

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2191/0F1	
2.	Proposed Development:	PROPOSED ERECTION OF A NEW DWELLING & DETACHED GARAGE	
3.	Location:	LAND ADJACENT TO 21 SCURGILL TERRACE, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, 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	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to an area of land located to the south east of Egremont, to the east of the A595. The site comprises 1328 square metres of land which previously housed a number of dilapidated garages, which have now been demolished. The land fronts onto Scurgill Terrace and is bounded to the west and south by existing highways, to the east by residential properties, and to the north by open countryside. An existing access is located to the south of the site which would have previously served the garages at this site.	

Relevant Planning History

4/19/2066/0O1 – Outline permission for 2 no. dormer bungalows – Approved in Outline.

4/22/2147/0F1 – Proposed detached dwelling – Withdrawn.

Proposal

This application seeks planning permission for the erection of a new dwelling. The proposed dwelling will be located within the south east of the application site and will be 1.5 storey in height. The proposed dwelling will measure 16.5m x 12.2m, and will benefit from an eaves height of 3.55m and an overall height of 8.1m.

The proposed entrance to the site will be set back 2.8m. The proposed front elevation will feature a front facing gable which extends along this elevation by 7.7m and benefits from an eaves height of 3.5m and an overall height to match the main dwelling. The proposal also includes a rear facing gable measuring 3m x 4m, with an eaves height of 3.7m and an overall height to also match the main dwelling. The development will also incorporate a single dormer window within the front roof slope and two within the rear. In order to accommodate the proposed dwelling the existing ground levels of the site will be reduced by 0.81m.

Internally, the dwelling will accommodate a foyer, guest bedroom with ensuite bathroom and wardrobe, living room, utility room, toilet, and open plan kitchen/dining/games/living room within the ground floor. The first floor of the property will incorporate a lounge with enclosed balcony, three double bedrooms, a bathroom, and a master bedroom with ensuite bathroom and wardrobe.

This application also seeks planning permission for the erection of a detached garage. The proposed garage will be located within the northern rear corner of the application site. The detached garage will measure 8m x 6.55m with an eaves height of 3.3m and an overall height of 5.6m. The ground floor of the proposed building will be utilised as a garage and the roof space as storage.

Externally, the proposal will be finished with render, z stone cladding and composite cladding to the walls, grey roof tiles, UPVC windows, and composite doors. A post and rail fence at a maximum of 1.05m will be erected along the front, side and rear boundary, with the existing boundary fence located along the east of the side.

Access to the site will be via the existing access to the south west of the application site, with a parking and turning area to the front and side of the proposed dwelling.

It is proposed that the foul water from the proposal will be discharged to the existing combined public sewer to the front of the site, and surface water will be attenuated and connected to the combined sewer.



Cumberland Council

Consultation Responses

Egremont Town Council

25th July 2023

No objections.

28th February 2024

Councillors are in support of the application as long as there are no objections from neighbours on material grounds.

6th August 2024

No comments.

Cumberland Council – Highway Authority & Local Lead Flood Authority

28th July 2023

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

26th February 2024

I can confirm that the response made to the previous application on the 28th July 2023 should still apply.

17th July 2024

We can also confirm that we note the comments from the EA and UU and can confirm that from a LHA point of view we would have no objection to this application. We would however suggest that the following conditions are included in any consent you might grant: visibility splays, access gradient, and access/parking requirements.

United Utilities

10th August 2023

Request the inclusion of a condition to secure detail of a sustainable surface water and foul water drainage scheme.

26th February 2024

Following our review of the submitted Site plan showing drainage proposals, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the surface water hierarchy has been followed and there is insufficient detail on the drainage design.

Should planning permission be granted we request the inclusion of a condition to secure detail of a sustainable surface water and foul water drainage scheme.

Cumberland Council – Environmental Health

19th July 2023

The site has a long industrial history associated with Florence Iron Ore Mine and its railway sidings and was subsequently subject to the infill of made ground as this industry receded. Helpfully the application contains both phases 1 and 2 ground investigation reports and their conclusions and recommendations are noted.

Any permitted construction works may also disturb neighbours to some degree.

The Environmental Health team has no objections to this development subject to the following conditions being imposed; remediation scheme for land affected by contamination, implementation of approved remediation strategy, reporting of unexpected contamination, site operation times, and control of dust and airborne pollutants.

