

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2214/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 8 OF PLANNING APPLICATION 4/17/2143/001	
3.	Location:	IVY MILL, MAIN STREET, HENSINGHAM, WHITEHAVEN	
4.	Parish:	Whitehaven	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
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		
	<p>This application relates to the Ivy Mill Site, formally utilised as The Romar Innovate Factory from 2001 – 2016. It is situated within the centre of Hensingham and is located to the east of Copeland’s Principal Town, Whitehaven.</p> <p>The site covers an area of 0.95 hectares and is currently brownfield land. The site was previously occupied by a large redundant factory unit and two associated office buildings; however, these buildings have now been demolished. The site has a change in levels across its length, with the highest point within the southwestern corner.</p> <p>The site is fronts Main Street and is bound to the south by existing residential properties which front onto Muncaster Road and Queens Close. The site was previously bounded to the northeast and southwest by redundant sites, however these have now been developed to form a sixty bed care facility (ref: 4/17/9001/0F2) and a fuel forecourt and associated</p>		

convenience store and parking (ref: 4/16/2167/0F1).

The site is currently served by two existing accesses from Main Street, one of these will continue to be used to allow access to the existing electrical substation located to the north of the site.

Relevant Planning History

4/17/2143/0O1 – Demolition of factory and outline planning for erection of dwellings – Approved in Outline

4/20/2334/0R1 – Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Approved

4/22/2110/0B1 – Variation of condition 2 (revised house types) of planning approval

4/20/2334/0R1 – Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Approved

4/22/2189/DOC – Discharge of conditions 3 and 4 of planning approval 4/20/2334/0R1 – Approved

4/22/2238/DOC – Discharge of conditions 4, 5, 7, 8 and 10 of planning approval 4/17/2143/0O1 – Approved

4/23/2018/DOC – Discharge of conditions 6, 9, 11 and 12 of planning permission 4/17/2143/0O1 – Withdrawn

4/23/2031/DOC – Discharge of conditions 5 and 6 of planning approval 4/20/2334/0R1 – Withdrawn.

4/22/2494/DOC – Discharge of conditions 3 and 4 of planning application 4/22/2110/0B1 – Approved

Proposal

In July 2017, outline planning permission (ref: 4/17/2143/0O1) was granted for the demolition of the existing factory and for the erection of dwellings at this site. This current application seeks to discharge condition 8 of outline planning approval reference 4/17/2143/0O1. This condition states the following:

8. No development approved by this planning permission shall commence until a remedial strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:

- a. All previous uses;
 - b. Potential contaminants associated with those users;
 - c. A conceptual model of the site indicating sources, pathways and receptors; and
 - d. Potentially unacceptable risks associated from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisals and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out the remediation strategy in (3) are complete and identified any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency actions.

Any changes to these components requires the written consent of the Local Planning Authority. The scheme 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 water pollution in line with paragraph 109 of the National Planning Policy Framework.

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

- Application Form, received by the Local Planning Authority on the 14th June 2024.
- Revised Contamination Remediation Strategy, Prepared by GEO Environmental Engineering June 2024, received by the Local Planning Authority on the 14th June 2024.
- Remediation Plan, Prepared by GEO Environmental Engineering, received by the Local Planning Authority on the 14th June 2024.
- Hydrocarbon Contamination Assessment, Prepared by GEO Environmental Engineering July 2024, received by the Local Planning Authority on the 31st July 2024.

Consultation Responses

Environment Agency

27th June 2024

We are unable to recommend the discharge of condition 8 and we offer the following comments:-

Condition 8 cannot be discharged in its entirety because section 3.2 of the Remediation Strategy (ref: GEO2024-6320) requires additional investigation of localised hydrocarbon hotspots in made ground, and remediation of soils and groundwater as necessary. In addition, section 3.3 highlights the possibility of hydrocarbon contaminated water beneath relic structures which may need delineation and removal.

To allow the full discharge of condition 8, the validation and verification of the risk assessment and remedial works will be required.

8th August 2024

Contaminated Land

We are satisfied with the partial discharge of condition 8 and wish to offer the following comments:-

We have reviewed the revised remediation strategy, referenced above, and we have no objections to the discharge of the first 3 components of condition 8 (contaminated land).

We are unable to discharge the fourth component of the 4-part contaminated land condition as this is dependent on the validation and verification of the proposed remedial works and can only be discharged upon completion.

Please re-consult us once a Validation Report has been submitted and we will respond within 21 days.

Waste

Please refer to our previous response, referenced NO/2024/116146/01-L02 and dated 27 June, in regard to the re-use of made ground on site. We have no additional comments to make.

Cumberland Council – Environmental Health

5th July 2024

In terms of addressing the potential impact on human health, Environmental Health are satisfied that the approach of the Remediation Strategy to date is acceptable, though the concerns raised by the Environment Agency in their response dated 27.06.24 remain, and further work is required.

The re-use of material on site will also require a Materials Management Plan.

As such, condition 8 cannot be fully discharged until the issues raised by the Environment Agency are resolved.

9th August 2024

Planning App 4/24/2214/DOC – comments were awaited from the Environment Agency who



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had previously objected to the discharge of condition 8 (contaminated land) because of a contamination risk from the site to controlled waters.

Likewise planning app 4/24/2215/DOC and the EA's objection to the discharge of condition 11.

Following the submission dated August 2024 of additional information in the Hydrocarbon Contamination Assessment from Geo Environmental Engineering, the Environment Agency are satisfied with the proposed approach.

Environmental Health are content to defer to the Environment Agency's stance on this matter and therefore the partial discharge of both the above conditions 8 and 11 respectively is agreed.

Further remedial works need to be undertaken to complete their validation and verification as laid out in the assessment and in this response of the Environment Agency.

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 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST3 – Strategic Development Priorities

Policy ST4 – Providing Infrastructure

Policy ER10 – Land and Premises for Economic Development

Policy ER5 – Improving Quality of Employment Space

Policy ER6 – Location of Employment

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies



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	<p>have been resolved; and the degree to which emerging policies are consistent with the NPPF.</p> <p>Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. As the consultation on the main modifications to the ELP is now complete significant weight can also be afforded to the policies of the ELP where modifications are proposed.</p> <p>Other Material Planning Considerations</p> <p>National Planning Policy Framework (2023)</p> <p>National Design Guide (NDG).</p> <p>Cumbria Development Design Guide (CDG)</p> <p>Strategic Housing Market Assessment 2021 (SHMA)</p> <p>The Conservation of Habitats and Species Regulations 2017 (CHSR).</p> <p>Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)</p> <p>The Cumbria Landscape Character Guidance and Toolkit (CLGC)</p> <p>Assessment</p> <p>Following the submission of a Hydrocarbon Contamination Assessment to support the revised Contamination Remediation Strategy and Remediation Plan, the EA have confirmed that condition 8 can be discharged in part. The EA have confirmed that part (d) of this condition cannot be formally discharged until a Validation Report has been submitted. The Council's Environmental Health Officer has confirmed that they agree with this position.</p> <p><u>Conclusion</u></p> <p>Part discharge condition 8.</p>	
8.	<p>Recommendation:</p> <p>Discharge condition 8 in part.</p>	
<p>Case Officer: C. Burns</p>		<p>Date : 19.08.2024</p>
<p>Authorising Officer: N.J. Hayhurst</p>		<p>Date : 19.08.2024</p>
<p>Dedicated responses to:- N/A</p>		