

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2017/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 5, 6, 7, 8 AND 9 OF PLANNING APPLICATION 4/23/2191/0F1	
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	No
		Site Notice	No
		Press Notice	No
		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4/22/2147/0F1 – Proposed detached dwelling – Withdrawn.

4/23/2191/0F1 – Proposed erection of new dwelling & detached garage – Approved.

### **Proposal**

In August 2024, planning permission (ref: 4/23/2191/0F1) was granted for the erection of a new dwelling and detached garage.

This current application seeks to discharge conditions 3, 5, 6, 7, 8, and 9. These conditions state the following:

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.

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 7<sup>th</sup> 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.

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.

The information submitted in support of the application comprises the following:

- Application Form, received by the Local Planning Authority on the 20<sup>th</sup> January 2025.
- Proposed Drainage Layout, Drawing Number: 5049-DD-XX-DR-D-0001, Revision: 03, received by the Local Planning Authority on the 20<sup>th</sup> January 2025.
- Proposed Drainage Catchment, Scale: Various, Drawing Number: 5049-DD-XX-XX-DR-D-0002, Revision: 01, received by the Local Planning Authority on the 20<sup>th</sup> January 2025.
- Typical Construction Details, Scale: NTS, Drawing Number: 5049-DD-XX-XX-DR-D-0003, Revision: 01, received by the Local Planning Authority on the 20<sup>th</sup> January 2025.
- Construction Management Plan (Amended), received by the Local Planning Authority on the 8<sup>th</sup> April 2025.
- CTMP Plan, Scale 1:200, Dwg: 905, received by the Local Planning Authority on the 20<sup>th</sup> January 2025.
- Storm Water Hydraulic Report, Prepared by The Drainage Designers October 2024, received by the Local Planning Authority on the 20<sup>th</sup> January 2025.
- Foul Water Hydraulic Report, Prepared by The Drainage Designers October 2024, received by the Local Planning Authority on the 20<sup>th</sup> January 2025.
- External Materials List (Amended), received by the Local Planning Authority on the 27<sup>th</sup> May 2025.
- Block Paving Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- Composite Cladding Details, received by the Local Planning Authority on the 22<sup>nd</sup> May

2025.

- External Doors Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- External Window Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- Facing Brick Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- Garage Door Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- Gutter Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- K-rend Details, received by the Local Planning Authority on the 22<sup>nd</sup> May 2025.
- Natural Stone Cladding Details, received by the Local Planning Authority on the 22<sup>nd</sup> May 2025.
- Patio Door Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- Paving Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- Roofing Tiles, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- Sliding Door Details, received by the Local Planning Authority on the 21<sup>st</sup> May 2025.
- Velux Window Details, received by the Local Planning Authority on the 27<sup>th</sup> May 2025.

## **Consultation Responses**

### Cumberland Council – Highway Authority & Lead Local Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

#### **Condition 3 - sustainable surface water drainage scheme and a foul water drainage scheme**

The details provided satisfy the requirements of this condition. We can confirm that we have no objection to this condition being discharged.

#### **Condition 5- Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway**

The details provided (Aco channel drain) satisfy the requirements of this condition. We can confirm that we have no objection to this condition being discharged.

#### **Condition 6 - The access and parking/turning requirements**

The details provided satisfy the requirements of this condition.

We can confirm that we have no objection to this condition being discharged.

#### **Condition 7 - Construction Traffic Management Plan**



## Cumberland Council

The details provided satisfy the requirements of this condition. We can confirm that we have no objection to this condition being discharged.

### **Condition 8 - Construction Environmental Management Plan**

No comment.

The highway implications of the constriction are covered in the CTMP.

### **Condition 9- samples and details of the materials to be used in the construction**

No Comment

#### United Utilities

Further to our review of the submitted Proposed Drainage Layout (ref 5049-DD-XX-XX-DR-D-0001, Rev 03, dated 26-11-24), United Utilities has no objection to condition 3 being discharged.

#### Cumberland Council - Environmental Health

*29<sup>th</sup> March 2025*

As far as its remit is concerned Environmental Health note the submission of the document titled 'Construction Management Plan Traffic Management'. A minor amendment is required – the construction working hours cited in this document should be changed to 08.00 -18.00 Monday to Friday and 08.00 – 13.00 Saturday as per the approved construction working hours (condition 18 of planning application 4/23/2191/0F1). However, notwithstanding this, the document will otherwise satisfy the requirement of condition 8 Construction Environmental Management Plan and Environmental Health have no objection to this condition being discharged.

*13<sup>th</sup> May 2025*

Thank you for the submission of the revised Construction Management Plan / Traffic Management (amended April 2025). This document is acceptable and, as such, Environmental Health are satisfied that condition 8 (Construction Environmental Management Plan) may be discharged.

### **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.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/23/2191/0F1 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2039 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain





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Strategic Policy BE1: Heritage Assets  
Policy BE2: Designated Heritage Asset  
Strategic Policy CO4: Sustainable Travel  
Policy CO5: Transport Hierarchy  
Policy CO7: Parking Standards

**Other Material Planning Considerations**

National Planning Policy Framework  
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**

This current application seeks to discharge conditions 3, 5, 6, 7, 8 and 9 of planning approval 4/23/2191/0F1.

Condition 3:

This condition seeks to discharge the requirement for the development to provide a sustainable surface water drainage and foul water drainage scheme. Based on the details of the information submitted, UU and the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 3 can be discharged.

Condition 5:

This condition seeks to discharge the requirement for the development to provide measures to prevent surface water discharging onto the highway. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 5 can be discharged.

Condition 6:

This condition seeks to discharge the requirement for the development to provide

	<p>access/parking/turning requirements. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 6 can be discharged.</p> <p><u>Condition 7:</u></p> <p>This condition seeks to discharge the requirement for the development to provide a Construction Traffic Management Plan. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 7 can be discharged.</p> <p><u>Condition 8:</u></p> <p>This condition seeks to discharge the requirement for the development to provide a Construction Environmental Management Plan. Following an update to the document to reflect the conditioned construction hours, Environmental Health have confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 8 can be discharged.</p> <p><u>Condition 9:</u></p> <p>This condition seeks to discharge the requirement for the development to provide details of the proposed external materials. Based on the details submitted within this application, the Local Planning Authority are satisfied with the information provided and confirm that the materials proposed are acceptable for this site and in the context of the surrounding area.</p> <p>It is therefore confirmed that condition 9 can be discharged.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of conditions 3, 5, 6, 7, 8 and 9.</p>	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 29.05.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 29.05.2025
<b>Dedicated responses to:-</b> N/A		