

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2216/OB1	
2.	Proposed Development:	VARIATION OF CONDITION 4 (SUSTAINABLE DRAINAGE) OF PLANNING APPROVAL 4/16/2339/OR1	
3.	Location:	FORMER COUNCIL YARD, HOLBORN HILL, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change	
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 former brownfield site known as the former Council Yard at Holborn Hill, Millom. The site has been granted planning permission for a small residential estate.		
	Planning History		
	4/08/2261/001 – Outline application for residential development – Approved		
	4/11/2344/001 – Application for a new planning permission to replace extant permission		
	4/08/2261/001 – Approved		
	4/14/2214/001 – Outline application for the erection of 8 detached dwellings and one detached garage – Approved		

4/16/2339/OR1 – Reserved matters application for access, plot layout, surface and foul water drainage – Approved

4/17/2295/OF1 – Erection of a 2 storey, four bedroomed house with integral garage and driveway - Approved

4/17/2347/OF1 – Construction of new detached dwelling as previously approved 4/16/2339/OR1, plot size and orientation has altered prompting a new planning application – Approved

4/17/2379/OR1 – Reserved matters application for scale and appearance of houses for plot 1, 3, 6 & 8 and proposed landscaping – Approved

4/17/2418/OR1 – Reserved matters application for the erection of a three bedroomed 2 storey dwelling - Approved

4/21/2064/DOC – Discharge of condition 5 of planning approval 4/17/2347/OF1

Proposal

In January 2017, an application for the Approval of Reserved Matter (ref: 4/16/2339/OF1) was approved for details relating to access, plot layout, surface and foul water drainage for this site. This current application seeks permission to vary the following condition attached to this permission:

4. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - 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.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

An application (ref: 4/21/2214/OB1) has also been submitted alongside this application to vary condition 5 attached to permission 4/16/2239/OR1.

Consultation Responses

Millom Town Council

No comments received.

Cumbria County Council – Cumbria Highways & LLFA

It is confirmed that the sustainable drainage management and maintenance plan is adequate to the LLFA and we have no objections to this variation of condition 4.

United Utilities

The Sustainable Drainage Maintenance & Management Plan states that surface water and foul water drainage will remain private. Therefore, UU will not be in the position of making comments on the private drainage system.

Copeland Borough Council – Flood and Coastal Defence Engineer

A bit of an odd one this, as obviously some of the development is already occupied and it appears that work hasn't started on some plots.

A suitable plan is in place for maintenance of the SUDS, with the developer taking responsibility until all plots have been sold.

Future maintenance thereafter depends upon the owners of all the properties forming a management company to undertake this task.

Technically the variation of the condition requested is reasonable, but until all plots are sold and the management company set up the condition can't be discharged.

Consultation on Amended Plans

Based on discussions with the applicant's agent an amended SUDs Maintenance Plan was submitted to detail the long term maintenance of the site.

Millom Town Council

No comments received.

Cumbria County Council – Cumbria Highways & LLFA

The LLFA raise no objections to the amended drainage documents and their previous comments should still be applied.

United Utilities

The proposals are acceptable in principle to United Utilities.

Copeland Borough Council – Flood and Coastal Defence Engineer

All the revised document differs from the previous version is to confirm the name of the maintenance company that will be responsible for shared drainage once the last plot is sold. Therefore, it makes no difference in the officer's opinion that the proposed variation is OK.

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 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 DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. The Preferred Options Consultation builds upon the

	<p>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.</p> <p>Assessment</p> <p>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.</p> <p>In terms of the conditions attached to the previous decision notice (ref: 4/16/2339/OR1) as works have commenced on site it is not necessary to repeat condition 1 relating to timescales. Conditions 3 and 6 will be repeated to ensure that works are carried out as per the approved details. Although a separate application (ref: 4/21/2214/OB1) has been submitted to vary condition 5 this has not yet been resolved, therefore this condition will also be repeated.</p> <p>The current application seeks to vary condition 4 of the original planning approval, ref: 4/16/2339/OR1.</p> <p>Condition 4 relates to the proposed sustainable drainage management and maintenance plan for the lifetime of the development. As the development has already commenced on site the variation of this condition allow the works to be completed whilst securing a satisfactory drainage management and maintenance plan for the development. Following the submission of amended information, no objections have been received from UU, the LLFA or the Council's Flood and Coastal Defence Engineer.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. – 2. Permission shall relate 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"> - Site Access Road and Plot Layout, Scale 1:200, Drawing No: 459/01, received by the

Local Planning Authority on the 29th September 2016.

- Proposed Drainage Layout, Drawing No: K32716/A1/11, received by the Local Planning Authority on the 29th September 2016.
- External Works Layout, Scale 1:200, Drawing No: K32716/A1/04B, received by the Local Planning Authority on the 12th September 2016.
- External Works Construction Details, Scale 1:200, Drawing No: K32716/A1/05, received by the Local Planning Authority on the 12th September 2016.
- Proposed Drainage Layout and Manhole Construction Details, Scale 1:20 & 1:200, Drawing No: K32716/A1/11B, received by the Local Planning Authority on the 13th December 2016.
- External Works Layout, Scale 1:200, Drawing No: K32716/A3/04A, received by the Local Planning Authority on the 9th December 2016.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted drawing of "Proposed Drainage Layout and Manhole Construction Details", ref: K32716/A1/11 Rev B dated 13th December 2016 which was prepared by R.G. Parkins & Partners LTD. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 6.5 l/s into the combined sewer. The development shall be completed in accordance with the approved details and maintained at all times thereafter.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of 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:
 - Sustainable Drainage Maintenance & Management Plan on behalf of Bay View Close RTM Company Limited for Bay View Close, Millom – Rev C (amended), received by the Local Planning Authority on the 18th August 2021.

- Proof of Right to Manage Co, received by the Local Planning Authority on the 21st July 2021.
The development shall subsequently be completed, maintained and managed in accordance with the approved details.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

5. Footways shall be provided that link continuously to the nearest existing footway as part of the development and ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such footways and ramps shall be submitted to and approved by the Local Planning Authority in writing before development commences. Any details so approved shall be constructed as part of the development.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

6. Prior to the commencement of any construction works an access shall be formed which provides visibility splays of 2.4m x 43m in accordance with the approved plan External Works Layout, Drawing No: K32716/A1/04B, received by the Local Planning Authority on the 12th December 2016. Once constructed the access shall be maintained in accordance with the approved details at all times thereafter.

Reason

To ensure that the new access road is constructed within a reasonable timescale in the interests of highway safety.

Informatives:

1. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 03707 510101 to obtain maps of the site.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is

also available on the Coal Authority website at:
<http://www.gov.uk/government/organisations/the-coal-authority>

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. Burns

Date : 13.09.2021

Authorising Officer: N.J. Hayhurst

Date : 13/09/2021

Dedicated responses to:- N/A