

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2375/OF1	
2.	Proposed Development:	PROPOSED DWELLING	
3.	Location:	SITE OF FORMER 3 MILL HOUSE, VALE VIEW, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, 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 a vacant plot of land, which fronts onto Vale View, located within the centre of Egremont. The site covers an area of approximately 0.04 hectares and historically sited No.3 Mill house, a four storey end of terrace house containing four flats with domestic gardens, vehicle access and garage. In August 2012, following extreme weather conditions the adjacent river weir was damaged and the rear elevation of the property collapsed into the river, ultimately resulting in the demolition of the dwelling. In 2013 the weir was repaired and a defence wall was erected by the Environment Agency around the site and adjacent properties.		

Relevant Planning History

4/21/2448/0F1 – Proposed Dwelling – Withdrawn

Proposal

This application seeks planning permission for the erection of a single dwelling at this site. The proposed dwelling will be three storey in height and will be L-shaped in configuration. The main body of the dwelling will measure 6.8m x 6.8m, with an eaves height of 7.5m and an overall height of 9.45m. The dwelling will benefit from a rear gable measuring 4m x 4.4m, and a side facing gable measuring 6.6m x 4.4m. These elements of the development will benefit from an eaves height of 7.5m and an overall height of 8.9m.

Internally the ground floor of the dwelling will incorporate an entrance lobby, toilet, utility room, store, and garage. The first floor will accommodate a kitchen/dining room, living room with balcony, a master bedroom with ensuite bathroom, and a toilet. The second floor will include three double bedrooms and a bathroom. Externally the proposed property will be finished with render, stone and grey composite timber style cladding, concrete slay style roof tiles, and powder coated grey aluminium doors and windows.

The site will utilise the existing access and dropped kerb from the main highway, Vale View. The access will accommodate a large driveway/parking area finished in permeable materials. The front of the site will be enclosed by a 1.2m rendered boundary wall in front of the dwelling and a 1.8m high wall to the north of the site adjacent to the existing terrace properties. The flood defence wall to the rear of the site and existing boundary treatment to the south of the site will remain unaltered as part of this application.

Consultation Responses

Egremont Town Council

23rd September 2022

Councillors have no objection to this application but would like assurance that the development of this dwelling will not impact on other dwellings along Vale View. We say this because when the previous building on this site fell into the River Ehen checks were carried out on the Vale View foundations and a report was produced identifying their findings. We would suggest that this report is reviewed to ensure this proposal won't negatively impact on any surrounding properties.

30th November 2022

No objections.

Cumbria County Council – Cumbria Highways & LLFA

30th September 2022

It is considered that the proposal will not have a material effect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

This is a minor development which is below the Lead Local Flood Authority (LLFA) threshold for comment. As such the drainage arrangements for this development are to be scrutinised by Building Control. It should be noted that the surface water discharge rate should not be greater than the existing, and If installing a soakaway we would advise it is not positioned within 5m highway or property.

The Environment Agency (EA) surface water maps indicate that the site is in flood zone 3. The applicant should consult with the Environment Agency regarding a flood risk assessment.

24th November 2022

I can confirm that the response made to the previous application 4/22/2375/0F1 should still apply.

Environment Agency

6th October 2022

We understand that the applicants agents have been in discussion with our Asset Performance team in relation to the proposed redevelopment of the land for some significant time. This is due to the proximity of the proposed development to the recently constructed and Environment Agency maintained flood defence asset, which is designed to protect the lower Bridgend area from flooding from the left bank of the River Ehen.

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Rubicon Project Consultancy Ltd. referenced; Site of Former 3 Mill House, Vale View, Egremont CA22 2RG and dated February 2022. We have reviewed the FRA in so far as it relates to our remit and we are generally satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed built in flood risk mitigation measures are implemented.

However, we have reviewed other details submitted with the application including the proposed site plan and ground floor plan, and notwithstanding the above we have some concerns in relation to aspects of the proposed positioning of the dwelling and also the proposed means of surface water disposal indicated.

