

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2335/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 5, 6, 8, 19 AND 20 OF PLANNING APPLICATION 4/23/2076/001	
3.	Location:	LAND OFF DALZELL STREET, MOOR ROW, EGREMONT	
4.	Parish:	Cleator Moor, Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change	
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 northern edge of Moor Row, which is accessed from Dalzell Street. The irregular shaped site extents eastwards towards the River Keekle and covers an area of approximately 4.1 hectares. It comprises agricultural land and the former Moor Row goods yard to the south of the site with all previous commercial buildings now demolished.	

The site is separated from the existing built form of Moor Row by the Whitehaven to Cleator Moor section of the C2C cycleway, which is set in a former railway cutting. An existing tree belt to the south of the site also separates the site from the existing built form of the village.

### **Relevant Planning History**

4/10/2165/001 – Outline application for 37 dwellings – Approved in outline.

4/13/2146/0R1 – Reserved matters application for road and plot layout – Approved reserved matters.

4/16/2275/001 – Outline application for residential development – Approved in outline.

4/23/2076/001 – Outline application for residential development for up to 65 dwellings with details of proposed access and all other matters reserved – Approved subject to a S106 agreement.

4/24/2323/0R1 – Application for reserved matters relating to layout, scale, appearance, and landscaping pursuant to outline application reference 4/23/2076/001 - residential development for up to 65 dwellings with details of proposed access and all other matters reserved – Ongoing.

4/24/2336/DOC – Discharge of conditions 9, 10 and 21 of planning application

4/23/2076/001 – Ongoing.

4/24/2337/DOC - Discharge of conditions 11, 12,13, 14, 15, 16, 17, 18, and 22 of planning application 4/23/2076/001 – Ongoing.

### **Proposal**

In July 2024, outline planning permission (ref: 4/23/2076/001) was granted by Members of the Planning Committee for a residential development of up to 65 dwellings with details of the proposed access and all other matters reserved.

This current application seeks to discharge conditions 5, 6, 8, 19 and 20 attached to outline planning approval 4/23/2076/001. These conditions state the following:

#### **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.

#### 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.

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

The information submitted to support this application comprises of the following:

- Application Form, received by the Local Planning Authority on the 1<sup>st</sup> October 2024.
- Highway Details (Amended), Scale 1:10 & 1:20, Drawing No: 24-011-260, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Outdoor Lighting Report (Amended), Prepared by SHD Lighting Consultancy Ltd January 2025, received by the Local Planning Authority on the 22<sup>nd</sup> January 2025.
- Proposed Equipment Schedule (Amended), Prepared by SHD Lighting Consultancy Ltd January 2025, Ref: SHD1718-SHD-HLG-SH-EQ-Lighting Schedule-R1, received by the Local Planning Authority on the 22<sup>nd</sup> January 2025.
- Solar Lighting Design (Amended), Scale 1:500, Drawing Number: SHD1718 -SHD-HLG-DALZ-DR-EO-Lighting Layout-R1, Revision: R1, received by the Local Planning Authority on the 22<sup>nd</sup> January 2025.
- Drainage and Maintenance Schedule, Prepared by Beckwith & Hanlon Consulting Engineers June 2024, received by the Local Planning Authority on the 1<sup>st</sup> October 2024.
- Engineering Layout Sheet 1 (Amended), Scale 1:500, Drawing No: 24-011-200, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Engineering Layout Sheet 2 (Amended), Scale 1:500, Drawing No: 24-011-201, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Engineering Layout Sheet 3 (Amended), Scale 1:500, Drawing No: 24-011-202, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Hydrobrake Detail – S36 (Amended), Drawing No: 24-011-235, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Manhole Schedule (Amended), Drawing No: 24-011-212, Rev: C1, received by the

Local Planning Authority on the 11<sup>th</sup> January 2025.

- Road and Drainage Long Sections Sheet 1 (Amended), Scale H1:500 & V1:100, Drawing No: 24-011-240, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Road and Drainage Long Sections Sheet 2 (Amended), Scale H1:500 & V1:100, Drawing No: 24-011-241, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Road and Drainage Long Sections Sheet 3 (Amended), Scale H1:500 & V1:100, Drawing No: 24-011-242, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Road and Drainage Long Sections Sheet 4 (Amended), Scale H1:500 & V1:100, Drawing No: 24-011-243, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Road and Drainage Long Sections Sheet 5 (Amended), Scale H1:500 & V1:100, Drawing No: 24-011-244, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- S278 Street Lighting Design (Amended), Scale 1:250, Drawing Number: SHD1719 - SHD-HLG-DALZ-DR-EO-Lighting Layout-R1, Revision: R1, received by the Local Planning Authority on the 22<sup>nd</sup> January 2025.
- S287 Outdoor Lighting Report (Amended), Prepared by SHD Lighting Consultancy Ltd January 2025, received by the Local Planning Authority on the 22<sup>nd</sup> January 2025.
- Section 278 Works Agreement Plan (Amended), Scale 1:500, Drawing Number: 24-011-101, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Section 278 Works Construction Details (Amended), Scale 1:10 & 1:20, Drawing Number: 24-011-105, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Section 278 Works General Arrangement (Amended), Scale 1:250 & 1:500, Drawing Number: 24-011-102, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Section 278 Lighting Schedule (Amended), Prepared by SHD Lighting Consultancy Ltd January 2025, Ref: SHD1719 -SHD-HLG-DALZ-SH-EO-Lighting Schedule-R1, received by the Local Planning Authority on the 22<sup>nd</sup> January 2025.
- SUDS Details Sheet 1 (Amended), Scale H1:250 & V1:100, Drawing No: 24-011-236, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- SUDS Details Sheet 2 (Amended), Scale H1:250 & V1:100, Drawing No: 24-011-237, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.