28th February 2024

The Soil Remediation Strategy that was submitted in February 2024 is hereby approved and discharges the respective condition that had been previously requested by Environmental Health.

The basis of the remediation strategy is that any contaminated soils are either removed from site and / or re-used in tandem with a suitable clean cover system.

The remediation strategy advises that an experienced Geo-Environmental Engineer (GEO) is employed to oversee the remediation strategy options and work, and that a subsequent validation report on its implementation is drawn together and forwarded to the Council, prior to occupation of the dwelling.

Accordingly, therefore, Environmental Health would request a final planning condition on this



Cumberland Council

– Land affected by contamination – Validation Report.

5th March 2024

To clarify, my original email response of 19.07.23 did contain other conditions and Environmental Health would wish that these were applied also.

Namely –

- Implementation of Approved Remediation Scheme;
- Validation Report (as set out in response dated 05.03.24);
- Reporting of Unexpected Contamination;
- General condition on permitted construction working hours and the requirements for noise and dust control measures during the construction phase.

31st July 2024

There are no objections from Environmental Health to the proposed updates to this development, namely the amended site plan and site elevations, dated July 2024.

The supplementary Controlled Waters Risk Assessment, dated June 2024, is noted, as are the comments of the Environment Agency in their response of 20 June 2024.

Measures for the control of dust and other airborne pollutants during the construction phase shall be implemented, and any construction works that are audible at the site boundary should be carried out only during the suggested hours, as detailed in the Environmental Health response of 18 July 2023.

Environment Agency

22nd August 2023

Environment Agency position

The planning application is accompanied by a Phase 2: Ground Investigation Report (ref: 2021-4817, dated 6 August 2021) prepared by Geo Environmental Engineer/Associate. We have reviewed the FRA in so far as it relates to our remit.

We object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 174 of the National Planning Policy Framework.

Reasons

The ground investigation report does not assess the risk to Controlled Waters. In the absence of groundwater quality and/or soil leaching tests, the agency is unable to make an appropriate assessment of risk to groundwater quality.

Overcoming our objection

In accordance with our approach to groundwater protection we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

Note to LPA

The made ground contains elevated concentrations of arsenic and polycyclic aromatic hydrocarbons which require an agreed remediation scheme to protect human health. We would expect any remediation scheme to consider the appropriateness all pollutant linkages (including groundwater). This has not been done.

Therefore, we recommend no remediation scheme is approved until further sampling to determine the risk and impact of soluble contaminants is undertaken. This is required to protect the underlying principal aquifer.

Results of the supplementary work should be assessed and integrated into the remediation scheme to be protective of groundwater quality.

12th March 2024

In our previous response letter referenced NO/2023/115491/01-L01 and dated 22 August 2023, we objected to the application due to risks to groundwater quality.

We have reviewed the following supporting information that accompanies this application:

- Document titled 'Phase 2: Ground Investigation Report', prepared by Geo Environmental Engineering (referenced: 2021-4817; dated: 6 August 2021)
- Document titled 'Soil Remediation Strategy', prepared by Geo Environmental Engineering (referenced: 2023-6037; dated 13 September 2023).

Environment Agency position:

We maintain our objection to the proposed development due to the lack of supporting information required to assess the risk to groundwater quality. Our comments are as follows:-



Cumberland Council

The Phase 2 Ground Investigation Report contains no information of the potential risks to groundwater and surface water quality. The report highlights the presence of made ground with total concentrations of contaminants at risk to human health receptors, but there are no groundwater or leachate tests to determine solubility of contaminants to address risk to water quality receptors.

Point 1.0 of the Soil Remediation Strategy (RS) report states that this RS "is designed to appropriately remediate the contamination identified within the following reports with The RS refers to a desk top study but this has not been included as part of the planning application and therefore we are unable to review or consider this. The RS also fails to include any conceptual model or source pathway receptor from potential soluble contamination.

The two remedial options will have an impact on our response to this application. If all made ground is removed off site, we would be able to consider removing our objection. If the made ground remains on site and the residual contamination is covered with inert materials and geotextile, this is unlikely to reduce risk, and our objection would still apply.

