



Cumberland Council  
Cumbria House  
107-117 Botchergate  
Carlisle  
Cumbria CA1 1RD  
Telephone 0300 373 3730  
[cumberland.gov.uk](http://cumberland.gov.uk)

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

**This Permission is Subject to a Section 106 Agreement**

Sam Greig Planning  
Sunnyside  
Moorhouse Road  
Moorhouse  
Carlisle  
CA5 6EJ  
FAO: Sam Greig

**APPLICATION No: 4/22/2092/001**

**HYBRID APPLICATION INCLUDING AN OUTLINE APPLICATION FOR 21 SELF-BUILD DWELLINGS (WITH ALL MATTERS RESERVED WITH THE EXCEPTION OF ACCESS) AND FULL PLANNING TO ESTABLISH PLOT BOUNDARIES, ROAD LAYOUT AND SITE INFRASTRUCTURE ASSOCIATED WITH THE ERECTION OF THE 21 SELF-BUILD DWELLINGS**

**LAND ADJACENT TO FLOSH MEADOWS, CLEATOR**

**Mr R Mullholland**

The above application dated 18/02/2022 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

**Planning Conditions and Reasons Relating to the Full Planning Permission**

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

## Reason

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan – Drawing No. SG 15-178 02  
Proposed Longsections Sheet 1 - Drawing No. 1842 11 T4  
Proposed Longsections Sheet 2 - Drawing No. 1842 12 T2  
Proposed Drainage – Drawing No. 1842 202 P9  
SR12 Engineering Layout – Drawing No. 1842 1001 P2  
SR12 Surface Finishes – Drawing No. 1842 1031 P3  
Drainage Construction Details Sheet 1 of 4 – Drawing No. 1842 51 T1  
Drainage Construction Details Sheet 2 of 4 – Drawing No. 1842 52 T1  
Drainage Construction Details Sheet 3 of 4 – Drawing No. 1842 53 T1  
Drainage Construction Details Sheet 4 of 4 – Drawing No. 1842 54 T1  
Bulk Earthworks Sheet 1 – Drawing No. 1842 71 T4  
Bulk Earthworks Sheet 2 – Drawing No. 1842 72 T5  
Section 104 – Drawing No. 1842 101 P1  
Floss Meadows, Cleator SR12 The Meadows – Drainage Strategy – Report No. 1842-DS1 Rev. H  
SR12 – The Meadows – Flood Risk Assessment – Report No. 1842-FRA1 Rev. B  
SR12 The Meadows, SR12A Mid Meadows, Top Meadows - SUDS Maintenance Plan – Report No. 1842-SMP01 Rev. D  
Biodiversity Net Gain - Floss Meadows – Report Ref. 9200 Report Version 2.

## Reason

For the avoidance of doubt and in the interests of proper planning.

## Pre-Commencement Planning Conditions

### *Arboriculture*

3. No development shall commence until an Arboricultural Method Statement (AMS) detailing how works are to be undertaken within the root protection area of retained trees and hedges have been submitted to and approved in writing by the local planning authority.

The AMS shall include details of the following where works are proposed within the root protection area of the retained hedgerow/hedgerow trees:

- Installation of temporary ground protection;
- Facilitation tree works;

- Excavations and requirements for specialised trenchless techniques for the installation of services;
- Installation of access roads (materials and design) and new hard surfacing;
- Specialist foundations;
- Retaining structures to facilitate changes in ground levels;
- Preparatory works for new landscaping;
- A programme for the phasing of the works;
- Contact details of relevant parties.

The AMS shall be carried out as approved throughout the construction period.

#### Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy N14 of the Copeland Local Plan 2021-2039.

#### *Construction Management*

4. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall provide for:

- Details of the means of access and parking for construction traffic and vehicles of site operatives and visitors;
- Procedures for the loading and unloading of plant and materials;
- Details of storage of plant and materials used in constructing the development;
- Details of measures to control the emission of dust, emissions, sediments and pollutants arising during construction of the development;
- A scheme for recycling/disposing of waste resulting from construction works;
- A scheme for the management of surface water drainage during the construction period;
- Details of the erection and maintenance of security hoarding where appropriate;
- Wheel washing facilities.

The approved CEMP shall be adhered to throughout the construction period.

## Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with the provisions of Policy DS4, Policy DS9, Policy N1 and Policy N5 of the Copeland Local Plan 2021-2039.

5. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- The construction of the site access and the creation, positioning and retention of associated visibility splays;
- Details of access gates to be hung to open away from the public highway no less than 10m from the carriageway and incorporating appropriate visibility splays;
- Proposed accommodation works and where necessary a programme for their subsequent removal and reinstatement of street furniture where removed and verges where damaged during construction works;
- Details of carriageway improvements, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
- Details of proposed crossings of the highway verge;
- Details of areas to be retained for vehicle parking, manoeuvring, loading and unloading during the construction of the development;
- Details of recommended routes for construction traffic accessing and leaving the site and how this will be communicated to drivers;
- Details of the management of junctions and crossings of the public highway and other rights of way/footway affected during the construction period;
- Details of the scheduling and timing of movements, temporary warning signs and vehicles requiring a banksman/escort.

## 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 in accordance with the provisions of Policy DS4 and Policy CO2 of the Copeland Local Plan 2021-2039.

### *Biodiversity Net Gain*

6. Prior to the commencement of development a Biodiversity Net Gain Project Implementation Plan (BNGPIP) shall be submitted to and approved in writing by the local planning authority.

