

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2371/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 9 (iii) 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, Main River Consultation Area - Main River Consultation Area	
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 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.	

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.

Directly Relevant Planning Application History:

4/16/2275/001 – Outline application for residential development – Approved in Outline.

4/23/2076/001 - Outline application for residential development for up to 65 dwellings with details of proposed access & all other matters reserved – Approved subject to planning conditions and Section 106 Agreement.

4/24/2323/0R1 - Application for reserved matters relating to layout, scale, appearance and landscaping pursuant to outline application reference 4/23/2076/001 – Valid planning application.

4/24/2335/DOC - Discharge of conditions 5, 6, 8, 19 and 20 of planning application 4/23/2076/001 – Approved.

4/24/2336/DOC - Discharge of conditions 9, 10 and 21 of planning application 4/23/2076/001 – Approved.

4/24/2337/DOC - Discharge of conditions 11, 12, 13, 14, 15 16, 17, 18 and 22 of planning application 4/23/2076/001 – Approved.

4/24/2391/0F1 – Proposed surface water dry retention basin and associated infrastructure including BNG enhancements relating to residential development pursuant to outline application reference 4/23/2076/001 – Approved subject to planning conditions and Section 106 Agreement.

4/25/2213/DOC – Discharge of condition 3 of planning approval 4/24/2391/0F1 – Approved.

Proposal

In July 2024, outline planning permission (ref: 4/23/2076/001) 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 9(iii) attached to outline planning approval 4/23/2076/001. This condition states the following:

Contamination Assessment

9. No development approved by this planning permission shall 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 must include the following

components:

- i) A site investigation scheme, including a Phase 2 Ground Investigation Report and watching brief, 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.
- ii) 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.
- iii) 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 accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

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

- Application Form, received by the Local Planning Authority on the 6th November 2025.
- Gas Membrane Installation Verification Report, Prepared by GeoCon Site Investigations Ltd October 2025, received by the Local Planning Authority on the 6th November 2025.

Consultation Responses

Environment Agency

Thank you for consulting us on the above application, received 7 November 2025.

We have previously provided comments the discharge of condition 9 of planning application 4/23/2076/001, in our response referenced NO/2024/116363/03-L01 and dated 5 December 2024, which was under planning application referenced 4/24/2336/DOC. We had no objections to the discharge of condition 9.

We have now received and reviewed the following additional information in relation to condition 9:

- Report titled 'Gas Membrane Verification Report (Plot 1, 2 & 3)', prepared by

GeoCon Site Investigations Ltd (referenced: GSI 2132 LD PIV Gas Report Plot 1-3; dated: October 2025)

Environment Agency position

We have no further comments in regard to the discharge of condition 9, of which we were satisfied with in our response dated 5 December 2025 to planning application 4/24/2336/DOC.

The gas membrane verification is required for quality control of building construction for approval by Environmental Health and Building Control Departments.

Cumberland Council – Environmental Health

Thank you for the above planning consultation and the submission of the Gas Membrane Installation Verification Report (plots 1 – 3) dated October 2025 by GeoCon Site Investigations Ltd (ref GSI 2132 LD PIV Gas Report plot 1-3).

Environmental Health are satisfied with this report and, as such, condition 9 (iii) can be duly discharged.

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.



Cumberland Council

Planning approval 4/23/2056/001 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

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 condition 9 (iii) attached to the previous outline planning permission at this site. Condition 9 seeks to discharge the requirement for the development to provide details of a remediation strategy for the development and have previously been discharged under application ref: 4/24/2336/DOC. The current application seeks to discharge part iii of condition 9 which requires the submission of a verification plan to demonstrate that works set out in the remediation strategy are complete and identify any long-term monitoring and management. Based on the information submitted as part of this application the Environment Agency and the Council's Environmental Health Team have confirmed that condition 9 (iii) can be discharged. <u>Conclusion</u> It is therefore confirmed that condition 9 (iii) can be discharged.	
8.	Recommendation: Approve discharge of condition 9 (iii)	
Case Officer: C. Burns		Date : 26.11.2025
Authorising Officer: N.J. Hayhurst		Date : 26.11.2025
Dedicated responses to:- N/A		