Environment Agency position:

We object to this application as it involves building within 8 metres of a flood defence. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

Reasons:

- The proposed development and the construction of its foundations are likely to adversely

affect the construction and stability of the flood defence wall which will compromise its function. The proposal will therefore increase the risk of flooding to the Bridge End area of Egremont.

- With reference to FRA APPENDIX B – Environment Agency Flood Wall, and Proposed Site Plan. The proposed means of surface water disposal as stated is, 'is to direct the impermeable roof drainage direct to the river'. Such a proposal would require core drilling through a minimum of 1.5m thickness of cured reinforced concrete. This action also has the potential to adversely affect the construction and stability of the flood defence wall which will compromise its function.
- In addition to concerns about the construction and stability of the wall, no details are currently provided on any outfall. We have concerns based on experience that small flapped outfalls located on walls parallel to the flows in the river not only have a tendency to 'flutter' allowing back flow, but can also become blocked open. The proposal will therefore increase the risk of flooding to the Bridge End area of Egremont.

Overcoming our objection:

Please provide drawings and structural engineering confirmation to satisfactorily demonstrate that any excavation and subsequent foundation construction would not adversely affect the structural integrity of the flood defence wall foundations themselves and that the current proposed positioning of the northeast corner of the proposed development would not be applying load to the flood defence wall foundation, such as to affect its structural integrity.

In relation to the proposed means of surface water disposal, please consider alternative arrangements that do not involve alteration to the flood defence wall. If other alternatives have been investigated and subsequently discounted, please provide evidence of such.

If the current means of disposal is to be pursued, please provide an outline methodology and plan and sectional details of any outfall arrangement and location.

13th October 2022

Please accept this amended response to replace our previous correspondence ref NO/2022/114763/01-L02 dated 6 October 2022.

That previous letter stated that our position was an Objection as the proposal involves building within 8 metres of a flood defence, and that as submitted, it is unlikely that we would grant a flood risk activity permit for this application.

This amended response aims to clarify the Environment Agency position, as set out in the relevant paragraph below. The rest of the response remains unchanged.

We understand that the applicants agents have been in discussion with our Asset Performance team

in relation to the proposed redevelopment of the land for some significant time. This is due to the proximity of the proposed development to the recently constructed and Environment Agency maintained flood defence asset, which is designed to protect the lower Bridgend area from flooding from the left bank of the River Ehen.

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Rubicon Project Consultancy Ltd. referenced; Site of Former 3 Mill House, Vale View, Egremont CA22 2RG and dated February 2022 . We have reviewed the FRA in so far as it relates to our remit and we are generally satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed built in flood risk mitigation measures are implemented.

However, we have reviewed other details submitted with the application including the proposed site plan and ground floor plan, and notwithstanding the above we have some concerns in relation to aspects of the proposed positioning of the dwelling and also the proposed means of surface water disposal indicated.

Environment Agency position:

This application involves building within 8 metres of a flood defence, and will require a flood risk activity permit. It is unlikely that we would grant a permit for this application in it's current form, and therefore for the reasons set out below we object to the proposal as submitted.

Reasons:

- The proposed development and the construction of its foundations are likely to adversely affect the construction and stability of the flood defence wall which will compromise its function. The proposal will therefore increase the risk of flooding to the Bridge End area of Egremont.
- With reference to FRA APPENDIX B – Environment Agency Flood Wall, and Proposed Site Plan. The proposed means of surface water disposal as stated is, 'is to direct the impermeable roof drainage direct to the river'. Such a proposal would require core drilling through a minimum of 1.5m thickness of cured reinforced concrete. This action also has the potential to adversely affect the construction and stability of the flood defence wall which will compromise its function.
- In addition to concerns about the construction and stability of the wall, no details are currently provided on any outfall. We have concerns based on experience that small flapped outfalls located on walls parallel to the flows in the river not only have a tendency to 'flutter' allowing back flow, but can also become blocked open. The proposal will therefore increase the risk of flooding to the Bridge End area of Egremont.

