

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2001/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS - AMENDMENT), CONDITION 3 (DRAINAGE DETAILS) AND CONDITION 4 (EXTERNAL WALL DETAILS) OF PLANNING APPLICATION 4/24/2103/0F1 DEMOLITION OF EXISTING GARAGE & ERECTION OF A TWO STOREY DETACHED DWELLING
3.	Location:	PLOT 8, CALDERFIELD, SALTHOUSE ROAD, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	Publicity Representations &Policy	See Report
7.	Report Site and Location <p>This application relates to a site formed within the existing curtilage of the detached property known as Calderfield, which is located off Castle View adjacent to Salthouse Road, Millom. The application site lies to the west of the existing house and is an overgrown part of the existing dwellings garden. Within the site is an old dilapidated garage with poor access from the driveway, which has an overall footprint of 98m². As part of this application this structure will be demolished.</p> Relevant Planning History <p>4/15/2330/0F1 – Erection of a detached dwelling; new detached garage for Calderfield – Approved.</p> <p>4/17/2225/0F1 – Erection of detached two storey dwelling – Approved.</p>	

4/22/2351/0F1 – Erection of a dormer bungalow & erection of detached garage associated with Calderfield – Approved.

4/24/2103/0F1 – Demolition of existing garage and erection of a two storey detached dwelling – Approved.

Proposal

In June 2024, planning permission (ref: 4/24/2103/0F1) was granted to demolish the existing garage on the site and erect a two storey detached dwelling.

This current application seeks to vary condition 2 relating to the submitted plans for this development in order to allow for amendments to the proposed house type and supporting information.

This application also seeks to vary the pre commencement and prior to external use conditions attached to planning application 4/24/2103/0F1:

Pre Commencement Conditions:

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be 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 in accordance with BRE365;
- 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);
- iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- v) Foul and surface water shall drain on separate systems.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.



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Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Prior to Erection of External Walling Conditions

4. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Consultation Responses

Millom Town Council

No objections in principle to this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

4th February 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection in principle to the variation of condition 2,3 and 4 of the proposed development, although we have no objection we would like the following point addressed before a final response can be submitted.

- The applicant is to show evidence that BRE365 testing has been carried out on the proposed site and results are submitted to the LPA for review.

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, otherwise I will have no other alternative as to recommend objection

26th February 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) have reviewed the additional information submitted to the LPA in February 2025, we can confirm that we have no objection to the proposed development as it is considered that it will not have a

material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere..

United Utilities

29th January 2025

United Utilities must OBJECT to the removal of condition 3 request details on the approach to why the applicant cannot discharge the condition instead of removing it. We would expect an application for the discharge of the drainage condition would be required.

Following our review of the details in this application, the drainage proposals as shown on drawing 24415 - GAD - 00 - 00 - DR - C - 1000 (rev P01, dated 06/12/2024) are not acceptable, as the condition requires evidence of the potential for infiltration (in accordance with BRE365) to be provided. This is absent from the submission and must be provided for review before considering a discharge of surface water to the combined sewer.

29th January 2025

Thank you for your email on this and the context is noted.

That being considered, I don't think our response changes much. It has answered off our first section regarding the approach taken via S73, but the information regarding soakaway/infiltration is still requested as that hasn't been submitted to discount that as an option for surface water discharge (rather than the combined sewer).

Can you please request that the applicant submit details regarding infiltration as per the letter? We can then further review the submission and provide updated comments when necessary.

17th February 2025

Further to our review of the submitted infiltration testing/comments document, United Utilities now has no objection to the variation of condition 3.

The applicant can discuss their drainage proposals with our Developer Services team by email at SewerAdoptions@uuplc.co.uk . Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'CONTACTS'.

When considering their drainage proposal, the applicant should investigate the existence of any pipelines and/or apparatus that might impact their detailed design (see Appendix, Section 2.0 'UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE').

Natural England

No comments received.



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Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to eleven properties. No comments have been received in relation to the statutory notification procedure.

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 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/24/2103/0F1 was determined under the previous Local Plan, however this current variation of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/24/2103/0F1), condition 1 will be amended to ensure timescales for commencement are clearly outlined.

