

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2325/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 5 AND 7 OF PLANNING APPLICATION 4/19/2125/001
3.	<b>Location:</b>	LAND TO THE SOUTH OF 6 ROSE GARDENS, GILGARRAN
4.	<b>Parish:</b>	Distington
5.	<b>Constraints:</b>	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.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>This application relates to a plot of land on the southern edge of Gilgarran which is adjacent to the dwelling at 6 Rose Gardens. It was a vacant piece of land which was overgrown and unused.</p> <p>The site is bound to the south and east by a high stone wall with the residential property – 6 Rose Gardens to the north, the curtilage of 2 Freer Bank Villas and the adopted Highway to the east and Brandlehow and its associated land to the west.</p> <p>Outline planning permission was granted in December 2019 for the erection of a single dwelling with all matters reserved (application reference 4/19/2125/001 relates).</p> <p>Reserved matters were subsequently approved in March 2023 relating to access, appearance, landscaping, layout and scale (application reference 4/22/2393/0R1 relates).</p> <b>Proposal:</b>	

This application seeks the discharge of conditions 5 and 7 imposed on the outline planning permission ref. 4/19/2125/001. The conditions state the following:

5. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - (iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

7. 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:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. 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.

The application has been accompanied by the following information:

- Application form;
- Drainage report.

**Consultation responses:**

Consultee:	Nature of Response:
Highways and LLFA	<p><u>1<sup>st</sup> response</u></p> <p>Condition 5 and 7 The LHA and LLFA welcome the additional drainage report submitted to LPA in support of discharging condition 5 and 7 of application 4/19/2125/001. we have no objection to the proposal in principle but would like the following point addressed before condition 4 can be discharged.</p> <p>The proposed diverting of the culvert shows the inlet and outlet pipes at roughly 90 degree angles for the first two manholes, can this be redesigned to a less angle as the current proposal may cause hydraulic issues within the manholes during heavy rainfall.</p> <p>In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.</p> <p><u>2<sup>nd</sup> Response</u></p> <p>The LHA and LLFA welcome the additional drainage report submitted to LPA in support of discharging condition 5 and 7 of application 4/19/2125/001. Having reviewed the supplied documents the above conditions can be discharged.</p>
United Utilities	<p>Following our review of the submitted Drainage Report (ref 22-320r001, dated August 22), United Utilities note that the proposals do not involve interacting with the public sewer network. We therefore have no comments to make with regards to wastewater.</p>
<b>Neighbour Responses:</b>	
No responses have been received.	

## **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:**

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.

### **Copeland Local Plan 2021-2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

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 2023 (NPPF)

### **Assessment:**

Condition 5 – Drainage



## Cumberland Council

	<p>The drainage plan details that the drainage hierarchy has been considered and the site is unsuitable for natural percolation. It is therefore proposed that drainage will be in accordance with the existing drainage on site – to the adjacent watercourse. Attenuation measures will be in place with the system restricted to Greenfield runoff rates to the quarry area.</p> <p>Foul water will drain to a water treatment plant and discharge to the adjacent culvert on site.</p> <p>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. United Utilities raised no objections as the infrastructure is privately owned.</p> <p><u>Condition 7 – Drainage Maintenance and Management</u></p> <p>Details of regular and occasional maintenance tasks have been outlined within the report. These are considered to be acceptable for this modest sized system.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy conditions 5 and 7 of planning permission 4/19/2125/001 and therefore these conditions should be considered to be discharged.</p>	
8.	<b>Recommendation:</b> Approve Discharge of Conditions	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 25/11/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 25/11/2024</b>
<b>Dedicated responses to:- N/A</b>		