

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2325/0B1	
2.	<b>Proposed Development:</b>	VARIATION TO CONDITIONS 2 (PLANS), CONDITION 3 (MATERIALS) AND 4 (DRAINAGE) OF PLANNING APPLICATION 4/21/2563/0R1 RESERVED MATTERS RELATING TO ACCESS, APPEARANCE, LAYOUT SCALE, LANDSCAPING FOLLOWING OUTLINE APPROVAL 4/19/2025/0O1 FOR ERECTION OF ONE DWELLING	
3.	<b>Location:</b>	LAND ADJACENT TO THORNLEA, CARLETON, EGREMONT	
4.	<b>Parish:</b>	Haile	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	This application site relates to an area of land located on the south edge of Carleton, a small	

Hamlet of 11 dwellings, located 2km from Egremont. The site comprises 900 sq. metres of land and was previously used as part of a chicken battery production facility which has now been cleared. The land is bounded to the west by an existing detached property, known as Thornlea, and the south and east by open countryside. An existing single access track bounds the north of the site which serves two properties within the vicinity.

### **Relevant Planning History**

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

4/21/2382/0F1 – Erection of a single dwelling – Withdrawn.

4/21/2563/0R1 – Application for the approval of reserved matters relating to access, appearance, layout, scale and landscaping following outline approval reference:

### **Proposal**

In May 2021, reserved matters were approved (ref: 4/21/2563/0R1) for details of access, appearance, layout, scale and landscaping following outline approval reference: 4/19/2026/001 for the erection of single dwelling on the site.

This current application seeks to vary the following conditions attached to this reserved matters permission:

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-
  - Location Plan/Proposed Plans & Elevations (Amended), Scale 1:100 & 1:1250, Drawing No: 01, Rev: D, received by the Local Planning Authority on the 21st January 2022.
  - Proposed Site Plan (Amended), Scale 1:200, Drawing No: 02, Rev: J, received by the Local Planning Authority on the 18th May 2022.
  - Phase 2: Ground Investigation Report, Prepared by Geo Environmental Engineering September 2021, received by the Local Planning Authority on the 23rd December 2021.
  - Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by Geo Environmental Engineering January 2019, received by the Local Planning Authority on the 10th March 2022.
  - Thornlea Utility Pack, Prepared by Centara Bureau Services July 2021, received by the Local Planning Authority on the 23rd December 2021.
  - Outline Drainage Strategy (Amended), Scale 1:150, Drawing No 200, Rev B, received by the Local Planning Authority on the 11th May 2022.

- Drainage Strategy (Amended), Prepared By Tweddell & Slater May 2022, received by the Local Planning Authority on the 11th May 2022.
- Remediation Options Appraisal & Strategy, Prepared by GEO Environmental Engineering March 2022, received by the Local Planning Authority on the 23rd March 2022.
- Landscape & Maintenance Plan, received by the Local Planning Authority on the 18th May 2022.

**Reason**

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

**Prior to Erection of External Walling Conditions**

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

**Reason**

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

**Prior to Occupation/Use Conditions:**

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

For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason**

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Revised drainage details have been submitted with the application which necessitates the revision to conditions 2 and 4. Works have also commenced on site and therefore condition 3

requires revision to reflect the external facing materials used.

## **Consultation Responses**

### Haile & Wilton Parish Council

No comments received.

### Cumberland Council – Highway Authority & LLFA

*23<sup>rd</sup> November 2023*

The LHA & LLFA has no objection to the variation of conditions 2 & 4 subject to any conditions that have not been discharged being included in any notice of consent you may grant.

*15<sup>th</sup> January 2024*

I can confirm that the response make to the previous application dated 15/11/23 should still apply.

The LHA & LLFA has no objection to the variation of conditions 2 & 4 subject to any conditions that have not been discharged being included in any notice of consent you may grant.

### United Utilities

*14<sup>th</sup> December 2023*

Further to our review of the submitted documents, Drawing 200, Rev B - Dated 11/05/2022, United Utilities has no objection to condition 4 being varied.

