

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2563/OR1	
2.	Proposed Development:	APPLICATION FOR THE APPROVAL OF RESERVED MATTERS RELATING TO ACCESS, APPEARANCE, LAYOUT, SCALE AND LANDSCAPING FOLLOWING OUTLINE APPROVAL REFERENCE 4/19/2026/001 - OUTLINE APPLICATION FOR ERECTION OF SINGLE DWELLING	
3.	Location:	LAND ADJACENT TO THORNLEA, CARLETON, EGREMONT	
4.	Parish:	Haile	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application site relates to an area of land located on the south edge of Carleton, a small Hamlet of 11 dwellings, located 2km from Egremont. The site comprises 900 sq. metre of land and was previously used as part of a chicken battery production facility which has now been cleared. The land is bounded to the west by an existing detached property, known as Thornlea, and the south and east by open countryside. An existing single access track bounds the north of the site which serves two properties within the vicinity.		

Relevant Planning History

4/19/2026/001 – Outline application for erection of single dwelling – Approve

4/21/2382/0F1 – Erection of a single dwelling – Withdrawn

Proposal

This application seeks the approval of Reserved Matters for a single dwelling on this site including details of access, appearance, layout, scale and landscaping. This application follows the approval of outline planning permission (ref: 4/19/2026/001) for a single dwelling which was approved in March 2019, with all matter reserved.

The proposal will be single storey in height, however the roof space of the dwelling will be used to accommodate living space. The proposed T-shaped building will measure 22.4m x 7.4m with a side facing gable measuring 7.8m x 9.7m. The development will benefit from an eaves height of 2.8m and an overall height of 6.8m. The side gable the dwelling will include two front and rear dormers, which will project from the roof slope by 2.6m. The main part of the dwelling will benefit from a single side dormer, which will project 2.6m from the roof slope.

Internally, the proposed dwelling will accommodate a lobby, shower room, double garage, office, a large hall, a lounge, a utility room, and an open plan family/dining area/kitchen. The proposed roof space of the dwelling will accommodate two double bedrooms with an ensuite bathroom and wardrobe, a bathroom, and two double bedrooms with a wardrobe.

Externally, the proposed dwelling will be finished with red facing brick reconstituted buff stone window surrounds/lintels, dark grey concrete roof tiles, dark grey velux GGL to the dormer windows, dark grey UPVC facias and gutters, and dark grey powder coated metal windows and doors.

The proposal seeks access to the site from the north east corner of the land from the existing single track road. A large driveway will be constructed which will provide access to the double attached garage. Additional hedgerows and landscaping are proposed along all boundaries of the application site.

Consultation Responses

Egremont Parish Council

No comments received.

Cumbria County Council – Highway Authority & LLFA

26th January 2022

As this road is private the Highway Authority comments are advisory only.

The drainage would need to be identified for proposals for foul and surface water, mains connected or to soakaway. The surface water drainage should not be greater than the already existing. If installing a soakaway we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property.

We would recommend that the applicant considers safe access with clear visibility of other road users and that a full surface water disposal strategy is in place before the dwelling is occupied. It may be useful to note, in regards to off-street parking that we usually recommend: 1 Bedroom – 1 parking space; 2, 3 and 4 Bedroom – 2 parking Spaces; 5+ Bedrooms – 3 parking spaces.

The LHA have concerns regarding the standard of the junction of the private lane where it joins Thorny Lane. This should be resurfaced with a bound material to prevent further deterioration and debris being driven onto the public highway.

27th January 2022

As this road is private the Highway Authority comments are advisory only.

The LHA have concerns regarding the standard of the junction of the private lane where it joins Thorny Lane. This should be resurfaced with a bound material to prevent further deterioration and debris being driven onto the public highway.

I can confirm the Highway Authority have no objections to this proposal.

12th April 2022

As the proposal is for one dwelling Building Control will be responsible for assessing the surface water drainage.

The site is on a privately maintained road therefore the LHA have no comments to make following our response to 4/19/2026/001. I would however strongly recommend that the junction where the private road joins the public highway is resurfaced with a bound material to allow for the intensified use.

United Utilities

17th February 2022

Due to the nature of the proposal in this instance we would have no comments to make.

19th April 2022

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice

Guidance (NPPG), the surface water should drain in the most sustainable way.

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition on any decision notice to ensure the proposed drainage is carried out in accordance with the submitted detail.

Environment Agency

The Environment Agency have not been consulted on the original Outline application 4/19/2026/001, indeed I can find no constraints at this location that would trigger consultation with the EA.

