

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2337/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 11, 12, 13, 14, 15 16, 17, 18 AND 22 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	See Report
7.	Report: Site and Location <p>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.</p> <p>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.</p> Relevant Planning History <p>4/10/2165/001 – Outline application for 37 dwellings – Approved in outline.</p> <p>4/13/2146/0R1 – Reserved matters application for road and plot layout – Approved reserved</p>	

matters.

4/16/2275/0O1 – Outline application for residential development – Approved in outline.

4/23/2076/0O1 – 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 4/23/2076/0O1 - residential development for up to 65 dwellings with details of proposed access and all other matters reserved – Approved

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

4/23/2076/0O1 – Approved

4/24/2337/DOC - Discharge of conditions 11, 12,13, 14, 15, 16, 17, 18, and 22 of planning application 4/23/2076/0O1 – Approved.

Proposal

In July 2024, outline planning permission (ref: 4/23/2076/0O1) 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 11, 12, 13, 14, 15 16, 17, 18 and 22 attached to outline planning approval 4/23/2076/0O1. These conditions state the following:

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



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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



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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

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.

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

- Application Form
- Arboricultural Method Statement, reference EJC/122-2024
- Landscape Layout Plan, reference M3570-MS-2-408-V01
- Landscape Management Plan, reference M3570-MS-2-408-V01
- Landscape Maintenance Schedule, reference M3570-MS-2-408-V01, received on 03rd October 2024
- Construction Environmental Management Plan, reference DOC. REF: 22/07/1026 – CEMP, received on 11th April 2025
- Construction Traffic Management Plan, reference DOC. REF: 22/07/1026 – CTMP, received on 11th April 2025
- Phasing Plan, drawing number 22/07/1026-13b, received on 22nd January 2025
- Access and Movement Parameters Plan, reference DOC. REF: 22/07/1026 – AMMP, received on 11th April 2025

The three documents listed above as being amended on 11/04/2025 included minor amendment to the site plan drawing number (now 04e) in order to align with the reserved matters Decision Notice, reference 4/24/2323/0R1 which was approved on 11th April 2025.

Consultation Responses

Cleator Moor Town Council

No concerns raised.

Cumberland Council – Highway Authority & Lead Local Flood Authority

4th November 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 11 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 12 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 13 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 14 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 15 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 16 -

The LHA and LLFA are content with the information submitted in support of condition 16, therefore condition 16 can be discharged.

Condition 17 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 18 -

The LHA and LLFA have reviewed the information submitted in support of condition 18, at this stage the LHA and LLFA would like the following point addressed before condition 18 can be discharged.

- The proposed 3 metre cycle way linking Dalzell Street and the NCN72 needs to be 3 metre in width for its entirety to allow safe passage for cyclist and pedestrians, the following point was also raised in the reserved matters application for this development

site 4/24/2323/0R1.

Condition 22 -

The Above condition is not for the LHA and LLFA to discharge.

Conclusion

In light to the above comments additional details are required from the applicant.

Upon receipt of the amended plans I shall be better placed to provide full response

16th 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.

Condition 11 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 12 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 13 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 14 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 15 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 16 -

The LHA and LLFA are content with the information submitted in support of condition 16, therefore condition 16 can be discharged.

Condition 17 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 18 -

The LHA and LLFA are content with the recent updated site plan that has been submitted to the Local Planning Authority, Therefore condition 18 can be discharged.

Condition 22 -

The Above condition is not for the LHA and LLFA to discharge.

28th January 2025

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 11 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 12 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 13 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 14 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 15 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 16 -

The LHA and LLFA are content with the information submitted in support of condition 16, therefore condition 16 can be discharged.

Condition 17 -

The Above condition is not for the LHA and LLFA to discharge.

Condition 18 -

The LHA and LLFA are content with the recent updated site plan that has been submitted to the Local Planning Authority, Therefore condition 18 can be discharged.

Condition 22 -

The Above condition is not for the LHA and LLFA to discharge.

Cumberland Council – Environmental Health

31st October 2024

Environmental Health have looked at the Construction Environmental Management Plan

(condition 14). Can the 'Site Working Hours' please be amended to match the permitted construction hours on this planning approval – 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday?