Overcoming our objection:

To address the above concerns, the applicant should either:

1. Provide evidence to demonstrate that the made ground containing contaminants of concern will be removed from site prior to the commencement of development; or,
2. Provide further information, including conceptual site model, groundwater and /or leaching tests, risk assessment and remedial options, in order to address soluble component of risk to water quality arising from retaining the made ground in situ.

20th March 2024

We have now reviewed the following supporting document, received by email on 13 March 2024;

- Report titled 'PHASE 1: DESK TOP STUDY REPORT - PRELIMINARY GEOENVIRONMENTAL RISK ASSESSMENT', prepared by Geo-Environmental Engineering (reference: 2019-3547; dated: 13.02.2019).

Environment Agency position:

We maintain our objection to the proposed development due to risks to groundwater quality, and would offer the following comments:-

The Phase 1 Desk Top Study Report, referenced above, supports the previously supplied Phase 2 Ground Investigation Report (referenced: 2021-4817; dated: 6 August 2021). However, the Phase 1 Report does not, and is not expected to, provide site-specific information on the ground conditions with regard to soluble contaminants as this should be

the aim of the Phase 2 Report.

Whilst no perched water was present in made ground, groundwater was recorded in the underlying gravels. It is anticipated that the fill material will be subject to saturation over changing climatic conditions as perched groundwater above the clay.

The Phase 1 Report recommends a requirement for remediation if water is found, but the capping proposal (See Phase 2 Report) only addresses human health receptors, not the risk to groundwater.

In paragraph 2.1 of the Phase 2 Report (Ground Investigation Aims and Objectives), it outlines the need for "chemical properties of ground and groundwater across the development area in order to determine any risks to human health or environmental receptors". This objective requirement has not been met with the absence of leaching or groundwater sampling and analysis.

In the absence of adequate supporting information, the development poses an unacceptable risk to water quality.

Overcoming our objection:

As per our previous response (letter referenced NO/2023/115491/02-L01 and dated 12 March 2024), we suggest that the applicant should provide either of the following in order to address our concerns:

1. Provide evidence to demonstrate that the made ground containing contaminants of concern will be removed from site prior to the commencement of development; or,
2. Provide further information, including conceptual site model, groundwater and /or leaching tests, risk assessment and remedial options, in order to address soluble component of risk to water quality arising from retaining the made ground in situ.

20th June 2024

In our most recent response letter, referenced NO/2023/115491/03-L01 and dated 20 March 2024, we maintained our objection to the proposed development due to the lack of supporting information required to assess the risk to groundwater quality.

We have now received and reviewed the following supporting document:

- Report titled 'Supplementary Controlled Waters Risk Assessment', prepared by Geo Environmental Engineering Ltd (referenced: GEO2024-6348; dated: 11.06.2024)

Environment Agency position:

We withdraw our objection to the proposed development, however we do wish to make the following comments:-

We have reviewed the document referenced above, which reviews the likelihood and consequence of the PAH contamination risk to water quality. In following the Remedial Target Methodology for risk assessment, the investigation results and assessment acknowledge a leachable contamination risk, but its significance is minor.

The justification for reducing infiltration in the building design, forming a partial cap in lieu of further quantitative assessment, is an acceptable form of remediation in this site specific case. As such, we have no further objections or comments to make.

Cumberland Council & Westmorland and Furness Council – Resilience Unit

24th July 2023

Thank you for the opportunity to comment on the above planning application. This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

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>

The location of the land does sit within a distance of 10km from the Sellafield site, an area known as the Outer Consultation Zone (OCZ) but after viewing the details of the application, the opinion is that the plan for this development is not of significance in relation to this particular zone, and, therefore, liaison with the applicant is not required.

There are no objections to the proposed works.

