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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73

NOTICE OF GRANT OF PLANNING PERMISSION

SNG Architecture Ltd
South North Group
Greengate Business Centre
2 Greengate Street
Oldham
OL4 1FN
FAO: Mr Spencer Fretwell

APPLICATION No: 4/25/2066/0B1

**VARIATION OF CONDITION 8 TO ENABLE SITE WORKS TO COMMENCE
WITHIN THE AREA OF THE SITE UNAFFECTED BY FORMER MINE ENTRY
LOCATION OF PLANNING APPLICATION 4/21/2504/001 - OUTLINE
APPLICATION FOR DEMOLITION OF EXISTING CHAPEL & ERECTION OF 11
RESIDENTIAL DWELLINGS
ST BEGAS CHURCH HALL, CROSSINGS CLOSE, CLEATOR MOOR**

South North Crossings Ltd

The above application dated 26/02/2025 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:

1. The layout, scale, appearance and landscaping shall be as may 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 shall be submitted to the Local Planning Authority within three years of the date of the outline permission and the development hereby permitted shall be commenced not later than the later of the following dates:

a) The expiration of 17th March 2026

Or

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. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Site Location Plan, scale 1:1250, drawing number SNG-StBega-SLP-OPA, received 23rd November 2021;

Proposed Site Plan, scale 1:500, drawing number SNG-SBOP-PSP22D, received 29th November 2022;

Flood Risk Assessment, written by Betts Hydro, received 23rd November 2021;

Coal Mining Risk Assessment, written by MBC Designs, received 23rd November 2021; Preliminary Ecological Appraisal, written by Elite Ecology, received 23rd November 2021;

BS5837:2012 Tree Survey and Arboricultural Impact Assessment, written by Elite Ecology, received 23rd November 2021;

Design and Access Statement, written by South North Group, received 23rd November 2021;

Phase 1 Environmental Desk Study, written by Rogers Geotechnical Services Ltd, reference number C2064/21/E/3181, received 1st August 2022;

Mine Entry Positional Review, written by RGS, received 3rd November 2022;

Flood Risk Assessment and Drainage Management Strategy, written by Betts Hydro, received 31st August 2022;

Flood Risk Assessment and Drainage Management Strategy Appendices, written by Betts Hydro, received 31st August 2022;

Refuse Lorry Tracking Plan, scale 1:500, drawing number SNG-SBOP-PSP22RLT, received 3rd November 2022;

Road Safety Audit, written by RG Parkins, reference K39555.RSAS2/001b, received 3rd November 2022;

Road Safety Audit Appendices, written by RG Parkins, reference K39555.RSAS2/001b, received 3rd November 2022;
Swept Path Analysis Fire Appliance Entering/Turning, scale 1:500, drawing number SK22283-003, received 3rd November 2022;
Swept Path Analysis Fire Appliance Leaving, scale 1:500, drawing number SK22283004, received 3rd November 2022;
Swept Path Analysis Refuse Collection Vehicle Entering/Turning, scale 1:500, drawing number SK22283-001, received 3rd November 2022;
Swept Path Analysis Refuse Collection Vehicle Leaving, scale 1:500, drawing number SK22283-002, received 3rd November 2022;
Sequential and Exception Tests, written by South North Group, received 24th January 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. Prior to, or concurrent with, the reserved matters submission for Plot 11, the findings of a scheme of intrusive site investigations to locate the mine entry within the plot must be submitted to the LPA for consideration. The information submitted must include recommendations for remedial works and mitigation measures necessary to ensure the safety and stability of the development. A plan must also be submitted to the LPA to show the location of the mine entry, as established, its calculated zone of influence and its relationship to the siting of the dwelling on Plot 11.

Reason

In order to ensure that the potential mining issues are dealt with safely and satisfactorily and in accordance with Policy DS8 of the Copeland Local Plan.

Prior to the Commencement of Development

5. Prior to the commencement of development hereby approved, a full surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

6. Prior to the commencement of development hereby approved, a Phase 2 Intrusive Investigation must be undertaken and submitted in writing to the Local Planning Authority. Development must be carried out in accordance with any findings, recommendations and mitigation measures within the report for the entirety of the lifespan of the development.

