

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2421/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	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 exiting 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 4/23/2076/0O1 – Valid planning application.

4/24/2335/DOC - Discharge of conditions 5, 6, 8, 19 and 20 of planning application 4/23/2076/0O1 – Approved.

4/24/2336/DOC - Discharge of conditions 9, 10 and 21 of planning application 4/23/2076/0O1 – Approved.

4/24/2337/DOC - Discharge of conditions 11, 12, 13, 14, 15 16, 17, 18 and 22 of planning application 4/23/2076/0O1 – 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 4/23/2076/0O1 – Approved subject to planning conditions and Section 106 Agreement (adjacent site)

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

4/25/2371/DOC – Discharge of condition 9 (iii) of planning application 4/23/2076/0O1 – Approved (Plots 1, 2 and 3).

Proposal

In July 2024, outline planning permission (ref: 4/23/2076/0O1) 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 4/23/2076/0O1 relating to plots 4, 5 and 6. 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 16th December 2025.
- Gas Membrane Installation Verification Report (Plots 4, 5 & 6), Prepared by GeoCon Site Investigations Ltd December 2025, received by the Local Planning Authority on the 16th December 2025.

Consultation Responses

Environment Agency

Thank you for consulting us on the above application.

Environment Agency Position:

We have no comments from Land contamination perspective. The submitted verification report relates to potential remediation of gas issues. We recommend that the LPA consults Environmental Health regarding the discharge of condition 9.

Cumberland Council – Environmental Health

Environmental Health are satisfied with the Gas Membrane Verification Report for plots 4, 5 and 6 and, as such, condition 9 (iii) can be 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. <u>Copeland Local Plan 2021 - 2039 (LP):</u> 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. 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
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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 in relation to plots 4, 5 and 6.

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 in relation to plots 4, 5 and 6.

Conclusion

It is therefore confirmed that condition 9 (iii) can be discharged in relation to plots 4, 5 and 6.

8.	Recommendation: Approve	
Case Officer: C. Burns		Date : 08/01/2026
Authorising Officer: N.J. Hayhurst		Date : 09/01/2026
Dedicated responses to:- N/A		