Drawing No: (20) 21, Rev C, received by the Local Planning Authority on the 8th December 2017. - Flood Risk Assessment, received by the Local Planning Authority on the 25th October 2017. - Design and Access Statement, received by the Local Planning Authority on the 25th October 2017. <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990,</p>

as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in accordance with and implement all of the detail and mitigation measures set out within the Flood Risk Assessment, received by the Local Planning Authority on the 25th October 2017. These measures should be retained at all times thereafter.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

4. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:
 - Drainage Detail, received by the Local Planning Authority on the 26th January 2021.
 - Drainage Layout, received by the Local Planning Authority on the 26th January 2021.
 - Cover Letter 2, received by the Local Planning Authority on the 14th January 2021.

The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and environmental management.

Informatives:

1. United Utilities recommend the applicant implements the development in accordance with the surface water drainage hierarchy outlined within the NPPF. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
2. A separate metered supply to each unit will be required at the applicant's expense and 2. all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.
3. It is the applicant's responsibility to demonstrate the exact relationship between any United

	<p>Utilities assets and the proposed development.</p> <p>4. PROW (public footpath) number FP 415014 lies adjacent to the site. The Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.</p> <p>Statement:</p> <p>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.</p>
Case Officer: C. Burns	Date : 15.03.2021
Authorising Officer: N.J. Hayhurst	Date : 18/03/2021
Dedicated responses to:- N/A	