Reason

Due to the potential range of potential soil / ground contaminants, the risk of mine gas migration and further study to substantiate the risk associated with historical mine shafts on the site and in accordance with Policy DS8 of the Copeland Local Plan.

7. Prior to the commencement of the development hereby approved, a construction management plan or construction method statement must be submitted to and approved in writing by the Local Planning Authority. The approved / plan statement shall be adhered throughout demolition / construction period.

Reason

To ensure a satisfactory level of demolition and construction and in accordance with Policy DS8 of the Copeland Local Plan.

8. Prior to commencement of the development within the potential zone of influence of the former mine entry, a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by the mine entry and its zone of influence. The findings of these investigations, including any remedial works necessary, shall be submitted to the Local Planning Authority for consideration and approval in writing.

Reason

To ensure that the site ground conditions are safe and in accordance with Policy DS8 of the Copeland Local Plan.

9. No development approved by this planning permission must 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 will include the following components:

14. A site investigation scheme, 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.

2. 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.

3. 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 line with paragraph 170 of the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, full details of the landscaping scheme for the development, including details of trees and hedgerows to be removed and replacement trees, their planting and maintenance, must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and retained and managed as such at all times thereafter.

Reason

In order to ensure that the site includes net gain and in accordance with Policy DS5 of the Copeland Local Plan.

11. Prior to the commencement of the development hereby approved, the carriageway, footways, footpaths, cycleways etc must be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted for approval. No work will be commenced until a full specification has been approved. Any works so approved must be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policies CO4 and CO7 of the Copeland Local

Plan.

12. Prior to the commencement of the development on site, a 2.0 metre x 2.0 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), must be provided on both sides of the vehicular access. There must be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason

To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access and in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

Prior to the Commencement of Works on Plot 11

13. If the mine entry is found to be located outside of Plot 11 remedial works must be carried out on site to stabilise this feature prior to the infrastructure (access road and turning head) being constructed to the front and side of this plot. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that historic mining issues on the site are dealt with effectively and in accordance with Policy DS8 of the Copeland Local Plan.

14. Prior to commencement of the development on Plot 11 the remedial works necessary to ensure the stability and safety of the mine entry and the development as a whole, including any mitigation measures required must be implemented on site. The intrusive site investigations and remedial works must be carried out in accordance with authoritative UK guidance.

Reason

To ensure that historic mining issues on the site are dealt with effectively and in accordance with Policy DS8 of the Copeland Local Plan.

Prior to Occupation Conditions

15. Prior to the occupation of Plots 10 and 11, 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 the Local Planning Authority for approval in writing. This document must confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by the mine entry.

Reason

To ensure that historic mining issues on the site are dealt with effectively and in accordance with Policy DS8 of the Copeland Local Plan.

16. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall 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 shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development and in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

17. Prior to the first occupation of the dwellings hereby approved, the access drive must be surfaced in bituminous or cement bound materials, or otherwise bound. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety and in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

18. Prior to the first occupation of the dwellings hereby approved, footways must be provided that link continuously and conveniently to the nearest existing footway.

Reason

To ensure highway safety and in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

Other Conditions

19. Foul and surface water must be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution and in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

20. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development must be carried out in accordance with the approved details.

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 caused by mobilised contaminants and in accordance with Policy DS8 of the Copeland Local Plan.

Informative Notes

1. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to

obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com <<http://www.groundstability.com>>

2. Japanese Knotweed has been identified on the site. The site should be thoroughly inspected and reference made to Code of Practice For The Treatment of Japanese Knotweed PCA 2018 and INNSA 2017 respectively.

3. The development lies within an area of elevated Radon potential, with a maximum potential of 10 – 30%. Please refer to UKradon.org.

4. It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

5. The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary. The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of any Permit application.

6. The granting of planning permission would not give the applicant the right to block or obstruct the right of way adjacent to the development site. The right of way as shown on the definitive map and statement must be kept open and unaltered for public use, unless or until an order is made to divert, stop up or to temporarily close it comes into effect. The applicant should contact Copeland Borough Council in the first instance if they wish to discuss the process for an application for an order to divert, stop up or temporarily close a right of way shown on the definitive map and statement.

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 a variation of condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read 'N. J. Hayhurst'.

Nick Hayhurst
Head of Planning and Place
Inclusive Growth and Placemaking

02nd May 2025

**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) 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.