

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2414/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 6 AND 16 OF PLANNING APPLICATION 4/22/2092/001
3.	Location:	LAND ADJACENT TO FLOSH MEADOWS, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location: <p>The Application Site comprises an area of agricultural land which is accessed from Flosh Meadows via Main Street, Cleator.</p> <p>The Site comprises part of a larger field enclosure and is adjoined by a small collection of residential properties known as Flosh Meadows and Cross Grove</p> <p>The Site was the subject of an Outline Planning Permission for the development of 21no. self-build dwellings under application ref. 4/17/2214/001 and application ref. 4/16/2063/001. This planning permission has expired.</p> <p>The land to the East of the Site comprises a rectangular parcel of agricultural land, which benefits from planning permission for the development of 7no. dwellings under application ref. 4/20/2218/0R1. This land is enclosed by a mature hedgerow and trees, which provide screening of the adjacent cemetery and Grotto.</p>	

The land to the North of the Site comprises a broadly square parcel of agricultural land, which benefits from planning permission for the development of 19no. dwellings under application ref. 4/17/2391/0O1 and 4/21/2554/0R1.

Proposal:

Planning application reference 4/22/2092/0O1 approved a hybrid planning application including an Outline Planning Application for 21 self-build dwellings (with all matters reserved with the exception of access) and Full Planning Permission to establish plot boundaries, road layout and site infrastructure associated with the erection of the 21 self-build dwellings.

This application seeks approval of the requirements of Planning Condition 3, Planning Condition 6 and Planning Condition 16 of planning application ref. 4/22/2092/0O1.

The planning conditions state the following:

Full Planning Permission

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.

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 - Flosch Meadows – Report Ref. 9200 Report Version 2.



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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.

Outline Planning Permission

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.

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

Application Form

Discharge of Condition Statement Application to discharge Conditions 3, 6 and 16 of application ref. 4/22/2092/001 at Flosch Meadows, Cleator Moor.

Planning Condition 3

Tree and Hedge Survey Report and Arboricultural Method Statement (Revision A) prepared by Westwood Landscape Ltd, which includes the following appendices:

- Appendix 1 - Tree and Hedge Schedule (Revision A);
- Appendix 2 - Tree Constraints Plan;
- Appendix 2 - Tree Constraints Plan overlaid against aerial map;
- Appendix 2 - Tree Mitigation Plan with the development overlaid (Drawing No. WW-L03);
- Appendix 3 - Photographs (included within the report itself);

- Appendix 4 – Tree Protection Fence Detail (included within the report itself).

Planning Condition 6

Landscape Maintenance and Management Plan (Revision B) prepared by Westwood Landscape Ltd in consultation with Envirotech. The document includes the following appendices:

- Appendix 1 - Biodiversity Net Gain Project Implementation Plan (Drawing No. WW-L01A);
- Appendix 2 - Tree Protection Fence Detail (included within the report itself);
- Appendix 3 – Landscaped Management Scheduled Tasks (note that this is a separate Excel document);
- Appendix 4 – Landscaped Implementation Programme (note that this is a separate Excel document).

Planning Condition 16

Tree and Hedge Survey Report and Arboricultural Method Statement (Revision A) prepared by Westwood Landscape Ltd, which includes the following appendices:

- Appendix 1 - Tree and Hedge Schedule (Revision A);
- Appendix 2 - Tree Constraints Plan;
- Appendix 2 - Tree Constraints Plan overlaid against aerial map;
- Appendix 2 - Tree Mitigation Plan with the development overlaid (Drawing No. WW-L03);
- Appendix 3 - Photographs (included within the report itself);
- Appendix 4 – Tree Protection Fence Detail (included within the report itself).