Your consultation states that the Condition 7 on the decision notice was requested by Environmental Health. Although I note that the wording at the end of the Condition does mention “To ensure the protection of controlled waters...” I do not think it was one that the EA requested. More likely to be from Copeland Environmental Health.

We would not provide comment on a condition that we did not request and did not provide comment at Outline.

Please also accept this email as confirmation that we do not wish to comment on the associated Reserved Matters application 4/21/2563/0R1.

Copeland Borough Council – Environmental Health

9th March 2022

Environmental Health comments on the request for the discharge of Condition 7 (Condition 7 detailed below) are:

Condition 7a – is discharged by the submission of the GEO Environmental Engineering Report Ref 2020 – 4302 Dated 28.09.21 Report Title Phase 2 Ground Investigation Report proposed residential development of land at Thornlea, near Carleton, Egremont Cumbria. The report details measures that could be taken and provides information for a detailed risk assessment but does not contain a detailed risk assessment.

Report Ref 2020 – 4302 references another GEO report - Phase I Desk Top Study (Preliminary Environmental Risk Assessment), ref: 2018-3324, dated:11.01.2021 to be read in conjunction with Report 2020 – 4320. The application documents do not include this report and this may cover the comments for conditions 7b and 7c. A Standard Desktop only Utility Survey CEN 20928 is included in the application documents.

Condition 7b - Report Ref 2020 – 4302 Dated 28.09.21 does not provide details of the remediation strategy or mitigation measures. Page 16 of the report Ref 2020 – 4302 (9.3 Ground Contamination) states *In view of the above, remediation is considered necessary to reduce the risk to the end user to acceptable levels. It is out-with the scope of this report to fully detail suitable*

remediation strategies, however, possible remediation options, based on the results of the investigation include the removal of the contaminated made ground from the proposed private garden areas, or the inclusion of a clean cover system. Imported, clean topsoil would be required to replace the contaminated materials and provide a suitable growing medium for plants, shrubs and trees. Based on the ground investigation, it is likely that the most suitable form of remediation would be to

Page 16 of the report Ref 2020 – 4302 (9.3 Ground Contamination) recommends that based on the ground investigation it is likely the most suitable form of remediation would be *excavate and remove the made ground (typically less than 0.50m thick) and replace with clean imported soils. The site will therefore require a Remediation Strategy*

The revised plan site plan submitted has the following statement - *SITE MITIGATION MEASURES: The development will include the implementation of the details and mitigation measures specified in the Phase 2 Ground Investigation Report Ref:2020-4302 prepared by GEO Environmental Engineering*

While the Phase 2 Ground investigation report includes possible mitigation measures they are not in the form of a detailed risk assessment and remediation strategy as required by 7b. The applicant though has stated that the details and mitigations measures within the report the report will be implemented. Environmental Health accept there are mitigation measures in the report however detail on how they are to be implemented would be required to discharge condition 7b and this has not been provided. Phase I Desk Top Study (Preliminary Environmental Risk Assessment), ref: 2018-3324, dated:11.01.2021 may contain this information – if this document is available please send through a copy. If the Phase 1 report has not been provided could planning please request the report.

Condition 7c - Report Ref 2020 – 4302 Dated 28.09.21 does not provide 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 are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangement for contingency action. Phase I Desk Top Study (Preliminary Environmental Risk Assessment), ref: 2018-3324, dated:11.01.2021 may contain this information – if this document is available please send through a copy. If the Phase 1 report has not been provided could planning please request the report.

17th March 2022

The Phase 1 report (Phase I Desk Top Study (Preliminary Environmental Risk Assessment), ref: 2018-3324, dated:11.01.2021) has been reviewed but does not provide information that supports the

discharge of conditions 7b and 7c.

The response from Environmental Health to the request to discharge condition 7a, 7b, 7c is:

Condition 7a – is discharged by the submission of the GEO Environmental Engineering Report Ref 2020 – 4302 Dated 28.09.21 Report Title Phase 2 Ground Investigation Report proposed residential development of land at Thornlea, near Carleton, Egremont Cumbria. The report details measures that could be taken and provides information for a detailed risk assessment but does not contain a detailed risk assessment.

Condition 7b - Report Ref 2020 – 4302 Dated 28.09.21 does not provide details of the remediation strategy or mitigation measures. The condition is not discharged.

