

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2043/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/20/2137/0F1
3.	<b>Location:</b>	MIDDLE FELL CROFT, LAMPLUGH
4.	<b>Parish:</b>	Lamplugh
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: NO  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  The application relates to Middle Fell Croft, a detached bungalow property situated within the open countryside near Lamplugh.  <b>PROPOSAL</b>  In 2020, planning permission (ref: 4/20/2137/0F1) was granted for the erection of a single-storey side, front and rear extension. The internal alterations included the change of an existing annexe into a bedroom and en-suite.	

The plans included the 'Line of Existing Drains TBC' from the bathrooms and kitchen and the original agent confirmed that the intention was to utilise the existing drainage system. However, it would be subject to inspection and testing. On this basis, given questions regarding the adequacy of the drainage, a condition for the details to be provided was attached.

This current application seeks approval of details reserved by planning condition 3 attached to the planning approval. This condition states the following:

Before development commences full details of the final drainage system 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 maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

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

- Existing and Proposed Floor Plans and Elevations;
- Building Regulations Approval Notice;
- Explanatory Notes;
- Design and Access Statement;
- Septic Tank Report;
- Additional Explanatory Notes.

## **PLANNING POLICIES**

Planning law requires 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.



## Cumberland Council

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 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM18 – Domestic Extensions and Alterations

Policy DM24 – Development Proposals and Flood Risk

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

### **Emerging Copeland Local Plan 2021-2038 (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 indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

## **ASSESSMENT**

Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.

The original planning application received an objection letter regarding flooding and the septic tank drainage. The plans included the 'Line of Existing Drains TBC' from the bathrooms and kitchen and the original agent confirmed that the intention was to utilise the existing drainage system. However, it would be subject to inspection and testing. On this basis, given questions regarding the adequacy of the drainage, a pre-commencement condition was attached for the submission and approval of the final drainage system once known.

The site relates to an existing dwelling, and it has now been confirmed that two septic tanks are located within the garden of Middle Fell Croft (a brick built septic tank with discharge to a drainage field and a fibreglass cesspit with no drainage).

The Septic Tank Report produced by Environmental Drainage Ltd concluded that both tanks are in good general condition and suitably sized for a three-bedroom house. With the exception of one rainwater gulley connected to the septic tank, the system complies with the Environment Agency General Binding Rules. The continued use of existing drainage systems, with the diversion of the non-compliant rainwater gulley as part of the proposed works is considered to be acceptable.

Cumberland's Drainage Engineer confirmed the foul waste would be acceptable to satisfy his concerns regarding the General Binding Rules. Building Control also confirmed the works have not got to the drainage stage of the Building Regulations.

Based on the details submitted, the Local Planning Authority is satisfied from a planning perspective with the information provided. The existing drainage system is of an adequate capacity for the three-bedroom dwelling and any further developments to convert the fibreglass cesspit to a working septic tank, if required, would be picked up at the Building Regulations stage.

On this basis, the proposal drainage details are considered to meet Policy DM24 of the Copeland Local Plan.



## Cumberland Council

	<u>Conclusion</u> Approve requirements of planning condition 3.	
8.	<b>Recommendation:</b> Approve discharge of Condition 3 of planning permission reference 4/20/2137/0F1	
<b>Case Officer: C. Unsworth</b>		<b>Date : 18/07/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 19/07/2023</b>
<b>Dedicated responses to:- N/A</b>		