

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2165/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) FOR SUBSTITUTION OF DWELLING TYPES TO MEET CUSTOMER DEMANDS ON PLOTS 50, 51 & 52 OF PLANNING APPROVAL 4/23/2360/0F1
3.	Location:	PLOTS 50, 51 & 52, KEEKLE MEADOWS, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way
6.	Publicity Representations & Policy	See report.
7.	Report: Site and Location: <p>This application relates to part of the residential development known as Keekle Meadows, which is located to the western boundary of Cleator Moor.</p> <p>The development is currently under construction.</p> <p>A public right of way is located to the east of the application site. An order was confirmed on 13 October 2022 under Section 257 of the Town and Country Planning Act 1990 to divert this section of Public Footpath No. 403001 onto its current / new alignment. The recorded width of this section of Public Footpath No. 403001 is 2 metres and the centre line of the footpath must be no less than 1.5 metres from any adjacent boundary.</p> Directly Relevant Planning History: <p>4/12/2259/0O1 - Outline application for residential development of 66 dwellings including associated infrastructure – Approved.</p>	

4/18/2075/0R1 - Application for approval of reserved matters for 16 dwellings including associated infrastructure – Approved.

4/23/2360/0F1 - Substitution of dwelling types on plots 46 to 52 inclusive (7 dwellings) approved under planning reference 4/18/2075/0R1 – Approved.

Proposal:

This application seeks a variation of the of the development approved under application ref. 4/23/2360/0F1.

It is proposed to vary the design of the dwellings on Plots 50, 51 and 52 to meet with customer demands.

It is proposed to replace the five bedroom Type L dwelling approved on Plot 50 and Plot 51 with four bedroom Type A2 dwellings with detached garages and to replace the four/five bedroom Type A/2 dwelling on Plot 52 with a four/five bedroom Type A/1 dwelling.

Access to the dwellings is via Keekle Meadows Road, from which a shared private driveway is proposed to serve Plot 50, Plot 51 and Plot 52. Paved off highway driveways are proposed.

It is proposed to finish the dwellings externally with a combination of facing bricks and sandstone complemented by stone details under smooth grey concrete tiled covered roof structures. uPVC windows and doors are proposed.

Close-boarded timber fences are proposed to delineate the site boundaries to the rear and the frontage is to remain open.

It is proposed to dispose of foul water to the public main and surface water to a watercourse via the existing surface water infrastructure/connection serving the wider Keekle Meadows development.

Consultee:	Nature of Response:
Town Council	No concerns.
Cumberland Council – Highways and LLFA	No objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.
Countryside Access Team	No consultation response received.

United Utilities	No consultation response received.
Mining Remediation Authority	The Mining Remediation Authority has no objections to this planning application, specifically as the condition, which the applicant is seeking to vary is not mining related. Nor are any of the other conditions on the permission. This stands to reason when considering the comments made in our consultation response letter dated 2 April 2024 to the planning application (i.e. no objections).
Neighbour Responses:	
The application has been advertised by way of a planning application site notice and letter sent to seven neighbouring properties.	
No written representations have been received in respect of the proposals.	

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 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
Strategic Policy DS3: Planning Obligations
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
Policy DS9: Protecting Air Quality
Strategic Policy H1: Improving the Housing Offer
Strategic Policy H2: Housing Requirement
Strategic Policy H3: Housing Delivery
Strategic Policy H4: Distribution of Housing
Policy H6: New Housing Development
Policy H7: Housing Density and Mix
Strategic Policy H8: Affordable Housing
Strategic Policy SC1: Health and Wellbeing
Policy SC3: Playing Fields and Pitches
Policy SC2: Sports and Leisure Facilities (excluding playing pitches)
Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity
Strategic Policy N3: Biodiversity Net Gain
Policy N5: Protection of Water Resources
Strategic Policy N6: Landscape Protection
Strategic Policy N9: Green Infrastructure
Policy N14: Woodlands, Trees and Hedgerows
Strategic Policy CO2: Priority for improving transport networks within Copeland
Strategic Policy CO4: Sustainable Travel
Policy CO5: Transport Hierarchy
Policy CO7: Parking Standards

Other Material Planning Considerations:

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
National Design Guide (NDG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Cumbria Development Design Guide (CDDG).

Assessment:

Principle

The Application Site benefits from Full Planning Permission for the erection of 7no. dwellings



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as approved under application ref. 4/23/2360/0F1.

The planning permission has been commenced and remains extant.

The principle of residential development is therefore established, with the development proposed comprising a substitution of dwelling designs only.

Housing Mix

The development comprises the replacement of one design of executive style house with another design of executive style house and does not therefore materially amend/revise the approved housing mix on the development.

Design

The layout of this element of the development has been established under application ref. 4/23/2360/0F1 and this application seeks only minimal revisions.

The similar dwelling designs exist elsewhere on the wider development.

The proposed external finishes are appropriate to the dwellings and are consistent with the previously approved and developed dwellings on the wider site.

Highways Impacts

The layout and access to this element of the development has been established under application ref. 4/23/2360/0F1.

No material revisions are proposed to the access approved under application ref. 4/23/2360/0F1.

Off highway vehicle parking for 3+no. vehicles per dwelling is proposed.