### Cumberland Council – Environmental Health

*20<sup>th</sup> November 2023*

The Environmental Health team have no objections to the above variations.

*8<sup>th</sup> January 2024*

Environmental Health has no objections to the latest variations dated January 2024.

### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to six properties.

One letter of objection was received raising the following concerns:

- The sewer records for the public sewer are no correct and Mr Chris Bell has visited Carleton and has taken down measurements and details following an inspection of the sewer route and is going to update the sewer records.



## Cumberland Council

- While he was there he expressed surprise at the amount of water constantly running through the sewer on a dry day.
- Before the original plans were submitted for the current development a neighbour asked me if he could look to see where the sewer came through my property. There was no water running through the sewer.
- Mr Bell has arranged for a team from UU to come and track the source of the water currently flowing through the sewers using cameras. In the circumstances I shall be obliged if you will contact Mr Bell to obtain details of the source of water presently flowing through the sewer which is obviously not foul drainage.
- The above and report from Mr Bell are taken into account before a decision is made on the application.

### **Planning Policy**

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

### **Development Plan**

#### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

##### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

##### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

	<p>Policy DM24 – Development Proposal and Flood Risk</p> <p>Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species</p> <p>Policy DM26 – Landscaping</p> <p><u>Emerging Copeland Local Plan (ELP):</u></p> <p>Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.</p> <p>The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.</p> <p>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.</p> <p>Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.</p> <p>Strategic Policy DS1PU: Presumption in favour of Sustainable Development</p> <p>Strategic Policy DS2PU: Reducing the impacts of development on Climate Change</p> <p>Strategic Policy DS3PU: Settlement Hierarchy</p> <p>Strategic Policy DS4PU: Settlement Boundaries</p> <p>Strategic Policy DS5PU: Planning Obligations</p> <p>Policy DS6PU: Design and Development Standards</p> <p>Policy DS7PU: Hard and Soft Landscaping</p> <p>Strategic Policy DS8PU: Reducing Flood Risk Policy DS9PU: Sustainable Drainage</p> <p>Strategic Policy H1PU: Improving the Housing Offer</p> <p>Strategic Policy H2PU: Housing Requirement</p> <p>Strategic Policy H3PU: Housing delivery</p> <p>Strategic Policy H4PU: Distribution of Housing</p> <p>Strategic Policy H5PU: Housing Allocations</p> <p>Policy H6PU: New Housing Development</p>
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Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

### **Other Material Planning Considerations**

National Planning Policy Framework (2023)

National Planning Policy Guidance (NPPG)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

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

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

### **Assessment**

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

In terms of the conditions attached to the previous decision notice (4/21/2563/0R1), it is necessary to repeat conditions 1, 5, 6, 7 and 8 to ensure that works are carried out as per the approved details.

The current application seeks to vary conditions 2 and 4 of the original reserved matters permission ref: 4/21/2563/0R1, due to alterations to the proposed drainage for the scheme. Condition 4 relates to the proposed drainage for the site and states that prior to occupation of the proposed dwelling the drainage must be completed in accordance with the approved details and retained for the lifetime of the development. Condition 2 relates to the approved plans and documents for the approval which also reference the drainage details for the

	<p>scheme.</p> <p>As part of the original approval it was proposed that foul and surface water would be discharged to the existing combined sewer to the north of the application site through a new connection. During the construction of the dwelling an existing drainage system was identified which previously served the site, therefore a new connection to the existing manhole will not be required. Confirmation has been received from UU and the LLFA have no objections to the amended drainage strategy.</p> <p>The application also seeks to vary condition 3 attached to the reserved matters permission ref: 4/21/2563/0R1. Condition 3 relates to the proposed external material to be used on the application under application 4/21/2563/0R1. As the development has already commenced and the materials utilised within the development, the variation of this condition allows the works to be completed whilst securing a satisfactory finish for the development. The applicant has submitted a schedule of materials to show the materials used within the development. Based on a review of these details the proposed materials are considered to be acceptable for this development, they are considered to reflect the dwellings in the wider locality.</p> <p><b>The Planning Balance and Conclusion</b></p> <p>All other aspects of the application will remain the same. The conditions attached to the original permission should be carried over and amended as set out above to ensure that any outstanding issues are considered, and the development is carried out to an acceptable standard.</p> <p>The drainage details and external facing materials submitted are acceptable.</p> <p>Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPG and the policies within the adopted and emerging Local Plans.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Condition(s):</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.</li> </ol> <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Location Plan/Proposed Plans &amp; Elevations (Amended), Scale 1:100 &amp; 1:1250,</li> </ul> </li> </ol>



