

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2092/001
2.	Proposed Development:	HYBRID APPLICATION INCLUDING AN OUTLINE APPLICATION FOR 21 SELF-BUILD DWELLINGS (WITH ALL MATTERS RESERVED WITH THE EXCEPTION OF ACCESS) AND FULL PLANNING TO ESTABLISH PLOT BOUNDARIES, ROAD LAYOUT AND SITE INFRASTRUCTURE ASSOCIATED WITH THE ERECTION OF THE 21 SELF-BUILD DWELLINGS
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	N/A
7.	Report:	<p>The delegated report for this development was signed off by the Head of Planning and Place on the 24th October 2024.</p> <p>Approval for the Council to enter into the required Section 106 Agreement was received from the Assistant Director of Inclusive Growth and Placemaking on the 24th October 2024.</p> <p>The required Section 106 Agreement was completed on the 5th November 2025.</p> <p>The Copeland Local Plan 2017 – 2039 was adopted by Cumberland Council on the 5th November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.</p> <p>Given the level of weight afforded to the policies of the Copeland Local Plan 2017 – 2039 in the assessment of the planning application on the 24th October 2024, the adoption of the</p>

	<p>Copeland Local Plan 2017 – 2039 does not change the overall planning balance of the proposals.</p> <p>The reasons for the planning conditions on the Decision Notice attached to the completed Section 106 Agreement refer to the policies of the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016 given the timing of its preparation.</p> <p>Given that the Decision Notice is to be issued post adoption of the Copeland Local Plan 2017 – 2039, the reasons for the planning conditions on the Decision Notice are required to reference to policies of the Copeland Local Plan 2017 – 2039 as the adopted development plan for the former Copeland area at the time of issue.</p> <p>The revised reasons for the planning conditions are detailed below.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline subject to the planning conditions outlined below and a Section 106 Agreement securing:</p> <ul style="list-style-type: none"> - 10% of the dwellings (two dwellings) as discounted sale affordable housing; and, - education contribution of £81,960.
9.	<p>Conditions:</p> <p><u>Planning Conditions and Reasons Relating to the Full Planning Permission</u></p> <p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Site Location Plan – Drawing No. SG 15-178 02 Proposed Longsections Sheet 1 - Drawing No. 1842 11 T4 Proposed Longsections Sheet 2 - Drawing No. 1842 12 T2 Proposed Drainage – Drawing No. 1842 202 P9 SR12 Engineering Layout – Drawing No. 1842 1001 P2 SR12 Surface Finishes – Drawing No. 1842 1031 P3</p>



**Cumberland
Council**

Drainage Construction Details Sheet 1 of 4 – Drawing No. 1842 51 T1
Drainage Construction Details Sheet 2 of 4 – Drawing No. 1842 52 T1
Drainage Construction Details Sheet 3 of 4 – Drawing No. 1842 53 T1
Drainage Construction Details Sheet 4 of 4 – Drawing No. 1842 54 T1
Bulk Earthworks Sheet 1 – Drawing No. 1842 71 T4
Bulk Earthworks Sheet 2 – Drawing No. 1842 72 T5
Section 104 – Drawing No. 1842 101 P1
Flosh Meadows, Cleator SR12 The Meadows – Drainage Strategy – Report No. 1842-DS1 Rev. H
SR12 – The Meadows – Flood Risk Assessment – Report No. 1842-FRA1 Rev. B
SR12 The Meadows, SR12A Mid Meadows, Top Meadows - SUDS Maintenance Plan – Report No. 1842-SMP01 Rev. D
Biodiversity Net Gain - Flosh Meadows – Report Ref. 9200 Report Version 2.

Reason

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

Pre-Commencement Planning Conditions

Arboriculture

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.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy N14 of the Copeland Local Plan 2021-2039.

Construction Management

4. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall provide for:

- Details of the means of access and parking for construction traffic and vehicles of site operatives and visitors;
- Procedures for the loading and unloading of plant and materials;
- Details of storage of plant and materials used in constructing the development;
- Details of measures to control the emission of dust, emissions, sediments and pollutants arising during construction of the development;
- A scheme for recycling/disposing of waste resulting from construction works;
- A scheme for the management of surface water drainage during the construction period;
- Details of the erection and maintenance of security hoarding where appropriate;
- Wheel washing facilities.

The approved CEMP shall be adhered to throughout the construction period.

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with the provisions of Policy DS4, Policy DS9, Policy N1 and Policy N5 of the Copeland Local Plan 2021-2039.

5. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- The construction of the site access and the creation, positioning and retention of associated visibility splays;
- Details of access gates to be hung to open away from the public highway no less than 10m from the carriageway and incorporating appropriate visibility splays;

- Proposed accommodation works and where necessary a programme for their subsequent removal and reinstatement of street furniture where removed and verges where damaged during construction works;
- Details of carriageway improvements, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
- Details of proposed crossings of the highway verge;
- Details of areas to be retained for vehicle parking, manoeuvring, loading and unloading during the construction of the development;
- Details of recommended routes for construction traffic accessing and leaving the site and how this will be communicated to drivers;
- Details of the management of junctions and crossings of the public highway and other rights of way/footway affected during the construction period;
- Details of the scheduling and timing of movements, temporary warning signs and vehicles requiring a banksman/escort.

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 DS4 and Policy CO2 of the Copeland Local Plan 2021-2039.

Biodiversity Net Gain

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

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.

Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3 of the Copeland Local Plan 2021-2039.

Other Planning Conditions

7. The surface water drainage system hereby approved shall be managed and maintained in accordance with the provisions of SR12 The Meadows, SR12A Mid Meadows, Top Meadows - SUDS Maintenance Plan – Report No. 1842-SMP01 Rev. D for the lifetime of the development.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in accordance with the provisions of Policy DS4, Policy DS6, Policy DS7 and Policy N5 of the Copeland Local Plan 2021-2039.

Unexpected Contamination

8. If during development, contamination not previously identified is found to be present at the site then no further development on that plot/area shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that plot/area detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of pollution in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

Hours of Construction

9. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

Planning Conditions and Reasons Relating to the Outline Planning Permission

10. The development hereby permitted shall begin not later than TEN years from the date of this permission or the expiration of TWO years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

11. Application for approval of the reserved matters shall be made to the local planning authority not later than TEN years from the date of this permission.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

12. For each dwelling details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

13. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan – Drawing No. SG 15-178 02

SR12 Surface Finishes – Drawing No. 1842 1031 P3 (in the context of the plot boundaries only, as identified in Condition 15)

Design Code - Self Build Housing Development at Floss Meadows, Cleator.

Reason

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

14. The development hereby permitted shall not exceed 21 no. dwellings.

Reason

For the avoidance of doubt.

15. No layout proposed as part of the reserved matters shall depart from the layout of plots identified on SR12 Surface Finishes – Drawing No. 1842 1031 P3.

Reason

For the avoidance of doubt.

Pre-Commencement Planning Conditions

Arboriculture

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.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area in accordance with the provisions of Policy N14 of the Copeland Local Plan 2021-2039.

Construction Management

17. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall provide for:

- Details of the means of access and parking for construction traffic and vehicles of site operatives and visitors;
- Procedures for the loading and unloading of plant and materials;
- Details of storage of plant and materials used in constructing the development;
- Details of measures to control the emission of dust, emissions, sediments and pollutants arising during construction of the development;
- A scheme for recycling/disposing of waste resulting from construction works;
- A scheme for the management of surface water drainage during the construction period;
- Phasing of the construction of the site access and the creation, positioning and retention of associated visibility splays;
- Details of the scheduling and timing of vehicle movements (principally to avoid conflicting construction activities on other plots), temporary warning signs and vehicles requiring a banksman/escort.

The approved CEMP shall be adhered to throughout the construction period.

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with the provisions of Policy DS4, Policy DS9, Policy N1 and Policy N5 of the Copeland Local Plan 2021-2039.

18. Prior to the commencement of development full details of the surface water attenuation infrastructure to serve each dwelling shall be submitted to and approved in writing by the local planning authority.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy DS4, Policy DS6, Policy DS7 and Policy N5 of the Copeland Local Plan 2021-2039.

Pre-Occupation Planning Conditions

Highways

19. No dwelling hereby approved shall be occupied until the estate road including footways and cycleways to serve that dwelling has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety in accordance with the provisions of Policy CO2, Policy CO4 and Policy CS5 of the Copeland Local Plan 2021-2039.

Drainage

20. No dwelling hereby approved shall be occupied until the approved surface water drainage infrastructure and foul water drainage infrastructure to serve that dwelling has been constructed and brought into full operational use.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy DS4, Policy DS6, Policy DS7 and Policy N5 of the Copeland Local Plan 2021-2039.

Other Planning Conditions

Unexpected Contamination

21. If during development, contamination not previously identified is found to be present on a plot then no further development on that plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a remediation strategy for that plot detailing how this unsuspected contamination shall be dealt with. The remediation strategy approved shall be implemented as approved.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2017 – 2038.

Hours of Construction



Cumberland Council

22. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

Highways

23. There shall be no vehicular access to or egress from the site other than via the approved access.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy CO2, Policy CO4 and Policy CS5 of the Copeland Local Plan 2021-2039.

24. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety in accordance with the provisions of Policy CO2, Policy CO4 and Policy CS5 of the Copeland Local Plan 2021-2039.

Case Officer: Chris Harrison	Date : 07.11.2024
Authorising Officer: N.J. Hayhurst	Date : 07.11.2024
Dedicated responses to:-	