Overcoming our objection:

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integrity of the flood defence wall foundations themselves and that the current proposed positioning of the northeast corner of the proposed development would not be applying load to the flood defence wall foundation, such as to affect its structural integrity.

In relation to the proposed means of surface water disposal, please consider alternative arrangements that do not involve alteration to the flood defence wall. If other alternatives have been investigated and subsequently discounted, please provide evidence of such.

If the current means of disposal is to be pursued, please provide an outline methodology and plan and sectional details of any outfall arrangement and location.

12th December 2022

In our letter referenced NO/2022/114763/01-L03 and dated 13 October 2022, we objected to the development as proposed pending clarification on any structural interaction with the Environment Agency maintained flood defence asset. This was related to proximity of the proposed dwelling to the reinforced foundations of the flood defence asset and further details and clarifications on the proposed disposal of surface water.

The information contained in page 2 of the Response to Planning Comments – 4/22/2375/0F1 and in relation to our comments specifically, provides little in the way of additional detail to address our concerns.

As we still require further detailed information on how any development proposals interact with our Flood Defence asset. We are therefore minded to maintain our objection until the point raised in our letter of objection are substantively addressed.

Surface Water – advice to LPA

The written clarification provided in Response to Planning Comments in relation of disposal of surface water suggests that :

"the surface water will discharge into the river (and) this would be via a pumped system, over the top of the wall"

This proposed concept provokes further question as to how this would be achieved, as a holding tank or sump would have to be engineered and a pump system devised and specified.

At this advanced stage in the proposals it is entirely reasonable that details for the disposal of surface water, which is a material planning constraint are provided.

However, amendments to the Development Management Procedure Order (DMPO) came into effect on 15th April 2015. As a result, we are no longer a statutory consultee on the surface water aspects of development proposals. Providing detailed comments on the drainage strategy is not within our

remit and we are not resourced to provide this service as part of our Flood and Coastal Risk Management function. To this end we have no remit for requesting conditions for the disposal of surface water.

13th December 2022

Thank you for providing the additional information via email on 13 December 2022, which explains the issue of flood defence asset and surface water drainage.

We have reviewed the additional information and we are satisfied that it addresses the queries outlined in our previous response dated 6 October 2022. We therefore withdraw our objection to the proposed development.

14th December 2022

Following discussions with other teams, the Environment Agency could control through permitting, so I reckon a condition would not be necessary at current stage.

United Utilities

10th October 2022

REQUEST FOR ADDITIONAL INFORMATION

We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge.

Following our review of the submitted Drainage Strategy Ref: 5567 01, Dated 28.06.2022, we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design.

Should planning permission be granted we request the inclusion of a condition relating to foul and surface water drainage on any subsequent Decision Notice.

6th December 2022

We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review so that any risk of sewer surcharge can be further assessed. The applicant should note that it may be necessary to raise finished floor and ground levels and / or include

mitigation measures to manage the risk of sewer surcharge.

Following our review of the submitted Drainage Strategy Ref: 5567 01, rev C Dated 28.06.2022, we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design.

We require finished floor levels and cover and invert levels of the foul to system to be included on the plan.

Should planning permission be granted we request the inclusion of a condition relating to foul and surface water drainage on any subsequent Decision Notice.

8th December 2022

With regards to our request for the additional information, it is really in the applicant's interest to provide this to us at an early stage to ensure the development is deliverable and not at risk from future sewer flooding. The information has been requested by the Drainage Engineer. However, should they not wish to provide this at this stage, as a means to avoid a formal objection from us, the following condition could be attached to any Decision Notice that you deem appropriate to grant:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 schemes shall 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 shall 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.

If the applicant wishes, they can contact our drainage engineer, using our free advisory service, please ask them to contact Gary Jaundrell by email at WastewaterDeveloperServices@uuplc.co.uk at their earliest convenience.