Page 16 of the report Ref 2020 – 4302 (9.3 Ground Contamination) states *In view of the above, remediation is considered necessary to reduce the risk to the end user to acceptable levels. It is out-with the scope of this report to fully detail suitable remediation strategies, however, possible remediation options, based on the results of the investigation include the removal of the contaminated made ground from the proposed private garden areas, or the inclusion of a clean cover system. Imported, clean topsoil would be required to replace the contaminated materials and provide a suitable growing medium for plants, shrubs and trees.*

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The revised plan site plan submitted has the following statement - *SITE MITIGATION MEASURES: The development will include the implementation of the details and mitigation measures specified in the Phase 2 Ground Investigation Report Ref:2020-4302 prepared by GEO Environmental Engineering.* While the Phase 2 Ground investigation report includes possible mitigation measures they are not in the form of a detailed risk assessment and remediation strategy as required by 7b. Environmental Health accept there are mitigation measures recommended in the report however detail on how they are to be implemented would be required to discharge condition 7b and this has not been provided.

Condition 7c - Report Ref 2020 – 4302 Dated 28.09.21 does not provide 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 are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangement for contingency action. The condition is not discharged.

Environmental Health suggestion is that the applicant/agent for the applicant engages GEO Environmental Engineering or equivalent to provide a remediation strategy or mitigation measures (condition 7b) and a verification plan demonstrate remediation works are complete and identify any longer term monitoring.

4th May 2022

The GEO Environmental Engineering Limited Report – Remediation Options Appraisal and Strategy GEO 2022 – 5275 (22.3.22) provided in support of discharging conditions 7b and 7c has been reviewed.

The response from Environmental Health to the request to discharge condition 7b, 7c for 4/21/2563/OR1 is:

Condition 7b) *details of the Options Appraisal and Remediation Strategy*

Remediation Options Appraisal and Strategy GEO 2022 – 5275 (22.3.22) provides the options appraisal and remediation strategy. Condition 7b) can be discharged.

Condition 7c) *verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangement for contingency action.*

Remediation Options Appraisal and Strategy GEO 2022 – 5275 (22.3.22) provides the verification plan to demonstrate the works set out in the remediation strategy are complete and identification of any requirements for longer term monitoring. Verification monitoring details will be provided to the local planning authority. Condition 7c) can be discharged.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to six properties. One letter of objection was received to the original application which raised the following concerns:

- The boundary of the property Thornlea has not been represented correctly on both the site location plan and proposed site plan, specifically the bit at the bottom of Thorny Lane.

Reconsultations were undertaken following the receipt of amended plans with the previous properties and objector consulted by letter. Four letters of objection were received which raise the following concerns:

- The boundary line for the property Thornlea is still not correct
- There is a right of way over my lane into the site and this is access only. I will not agree to a

legal easement for the access to be moved or altered in size.

- The application states that the dwelling will be connected into the main sewer this is incorrect as it a private sewer owned by myself that runs under my lane which I am not prepared to give permission for the applicant to connect to.
- Permission would involve digging up my lane which would be a great inconvenience to myself, my family and business which we need 24 hour access to.
- The plans show the main sewers going through my drive to which the development will connect. I have concerns about the ability of this existing pipework. If there are issues my property will bear the brunt of this.
- Can the existing infrastructure cope with an additional large property.
- Surface water is already a problem with water running from fields and Thorney Road floods on a regular basis.
- How will surface water be dealt with? Will it soak into holes left and filled from previous development of the site.
- The existing surface water system cannot take any more capacity meaning drains will overflow and the roads will become more dangerous during winter months.
- This is a Council service water drain that we have had issues for a number of years due to blockages causing flooding, which in icy conditions makes driving conditions very dangerous.
- The road is not gritted by the Council and we have to grit the road ourselves to allow our farm machinery to be able to travel.
- There is no mention of how the applicant will source electricity, gas, water to the dwelling. All these services are on my property, which again I will not give my approval for as I need 24 hour access to the lane.
- The application is advertised as not according with the development plan for the area. This needs to be carefully considered as I have previously been told that I cannot build a bungalow at my own property as it is not within the development area.
- The road through Carleton is a very narrow single road with no passing places. I am concerned that additional traffic would create additional congestions and a danger to people which already live in the area.
- The lane to the development is blind corner. The potential of additional cars on this corner is very worrying.
- There is already a large number of vehicles, farm machinery and delivery vans using this

lane/corner.

- There is also movement of cattle to consider, which relies on the good will of motorists to reverse and move out of their way.
- Additional risk to pedestrians which walk through the village.
- Although the original application has been revised with regard to appearance, layout and scale my previous concerns remain.

