

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2284/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 3 OF PLANNING APPROVAL 4/21/2477/0F1
3.	Location:	DENTHOLME, CRAGG ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location: This application relates to the land to the rear of the vacant care home known as Dentholme, situated on Craggs Road in Cleator Moor. The site is accessed from Todholes Road. Planning permission was approved in January 2022 for the erection of terraced housing on the site (application reference 4/21/2477/0F1 relates). Proposal: A Planning Condition imposed on application ref. 4/21/2477/0F1 states the following:	

3. Prior to the commencement of development hereby approved, a full surface water drainage scheme, including attenuation measures and with reference to the drainage hierarchy, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

This application seeks to discharge the details of these conditions with the submission of the following information:

- Application Form
- Phase 2 Report;
- Drainage Hierarchy Statement;
- Drain Calculations;
- Existing Drainage Layout;
- Proposed Drainage Layout;
- Drainage Connection Location Plan;
- Foul and Surface Water Layout;
- Drainage Calculations.

Consultation responses:

Consultee:	Nature of Response:
Cleator Moor Town Council	No objections
Flood and Coastal Defence Engineer	<u>1st Response</u> With regards to the above for a discharge of Condition 3 (surface water): <ul style="list-style-type: none">• The drainage hierarchy has been followed and discharge of surface water to the combined sewer is deemed appropriate for the development.• The surface water is separate from the foul within the site

		<p>for the most part, up to the point of the last new manhole for the development.</p> <ul style="list-style-type: none"> • Ultimate discharge is to an existing combined sewer manhole, but due to a lack of orientation on the drawing, it isn't clear where this is. • No confirmation that United Utilities have approved the connection point has been provided. • No attenuation has been included in the drawing. • Calculations have been provided. <p>Due to the wording, it appears that the Condition cannot be discharged until the approved scheme has become operational, which must be before the development.</p> <p>The only point I need to raise is the issue of the approved connection point into the combined sewer.</p> <p><u>2nd Response</u></p> <p>With regards to the additional and amended information submitted for the discharge of Condition 3 of the above, I have the following comments:</p> <ul style="list-style-type: none"> • The drainage hierarchy has been followed and discharge of surface water to the combined sewer deemed appropriate for the development. • The development is drained on separate foul and surface water systems. • Updated drainage calculations have been provided. • The ultimate discharge point of the drainage from site is ambiguous and needs to be clarified, with various plans conflicting. • The ultimate discharge point needs to be agreed with United Utilities. <p>The condition cannot be discharged until clarity of the point of discharge is confirmed and agreed with United Utilities.</p>
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		Further to this, because of the wording of the condition, the approved scheme needs to become operational before the condition can be discharged.
	Local Lead Flood Authority	<p><u>1st Response</u></p> <p>The LLFA welcome the information submitted to the Local Planning Authority on the 08/08/22, In principle the LLFA are content to discharge condition 3 of application 4/22/2284/DOC.</p> <p>Although we as the LLFA are content to discharge condition 3, written agreement from United utilities is required at this stage to allow surface water into the combined system at an agreed runoff rate.</p> <p>Once the above point has been addressed I will be able to respond in full.</p> <p><u>2nd Response</u></p> <p>The LLFA welcome the information submitted to the Local Planning Authority in June 2023, In principle the LLFA are content to discharge condition 3 of application 4/22/2284/DOC.</p> <p>Although we as the LLFA are content to discharge condition 3, written agreement from United utilities is required at this stage to allow surface water into the combined system at an agreed runoff rate.</p> <p>Once the above point has been addressed I will be able to respond in full.</p> <p><u>3rd Response</u></p> <p>The following point raised in our previous response has now been addressed, within the consultee response from United Utilities dated 26/07/23.</p>

		<p>In principle the LLFA are content to discharge condition 3 of application 4/22/2284/DOC.</p> <p>Although we as the LLFA are content to discharge condition 3, written agreement from United utilities is required at this stage to allow surface water into the combined system at an agreed runoff rate.</p> <p>Therefore Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that Condition 3 of application 4/21/2477/0F1 can be discharged.</p>
	United Utilities	<p><u>1st Response</u></p> <p>Further to our review of the submitted documents, Drawing 0010121-10, Rev B - Dated Jan 2022, United Utilities recommends that condition 3 is not discharged. This is because there are no cover or invert levels on the drawing provided, to ensure there are no hydraulic low spots we would request these are submitted prior to the condition being discharged. We would also request a flow control device to be fitted restricting the surface water flow to 5l/s.</p> <p><u>2nd Response</u></p> <p>Further to our review of the submitted Drainage Layout (ref 0010121-11, Rev C, dated 9/6/23, United Utilities recommends that condition 3 is not discharged. The ultimate point of connection to the public sewer should be clearly shown on the detailed drainage layout, as well as details of the flow control / discharge rate.</p> <p><u>3rd Response</u></p> <p>Further to our review of the submitted drainage layout drawings (drg No.'s 0010121-10 Rev C and 0010121-11 Rev C), United Utilities has no objection to condition 3 being discharged.</p>
	Neighbour Responses:	

No responses have been received.

Development plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

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.

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP):

Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an



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	<p>indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.</p> <p>The policies relevant to this application are:</p> <p>Strategic Policy DS1PU: Presumption in favour of Sustainable Development</p> <p>Strategic Policy DS8PU: Reducing Flood Risk</p> <p>Policy DS9PU: Sustainable Drainage</p> <p>Policy DS10PU: Soils, Contamination and Land Stability</p> <p>Assessment:</p> <p><u>Condition 3 – Drainage</u></p> <p>Full details of the drainage have been submitted including a drainage hierarchy statement to show how the proposed scheme has been designed in accordance with the drainage hierarchy, calculations and a plan showing the layout. It details that:</p> <ul style="list-style-type: none">• The surface water is separate from the foul within the site for the most part, up to the point of the last new manhole for the development;• Ultimate discharge is to an existing combined sewer manhole. <p>The information has been fully assessed by the Local Lead Flood Authority, United Utilities and the Council's Flood and Coastal Drainage Engineer. Further to requests for more information, no objections have been received with respect to the schemes and therefore it is considered that condition 3 can be discharged.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy the requirements of condition 3 of planning permission 4/21/2477/0F1. However only partial discharge can be confirmed as the condition requires that the approved scheme is operational before the development is brought into use.</p>
8.	<p>Recommendation:</p> <p>Approve partial discharge of condition 3</p>
Case Officer: Sarah Papaleo	
Date : 16/08/2023	
Authorising Officer: N.J. Hayhurst	
Date : 17/08/2023	
Dedicated responses to:- N/A	