Copeland Borough Council – Flood and Coastal Defence Engineer

30th September 2022

With regards to the above Planning Application, I am raising an objection.

Whilst the submitted Flood Risk Assessment provides supporting evidence for the proposed development, I didn't see anything on compensatory flood storage.

Even if such a matter is addressed, I do not think such a development is appropriate.

29th October 2022

With regards to the additional and amended information, the only matter for me to comment on is the fact that the surface water is now to be pumped over the wall.

In passing somebody did mention to me that the weir is still present in the River Ehen and is a matter of concern.

I'm still objecting to the proposed development, as I believe that it is not a sustainable location for a new property to be built.

12th December 2022

I'm still objecting to the proposed development, as I just don't think it is a sustainable location to construct a new property.

I find it very surprising that United Utilities would take on future maintenance of the weir, as it serves no purpose in water supply, or waste water disposal.

I understand that in the past the Environment Agency have regarded it as an "orphan asset" with no owner to take responsibility for maintenance.

16th December 2022

It's a gut feeling, so I can't elaborate.

I'm just not comfortable with the location being used for development of a residential property.

If planning permission is granted, then hopefully the residents won't have an issue.

Copeland Borough Council – Environmental Health

7th October 2022

I have no objections to this application from an Environmental Health perspective.

The application includes a detailed Phase 1 Desk Top Study Geotechnical Report on the possibility of ground / groundwater contamination and ground gas migration to the development based on the historical uses of this site.

The Phase 1 report concludes that further investigation is recommended in each case and lays out a suggested methodology.

Accordingly I would request that an appropriate planning condition is imposed.

- Land Affected by Contamination – possible ground / groundwater contamination and ground gas migration– as recommended in the supporting Phase 1 Desk Study, a Phase 2 contaminated land investigation and report should be made in and agreed writing to the Planning Authority that includes a full sampling and testing regime for a suitable range of contaminants, an assessment made of their potential risk to health and an appraisal of any remediation measures required.

The Phase 1 Desk Top Study also raises the possibility that ground piling may be necessary during the initial ground works construction phase, and this could lead to noise disturbance to residents from such works. However, such works would be minor in scale and short-lived and I would not require a construction management plan for this development. I would ask that noisy works are limited to appropriate hours of work.

- Construction Noise – hours of work for noisy percussive works should be limited to 08.00 – 18.00 hours Monday to Friday and 08.00 – 13.00 Saturday with no works on Sunday and Bank / Public Holidays.

30th November 2022

I have no further comments to make on this, subject to my initial email of 07.10.22.

Cumbria County Council – Footpaths Officer

No comments received.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to seven properties. One letter has been received offering the following concerns:

- The site is on an extinct garage filling station. There is abandoned underground storage tanks on site. Please can you check there are made safe before you grant permission to build.
-

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 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 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)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

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 stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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 N2PU: Local Nature Recovery Networks

Strategic Policy N6PU: Landscape Protection

Assessment

The key issues raised by this application relate to the principle of the development; the scale, design, and impact of the development; impact on landscape and settlement character; access, parking, and highway safety; ground conditions; and drainage and flood risk.

Principle of Development

The site lies within the defined settlement boundary for Egremont, which is classified as a Key Service Centre in Policy ST2 of the Copeland Local Plan. This policy allows for infill housing sites and moderate allocations to form extensions to the town to meet general needs, with larger sites required to offer a proportion of affordable housing. The application seeks to develop an existing brownfield site, which is supported by provisions within the NPPF and policy ST1 of the Copeland Local Plan, which promotes the reuse of existing buildings and previously developed land wherever possible, directing development away from greenfield sites.

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development. On this basis, it is therefore considered that the development would be in accordance with the aims and objectives of the NPPF which set a presumption in favour of sustainable development as well as the relevant policies of the adopted Copeland Local Plan.

The principle of residential development is supported subject to site-specific matters.

Scale, Design and Impact of Development

Within the Copeland Local Plan, Policies DM10, DM11, and DM12, 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.