Drainage

It is proposed to dispose of foul water to the public main and surface water to a watercourse via the existing surface water infrastructure/connection serving the wider Keekle Meadows development.

This is consistent with the means of drainage approved under application ref. 4/23/2360/0F1.

Residential Amenity

The development achieves appropriate interface separation distances to the front and rear elevations. Bay/feature windows are proposed to the gable elevations, which do not meet the

required interface separation distances; however, these windows are at ground level and any impacts through overlooking can be appropriately mitigated through the erection of boundary treatments.

Given the scale, form and layout of the development no adverse impacts upon existing or approved dwellings would result through loss of light, overshadowing or overbearing.

A planning condition is proposed in relation to construction working hours to prevent unacceptable impacts upon nearby occupied dwellings during the construction works.

PRoW

A PRoW previously routed through the Application Site.

The PRoW has been the subject of a diversion order and now routes to the northeast of the Application Site.

The development will not affect the diverted route of PRoW.

Ecology

The Application Site is of limited ecological interest.

Application ref. 4/23/2360/0F1 was submitted prior to the 12th February 2024 and so was not the subject of statutory biodiversity net gain.

The current application is a Section 73 application to vary application ref. 4/23/2360/0F1; therefore, it is not subject to biodiversity net gain and a ten percent biodiversity net gain is not required to be delivered.

Ground Conditions

The Geo-environmental Assessments submitted in support of application ref. 4/12/2259/0O1 identifies: the potential for ground gas and that a ground gas risk assessment should be completed to identify the requirement for mitigation/remediation; the potential for ground contamination and the requirement for assessment on removal of the slag banks; the unknown condition of two mineshafts; and, the requirement for approval of any importing or soils to or from the site and definition of the slag bank material as waste.

Planning Condition 4 of application ref. 4/12/2259/0O1 secured provisions in relation to unexpected contamination identified during construction.

Condition 5 of application ref. 4/12/2259/0O1 required that the developer undertake gas monitoring and further investigation works in relation to the known mine entries.



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	<p>Planning Condition 5 was approved via the submission of information. One mine entry was outside of the Application Site and identified a suitable no build area and specified that the other mine entry would be treated to an appropriate specification. Ground gas testing identifies the requirement for gas protection measures to be applied in the form of a membrane and ventilated subfloor.</p> <p>The slag material was the subject of testing and concluded that a quality control system should be put in place that will enable the material to be used safely and in appropriate applications i.e. not in environmentally sensitive areas.</p> <p>The Applicant has previously confirmed the following:</p> <ul style="list-style-type: none">- The slag bank was fully remediated and recycled by 2017.- The mine shaft was capped in 2015.- The site was the subject of a secondary gas testing regime in 2015 which concluded that no ground gas protection was required; therefore, ground gas barriers have not been installed on the development since 2015, the properties having been inspected and signed off by Building Control. <p>Evidence of the capping has been provided.</p> <p>The Mining Remediation Authority has confirmed no objections.</p> <p>On the basis of the above, a planning condition to control unexpected contamination identified during construction only is proposed.</p> <p>Planning Balance:</p> <p>The principle of residential development is established, with the development proposed effectively comprising a substitution of dwelling design.</p> <p>The layout this area of the development was established under application ref. 4/23/2360/0F1.</p> <p>The dwellings proposed are acceptable in respect of the design, residential amenity, ground conditions, ecology and highway safety subject to the planning conditions proposed.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be carried out in accordance with the following approved plans:</p>

Application Form

Site Location Plan – DWG No. 06/11/542-100

Site Plan – Phase 7 – Drawing No. 06/11/542 – 127 f)

Dwelling Type A/1 – Plans & Elevations – Drawing No. 06/11/542 – 212

Dwelling Type A/2 – Plans & Elevations – Drawing No. 06/11/542 – 151

Dwelling Type A/2 Handed (No garage) – Plans & Elevations – Drawing No. 06/11/542 – 155

Single Detached Garage – Plans & Elevations – Plans & Elevations – Drawing No. 06/11/542 – 36 d)

Dwelling Type K – Plans & Elevations (Handed) – Drawing No. 06/11/542 – 213

Detached Paired Garage – Plans and Elevations – Drawing No. 06/11/542-220

Ground Gas Risk Assessment – Ref. 2015-1559

Capping of Hope Pit Shaft at Mill Hill, Cleator Moor, Cumbria – Project No. 15-108

Reason

For the avoidance of doubt and in the interests of proper planning.

2. Each dwelling hereby approved shall not be occupied until the vehicular access and turning requirements to serve that dwelling have been constructed in accordance with the approved plan and brought into use. The vehicular access/turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 and Policy C07 of the Copeland Local Plan 2021-2039.

3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in



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writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

4. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:
07:30 - 18.00 Monday to Friday; and
08.00 - 13.00 on Saturdays.

No work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework.

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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Informative

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not

	require the approval of a biodiversity gain plan before development is begun as the original permission to which the Section 73 planning application relates to was made before 12 February 2024.	
Case Officer: Chris Harrison		Date : 23.07.2025
Authorising Officer: N.J. Hayhurst		Date : 24/07/2025
Dedicated responses to:- N/A		