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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Mr Mark Allison
17 Holliday Crescent
Silloth
CA7 4HW

APPLICATION No: 4/23/2191/0F1

**PROPOSED ERECTION OF A NEW DWELLING & DETACHED GARAGE
LAND ADJACENT TO 21 SCURGILL TERRACE, EGREMONT**

Mr Lee Walker

The above application dated 07/07/2023 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Reason

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

2. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:

- Proposed Elevations (Amended), Scale 1:100, Dwg No: 1, Rev: B, received by the Local Planning Authority on the 12th July 2024.
- Proposed Ground Floor, Scale 1:100, Dwg No: 2, Rev: A, received by the Local Planning Authority on the 7th July 2023.
- Proposed First Floor, Scale 1:100, Dwg No: 2, Rev: A, received by the Local Planning Authority on the 7th July 2023.
- Proposed Site Plan (Amended), Scale 1:100, Dwg No: 4, Rev: E, received by the Local Planning Authority on the 7th August 2024.
- Proposed Location Plan, Scale 1:100, Dwg No: 5, Rev: A, received by the Local Planning Authority on the 7th July 2023.
- Garage, Scale 1:100, Dwg No: 9, Rev: A, received by the Local Planning Authority on the 7th July 2023.
- Sections, Scale 1:200, Dwg No: 17, Rev: A, received by the Local Planning Authority on the 7th July 2023.
- Site Plan, Scale 1:500, Dwg No: 19, received by the Local Planning Authority on the 2nd August 2024.
- Residential Ground Risk Report, received by the Local Planning Authority on the 7th July 2023.
- Phase 2: Ground Investigation Report, Prepared by GEO Environmental Engineering August 2021, received by the Local Planning Authority on the 7th July 2023.
- Design Information, received by the Local Planning Authority on the 6th February 2024.
- Soil Remediation Strategy, Prepared by GEO Environmental Engineering September 2023, received by the Local Planning Authority on the 10th October 2023.
- Phase 1: Desk Top Study Report Preliminary GEO-Environmental Risk Assessment, Prepared by GEO Environmental Engineering February 2019, received by the Local Planning Authority on the 12th March 2024.
- Supplementary Controlled Waters Risk Assessment, Prepared by GEO Environmental Engineering June 2024, received by the Local Planning Authority on the 11th June 2024.

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:
 - ii) 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;
 - iii) 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);
 - iv) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - v) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - vi) 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.

4. The development must not commence until visibility splays providing clear visibility as shown on approved plan 'Proposed Location Plan, Scale 1:100, Dwg No: 5, Rev: A, received by the Local Planning Authority on the 7th July 2023', have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety and in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

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

Reason

In the interests of highway safety and environmental management in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

6. The access and parking/turning requirements must be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. The access/parking and turning requirements must be constructed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:100, Dwg No: 4, Rev: E, received by the Local Planning Authority on the 7th August 2024'. The approved parking and turning 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

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

7. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:
 - pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a

Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

The development must be carried out in accordance with these approved details at all times thereafter.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

8. Before development commences, a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must provide details for the mitigation of dust emission, noise and vibration and must identify remedial action to prevent nuisance. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Prior to Erection of External Walling Conditions

9. 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:

10. Prior to the first occupation of the dwelling hereby approved, and following completion of the measures identified in the approved document 'Soil Remediation Strategy, Prepared by GEO Environmental Engineering September 2023, received by the Local Planning Authority on the 10th October 2023', a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and be submitted and approved in writing by the Local Planning Authority.

Reason

To ensure that the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

11. The development hereby approved must not be occupied until the parking and turning requirements have been constructed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:100, Dwg No: 4, Rev: E, received by the Local Planning Authority on the 7th August 2024'. The approved parking and turning 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 and in accordance Policy T1 and DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

12. Prior to the first occupation of the dwelling hereby approved the proposed boundary treatment must be installed in accordance with the approved plan 'Proposed Site Plan (Amended), Scale 1:100, Dwg No: 4, Rev: E, received by the Local Planning Authority on the 7th August 2024'. Once installed the

proposed and existing boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

In the interest of residential amenity.

13. Prior to the first occupation of the dwelling hereby approved the indicated first floor gable windows must be fitted with obscure glazing in line with the approved plan 'Proposed Elevations (Amended), Scale 1:100, Dwg No: 1, Rev: B, received by the Local Planning Authority on the 12th July 2024'. The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Other Conditions:

14. The development hereby approved must be carried out in accordance with and implement all of the details and mitigation measures specified within the following documents:
- Residential Ground Risk Report, received by the Local Planning Authority on the 7th July 2023.
 - Phase 2: Ground Investigation Report, Prepared by GEO Environmental Engineering August 2021, received by the Local Planning Authority on the 7th July 2023.
 - Soil Remediation Strategy, Prepared by GEO Environmental Engineering September 2023, received by the Local Planning Authority on the 10th October 2023
 - Phase 1: Desk Top Study Report Preliminary GEO-Environmental Risk Assessment, Prepared by GEO Environmental Engineering February 2019, received by the Local Planning Authority on the 12th March 2024.
 - Supplementary Controlled Waters Risk Assessment, Prepared by GEO Environmental Engineering June 2024, received by the Local Planning Authority on the 11th June 2024.

All mitigation measures identified must be maintained as such at all times thereafter.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

15. 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.

Reason

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

16. 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.

Reason

In the interest of highway safety.

17. The gradient of the access drive must be no steeper than 1:20 for a distance not less than 5m as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

18. Construction site operating hours, and deliveries and removal of plant, equipment, machinery and waste to and from the site, must only take place between the following hours:

- ii) 08:00am to 18:00pm Monday to Friday; and
- iii) 08:00am to 13:00 Saturdays

No construction works shall take place at any time on Sundays or Bank Holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

19. The detached garage hereby approved must not be occupied at any time other than for purposes ancillary to the residential property also approved under this application and must not be independently occupied let or sold as a separate permanent dwelling, or used for any business purposes whatsoever.

Reason

The detached garage is not considered appropriate for use as a separate residential unit and to ensure that non-conforming uses are not introduced into the area.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed in writing by the Local Planning Authority and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority. The development must then be carried out in accordance with the approved details at all times thereafter.

Reason

To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Informatives:


The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advisable to signpost the applicant to the Cumberland Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link below:

<https://legacy.cumberland.gov.uk/emergencyplanning/supportingpages/industrialsites.asp>

Statement:

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

Please read the accompanying notice



Nick Hayhurst
Head of Planning and Place
Place, Sustainable Growth and Transport

09th August 2024

**APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.