Conditions 5, 6 and 8 will be repeated to ensure that works are carried out as per the



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	<p>approved details. Condition 7 will be amended to reflect the amended information submitted with this current application.</p> <p>The current application seeks to vary conditions 2, 3, and 4 of the original planning approval (ref: 4/24/2103/0F1). Conditions 3 and 4 are pre commencement and prior to external use conditions. Works have commenced on site without discharging these conditions, therefore this application seeks to vary these conditions to ensure works can be carried out in accordance with approved details.</p> <p>Condition 2 relates to the approved plans for this application. This application seeks to vary this condition to accommodate the following amendments to the approved dwelling:</p> <ul style="list-style-type: none">- Removal of first floor front elevation gable;- Installation of solar panels within front and rear roof slope. <p>These amendments are considered acceptable in the context of the existing approval and the surrounding area.</p> <p>Condition 3 sought to secure full details of the proposed sustainable surface water drainage scheme for the development prior to the commencement of works at this site. This application seeks to amend this condition to ensure works are carried out in accordance with the drainage scheme submitted as part of this application. Following the submission of additional information show the requested evidence that BRE365 testing had been undertaken at the site to justify the proposed drainage strategy, no objections have been received in relation to the variation of condition 3.</p> <p>Condition 4 sought to secure details of the proposed external materials for this development. This application seeks to amend this condition to ensure works are carried out in accordance with the material submitted within this application. The materials submitted to support this application are considered acceptable for this site and in the context of the surrounding area.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none">1. The development hereby permitted must be commenced before the 28th June 2027. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none">2. Permission must relate to the following plans and documents as received on the

respective dates and development must be carried out in accordance with them: -

- Location Plan, Scale 1:1250, Drg No: MEJ/2024/780/002, received by the Local Planning Authority on the 28th March 2024.
- Proposed Site Plan (Amended), Scale 1:200, Drg No: MEJ/2024/780/006, Issue 4, received by the Local Planning Authority on the 24th June 2024.
- Proposed Ground Floor Plan, Scale 1:50, Drg No: MEJ/2024/780/003, received by the Local Planning Authority on the 28th March 2024.
- Proposed First Floor Plan (Amended), Scale 1:50, Drg No: MEJ/2024/780/004, Issue 2, received by the Local Planning Authority on the 13th May 2024.
- Proposed Elevations (Amended), Scale 1:100, Drg No: MEJ/2024/780/005, Issue 4, received by the Local Planning Authority on the 13th February 2025.
- Planning and Design Statement, Scale 1:50 & 1:100, Issue 1, received by the Local Planning Authority on the 28th March 2024.
- Design & Access Statement, Issue 1, received by the Local Planning Authority on the 28th March 2024.
- Drainage Layout, Scale 1:100, Drawing No: 24415-GAD-00-00-DR-C-1000, Rev: P01, received by the Local Planning Authority on the 6th January 2025.
- Drainage Details, Scale 1:100, Drawing No: 24415-GAD-00-00-DR-C-1070, Rev: P01, received by the Local Planning Authority on the 6th January 2025.
- Response to UU Comments, received by the Local Planning Authority on the 3rd February 2025.
- Image – Test Hole 1, received by the Local Planning Authority on the 3rd February 2025.
- Image – Test Hole 1 with Water, received by the Local Planning Authority on the 3rd February 2025.
- Image – Test Hole 2, received by the Local Planning Authority on the 3rd February 2025.
- Image - Test Hole with Water, received by the Local Planning Authority on the 3rd February 2025.
- Email from Agent – Material Details, received by the Local Planning Authority on the 23rd January 2025.

- Email from Agent – Material Details Windows, received by the Local Planning Authority on the 6th February 2025.
- Material Details – Window Brochure, received by the Local Planning Authority on the 6th February 2025.
- Material Details – Marley Modern Roof Tile Brochure, received by the Local Planning Authority on the 23rd January 2025.
- Material Details – Marley Modern Roof System and Renewables Brochure, received by the Local Planning Authority on the 16th January 2025.
- Material Details – Photo Edenhall Bronze Flame and Dash Render, received by the Local Planning Authority on the 23rd January 2025.
- Material Details – Photo Edenhall Bronze Flame Brick, received by the Local Planning Authority on the 23rd January 2025.
- Material Details – Photo Marley Concrete Interlocking Tiles, received by the Local Planning Authority on the 23rd January 2025.
- Material Details – Photo Marley Solar Tiles System, received by the Local Planning Authority on the 23rd January 2025.
- Material Details – Photo Wall Finish White Spar Render Dry Dash White Sand and Cement Top Coat, received by the Local Planning Authority on the 23rd January 2025.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre Commencement Conditions:

