

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2101/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 AND 15 OF PLANNING APPLICATION 4/21/2360/001	
3.	Location:	LAND AT SCALEGILL ROAD, MOOR ROW	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way	
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 site relates to an area of agricultural land to the north of Scalegill Road to the west of Moor Row. The site covers an area of 1.50 hectares and lies to the east of the new residential estate of Rusper Drive. The northern boundary of the site abuts the embankment to the Whitehaven-Rowrah cycleway, the eastern boundary adjoins the recreation ground, and the Moor Row Social Club is located adjacent to the southern boundary which partially occupied the site frontage.	

Relevant Planning History

4/21/2360/001 – Outline application for residential development with details of proposed access junction and all other matters reserved – Approved by Planning Panel subject to S106 agreement.

4/24/2050/0R1 – Application for reserved matters relating to appearance, landscaping, layout & scale pursuant to outline application 4/21/2360/001 - Outline application for residential development with details of proposed access junction and all other matters reserved – Approved Reserved Matters.

Proposal

In July 2022, outline planning permission was granted (ref: 4/21/2360/001) for a residential development at this site with details of the proposed access junction and all other matters reserved.

This current application seeks to discharge conditions 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 of outline planning application 4/21/2360/001. These conditions state the following:

Pre- Commencement Conditions

4. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;
 - 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); and
 - iii. A timetable for its implementation.

The approved scheme must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted must be carried out only in accordance with the approved drainage scheme.

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.

5. The carriageway, footways, footpaths, cycleways etc. must be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work must be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete and shall be maintained at all times thereafter.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

6. Before development commences full details of the foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

9. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP must 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, maneuvering, 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);
- surface water management details during the construction phase.

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

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 and Policy DM22 of the Copeland Local Plan 2013 - 2028.

10. Prior to the commencement of development, a design for a traffic management scheme on the C4003 as shown indicatively on drawing number 20/07/977-03 must be provided including full engineering, drainage, lighting and construction details, for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter, prior to occupation of any dwelling, the scheme must be implemented in accordance with the approved plans and retained at all times thereafter.

Reason

In the interest of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028.

11. No development must take place until a Noise Assessment has been submitted to, and approved in writing by the Local Planning Authority. The noise assessment must fully consider the weekend/evenings and night time operation of the nearby licensed premises to provide representative levels of noise. The development must be carried out in accordance with the approved scheme and any remedial action must be implemented prior to the occupation of any dwelling hereby approved and retained at all times thereafter.

Reason

To reduce potential issues arising from the close proximity of the adjacent licensed premises.

12. 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

In order to protect residential amenity.

13. No development must 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.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

14. No development must take place until an Arboricultural Impact Assessment and Method Statement, has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details at all times thereafter.

Reason

To adequately protect the existing trees on site which are considered worthy of retention in the interests of visual amenity.

15. Prior to the commencement of development, full details of the proposed 6 metre high ball stop fence to be installed along the western edge of the application site must be submitted to and approved in writing by the Local Planning Authority. This fence must be installed in accordance with the approved details prior to the first occupation of any dwelling hereby approved. The approved fence must be retained at all times thereafter.

Reason

To protect the playing field and enable the residential development to exist alongside in order to meet the requirements of paragraph 187 of the NPPF.