## Cumberland Council

- Surface Finishes and Kerbs Sheet 1 (Amended), Scale 1:500, Drawing No: 24-011-210, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Surface Finishes and Kerbs Sheet 2 (Amended), Scale 1:500, Drawing No: 24-011-211, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Dalzell Street Surface Water, Prepared by Beckwith & Hanlon Consulting Engineers Limited, received by the Local Planning Authority on the 2<sup>nd</sup> December 2024.
- Email from Agent – Conditions 5 and 9, received by the Local Planning Authority on the 2<sup>nd</sup> December 2024.
- Email from Agent – Conditions 5 and 9, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Drainage Details Sheet 1, Drawing No: 24-011-230, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.
- Drainage Details Sheet 2, Drawing No: 24-011-230, Rev: C1, received by the Local Planning Authority on the 11<sup>th</sup> January 2025.

### Consultation Responses

#### Cleator Moor Town Council

No concerns raised.

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

*30<sup>th</sup> October 2024*

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

#### Condition 5 –

The LHA and LLFA welcome the detailed engineer plans showing surface water drainage proposals to which we have no objection in principle, but would like the following point addressed before the condition can be discharged.

- Manhole number S25 has 3 inlet pipes at a diameter of 3750mm, 3000mm and a 2250mm but the outlet pipe proposed is only 3750mm, the LLFA would like this outlet pipe increased in size to a minimum of 4250mm possibly 5000mm.

#### Condition 6 –

The LHA and LLFA are content with the information submitted to support condition 6, therefore condition 6 can be discharged.

#### Condition 8 –

The LHA and LLFA are content with the information submitted to support condition 8,

therefore condition 8 can be discharged.

Condition 19 –

The LHA recommend that the first speed cushions heading from Moor Row village towards the development is to be removed and relocated to the southern side of the proposed development access roughly at the speed restriction signs as this would encourage speed reduction before the proposed development access. The speed cushion in its current location could also cause noise issues for residents of Dalzell Street.

Condition 20 –

The LHA and LLFA are content with the information submitted to support condition 20, therefore condition 20 can be discharged.

*10<sup>th</sup> December 2024*

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

I can confirm that the response made to the previous application should still apply.

*28<sup>th</sup> January 2025*

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

Condition 5 –

The LHA and LLFA are content with the updated information submitted in support of the above condition, therefore condition 5 can be discharged.

Condition 6 –

The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 6 can be discharged.

Condition 8 –

The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 8 can be discharged.

Condition 19 –

The LHA and LLFA are content with the updated information submitted in support of the above condition, therefore condition 19 can be discharged.

Condition 20 –

The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 20 can be discharged.

United Utilities





## Cumberland Council

*4<sup>th</sup> November 2024*

Further to our review of the submitted Drainage layouts (24-011-200 rev P1 dated 26/06/2024, 24-011-201 rev P1 dated 24-011-202 Rev P1 dated 26/06/2024), United Utilities has no objection to condition 5 being discharged. However, the applicant should be made aware that the proposed drainage would not be adoptable by United Utilities.

*20<sup>th</sup> December 2024*

United Utilities would have no further comments to make. The updated information has been sent to satisfy LLFA / highways comments. No revised drainage layouts to review.

*17<sup>th</sup> February 2025*

Further to our review of the submitted Drainage layouts (24-011-200 rev C1 dated 26/06/2024, 24-011-201 rev C1 dated 24-011-202 Rev C1 dated 26/06/2024), United Utilities has no objection to condition 5 being discharged. However, the applicant should be made aware that the proposed drainage would not be adoptable by United Utilities.

### Environment Agency

We usually only respond to discharge or variation of condition applications where we have requested the condition. As we did not request these conditions, we have no comments to make on this 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**

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 4/23/2053/0F1 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 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

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 (2023)



## Cumberland Council

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 application seeks to discharge the requirements of conditions 5, 6, 8, 19 and 20 attached to the previous outline planning permission at this site. These are assessed separately below:

#### Condition 5:

This condition seeks to discharge the requirement for the development to provide details of the sustainable surface water drainage scheme and foul water drainage scheme for the development. Based the detail submitted with this application, UU have confirmed this condition can be discharged. Following the submission of amended details in relation to the proposed manholes the LLFA 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 details of the footways, footpaths and cycleways for each phase of the development. Based the detail submitted with this application, the Highway Authority have confirmed this condition can be discharged.

It is therefore confirmed that condition 6 can be discharged.

#### Condition 8:

This condition seeks to discharge the requirement for the development to provide details of connection to the existing Highway Gully. Based the detail submitted with this application, the Highway Authority have confirmed this condition can be discharged.

It is therefore confirmed that condition 8 can be discharged.

#### Condition 19:

This condition seeks to discharge the requirement for the development to provide details of the proposed traffic calming measures. Following the submission of amended information to relocate the proposed speed cushions, the Highway Authority have confirmed this condition can be discharged.

	<p>It is therefore confirmed that condition 19 can be discharged.</p> <p><u>Condition 20:</u></p> <p>This condition seeks to discharge the requirement for the development to details of the proposed sustainable drainage management and maintenance for the development. Based the detail submitted with this application, the Highway Authority have confirmed this condition can be discharged.</p> <p>It is therefore confirmed that condition 20 can be discharged.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of conditions 5, 6, 8, 19, and 20.</p>	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 17.02.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 19.02/2025
<b>Dedicated responses to:-</b> N/A		