Reconsultations were undertaken for the amended plans with the previous properties and objector consulted. Two letters of objection were received which raised the following concerns:

- It would seem an obvious move that the proposed development would use the connection from the former buildings to access the main sewer.
- Although I was never in the said buildings I understand that a mill was installed below ground level. When there was a problem with water ingress I understand that the proprietor laid a 4 inch drain pipe through his garden which discharges onto Thomey Lane.
- The mill was installed in the region of "Pit TP02" which is directly below the proposed development!!
- Incidentally, the vendor of the site was also the responsible for the construction of and resided at Thornlea and for part of his career was employed by North West Water Authority! Is there a record of where the sewer pipes from Thornlea join the public sewer and where water from downspouts is discharged?
- There is a right of way over my lane into the site and this is access only. I object to the change of access location on my lane. I will not agree to a legal easement for the access to be moved or altered in size.
- I oppose the planning application with respect that 'the dwelling will be connected into a main sewer'. This is incorrect, I can confirm that there is a private sewer owned by myself which runs underneath my lane for which I am not prepared to give my permission for the applicant to connect to. Permission would involve digging up my lane which would be at a great inconvenience to myself, my family and business because we require 24-hour access on this lane as my agricultural business is run from High Thorny.
- Surface water is proposed to drain to the existing system. Serious concerns that if more surface water is added to this drain it will overflow and the road becomes even more unsafe during the winter months.
- On the planning application there is no mention of how the applicant will source electric, gas and water to the dwelling. I can confirm that all these services are on my property, which I am not prepared to give my approval as stated earlier in this letter, as I need 24hrs access on

my lane.

- The proposed development does not accord with the provision of the development plan in-force in the area.
- Any additional traffic, resulting from any housing development would cause additional traffic congestion and a danger to the people who already live here.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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 National Planning Policy Framework.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

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

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Assessment

The key issues raised by the application relate to the principle of the development; scale, layout and appearance; landscaping and boundary treatment; highway safety and access; flood risk and drainage; and contaminated land.

Principle of Development

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

The principle for developing this site for a single residential dwellings was established in 2019 when outline planning permission was granted. This decision was made in the context that the Council were could not demonstrate a 5 year land supply at that time as required by the NPPF.

This application seeks approval of access, scale, layout, appearance and landscaping. These are considered below.

Scale, Layout, and Appearance

Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

As part of the original outline application concerns were raised by the Local Planning Authority with regard to the potential impact of the development on the neighbouring properties and the surrounding area. Consequently, a condition was therefore attached to the permission to restrict the development to single storey with use of the roof space only. The proposed plans show that the

proposed dwelling will comply with this condition and is limited to single storey in height. This will ensure that the proposed development is not overbearing for nearby properties or within the streetscene.

The submitted plans meet the required separation distances set out within Policy DM12 of the Local Plan and therefore is not considered to create overlooking issues for the nearby residential properties. Concerns were originally raised with the proposal in terms of the number of windows within the north west gable, given its relationship with the adjacent property (Thornlea). Further to these concerns amended plans were submitted to reduce the number of openings within this elevation. Although the development complies with the required separation distances the reduction in the number of windows will also ensure that the perception of overlooking will be reduced. Additional landscaping within the development will also help to mitigate this issue, which can be secured by condition.

Concerns were also originally raised with regard to the overall design of the dwelling, particularly in relation to the large dormers and openings within the proposed property. Amended plans were therefore submitted to address these concerns and to propose a dwelling with less dominant features in order to reflect the character of the surrounding properties and area. Full details of the proposed materials will be secured by an appropriately worded planning condition.

On this basis, the proposed development is considered to comply with Policies ST1 and DM18 of the Local Plan and section 12 of the NPPF.

Landscaping and Boundary Treatment

Policy ENV5 of the Local Plan states that the Borough's landscapes will be protected and enhanced by protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

As part of this application a plan has been submitted to clarify the proposed landscaping for this development. This plan indicates that the site will be bounded by a new native hedge along all boundaries and additional trees will be planted within the development, mainly along the rear portion of the site. A landscape and maintenance plan has also been submitted to indicate how the proposed vegetation will be planted and how this will be managed within the site. Given the location of the property the proposed boundary treatment is considered sympathetic to the surrounding area.

Appropriately worded planning condition will be attached to this decision notice to ensure the planting is carried out in accordance with the approved detail.