In 2021, a planning application (ref: 4/21/2448/0F1) was submitted for this site for a proposed dwelling but was subsequently withdrawn due to issues raised as part of the application process. One of the issues raised related to the overall design of the proposed dwelling and whether the development reflected the character of the surrounding area. As part of this current resubmission

application these concerns were taken on board as part of the redesign with the proposed dwelling realigned to reflect the build line of the adjacent terrace properties, and reduction in the use of timber cladding and simplification of gable elevations.

As part of the current application requests were made to also amend the window fenestration for the proposal to reflect the prominent character of the surrounding properties. Based on these concerns the agent for this application submitted amended plans which included enlarged window openings within the front elevation of the dwelling. Concerns were also raised with regard to the larger opening serving the proposed hall and staircase, however the agent submitted additional justification for the retention of this opening as submitted. Based on this amended/additional information, it is considered that the proposed development is of a suitable scale and design in the context of the surrounding area. The amended design for the proposed development is considered to reflect the existing character of the surrounding area and adjacent properties.

Whilst the development is large in scale the site previously sited a four storey building attached to the adjacent group of terrace properties. The proposed three storey dwelling is therefore considered to is therefore considered to reflect the scale of the adjacent properties and will not be overbearing or dominant within the streetscene. Although the application makes some reference to the proposed materials within the development, which appear to reflect those used within the surrounding area, specific details have not been provided therefore a condition will be placed on this permission to secure these details prior to their use within the development.

Although the development is located within a constrained site, the agent has submitted a block plan to show the separation distances between the proposal and the existing adjacent dwellings. Whilst this separation falls slightly short of the requirements set out within the Copeland Local Plan it is considered that adequate separation can be achieved between properties, given the siting of the previously demolished dwelling, and therefore does not result in an adverse impact on residential amenity. Given the prominent location of the site, the proposed boundary treatment will also be secured by condition. Permitted development rights will also be removed from the site in order to ensure that the constrained site isn't overdeveloped to be detriment of the neighbouring dwellings.

No objections have been received from any neighbouring properties.

On the basis of the submitted amended plans for this proposal the design and layout of the proposed dwellings is therefore considered acceptable for this location. It is therefore considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

Impact on Landscape and Settlement Character

Policy ENV5 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.

The application site is a brownfield land which lies in a predominantly residential area within the centre of Egremont and is directly adjacent to a number of existing residential properties. As the development is surrounded by existing development and previously sited a four storey residential development the proposal is not considered to have an impact on the overall landscape and as the site is an infill plot the development is complementary to the existing built form of this part of the settlement.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. 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.

The site will utilise the existing access and dropped kerb from the main highway, Vale View. The access will accommodate a large driveway/parking area finished in permeable materials.

Cumbria Highways have been consulted on this application and have confirmed that the proposed will not have a material effect on existing highway conditions and therefore have no objections to the development. Although the site was previously utilised for a residential dwelling a condition will be attached to any decision notice to ensure that onsite parking is installed and retained, and to ensure the development does not impact on the public highway.

On this basis the development is considered to comply with policies T1 and DM22 of the Copeland Local Plan and provisions of the NPPF.

Ground Conditions

A Phase 1 Geo-Environmental Assessment of the site has been prepared in support of this application.

The assessment conclude the following:

- The site is currently considered to represent a moderate to high geotechnical risk;
- The site is currently considered to pose a low to moderate risk to the proposed end users

from ground contaminations;

- The site is currently considered to pose a low risk to adjacent sites and controlled waters with respect to potential ground/groundwater contamination.
- A low to moderate level of risk is currently considered present of ground gas.

This report provides recommendation for the completion of a Phase 2: Ground Investigation to confirm the underlying ground conditions. An appropriately worded planning condition will be attached to any decision notice to ensure these measures are implemented. This condition has also been requested by the Council's Environmental Health team who have also confirmed that this condition should be a pre commencement condition.