The BNGPIP shall detail the delivery of the ecological biodiversity net gain mitigation and compensation scheme outlined in Biodiversity Net Gain - Floss Meadows – Report Ref. 9200 Report Version 2.

The BNGPIP shall include:

- detailed specifications of the individual elements of the biodiversity net gain mitigation and compensation scheme. This shall include: specifications for the opening of the existing culvert, detailed hedgerow planting specifications and detailed oversowing specifications;
- timescales for the implementation of the biodiversity net gain mitigation and compensation scheme; and,
- an ongoing management and maintenance plan for the biodiversity net gain mitigation and compensation scheme for a period not less than 30 years.

The BNGPIP shall be implemented, managed and maintained in accordance with the approved details.

#### Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3 of the Copeland Local Plan 2021-2039.

### Other Planning Conditions

7. The surface water drainage system hereby approved shall be managed and maintained in accordance with the provisions of SR12 The Meadows, SR12A Mid Meadows, Top Meadows - SUDS Maintenance Plan – Report No. 1842-SMP01 Rev. D for the lifetime of the development.

#### Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Policy DS4, Policy DS6, Policy DS7 and Policy N5 of the Copeland Local Plan 2021-2039.

### *Unexpected Contamination*

8. If during development, contamination not previously identified is found to be present at the site then no further development on that plot/area shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that plot/area detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

#### Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of pollution in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

### *Hours of Construction*

9. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

#### Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

### **Planning Conditions and Reasons Relating to the Outline Planning Permission**

10. The development hereby permitted shall begin not later than TEN years from the date of this permission or the expiration of TWO years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

#### Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

11. Application for approval of the reserved matters shall be made to the local planning authority not later than TEN years from the date of this permission.

#### Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

12. For each dwelling details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

13. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan – Drawing No. SG 15-178 02

SR12 Surface Finishes – Drawing No. 1842 1031 P3 (in the context of the plot boundaries only, as identified in Condition 15)

Design Code - Self Build Housing Development at Flosch Meadows, Cleator.

Reason

For the avoidance of doubt and in the interests of proper planning.

14. The development hereby permitted shall not exceed 21 no. dwellings.

Reason

For the avoidance of doubt.

15. No layout proposed as part of the reserved matters shall depart from the layout of plots identified on SR12 Surface Finishes – Drawing No. 1842 1031 P3.

Reason

For the avoidance of doubt.

#### Pre-Commencement Planning Conditions

##### *Arboriculture*

16. Prior to the commencement of development on Plots 12-19 an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the local planning authority.

The AMS shall include details of the following where works are proposed within the root protection area of the retained hedgerow/hedgerow trees:

- Installation of temporary ground protection;
- Facilitation hedge/tree works;
- Excavations and requirements for specialised trenchless techniques for the installation of services;
- Installation of access roads (materials and design) and new hard surfacing;
- Specialist foundations;
- Retaining structures to facilitate changes in ground levels;

The AMS shall be carried out as approved throughout the construction period.

#### Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy N14 of the Copeland Local Plan 2021-2039.

#### *Construction Management*

17. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall provide for:

- Details of the means of access and parking for construction traffic and vehicles of site operatives and visitors;
- Procedures for the loading and unloading of plant and materials;
- Details of storage of plant and materials used in constructing the development;
- Details of measures to control the emission of dust, emissions, sediments and pollutants arising during construction of the development;
- A scheme for recycling/disposing of waste resulting from construction works;
- A scheme for the management of surface water drainage during the construction period;
- Phasing of the construction of the site access and the creation, positioning and retention of associated visibility splays;
- Details of the scheduling and timing of vehicle movements (principally to avoid conflicting construction activities on other plots), temporary warning signs and vehicles requiring a banksman/escort.

The approved CEMP shall be adhered to throughout the construction period.



#### Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with the provisions of Policy DS4, Policy DS9, Policy N1 and Policy N5 of the Copeland Local Plan 2021-2039.

18. Prior to the commencement of development full details of the surface water attenuation infrastructure to serve each dwelling shall be submitted to and approved in writing by the local planning authority.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy DS4, Policy DS6, Policy DS7 and Policy N5 of the Copeland Local Plan 2021-2039.

#### Pre-Occupation Planning Conditions

##### *Highways*

19. No dwelling hereby approved shall be occupied until the estate road including footways and cycleways to serve that dwelling has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

#### Reason

In the interests of highway safety in accordance with the provisions of Policy CO2, Policy CO4 and Policy CS5 of the Copeland Local Plan 2021-2039.

##### *Drainage*

20. No dwelling hereby approved shall be occupied until the approved surface water drainage infrastructure and foul water drainage infrastructure to serve that dwelling has been constructed and brought into full operational use.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy DS4, Policy DS6, Policy DS7 and Policy N5 of the Copeland Local Plan 2021-2039.

## Other Planning Conditions

### *Unexpected Contamination*

21. If during development, contamination not previously identified is found to be present on a plot then no further development on that plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that plot detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

#### Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2017 – 2038.

### *Hours of Construction*

22. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

#### Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

### *Highways*

23. There shall be no vehicular access to or egress from the site other than via the approved access.

#### Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy CO2, Policy CO4 and Policy CS5 of the Copeland Local Plan 2021-2039.

24. Access gates, if provided, shall be hung to open inwards only away from the highway.

## Reason

In the interests of highway safety in accordance with the provisions of Policy CO2, Policy CO4 and Policy CS5 of the Copeland Local Plan 2021-2039.

## Informative – Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## Statement:

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

Please read the accompanying notice



Nick Hayhurst  
Head of Planning and Place  
Inclusive Growth and Placemaking

07th November 2024

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

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

**PART 2**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

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

**Purchase Notices**

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