Based on the inclusion of these conditions to secure the proposed landscaping scheme for the development, the proposal is considered to policies ST1, ENV5 and DM26 of the Copeland Local Plan and provisions of the NPPF.

Highway Safety and Access

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

The application seeks permission to access the site from the north-east corner of the land from the single track access road to the north of the site. The proposal also includes a large driveway which will provide access to the attached double garage to the front of the site. Concerns have been raised with regard to the proposed access to the site and also the additional traffic created by the development, however Cumbria Highways have confirmed that they have no objections to the proposal. Although the Highway Authority have raised no objections to the development they have raised concerns regarding the standard of the junction of the private lane where it joins Thorny Lane and have requested that this should be resurfaced. These comments are, however, advisory only as the road is private. The access lane is outside of the red line for the application, and therefore outside of the applicant's ownership, therefore it would be unreasonable to request that the applicant resurfaces this access road. The creation of one additional dwelling is not considered to have a significant impact on this access or the traffic movement within the area.

Concerns have also been raised by a nearby landowner who has stated that they own the adjacent lane and will not allow any additional rights of access over this land, and therefore the applicant will not be able to access this site. The agent for this application has, however, submitted a layover land registry plan which indicates that the access is located within an area where the applicant has a right of way. This details therefore indicates that the site can be accessed.

On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan.

Flood Risk and Drainage

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised

or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 1, however the Lead Local Flood Authority and United Utilities have been consulted upon this application. The LLFA have offered no objections to the proposal. UU have stated that due to the nature of the proposal in this instance we would have no comments to make.

As part of the outline application a condition (condition 5) was placed upon the decision notice to ensure that full details of surface water drainage are submitted to the Local Planning Authority. The agent has confirmed that they wish to deal with this condition as part of this reserved matters application, therefore a drainage plan and strategy has been submitted to support this application. These details indicate that the foul water from this site will be connected into the existing mains combined sewer to the north of the site. It is also proposed that surface water from this development will connect into this combined sewer, however it is proposed to attenuate surface water within an attenuation tank on site and then have a controlled outflow to the existing combined sewer via a flow control device. It is also proposed to include a channel drain across the driveway to prevent surface water discharging into the adjacent highway. No objections have been received from any statutory consultees on this proposal, and UU have requested that this drainage scheme is conditioned as part of any approval at this site.

Concerns have also been raised by nearby land owner that the proposal will not connect to the mains sewer as stated within the application form but will be connected to a private sewer within land that he owns and he will not give permission for the development to connect into this. The agent for this application has, however, submitted a layover land registry plan, which indicates that the proposed foul water will be connect to the existing combined public sewer within the main road. This details therefore indicates that the site can be drained as specified.

On the basis of the above the drainage conditions attached to the previous outline permission are considered to be discharged. The proposed drainage strategy for this application will be conditioned to secure proper drainage within the site to manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

Contaminated Land

Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

As part of the outline application a condition (condition 7) was attached to this decision notice to secure a scheme for dealing with risks of contamination at this site. The agent has confirmed that they would like to deal with this condition as part of the reserved matters application. The reserved

matters application is therefore supported by a Phase 2: Ground Investigation Report. The assessment concludes the following:

- During the investigation, GEO did not identify any visual or olfactory evidence of fuel/oil type contamination (no staining, odour or free product) or any landfill type waste, with no potentially biodegradable, decomposable or putrescible materials.
- Based on the ground water investigations, ground water ingreess should be anticipated into excavations, as materials encountered may deteriorate following exposure to surface water.

The original condition (condition 7) attached to the outline application was requested by the Council's Environmental Health department. In order to deal with this condition, the agent for this application submitted a Phase 2 Ground Investigation Report. Following initial comments from EH the agent also submitted the Phase 1 Desk Top study which formed part of the outline planning approval. These two reports were confirmed to be sufficient to discharge part (a) of this previous outline condition, however as the reports do not provide a remediation strategy or mitigation measures parts (b) and (c) could not be discharged. Further to these comments the agent for this application submitted a Remediation Options Appraisal and Strategy. Following review of this information the Council's EH Officer has confirmed that the details was sufficient to discharge the remainder of this condition.

On the basis of the above the contamination conditions attached to the previous outline permission are considered to be discharged. The submitted reports dealing with contamination will be conditioned as part of this approval, therefore the proposal is considered to be in accordance with Policies ST1 of the Copeland Local Plan and paragraph 170 of the NPPF.