03rd January 2025

The amended Construction Environmental Management Plan is agreed and, as such, conditions 14 and 15 may be discharged.

27th January 2025

Further to the amended / additional information in relation to the above planning application. Environmental Health is satisfied with this, in so far as its remit is concerned, and has no further comments.

Arboricultural Consultant – Capita

12th November 2024

DISCUSSION

We have the following comment/observation to make on the submitted documents.

The applicant has submitted an Arboricultural Method Statement (Ref. No.EJC/122- 2024) which contains details of the tree works necessary to facilitate the development and protect the retained trees. This fulfils the requirements of condition 11.

The applicant has also submitted a Landscape Management Plan and a Maintenance Schedule (Doc. No.M3570-MS-2408-V01) as part of the application giving details of the tree, shrub and landscape planting and aftercare. The applicant has also submitted a Landscape Plan (M3570-PP-01-V02). This fulfils the requirements of conditions 12 and 13.

RECOMMENDATIONS

Inform the applicant that the information provided discharges conditions 11, 12 and 13

11th February 2025

DISCUSSION

We have the following comment/observation to make on the submitted documents.

The applicant has submitted an Arboricultural Method Statement (Ref. No.EJC/122- 2024) which contains details of the tree works necessary to facilitate the development and protect the retained trees. This fulfils the requirements of condition 11.

The applicant has also submitted a Landscape Management Plan and a Maintenance



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Schedule (Doc. No.M3570-MS-2408-V01) as part of the application giving details of the tree, shrub and landscape planting and aftercare. The applicant has also submitted an updated Landscape Plan (M3570-PP-01-V05). This fulfils the requirements of conditions 12 and 13.

RECOMMENDATIONS

Inform the applicant that the information provided discharges conditions 11, 12 and 13

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 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

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)
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 11, 12, 13, 14, 15 16, 17, 18 and 22 attached to the previous outline planning permission at this site. These are assessed separately below:

Condition 11

The Councils Arboricultural Consultant has confirmed that the submitted Arboricultural Method



Statement is acceptable.

It is therefore confirmed that condition 11 can be discharged.

Condition 12

The Councils Arboricultural Consultant has confirmed that the submitted landscaping details are acceptable. These details are consistent with the details submitted and approved under the Reserved Matters application reference 4/24/2323/0R1.

It is therefore confirmed that condition 12 can be discharged.

Condition 13:

The Councils Arboricultural Consultant has confirmed that the submitted Landscape Maintenance scheme is acceptable.

It is therefore confirmed that condition 13 can be discharged.

Condition 14:

The Councils Environmental Health team has confirmed that the Construction Environmental Management Plan is acceptable.

It is therefore confirmed that condition 14 can be discharged.

Condition 15:

The Highway Authority has confirmed that the submitted Constuction Management Plan is acceptable.

It is therefore confirmed that condition 15 can be discharged.

Condition 16:

The Highway Authority has confirmed that the submitted Construction Traffic Management Plan is acceptable.

It is therefore confirmed that condition 16 can be discharged.

Condition 17:

The Phasing Plan submitted shows that the development is to be carried out in two phases. These details are consistent with the details submitted and approved under the Reserved Matters application reference 4/24/2323/0R1.

It is therefore confirmed that condition 17 can be discharged.

Condition 18:

The Highway Authority has confirmed that the submitted Access and Movement Parameters Plan is acceptable.

It is therefore confirmed that condition 18 can be discharged.

	<p><u>Condition 22:</u></p> <p>The public open space is illustrated on the Phasing Plan. These details are consistent with the details submitted and approved under the Reserved Matters application reference 4/24/2323/0R1.</p> <p>It is therefore confirmed that condition 22 can be discharged.</p> <p>Conclusion</p> <p>Approve requirements of Planning Conditions 11, 12, 13, 14, 15 16, 17, 18 and 22</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: C. Burns/N.J. Hayhurst		Date : 22/04/2025
Authorising Officer: N.J. Hayhurst		Date : 22/04/2025
Dedicated responses to:- N/A		