On this basis this proposal is considered to be in accordance with Policies ST1 of the Copeland Local Plan and provisions of the NPPF.

Drainage and Flood Risk

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.

This application site is located within Flood Zone 2 and 3, therefore a Flood Risk Assessment has been produced to support this scheme. This assessment also includes a sequential and exception test for this development.

The submitted sequential test for this development has considered a number of different sites within Egremont which were identified within the Copeland draft local plan 2021-2038, the Copeland BC Five Year Housing Land Supply Statement 2020/21 and the Copeland Strategic Housing Land Availability Assessment (SHLAA) September 2020. Only three of these sites were identified as developable and deliverable, however they were too large to accommodate a single residential dwelling and were therefore not deemed suitable as alternatives for the proposed development. The proposed development is therefore deemed to pass the Sequential Test and should be subject to the Exception Test.

The exception test for this site is supported by the submitted FRA which demonstrates that the development will be safe, without increasing flood risk elsewhere as the site previously accommodated a residential property containing 4 flats. The FRA also demonstrates that the proposed development would be operated with minimal risk from flooding and includes risk management measures which will be accommodated within the development including, the use and installation of flood resilience and resistance measures within the ground floor of the property. As the application site is located within Flood Zone 2 and 3, EA and UU have been consulted on this application. Initially, UU requested additional information regarding finished floor levels to manage the risk of sewer surcharge. UU have however confirmed that they are happy for this detail to be secured by an appropriately worded planning condition to secure full details of the foul and surface

water drainage for this site.

As part of the initial consultation for this application the EA objected to be application due to the proximity of the development to their flood wall, as there were concerns that the proposed foundations would be likely to compromise its function and therefore increase the risk of flooding to the Bridge End area of Egremont. However, following the submission of additional information from the agent to provide clarity on the EA's concerns it was confirmed that the original objection could be removed as the EA confirmed that the additional detail addressed previous queries on the application. The agent for the application also suggested a condition to secure full details of the proposed foundations however the EA have confirmed that this wouldn't be necessary as they can control these details through permitted. As part of their consultation comments the EA raise some concerns regarding the proposed surface water drainage for the development however they confirmed that they are no longer able to comment on this matter or request conditions. It is however considered that the condition requested by UU would ensure that a full surface water drainage scheme for this development is submitted to and approved in writing by the LPA before development commences on site.

An objection to this application has been received from the Council's Flood and Coastal Defence Engineer as he believes that the site is not a sustainable location to construct a new property. He also states that UU and EA would not support the development, however no objections have now been received from either of these statutory consultees. The Council's Constitution states that for applications where there are substantive objections from one or more statutory consultees as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 raising material planning considerations contrary to officer recommendation, a decision should be taken by Members of the Planning Panel. The Council's Flood and Coastal Defence Engineer is not listed under the Development Management Procedure Order as a Statutory Consultee for this application. On this basis, and because the Statutory consultees have raised no objections it is considered that this application can be determined under delegated powers.

Notwithstanding the comments from the Council's Flood and Coastal Defence Engineer, the applicant has submitted an acceptable sequential test, exception test and Flood Risk Assessment which have confirmed that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented which can be secured by condition.

On this basis, the imposition of these conditions will secure proper drainage within the site and will 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.

Planning Balance and Conclusions

This application relates to a vacant site, which lies within the designated settlement boundary for Egremont, which is identified as a Key Service Centre where new housing is supported. The amended

	<p>plans for the development show a development which is of a scale and design which reflects the surrounding properties and is not considered to have a detrimental impact on the nearby residential properties.</p> <p>The site is accessed via the existing site access which served the previous residential property therefore the development is not considered to have adverse impacts on highways conditions. This is confirmed by the Highway Authority who offer no objections to the development.</p> <p>The site previously sited a residential dwelling which was demolished following damage from extreme weather conditions. Although an objection is still outstanding from the Council's Flood and Coastal Defence Engineer the applicant has provided an acceptable sequential test, exception test and Flood Risk Assessment to support this application. The EA have confirmed that the additional detail provided for the application addresses their previous concerns and offer no objections to the development. A full surface water and foul drainage scheme will however be secured by condition following a request from UU.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</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 expiration of three years from the date of this permission. <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. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Proposed Plans and Elevations: Location Plan, Block Plan, Proposed Site with Ground Floor Plan, Proposed Floor Plans, & Proposed Elevations (Amended), Scale 1:100, 1:500 & 1:1250, Drawing No 1, Rev D, received by the Local Planning Authority on the 15th December 2022.