8th February 2024

There are no further comments in addition to the reply sent during July 2023 from the Joint Emergency Management and Resilience Team.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to fourteen properties. Three letters of objection have been received in relation to this statutory notification period, which raise the following concerns:

- When I asked about planning permission for a caravan for my son in my garden I was told the site is identified as open countryside within Policy ST2 of the Copeland Plan where residential development is restricted to that identified need or is essential, including agricultural workers, replacement dwellings, and the conversion of rural buildings to residential use.
- This land is in the same boundary as my property so just wondering why I have to follow the Policy ST2.
- Can you confirm that this application has met the condition in the Policy ST2.
- When all three of the residents applied for planning permission it was on the condition of replacement of existing dwelling which were on each address.
- I was under the impression that only houses could be built to replace a dwelling that had been there previously. My question is how come first stage planning permission has been granted when there was no previous dwelling there. In all my years of living at Scurgill the site had always been a garage site of which we had purchased a garage on. Once the site was sold everything was then bulldozed down taking away our right to our garage. It was also our understanding that Scurgill was outside the settlement boundary of Egremont and is identified as open countryside within the policy ST2 of the Copeland local plan where new residential development is restricted to that which has an identified need or essential including agricultural workers replacement dwellings and the conversion of rural buildings to residential use.
- There are shortages of parking spaces available on Scurgill Terrace itself.
- Residents and visitors to properties on Scurgill Terrace park on the main road, restricting the width of the highway.
- The access to the property would severely impeded access to Scurgill Terrace from the main road. On most days there are vehicles parked on the main road opposite to the main development site thus restricting access to the site.
- I object to the building of a property within sight and sound of my house, I can foresee considerable difficulty and congestion with construction vehicles, entering and leaving the building site. This disruption would be unacceptable.
- According to the report it has highlighted that there is elevated Arsenic and PAH on the land which poses a risk to human health and therefore requires some



**Cumberland
Council**

remediation work to be carried out to mitigate risks. It states that any remediation works would be subject to the approval of the local authority and that it is recommended that a Remediation Strategy be agreed with the Planning Authority prior to implementation on site and that the report should be passed to the appropriate regulatory authorities and/or other key stakeholders in order to seek their approval of the finding of the Ground Investigation Report prior to undertaking any works on site. - I therefore question how come diggers have been allowed this weekend to go on the land and have dug out the bank and disposed of the soils and have levelled off the site? My concern now is has this work has disturbed/exposed contamination without proper measures in place and being followed. In light of known contamination, I would like you to confirm if this work was approved before work commenced.

- I also have a concern about the sewer drain. It does not state clearly on the application where the proposed sewer drain is to be situated. The 3 bungalows that are built all have the same sewer drain, which runs right through the proposed land and does not show on the proposed plans. In fact, only this weekend when levelling off the ground, a digger broke into our sewer pipe.
- The design is not in keeping with the three houses that are already built on that side of the road. When we built our house, which was the last house to be built there, it was specified that we could only obtain planning permission if the house was in keeping with those houses already built.
- The proposed plans of the house will mean for me that I will look out of two of my windows on the side of my living room on to the proposed house wall, which will block out light. The plans also show that the front of the proposed house will be built approximately 6 foot in front of my house which again will block sunlight but more so the view that we have out of our front living room window down towards Egremont. This means that all 3 windows in my living room will now have views of the proposed structure. I would therefore be grateful if the house could be built/shifted slightly back so that the front of the proposed house falls in line with the front of my house so at least we have one window that does not look on to the proposed property.

Public Reconsultation

Following the receipt of amended/additional information for the application, a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

One letter of objection was received which raises the following concerns with the application:

_ I am unable to open Consultee Response – Environment Agency 20-02-23 on the Council

website. This should be made available and notification of this omission to be made public with an extended consultation period to allow interested parties to read and consider as not all information has been provided.

- As you are aware the top level land/ground of the proposed site was removed some months ago before any decision has been reached on planning permission. I am asking because I cannot find in any of the reports as to where the top level land/ground that was removed has been disposed of and in what way.
- I would appreciate it If you can please advise me of this/provide the results because the following sections imply that an appropriate off side disposal should be made in accordance potentially with a WAC screening and I would like confirmation that this was carried out in accordance and a copy of the results made available for review.

Public Reconsultation

Following the receipt of amended/additional information for the application, a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

One letter of objection was received which raises the following concerns with the application:

- We bought our property on the basis it was not overlooked and we had privacy.
- We were never made aware that this site would be sold.
- The new dwelling will overlook our house and garden, removing our privacy.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.



Cumberland Council

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 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 Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024. The Planning Inspectors Report is awaited.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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

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

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

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

Principle of Development

The application site is located to the south east of Egremont, which is classified under Policy ST2 of the Copeland Local Plan as a Key Service Centre. Policy ST2 of the Local Plan seeks to support housing developments of moderate allocations in the form of extensions to the town to meet general needs, and infill and windfall housing sites. Larger housing sites within Key Service Centres are required to provide a proportion of affordable housing under Policy ST2.