Drawing No: 01, Rev: D, received by the Local Planning Authority on the 21<sup>st</sup> January 2022.

- Proposed Site Plan (Amended), Scale 1:200, Drawing No: 02, Rev: J, received by the Local Planning Authority on the 18<sup>th</sup> May 2022.
- Phase 2: Ground Investigation Report, Prepared by Geo Environmental Engineering September 2021, received by the Local Planning Authority on the 23<sup>rd</sup> December 2021.
- Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by Geo Environmental Engineering January 2019, received by the Local Planning Authority on the 10<sup>th</sup> March 2022.
- Thornlea Utility Pack, Prepared by Centara Bureau Services July 2021, received by the Local Planning Authority on the 23<sup>rd</sup> December 2021.
- Remediation Options Appraisal & Strategy, Prepared by GEO Environmental Engineering March 2022, received by the Local Planning Authority on the 23<sup>rd</sup> March 2022.
- Landscape & Maintenance Plan, received by the Local Planning Authority on the 18<sup>th</sup> May 2022.
- Covering Letter, received by the Local Planning Authority on the 14<sup>th</sup> November 2023.
- Drainage Plan 1, Prepared 7<sup>th</sup> November 2023, received by the Local Planning Authority on the 14<sup>th</sup> November 2023.
- Drainage Plan 2, Prepared 7<sup>th</sup> November 2023, received by the Local Planning Authority on the 14<sup>th</sup> November 2023.
- Drainage Strategy, Prepared By Tweddell & Slater, received by the Local Planning Authority on the 14<sup>th</sup> November 2023.
- External Materials, received by the Local Planning Authority on the 3<sup>rd</sup> January 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.

#### Prior to Erection of Superstructure Conditions:

3. The development hereby approved must be carried out in accordance with the schedule of materials set out in the approved document:

- External Materials, received by the Local Planning Authority on the 3<sup>rd</sup> January 2024.

The development must be retained in line with these approved details at all times thereafter.

Reason

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

Prior to Occupation/Use Conditions:

4. The drainage of the development hereby approved, must be carried out in accordance with the following approved documents:

- Covering Letter, received by the Local Planning Authority on the 14th November 2023.
- Drainage Plan 1, Prepared 7<sup>th</sup> November 2023, received by the Local Planning Authority on the 14th November 2023.
- Drainage Plan 2, Prepared 7<sup>th</sup> November 2023, received by the Local Planning Authority on the 14th November 2023.
- Drainage Strategy, Prepared By Tweddell & Slater, received by the Local Planning Authority on the 14th November 2023.

For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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

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

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

Reason

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

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

**Reason**

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

**Other Conditions:**

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

**Reason**

To ensure the protection of controlled waters from potential land contamination.

8. Any access gates installed within the property must be of a style which do not open onto the highway and must be retained as such at all times thereafter.

**Reason**

In the interest of highway safety.

	<p><b>Informatives:</b></p> <p>1. The development hereby approved must be carried out in accordance with conditions 4, 5, 6, 7, 8, and 9 of Outline Planning Approval Ref: 4/19/2026/001.</p> <p><b>Statement:</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<b>Case Officer:</b> C. Burns	<b>Date :</b> 19.01.2024
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 22/01/2024
<b>Dedicated responses to:-</b> N/A	