



**Cumberland Council
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cumberland.gov.uk**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

This Permission is subject to a Section 106 Agreement

Alpha Design
7 Europe Way
Cockermouth
CA13 0RJ
FAO: Mr Glen Beattie

APPLICATION No: 4/23/2076/001

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 65
DWELLINGS WITH DETAILS OF PROPOSED ACCESS & ALL OTHER
MATTERS RESERVED**

LAND OFF DALZELL STREET, MOOR ROW, EGREMONT

Nigel Kay Homes Ltd

The above application dated 16/03/2023 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Defining The Permission

1. The layout, scale, appearance, and landscaping must be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-
 - a) The expiration of THREE years from the date of this permissionOr
 - b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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 (Amended), Scale 1:1250, Drawing No: 27/07/1026-01a), received by the Local Planning Authority on the 27th June 2023.
 - Application Site Boundary, Dwg No: M3570-PA-02-V1, received by the Local Planning Authority on the 29th June 2023.
 - Revised Access Junction Plan, Scale 1:500 & 1:1000, Number 0001, Revision P08, received by the Local Planning Authority on the 9th September 2023
 - Flood Risk Assessment & Outline Drainage Strategy, Prepared by R G Parkins October 2022, Ref: K39568.FRA/001, received by the Local Planning Authority on the 16th March 2023.
 - Revised Road Safety Audit Stage 1, Prepared by Tetra Tech September 2023, Report No: NS22/788/RSA1, received by the Local Planning Authority on the 09th September 2023.
 - Revised Designers Response to Revised S1 RSA, Prepared by Tetra Tech dated 08th September 2023, Ref: 784-B041101-ISSUE

3, received by the Local Planning Authority on the 9th September 2023.

- Transport Statement Revision 3, Prepared by Tetra Tech dated 07th August 2023, Ref: 784-B041101, received by the Local Planning Authority on the 9th September 2023.
- Planning Design and Access Statement, received by the Local Planning Authority on the 16th March 2023.
- Biodiversity Baseline, Prepared by Environmental Solutions Ltd September 2022, Ref: JN00551/D02, received by the Local Planning Authority on the 16th March 2023.
- Preliminary Ground Investigation Report, Prepared by GEO Environment Engineering August 2022, Project No: GEO2022-5470, received by the Local Planning Authority on the 16th March 2023.
- Landscape and Visual Appraisal, Prepared by Barnes Walker, Ref: M3570-LVA-22.11-V1, received by the Local Planning Authority on the 16th March 2023.
- Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by GEO Environmental Engineering August 2022, received by the Local Planning Authority on the 16th March 2023.
- Preliminary Ecological Appraisal, Prepared by Environmental Solutions Ltd September 2022, Report Reference: JN00551/D01, received by the Local Planning Authority on the 16th March 2023.
- Tree Constraints Report, Prepared by Treescapes Consultancy Ltd October 2022, received by the Local Planning Authority on the 16th March 2023.
- The Report on an Archaeological Desk-Based Assessment – Front Pages and Summary, Prepared by Philip Cracknell November 2022, received by the Local Planning Authority on the 16th March 2023.
- The Report on an Archaeological Desk-Based Assessment – Text, Prepared by Philip Cracknell November 2022, received by the Local Planning Authority on the 16th March 2023.
- The Report on an Archaeological Desk-Based Assessment – Plates, Prepared by Philip Cracknell November 2022, received by the Local Planning Authority on the 16th March 2023.
- The Report on an Archaeological Desk-Based Assessment – Figures 1-7, Prepared by Philip Cracknell November 2022, received by the Local Planning Authority on the 16th March 2023.
- Email from Agent, received by the Local Planning Authority on the 27th June 2023.

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.

4. This permission gives outline approval for a maximum of sixty-five dwellings only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

Pre-Commencement Conditions:

Drainage

5. 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 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 in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Highways

6. Prior to the commencement of each phase of development detailed specifications of carriageways, footways, footpaths, cycleways forming part of that phase shall be submitted to and approved in writing by the local planning authority unless detailed specifications of carriageways, footways, footpaths, cycleways have previously been submitted to and approved in writing by the local planning authority for the whole site.

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Visibility Splays

7. The development shall not commence until visibility splays shown on Revised Access Junction Plan, Drawing Number 0001/Revision P08 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 shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Highway Drainage

8. Prior to the commencement of development a scheme must be submitted to and approved in writing by the Local Planning Authority to ensure the existing highway gully on Dalzell Street is connected into the proposed surface water drainage scheme for the development hereby approved. Prior to the occupation of the proposed development the scheme must be completed in accordance with the approved details and retained thereafter for the lifetimes of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Contamination Assessment

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by the Local Planning Authority. This strategy must include the following components:
 - i) A site investigation scheme, including a Phase 2 Ground Investigation Report and watching brief, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - ii) The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme must be implemented as approved.

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.