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.

Within the Emerging Local Plan, under Policy DS3PU Egremont continues to be identified as a Key Service Centre where the focus will be for town centre developments, employment development, and medium scale housing extensions, windfall and infill development.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Within the existing Copeland Local Plan and the Emerging Local Plan, the application site is

identified as outside of the existing and proposed settlement boundary for Egremont.

Policy ST2 of the Copeland Local Plan restricts the development of housing outside of the defined settlement boundary to that which has a proven and specific local need including the provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing, and the conversion of rural buildings to residential use.

Policy DS4PU of the ELP states that to ensure the delivery of allocated site is not prejudiced, development outside the settlement boundary will be considered acceptable where the proposal is for housing and the site is well related to or directly adjoins an identified settlement boundary of a town or Local Centre, and the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes.

The application site was granted outline planning permission for two dormer bungalows in 2019 under application reference 4/19/2066/001. The permission was granted at this site when the Council were unable to demonstrate a five-year land supply, therefore the application was considered in line with paragraph 11 of the NPPF and the Council's Interim Housing Policy. The development of two houses at this site was therefore considered to be sustainable development, given the proximity to the Key Service Centre and reuse of Brownfield land.

Whilst this outline planning permission has now expired, the principle for developing this site for residential purposes has now been established. The application is located to the east of the existing and proposed settlement boundary for Egremont, separated by the A595, and is sited within a group of existing residential properties located on Scurgill Terrace. The application site is considered to be well related to the town of Egremont and is physically connected to the settlement by an existing pedestrian route. The development is therefore considered to comply with Policy DS4PU of the ELP.

Although the proposal is in conflict with the existing Local Plan, the principle of developing the site was established when the Council failed to provide a five-year land supply and was therefore considered to be sustainable development. The proposal is considered to be in accordance with the Emerging Local Plan and provisions of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 of the Copeland 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 DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features,

reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhanced by supporting proposals which enhance the value of the Borough's landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The application site is a vacant brownfield site which lies to the north of Scurgill Terrace. Whilst the site is located outside of the settlement boundary for Egremont, the site lies adjacent to a number of existing residential dwellings which form Scurgill Terrace. As the proposed development lies within a developed area and lies adjacent to existing residential dwellings, the proposal is not considered to have an impact on the overall landscape. Whilst large in scale the proposed works reduce the existing ground levels to site the development lower into the land. This will ensure that the development does not exceed the existing ridge height of the directly adjacent dwelling, therefore the development is complementary to the existing built form.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design and Impact of Development

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and

antisocial behaviour.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

In 2022, a planning application (ref: 4/22/2147/0F1) was submitted at this site, which was subsequently withdrawn due to concerns relating to the overall scale and design of the proposed dwelling. Prior to this withdrawal extensive discussions were undertaken the applicant to secure a more suitable scheme for this site. These discussions have been reflected within this current application which now includes a detached garage, a reduced footprint, and a more simplified design within the front elevation of the proposal.

Based on the amendments to the current scheme, it is considered that the proposed development is of a suitable scale and design in the context of the surrounding area. Whilst modern in appearance, the simplified elevations, reduced scale, and set back siting of the proposed development is considered to reflect the existing character and massing of the adjacent group of dwellings and will not be overbearing or dominant within the streetscene. The development will be set down within the existing land to ensure the height of the proposal does not exceed the ridge height of the adjoining site.

Whilst the proposed dwelling will be set slightly forward of the directing adjacent site, this is considered to reflect the existing stepped built form of the existing detached properties on Scurgill Terrace, and adequate separation distances are retained to limit the impact of the development. The inclusion of the proposed, and retention of existing, boundary treatment and obscure glazed windows within the gables of the property will ensure the development does not result in overlooking and will ensure the amenity of neighbouring properties. These details will be secured, and their retention controlled via an appropriately worded planning condition. Permitted development rights will also be removed from the site to ensure that the site isn't developed to the detriment of the neighbouring dwellings.

