

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2327/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 4 OF PLANNING APPLICATION 4/22/2393/0R1
3.	<b>Location:</b>	LAND ADJACENT TO 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 vacant 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>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>  <p>This application seeks to discharge the requirements of condition 4 of the Approval of</p>	

Reserved Matters reference 4/22/2393/0R1. Condition 4 states the following:-

4. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

**Reason**

In the interests of highway safety and environmental management and in accordance with Policy DM22 of the Copeland Local Plan.

The application has been accompanied by the following information:

- Application form;
- Site Block Plan with ACO drain;
- Drainage Report.

**Consultation responses:**

Consultee:	Nature of Response:
Highways and LLFA	<p><u>1<sup>st</sup> response</u></p> <p>Condition 4 The LHA and LLFA welcome the additional drainage report and site block plan including aco drain submitted to LPA in support of discharging condition 4 of application 4/22/2393/0R1. we have no objection to the proposal in principle but would like the following point addressed before condition 4 can be discharged.</p> <ul style="list-style-type: none"><li>• The Aco Drain within plan shows no outfall, the LLFA would like see how the Aco Drain connects to the proposed surface water system within the development site.</li></ul> <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 amended drainage report and site</p>

	block plan including aco drain submitted to LPA in support of discharging condition 4 of application 4/22/2393/0R1. Having reviewed the submitted documents the above conditions can be discharged.
United Utilities	No response received.
<b>Neighbour Responses:</b>	
No responses have been received.	
<p><b>Planning Policy</b></p> <p>Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.</p> <p><b>Development Plan:</b></p> <p>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.</p> <p>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.</p> <p>The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p><b>Copeland Local Plan 2021-2038 (LP):</b></p> <p>Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.</p> <p>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.</p> <p>The policies relevant to this application are as follows:</p> <p>Strategic Policy DS1PU - Presumption in favour of Sustainable Development</p> <p>Strategic Policy DS2PU - Reducing the impacts of development on Climate Change</p> <p>Policy DS6PU - Design and Development Standards</p> <p>Strategic Policy DS8PU - Reducing Flood Risk Policy</p>	

	<p>Strategic Policy DS9PU: Sustainable Drainage</p> <p><b>Other Material Planning Considerations</b></p> <p>National Planning Policy Framework 2023 (NPPF)</p> <p><b>Assessment:</b></p> <p><u>Condition 4 – Drainage Prevention to Highway</u></p> <p>The Highways and Local Lead Flood Authority initially requested information to show how the ACO drain would connect to the proposed surface water drainage scheme. On receipt of this, it was considered to be acceptable as the ACO drain across the drive will prevent surface water runoff to the highway.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable to satisfy condition 4 of Approval of Reserved Matters reference 4/22/2393/0R1 and therefore this condition should be considered to be discharged.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve Discharge of Condition</p>	
<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>		