Coal Mining

10. No development approved by this planning permission must commence on this site until:

- i) A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works must be carried out in accordance with authoritative UK guidance and must be submitted to and approved in writing to the Local Planning Authority before remedial works are undertaken. The development must proceed in accordance with the approved details at all times thereafter.

Reason

This is in order to ensure the safety and stability of the development, in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Arboricultural Method Statement

11. Prior to the commencement of development, an Arboricultural Method Statement, which includes adequate tree protection measures, must be submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be implemented in full prior to and during construction activity on the site.

Reason

This is in order to ensure the safety and stability of the development, in accordance in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Landscaping

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details and retained at all times thereafter.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

13. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule must include a specification for new trees and shrubs, a detailed planting design, details for its implementation and a five-year maintenance scheme. Development must be carried out in accordance with the approved schedule at all times thereafter.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

Construction Environmental Management Plan

14. Before development commences, a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority in accordance with the approved document 'Preliminary Ecological Appraisal, Prepared by Environmental Solutions Ltd September 2022, Report Reference: JN00551/D01, received by the Local Planning Authority on the 16th March 2023'. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ST1, ENV3, and DM25 of the Copeland Local Plan 2013 – 2028.

Construction Management Plan

15. Before development commences, a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must include provide details of dust emissions, 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.

16. Prior to the commencement of each phase of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority unless a CTMP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The CTMP shall 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)

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 T1 of the Copeland Local Plan 2013-2028.

Phasing

17. Prior to the commencement of each phase of the development details of a Phasing Plan for the development shall be submitted to and approved in writing by the Local Planning Authority unless a Phasing Plan has previously been submitted to and approved in writing by the local planning authority for the whole site.

The Phasing Plan will provide the following information;

- The boundary of the land within that phase, previous and subsequent phases;
- The number of market dwellings in that phase; and,
- The number of affordable dwellings in that phase.

Reason

To ensure a high level of design quality and minimise impacts upon neighbouring residents in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

Active Travel

18. Prior to the commencement of each phase of development a detailed Access and Movement Parameters Plan (AMPP) shall be submitted to and approved in writing by the local planning authority unless a AMPP has previously been submitted to and approved in writing by the local planning authority for the whole site.

The AMPP will demonstrate how links to existing Active Travel Routes are to be provided and how connections to any future Active Travel Routes are to be safeguarded on or through the Application Site to/between:

- i) The NCN Route 72 to the south of the application site,

ii) Dalzell Street.

The reserved matters shall be designed to be compatible with the approved Access and Movement Parameters Plan.

Reason

To ensure adequate provision is made for the provision and safeguarding of active travel connections in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Traffic Calming

19. Prior to the first use of the access authorised by this permission full design details of a scheme of traffic calming on Dalzell Street must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. Such details must form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority. The approved scheme must be installed prior to the occupation of the first dwelling hereby approved and must be retained at all times thereafter.

Reason

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

Prior to Occupation Conditions:

Sustainable Drainage

20. Prior to the first occupation of the development hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:

- i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

- ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Coal Mining Legacy

- 21. Prior to first occupation of the development hereby approved, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development must be submitted to and approved in writing by the Local Planning Authority. This document must confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

This is in order to ensure the safety and stability of the development, in accordance in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

Public Open Space

- 22. Prior to the occupation of the first dwelling hereby approved a scheme detailing the layout and design of the public open space must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented as per the approved details prior to the occupation of the 30th dwelling hereby approved. The area must be maintained for use as a public open space in accordance with the approved details for the lifetime of the development.

Reason

To ensure the provision of sufficient provision of children's play space within the development for use by residents in accordance with the provisions of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028.

Other Conditions:

Flood Risk

23. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document "Flood Risk Assessment & Outline Drainage Strategy, Prepared by R G Parkins October 2022, Ref: K39568.FRA/001, received by the Local Planning Authority on the 16th March 2023", and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Ecology

24. The development must implement all of the mitigation and compensation measures set out in the approved documents:

- i) Preliminary Ecological Appraisal, Prepared by Environmental Solutions Ltd September 2022, Report Reference: JN00551/D01, received by the Local Planning Authority on the 16th March 2023.
- ii) Biodiversity Baseline, Prepared by Environmental Solutions Ltd September 2022, Ref: JN00551/D02, received by the Local Planning Authority on the 16th March 2023.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

Contamination

25. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), Prepared by GEO Environmental Engineering August 2022, received by the Local Planning Authority on the 16th March 2023. 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.

Construction Hours

26. Construction site operating hours 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.

Right of Way

27. The existing right of way to the commercial site located outside of the red line boundary for this application must be retained at all times. Any alterations to the existing access arrangements for this site must be agreed in writing by the Local Planning Authority and retained as per the approved details at all times thereafter.

Reason

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

Highways

28. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings 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 T1 of the Copeland Local Plan 2013-2028.

Statement

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

Please read the accompanying notice



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

19th July 2024

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

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

Purchase Notices

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