Whilst the application makes some reference to the proposed materials within the development, which appear to reflect those used within the surrounding area, specifications have not been provided therefore a condition will be placed on this permission to secure these details prior to their use within the development.

Concerns have been raised by neighbouring properties with regard to the impact the development will have during the construction of the dwelling. Conditions requested by the Council's Environmental Heather Officer restrict construction hours, and secure noise and dust control measures will address these concerns.

On the basis of the amended detail for this application and the proposed conditions, it is considered that the development would be in accordance with Policies DM10 and DM12 of



Cumberland Council

the Copeland Local Plan, Policies DS6PU and H6PU of the Emerging Local Plan, and 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.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

Access to the proposed development will be via the existing access to the south west of the application site from Scurgill Terrace, with a parking and turning area proposed to the front and side of the proposed dwelling. This access previously served the garage site which has now been demolished.

Concerns with regard to the proposed access arrangement to the site have been raised by neighbouring properties. The Highway Authority have been consulted on this application and have offered no comments to the proposal subject to conditions. The development is considered to comply with requirements set out in the Cumbria Design Guide in terms of providing a suitable access, adequate off road parking and turning facilities, and acceptable visibility splays. Given that the access to this site previously served a garage site, which has now been demolished, the use by a single dwelling is not considered to have adverse impacts on highway safety. Conditions requested by the Highway Authority will secure the access, parking and visibility requirements. A condition will also be placed on the decision notice to secure a traffic management plan to mitigate any potential impacts on neighbouring properties.

It is therefore considered that based on the inclusion of conditions outlined above, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Drainage and Flood Risk

Policy ST1 of the Copeland Local Plan and paragraph 165 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 for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy

and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. As the application is for a single dwelling a Flood Risk Assessment has not been submitted to support this application.

Within the amended details for this application the proposed drainage strategy states that the proposed foul water from the proposal will be discharged to the existing combined public sewer to the front of the site, and surface water will be attenuated and connected to the combined sewer.

United Utilities have reviewed the amended information for this application and have confirmed that the plans are not acceptable as evidence has not been provided that the surface water hierarchy has been followed. Based on this they have requested the inclusion of a condition to secure the submission of a sustainable surface water and foul water drainage scheme. The LLFA have offered no objections on this proposal, however this condition would comply with their guidance.

Whilst the proposal does include the installation of an arco drain along the access to the site, the LLFA have offered no objections on this proposal subject to the inclusion of a condition to prevent surface water discharging on/off the highway.

It is therefore considered that based on the inclusion of the requested conditions, the proposal will not have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Ground Conditions

Policy ST1 of the Copeland Local Plan includes provisions requiring that new development addresses land contamination with appropriate remediation measures.

Policy DS6PU and Policy DS10PU of the Emerging Local Plan includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

As part of the original application a Residential Ground Risk Report was submitted to support this proposal. This report concludes the following:

Coal Mining –

The site is not considered to be susceptible to coal mining-related ground instability. Any identified coal mining features are considered unlikely to impact the value or security of the site for normal lending purposes and there is no reason for them to impact upon the completion of this transaction.

Other Mining –

It is considered possible that the Site could be susceptible to non-coal mining related ground

instability.

Natural Ground Perils –

The site is not considered to be susceptible to natural ground instability.

Clay Subsidence –

The Site is not considered to be susceptible to subsidence instability.

Coastal Hazards –

The site is not considered to be within an area affected by coastal hazards.

Radon –

The property is not in a radon affected area.

Oil and gas activity –

The site is not considered to be within an area that could be affected by hydrocarbon extraction.

Mineral Planning –

The site is not considered to be within an affected area for present or future non-coal mineral extraction.

A Phase 2: Ground Investigation Report was submitted to support this proposal. This report concludes the following:

The ground investigation has encountered variable granular made ground including much aggregate, clinker, brick, concrete and occasional ash, slag, shale and rebar. Boulders of sandstone, concrete and brick we also noted. The made ground was not considered suitable for re-use within the proposed gardens.

During the investigation, GEO did not identify any visual or olfactory evidence of fuel/oil type contamination.

