

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2117/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4 AND 6 OF PLANNING APPLICATION 4/18/2461/001
3.	Location:	BRANDLE HOW, GILGARRAN
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Outer Consultation Zone - Cycliffe 3KM
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:	<p>This application relates to the land to the north of the dwelling known as Brandle How in Gilgarran. It is currently unused space. The site has residential dwellings to the west, open fields to the south, an access road to the north and residential garden to the east.</p> <p>The land has been subject to an outline approval approved in 2018 (application reference 4/18/2461/001 relates) and subsequent reserved matters approval for access, appearance, landscaping, layout and scale for a single dwelling in 2022 (application reference</p>

4/21/2383/OR1 relates)

Proposal:

Planning Conditions imposed on application ref. 4/18/2461/001 state the following:

4. No development approved by this planning permission or such other date or stage in the development as may be agreed in writing by the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the geotechnical and contaminative risks detailed in the Preliminary Environmental Risk Assessment shall be submitted to and approved in writing, by the local planning authority:

- 1) Site investigation scheme, bases on the Preliminary Environmental Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- 2) The results of the site investigation and detailed risk assessment referred to in 1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation or mitigation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

Any changes to these components require that express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To ensure adequate protection from potential land contamination.

- 6) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement



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national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

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

- Application Form
- Site Plan
- Drainage Strategy
- Ground Investigation Report

Consultation responses:

Consultee:	Nature of Response:
Environmental Health	I can confirm that the Ground Investigation Report submitted as part of the above planning application satisfactorily discharges condition 4 of the planning application 4/18/2461/001, and that no further intrusive ground investigation is required.
Flood and Coastal Defence Engineer	<p>With regards discharge of conditions for the above application, I have no comments to make for condition 4.</p> <p>With regards to condition 6, please note the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed method of surface water disposal is by means of a soakaway. <input type="checkbox"/> This principle of soakaway drainage is compliant with the Non-Statutory Technical Standard for Drainage Systems (March 2015).

	<ul style="list-style-type: none"> □ This does not necessarily mean that the proposed soakaway is compliant with Building Regulations. □ At the time the Drainage Strategy was written the climate change allowance was 40% for this region, but this since been amended to 50%.
<p>Cumbria Highways and Local Lead Flood Authority</p>	<p><u>1st Response</u></p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>I can confirm that the response made to the previous application 4/18/2461/001 should still apply.</p> <p>I attached our previous response hereto.</p> <p><u>2nd Response</u></p> <p>Cumberlnad Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>Condition 4 - Not for the LHA or LLFA to discharge Condition 6 - Not for the LHA or LLFA to discharge</p>
<p>United Utilities</p>	<p>United Utilities wish to make the following comments regarding the proposal detailed above.</p> <p>Further to our review of the submitted Drainage Strategy (ref 20-321r006B, dated Oct 2020), United Utilities has no objection to conditions relating to drainage being discharged.</p>
<p>Neighbour Responses:</p>	
<p>No responses have been received.</p>	



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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 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 policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Assessment:

Condition 4 – Contamination

A phase 2 ground investigation report was submitted and detailed the following;

- The development site is currently considered to represent a very low geotechnical risk.
- The site is currently considered to pose a negligible to very low risk to the proposed end users from ground contamination.
- The site is currently considered to pose a negligible risk to adjacent sites (the surrounding environment) and controlled waters with respect to potential ground/groundwater contamination.
- The site is currently considered to pose a very low risk to the proposed end users from ground gas.

The report concluded that no soil contamination risks were identified and therefore no remediation was necessary.



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The report was considered by the Council's Contaminated Land Officer and is acceptable. Condition 4 is considered to be fulfilled and can therefore be discharged.

Condition 6 – Drainage

A full drainage report was submitted with the application and details the following:

- The new foul drainage will discharge into the adjacent private foul drainage on the northern boundary of the site;
- The surface water will drain into an onsite soakaway located to the southern boundary of the site.

The information has been fully assessed by the Local Lead Flood Authority, United Utilities and the Council's Flood and Coastal Drainage Engineer. No objections have been received with respect to the schemes and therefore it is considered that condition 6 can be discharged.

Nutrient Neutrality

Pursuant to the identification of the catchments of Bassenthwaite Lake (River Derwent and Tributaries SSSI unit 1) and River Marron (unit 124 of River Derwent and Tributaries SSSI) which form part of the River Derwent & Bassenthwaite Lake SAC as being in unfavourable condition due to nutrient enrichment from elevated nitrogen and phosphorus levels., during the reserved matters stage it was necessary to complete a Habitat Regulations Assessment (HRA).

The HRA concluded that likely significant effects would not result from the proposed development beyond the existing baseline position i.e. the ongoing construction and likely completion of application reference 4/21/2383/0R1.

Further information has been received from the Applicant during this discharge of conditions application to state that according to the Environment Agency's website, the operational catchment of surface water for the development is the water body known as "Lowca Beck". This beck rises in the vicinity of Gilgarran and flows by Distington and the remains of Hayes Castle before flowing between Lowca and Howgate, emptying into the Solway Firth at Parton Bay. This outlet is outside of the sensitive catchment in question and therefore no further information with relation to nutrient neutrality is required.

	<p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 4 and 6 of planning permission 4/18/2461/001 and therefore this conditions should be considered to be discharged.</p>	
8.	<p>Recommendation: Approve</p>	
Case Officer: Sarah Papaleo		Date : 03/07/2023
Authorising Officer: N.J. Hayhurst		Date : 05/07/2023
Dedicated responses to:- N/A		