Planning Balance & Conclusion

The application site is located 'outside settlement boundaries' as defined in Policy ST2 of the Copeland Local Plan. The principle for developing this site for a single residential dwelling was established in 2019 when outline planning permission was granted> this decision was made at that time on the basis that the Council were unable to provide a five year land supply.

The proposed dwelling have been designed to reduce the impact of the development upon the surrounding area and the scale, layout and design is considered acceptable in this location. No statutory consultees have objected to the development and the submitted detail for this application have been deemed sufficient to discharge the conditions attached to the previous outline permission relating to drainage and contaminated land.

Concerns have been raised with regard to the proposed access, however, no objections have been received from Cumbria Highways.

Whilst the development includes some landscaping details, a full landscaping and maintenance

	<p>scheme will be secured by condition in order to further mitigate the impacts of this development.</p> <p>On the basis of the above, I consider the submitted details of the proposed dwelling to be acceptable in terms of scale and design. The development is therefore compliant with the above Policies of the Copeland Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve Reserved Matters</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission. <p>Reason</p> <p>To comply with Section 92 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. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan/Proposed Plans & Elevations (Amended), Scale 1:100 & 1:1250, Drawing No: 01, Rev: D, received by the Local Planning Authority on the 21st January 2022. - Proposed Site Plan (Amended), Scale 1:200, Drawing No: 02, Rev: J, received by the Local Planning Authority on the 18th May 2022. - Phase 2: Ground Investigation Report, Prepared by Geo Environmental Engineering September 2021, received by the Local Planning Authority on the 23rd December 2021. - Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by Geo Environmental Engineering January 2019, received by the Local Planning Authority on the 10th March 2022. - Thornlea Utility Pack, Prepared by Centara Bureau Services July 2021, received by the Local Planning Authority on the 23rd December 2021. - Outline Drainage Strategy (Amended), Scale 1:150, Drawing No 200, Rev B, received by the Local Planning Authority on the 11th May 2022. - Drainage Strategy (Amended), Prepared By Tweddell & Slater May 2022, received by the Local Planning Authority on the 11th May 2022. - Remediation Options Appraisal & Strategy, Prepared by GEO Environmental Engineering March 2022, received by the Local Planning Authority on the 23rd March 2022. - Landscape & Maintenance Plan, received by the Local Planning Authority on the 18th

May 2022.

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.

Prior to Erection of External Walling Conditions

3. 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.

Prior to Occupation/Use Conditions:

4. The drainage of the development hereby approved, must be carried out in accordance with the following approved documents:
 - Outline Drainage Strategy (Amended), Scale 1:150, Drawing No 200, Rev B, received by the Local Planning Authority on the 11th May 2022.
 - Drainage Strategy (Amended), Prepared By Tweddell & Slater May 2022, received by the Local Planning Authority on the 11th May 2022.

For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

5. The proposed landscaping relating to the development hereby approved must be carried out in accordance with the following approved documents:

- Proposed Site Plan (Amended), Scale 1:200, Drawing No: 02, Rev: J, received by the Local Planning Authority on the 18th May 2022.
- Landscape & Maintenance Plan, received by the Local Planning Authority on the 18th May 2022.

The landscaping scheme must be implemented within the first available planting season after the dwelling hereby approved is brought into use. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

6. The proposed landscaping relating to the development hereby approved must be maintained in accordance with the approved document, 'Landscape & Maintenance Plan, received by the Local Planning Authority on the 18th May 2022'. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

Other Conditions:

7. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within approved documents:
 - Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by Geo Environmental Engineering January 2019, received by the Local Planning Authority on the 10th March 2022.
 - Phase 2: Ground Investigation Report, Prepared by Geo Environmental Engineering September 2021, received by the Local Planning Authority on the 21st December 2021', and must be maintained as such at all times thereafter.
 - Remediation Options Appraisal & Strategy, Prepared by GEO Environmental Engineering March 2022, received by the Local Planning Authority on the 23rd March 2022.

	<p>Reason</p> <p>To ensure the protection of controlled waters from potential land contamination.</p> <p>8. Any access gates installed within the property must be of a style which do not open onto the highway and must be retained as such at all times thereafter.</p> <p>Reason</p> <p>In the interest of highway safety.</p> <p>Informative:</p> <p>1. The development hereby approved must be carried out in accordance with conditions 4, 5, 6, 7, 8, and 9 of Outline Planning Approval Ref: 4/19/2026/001.</p> <p>Statement:</p> <p>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.</p>	
<p>Case Officer: C. Burns</p>	<p>Date : 19.05.2022</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 20.05.2022</p>	
<p>Dedicated responses to:-</p>		