- Design and Access Statement, Prepared by Day Cummins Ltd October 2021, Revision B September 2022, received by the Local Planning Authority on the 14th September 2022.
- Flood Risk Assessment, Prepared by Rubicon Project Consultancy Ltd February 2022, received by the Local Planning Authority on the 14th September 2022.
- Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by GEO Environmental Engineering September 2022, received by the Local Planning Authority on the 14th September 2022.
- Response to Planning Comments, received by the Local Planning Authority on the 22nd November 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.

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 schemes 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 schemes 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.

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.

4. Prior to the commencement of development, a Phase 2: Ground Investigation and Report must be undertaken in line with the recommendations with the approved document:
 - Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by GEO Environmental Engineering September 2022, received by the Local Planning Authority on the 14th September 2022.

The report must be submitted to and agreed in writing by the Local Planning Authority before any works commence on site and must include a full sampling and testing regime for a suitable range of contaminants, an assessment made of their potential risk to health and an appraisal of any remediation measures required. The development must be completed in accordance with the approved details unless agreed in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination are understood prior to works on site, both during the construction phase and to the future users of the land and neighbouring land, and any such risks are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Prior to Erection of External Walling Conditions

5. 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 Use/Occupation Conditions:

6. The development hereby approved must not be occupied until the access and parking

requirements have been constructed in accordance with the approved plan 'Proposed Plans and Elevations: Location Plan, Block Plan, Proposed Site with Ground Floor Plan, Proposed Floor Plans, & Proposed Elevations (Amended), Scale 1:100, 1:500 & 1:1250, Drawing No 1, Rev D, received by the Local Planning Authority on the 15th December 2022'. The approved access and parking provision 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 proposed boundary treatment must be installed in accordance with the approved plan 'Proposed Plans and Elevations: Location Plan, Block Plan, Proposed Site with Ground Floor Plan, Proposed Floor Plans, & Proposed Elevations (Amended), Scale 1:100, 1:500 & 1:1250, Drawing No 1, Rev D, received by the Local Planning Authority on the 15th December 2022'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

In the interest of residential amenity.

Other Conditions

8. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within approved document 'Flood Risk Assessment, prepared by Rubicon Project Consultancy Ltd February 2022, received by the Local Planning Authority on the 14th September 2022', and must be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

9. The development shall be carried out in accordance with and implement all of the details and mitigation measures specified within Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by GEO Environmental Engineering September 2022, received by the Local Planning Authority on the 14th September 2022, and shall be maintained as such at all times thereafter.

Reason

	<p>To ensure the protection of controlled waters from potential land contamination.</p> <p>10. 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 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.</p> <p>Reason</p> <p>To safeguard the character and appearance of the development in the interests of the visual amenity of the area.</p> <p>11. Any access gates installed within the property must be of a style which do not open onto the shared access and must be retained as such at all times thereafter.</p> <p>Reason</p> <p>In the interest of highway safety.</p> <p>12. Hours of work for noisy percussive works should be limited to 08.00 – 18.00 hours Monday to Friday and 08.00 – 13.00 Saturday with no works on Sunday and Bank / Public Holidays.</p> <p>Reason</p> <p>In the interests of amenities of surrounding occupiers during the construction of the development.</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>
Case Officer: C. Burns	Date : 20.12.2022
Authorising Officer: N.J. Hayhurst	Date : 20.12.2022
Dedicated responses to:- N/A	