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

- Application Form, received by the Local Planning Authority on the 21st March 2025.
- Noise Assessment – Planning Statement, received by the Local Planning Authority on the 21st March 2025.
- Construction and Traffic Management Plan (Amended), Prepared by Thomas Armstrong (Construction) Ltd March 2025, Rev: A – 12.06.25, received by the Local Planning Authority on the 13th June 2025.
- Construction and Traffic Management Plan – Compound Layout, received by the Local Planning Authority on the 21st March 2025.
- Drainage Strategy, Prepared by R G Parkins January 2024, Ref: K40461.DS/001, received by the Local Planning Authority on the 21st March 2025.
- Highway & External Levels Plan Sheet 1 of 2, Scale 1:200, Drawing No: 01, Rev: A, received by the Local Planning Authority on the 21st March 2025.
- Highway & External Levels Plan Sheet 2 of 2, Scale 1:200, Drawing No: 02, Rev: A, received by the Local Planning Authority on the 21st March 2025.
- Highways Longitudinal Section, Scale 1:200, Drawing No: 03, Rev: A, received by the Local Planning Authority on the 21st March 2025.
- External Works Plan Sheet 1 of 2, Scale 1:200, Drawing No: 04, Rev: D, received by the Local Planning Authority on the 21st March 2025.
- External Works Plan Sheet 2 of 2, Scale 1:200, Drawing No: 05, Rev: D, received by the Local Planning Authority on the 21st March 2025.
- External Works Construction Details, Scale 1:200, Drawing No: 06, Rev: C, received by the Local Planning Authority on the 21st March 2025.
- S38 Highways Adoption Plan, Scale 1:200, Drawing No: 07, Rev: C, received by the Local Planning Authority on the 21st March 2025.
- S278 Works – General Arrangement Plan & Construction Details, Scale 1:200, Drawing No: 08, Rev: A, received by the Local Planning Authority on the 21st March 2025.
- S38 Adoption Highway Drainage Construction Details, Scale 1:20 & 1:200, Drawing No: 09, Rev: - , received by the Local Planning Authority on the 21st March 2025.
- Operation & Maintenance Plan for Sustainable Drainage Systems. Prepared by R G Parkins January 2024, Ref: K40461.OM/002, received by the Local Planning Authority on the 21st March 2025.



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- Pin Kerb Transition, received by the Local Planning Authority on the 21st March 2025.
- Requirements for Chamber and Gully Tops, Scale: NTS, Drawing No: SD_535_Am0, received by the Local Planning Authority on the 21st March 2025.
- Landscape Plan, Scale 1:250, Drawing No: WW/L01 D, received by the Local Planning Authority on the 21st March 2025.
- Pre Development Arboricultural Report, Prepared by Treescape Consultancy Ltd, February 2025, received by the Local Planning Authority on the 21st March 2025.
- Noise Impact Assessment, Prepared by Apex April 2025, Revision B, received by the Local Planning Authority on the 1st May 2025.
- Additional Information – Ball Stop Fence, received by the Local Planning Authority on the 13th May 2025.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

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

Condition 4 –

The LHA and LLFA have reviewed the information submitted in support of the above condition to which we are content, therefore condition 4 can be discharged.

Condition 5 –

The LHA and LLFA have reviewed the information submitted in support of the above condition to which we are content, therefore condition 5 can be discharged.

Condition 6 –

The LHA and LLFA have reviewed the information submitted in support of the above condition to which we are content, therefore condition 6 can be discharged.

Condition 8 –

The LHA and LLFA have reviewed the information submitted in support of the above condition to which we are content, therefore condition 8 can be discharged.

Condition 9 –

The LHA and LLFA have reviewed the information submitted in support of the above condition

to which we are content, therefore condition 9 can be discharged.

Condition 10 –

The LHA and LLFA have reviewed the information submitted in support of the above condition to which we are content, therefore condition 10 can be discharged.

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

United Utilities

Further to our review of the submitted Drainage Strategy (ref K40461.DS/001, Original Version, dated 26th Jan 2024), United Utilities has no objection to conditions 4 and 6 being discharged.

Cumberland Council – Environmental Health

15th April 2025

Condition 11 – Noise Assessment:

Environmental Health note the comments submitted regarding the lack of events at the adjacent social club to allow a noise assessment to be made. This was unforeseen and therefore we would agree that the development should not held up because of this.

Environmental Health would accept enhanced acoustic trickle vents and glazing specification to the rear windows of Plot 19 based on assumptions of noise levels at the property in order to comply with the World Health Organisation Guidelines for Community Noise (1999) as an alternative to the original requirement for the noise assessment.

Condition 12 – Construction Management Plan:

Details for the control of noise, vibration, dust and nuisance are contained within the Construction and Traffic Management Plan dated 10.03.25. Note that the site working hours



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are laid out in this document as 07.30 – 18.00 Monday to Friday and 08.00 – 13.00 Saturdays. The approved construction working hours are slightly different (08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday) as agreed in condition 25 of the outline planning application 4/21/2360/001.