Consultee:	Nature of Response:
Town Council	No comments.
Arboricultural Consultant	<p>We have the following comment/observation to make on the submitted documents.</p> <p>NOTE: A tree shown on the plans as T1 (mature Beech tree) recently failed at the base in high winds, so is no longer part of this scheme.</p> <p>The applicant has submitted a Tree and Hedge Survey Report and Arboriculture Method Statement (Ref. No. Rev.A 02.12.24), by Westwood Landscape Ltd, includes a Tree and Hedge Schedule and a Tree and Hedge Survey and Constraints plan (Plan L02) and a Tree and Hedge Mitigation plan (Plan L03). These documents contain the necessary details to fulfil the requirements of condition 3 and 16.</p> <p>RECOMMENDATIONS</p> <p>Inform the applicant that the submitted information discharges the</p>

requirements of conditions 3 and 16.

Neighbour Responses:

N/A.

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 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.

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Policy N14: Woodlands, Trees and Hedgerows

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Assessment:

Planning Condition 3

A Tree and Hedge Survey Report and Arboricultural Method Statement has been submitted.

The Arboricultural Consultant has assessed the submitted details and confirmed that the details meet with the requirements of the planning condition.

The measures will ensure that the development granted Full Planning Permission under application ref, 4/22/2092/001 will not have an adverse impact upon retained trees and hedgerows.

Planning Condition 6

Planning application ref. 4/22/2092/001 approved and secured the delivery of a scheme of biodiversity net gain via the approval of Biodiversity Net Gain - Floss Meadows – Report Ref. 9200 Report Version 2.

Planning Condition 6 secures the submission, approval and implementation of a Biodiversity Net Gain Project Implementation Plan (BNGPIP).

The BNGPIP is required to 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 Applicant has submitted a Landscape Maintenance and Management Plan (Revision B) prepared by Westwood Landscape Ltd in consultation with Envirotech.

The submitted details include: detailed specifications of the individual elements of the biodiversity net gain mitigation and compensation scheme; 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 as is required by Planning Condition 6.

The details align with the provisions of Biodiversity Net Gain - Floss Meadows – Report Ref. 9200 Report Version 2. The maintenance and management details are appropriate to the proposed works and secure management/maintenance for the required period of 30 years.

Planning Condition 16

A Tree and Hedge Survey Report and Arboricultural Method Statement has been submitted.

The Arboricultural Consultant has assessed the submitted details and confirmed that the details meet with the requirements of the planning condition.



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	<p>The measures will ensure that the development granted Full Planning Permission under application ref, 4/22/2092/001 will not have an adverse impact upon retained trees and hedgerows.</p> <p>Planning Condition 16 specifically relates to Plots 12-19 and has been imposed principally to protect the hedgerow/hedgerow trees to the western boundary.</p> <p>The submitted information includes measures to control how any work within the root protection area of the retained hedgerow should be undertaken and how the hedge should be protected in the construction phase.</p> <p>The Reserved Matters Applications for the houses to Plots 12-19 have yet to be submitted; however, given that development will not be reasonably be supported within the root protection areas of the retained hedgerow, it is not unreasonable to approve the requirements of this planning condition at this time. Any proposals that would result in development within the root protection areas would necessitate an variation of the scheme, which could be secured at that time.</p> <p>Conclusion</p> <p>Planning Condition 3 – Approve requirements of planning condition.</p> <p>Planning Condition 6 – Approve requirements of planning condition.</p> <p>Planning Condition 16 – Approve requirements of planning condition.</p>						
8.	<p>Recommendation:</p> <p>Approve</p> <p>Planning Condition 3 – Approve requirements of planning condition.</p> <p>Planning Condition 6 – Approve requirements of planning condition.</p> <p>Planning Condition 16 – Approve requirements of planning condition.</p>						
<table border="1"> <tr> <td>Case Officer: Chris Harrison</td><td>Date : 21.02.2025</td></tr> <tr> <td>Authorising Officer: N.J. Hayhurst</td><td>Date : 24.02.2025</td></tr> <tr> <td colspan="2">Dedicated responses to:- N/A</td></tr> </table>		Case Officer: Chris Harrison	Date : 21.02.2025	Authorising Officer: N.J. Hayhurst	Date : 24.02.2025	Dedicated responses to:- N/A	
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