3. The surface water drainage for the development hereby approved, must be carried out in accordance with principles set out in accordance with the following approved plans:
 - Drainage Layout, Scale 1:100, Drawing No: 24415-GAD-00-00-DR-C-1000, Rev: P01, received by the Local Planning Authority on the 6th January 2025.
 - Drainage Details, Scale 1:100, Drawing No: 24415-GAD-00-00-DR-C-1070, Rev: P01, received by the Local Planning Authority on the 6th January 2025.
 - Response to UU Comments, received by the Local Planning Authority on the 3rd

February 2025.

- Image – Test Hole 1, received by the Local Planning Authority on the 3rd February 2025.
- Image – Test Hole 1 with Water, received by the Local Planning Authority on the 3rd February 2025.
- Image – Test Hole 2, received by the Local Planning Authority on the 3rd February 2025.
- Image - Test Hole with Water, received by the Local Planning Authority on the 3rd February 2025.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policies DS6 and DS7 of the Copeland Local Plan 2021 – 2039.

Prior to Erection of External Walling Conditions

4. The development hereby approved must be completed in accordance with the approved materials detailed within the following approved documents:
 - Proposed Elevations (Amended), Scale 1:100, Drg No: MEJ/2024/780/005, Issue 4, received by the Local Planning Authority on the 13th February 2025.
 - Email from Agent – Material Details, received by the Local Planning Authority on the 23rd January 2025.
 - Email from Agent – Material Details Windows, received by the Local Planning Authority on the 6th February 2025.
 - Material Details – Window Brochure, received by the Local Planning Authority on the 6th February 2025.
 - Material Details – Marley Modern Roof Tile Brochure, received by the Local Planning Authority on the 23rd January 2025.
 - Material Details – Marley Modern Roof System and Renewables Brochure, received by the Local Planning Authority on the 16th January 2025.



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- Material Details – Photo Edenhall Bronze Flame and Dash Render, received by the Local Planning Authority on the 23rd January 2025.
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- Material Details – Photo Marley Solar Tiles System, received by the Local Planning Authority on the 23rd January 2025.
- Material Details – Photo Wall Finish White Spar Render Dry Dash White Sand and Cement Top Coat, received by the Local Planning Authority on the 23rd January 2025.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with Policy DS4 of the Copeland Local Plan 2021 – 2039.

Prior to Occupation Conditions:

5. Prior to the first occupation of the dwelling hereby approved the boundary treatment must be installed in line with the approved plan 'Proposed Site Plan (Amended), Scale 1:200, Drg No: MEJ/2024/780/006, Issue 4, received by the Local Planning Authority on the 24th June 2024'. All boundary treatment must be retained in accordance with this approved plan at all times thereafter.

Reason

In the interest of residential amenity.

6. The development hereby approved must not be occupied until the access and driveway requirements have been constructed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:200, Drg No: MEJ/2024/780/006, Issue 4, received by the Local Planning Authority on the 24th June 2024'. The approved access and driveway must be retained at all times thereafter and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

In the interests of highway safety.

7. Prior to the first occupation of the dwelling hereby approved the indicated gable windows must be fitted with obscure glazing in line with the approved plan 'Proposed Elevations (Amended), Scale 1:100, Drg No: MEJ/2024/780/005, Issue 4, received by the Local Planning Authority on the 13th February 2025'. The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

Other Conditions:

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement/installation of windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area.

Informative Note

The applicant can discuss their drainage proposals with United Utilities Developer Services team by email at SewerAdoptions@uuplc.co.uk . Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'CONTACTS'.

When considering their drainage proposal, the applicant should investigate the existence of any pipelines and/or apparatus that might impact their detailed design (see Appendix, Section 2.0 'UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE').



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Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns

Date : 17/02/2025

Authorising Officer: N.J. Hayhurst

Date : 28/02/2025

Dedicated responses to:- N/A