

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2275/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/22/2216/0F1
3.	Location:	LANE HEAD GARDENS, LANE HEAD, SANDWITH
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
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>The Application Site comprises a 0.17 hectare parcel of land located to the east of the property known as Lane Head Gardens. The site currently houses a building, previously in use as a horticultural nursery.</p> <p>The Application Site is bounded by a dwelling to the west, agricultural fields to the south and roads leading from Whitehaven to Sandwith to the north and east.</p> <p>Public right of way (PROW) number 431032 runs adjacent to the site to St Bees Road.</p> <p>The Site is enclosed by an established hedgerow to the south and east and a post and wire fence to the north.</p>	

Planning permission was granted in August 2022 for the erection of a new dwelling (application reference 4/22/2216/0F1 relates).

Proposal:

A Planning Condition imposed on application ref. 4/22/2216/0F1 states the following:

3. Prior to the commencement of development hereby approved, a full surface water drainage scheme written in accordance with the drainage hierarchy and including attenuation measures, 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 this condition. The application is accompanied by a surface water hierarchy report.

Consultation responses:

Consultee:	Nature of Response:
Highways and LLFA	The LLFA are content with proposed drainage design in principle as the design follows the drainage hierarchy, Although we are content with the proposal the LPA should request further detail through building control on the size of attenuation tank required and a detailed plan showing the surface water system within the site boundary to its outfall/soakaway. From a LLFA point of view condition 3 can be discharged.
United Utilities	No response received.

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 DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood

Emerging Copeland Local Plan 2021-2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The

Planning Inspectors Report is 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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this application are as follows:

Strategic Policy DS1PU - Presumption in favour of Sustainable Development

Strategic Policy DS2PU - Reducing the impacts of development on Climate Change

Policy DS6PU - Design and Development Standards

Strategic Policy DS8PU - Reducing Flood Risk Policy

Strategic Policy DS9PU: Sustainable Drainage

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Assessment:

Condition 3 – Surface Water Drainage Scheme

The drainage report submitted includes details of the clay soil on site which prevents the use of a soakaway. On this basis other option within the drainage hierarchy would have to be considered.

There are no water courses or public sewers within the vicinity and the conclusion was reached that hard areas will be constructed from permeable materials and a crate system to accept and attenuate the discharge of water will be utilised to a perforated French drain. Furthermore, the Applicant wishes to utilise some rainwater harvesting to reduce the discharge of water from the roof.

The Local Lead Flood Authority have reviewed the information submitted and are satisfied that for the purposes of the planning permission, the drainage hierarchy has been considered and followed and further details of the drainage system will be picked up by Building Regulations.

Conclusion



Cumberland Council

	Overall, the information submitted is considered to be acceptable to satisfy condition 3 of planning permission 4/22/2216/0F1 and therefore this condition should be considered to be discharged.	
8.	Recommendation: Approve	
Case Officer: Sarah Papaleo		Date : 26/09/2024
Authorising Officer: N.J. Hayhurst		Date : 30/09/2024
Dedicated responses to:- N/A		