Following the results of the contamination assessment it can be seen that an elevated concentrations of arsenic and PAH compounds are present in the made ground that pose a risk to human health where it is exposed at the surface such as in the proposed garden. Remediation is recommended to mitigate these risks. Any remediation works would be subject to the approval of the Local Authority. It is recommended that a Remediation Strategy be agreed with the Planning Authority prior to implementation on site. Once the remedial works have been agreed and implemented on site, the Planning Authority will require the completion of Validation/Verification works and reporting to confirm the remedial works have been completed in accordance with the agreed remedial strategy.

The results of the ground gas monitoring indicate no methane, marginally elevated concentrations of carbon dioxide and low flow rates. Gas protection measures are not

considered necessary.

Radon protection measures are not considered necessary.

Consideration must be made for variations to occur in the ground conditions between the exploratory hole locations for which GEO holds no responsibility and areas where limited access was available. It is therefore recommended that a “watching brief” and “observational technique” be applied to this site to ensure that if ground conditions appear to vary from those identified within this investigation report then advice should be sought from a suitably qualified and experienced Engineering Geologist, Geotechnical or Geo-Environmental Engineer.

Appropriately worded planning conditions are proposed to ensure the development is carried out as per the recommendations within these reports.

In response to the original application the Council’s Environmental Health Officer offered no objection to the application, however the Environment Agency objected to the application as the ground investigation report does not assess the risk to Controlled Waters.

During the application process, a neighbour informed the Council that works had been undertaken to clear the site without submitting the required information/mitigation measures set out in the Phase 2 report. The Council’s Environmental Health Officer conducted a site meeting to produce a remediation strategy with the GEO Engineer. The Environmental Health Officer confirmed that no material had been removed from the site and the land had only been levelled.

Further to the submission of the Soil Remediation Strategy the Environmental Health Officer confirmed that he has no objections to the application, subject to the inclusion of conditions relating to the implementation of the approved Remediation Scheme, submission of a Validation Report, and reporting of Unexpected Contamination.

The EA however maintained their objection, therefore a Phase 1 Desk Study Report and Supplementary Controlled Waters Risk Assessment were submitted. This allowed the EA to withdraw their objection to the application.

Subject to the inclusion of the requested planning conditions set out above the proposal is considered to achieve the requirement of Policy ST1 of the Copeland Local Plan, Policies DS6PU and Policy DS10PU of the Emerging Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the

previous three years.

In February 2023, Copeland Borough Council produced a Five-Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

The ELP will, once adopted, replace the policies of the adopted CS. The ELP has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment 2021 (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 146 dwellings per annum. The ELP identifies that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries and allocations identified in the CS and includes development boundaries and allocations sites for residential development that will permit delivery of the identified housing need in accordance with the sustainable development strategy proposed.

On this basis, the policies in the CS in relation to housing delivery must be considered out of date and only limited weight be given their content as far as they are consistent with the provisions of the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The application site was granted outline planning permission for two dormer bungalows in 2019 (ref: 4/19/2066/001) when the Council were unable to demonstrate a five-year land supply. Whilst this outline planning permission has now expired, the principle for developing this site for residential purposes has now been established. This is given significant weight.

The application is located to the east of the existing and proposed settlement boundary for Egremont, separated by the A595, and is sited within a group of existing residential properties located on Scurgill Terrace. The application site is considered to be well related to the town of Egremont, and is physically connected to the settlement by an existing pedestrian route. The development is therefore considered to comply with Policy DS4PU of the ELP. Given the limit modifications to this Emerging Policy this Policy can now be given moderate weight.

The amended scheme for this development shows 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. The site is accessed via the existing access to the site which formally served the garage site previously demolished. The use of this access by a single dwelling is not considered to have adverse impacts on highway safety, and the site is to be served by a suitable access, adequate off road parking and turning facilities, and

	<p>acceptable visibility splays.</p> <p>Conditions are proposed to deal with the proposed drainage at this site which is currently not considered to meet the drainage hierarchy. Conditions will also be utilised to deal with the ground conditions at this site and to ensure the development is carried out in accordance with the technical reports submitted to support this application.</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, Emerging 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. 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: <ul style="list-style-type: none"> - 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.



Cumberland Council

- 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:
 - 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.

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:

- 08:00am to 18:00pm Monday to Friday; and
- 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.



Cumberland Council

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.

Case Officer: C. Burns

Date : 07.08.2024

Authorising Officer: N.J. Hayhurst

Date : 09.08.2024

Dedicated responses to:- N/A