Notwithstanding this, Environmental Health are satisfied that this condition can be discharged.

9th May 2025

Thank you for the above planning consultation and the Noise Impact Assessment dated 17 April 2025 by Apex, reference 11588.1 Revision B.

Environmental Health are happy to accept this report and its conclusion, namely that specific acoustic glazing will not be required on the housing development. As such, condition 11 can be discharged.

This updates the comments from Environmental Health of 15.04.25 with respect to the noise assessment.

Sport England

7th April 2025

There are no details pertaining to condition 15 in the current application and Sport England has assumed it has already been discharged.

28th May 2025

Sport England has reviewed the detail contained in the email dated 13/05/25 from Stewart Woodall and is content for condition 15 to be discharged.

Arboricultural Consultant – Treescapes Consultancy

DISCUSSION

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

The following conditions (13 & 14) apply to the protection of the retained trees and planting new trees and shrubs as part of the proposed development of the site.

The applicant has submitted a Pre-development Arboriculture Report (dated 10/02/2025), which contains a tree protection plan and a method statement with a specification for protecting the trees during the development. The applicant has also submitted a Landscape Plan (Dwg. No.WW/L01 D dated 15.11.23), which includes a plant specification and maintenance details for establishing the trees and shrubs. These documents contain the necessary details to fulfil the requirements of conditions 13 and 14.

RECOMMENDATIONS

Inform the applicant that the submitted information discharges the requirements of conditions 13 and 14. The specifications and details contained in these documents should be carried out in full to satisfy the requirements of the conditions

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



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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 CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

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

This current application seeks to discharge conditions 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 of outline planning application 4/21/2360/001

Condition 4:

This condition seeks to discharge the requirement for the development to provide details of the proposed surface water drainage scheme. Based on the details of the information submitted, the LLFA and United Utilities have confirmed that the condition can be discharged.

It is therefore confirmed that condition 4 can be discharged.

Condition 5:

This condition seeks to discharge the requirement for the development to provide details of the proposed carriageway, footways, footpaths, and cycleways. Based on the details of the information submitted, the Highway Authority 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 proposed foul and surface water drainage. Based on the details of the information submitted, the LLFA and United Utilities have confirmed that the 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 measures to prevent surface water discharging onto of off the highway. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 8 can be discharged.

Condition 9:

This condition seeks to discharge the requirement for the development to provide a construction traffic management plan. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 9 can be discharged.

Condition 10:

This condition seeks to discharge the requirement for the development to provide a design for a traffic management scheme on the C4003. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 10 can be discharged.

Condition 11:

This condition seeks to discharge the requirement for the development to provide a Noise Assessment. Based on the details of the information submitted, the Council's Environmental Health team have confirmed that the condition can be discharged.

It is therefore confirmed that condition 11 can be discharged.

Condition 12:

This condition seeks to discharge the requirement for the development to provide a Construction Management Plan. Based on the details of the information submitted, the Council's Environmental Health team have confirmed that the condition can be discharged.

It is therefore confirmed that condition 12 can be discharged.

Condition 13:



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	<p>This condition seeks to discharge the requirement for the development to provide details of the proposed hard and soft landscaping. Based on the details of the information submitted, the Council's Arboricultural Consultant has confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 13 can be discharged.</p> <p><u>Condition 14:</u></p> <p>This condition seeks to discharge the requirement for the development to provide an Arboricultural Impact Assessment. Based on the details of the information submitted, the Council's Arboricultural Consultant has confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 14 can be discharged.</p> <p><u>Condition 15:</u></p> <p>This condition seeks to discharge the requirement for the development to provide details of the ball stop fence. Based on the details of the information submitted, Sports England have confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 15 can be discharged.</p> <p><u>Conclusion</u></p> <p>Discharge conditions 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 of outline planning application 4/21/2360/001.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of conditions 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 15.</p>	
Case Officer: C. Burns		Date : 17.06.2025
Authorising Officer: N.J. Hayhurst		Date : 17.06.2025
Dedicated responses to:- N/A		