

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2367/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3 AND 7 OF PLANNING APPLICATION 4/21/2489/0F1	
3.	Location:	LAND WEST OF CLEATOR MOOR ROAD, 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 a brownfield site located off Cleator Moor Road, located within the centre of Hensingham to the east of Whitehaven. The regular shaped site covers an area of 1.21 hectares and is generally flat. The application site previously sited the Sekers factory demolished in 2010, and currently benefits from two access points onto Cleator Moor Road.</p> <p>The application site is bounded to the north east by Cleator Moor Road, to the north west by The Gables care home, to the south east by existing residential estates, and to the south west by another brownfield site which benefits from planning permission (ref: 4/17/2143/0O1, 4/20/2334/0R1 & 4/22/2110/0B1) for 26 dwellings also under the applicants ownership.</p>	

Relevant Planning History

4/07/2706/0 – Change of use from industrial (B2) to residential development comprising 118 No. 1, 2, 3 and 4 bedroom dwellings – Withdrawn.

4/10/2359/0O1 – Outline application for proposed 58 bed space care home and residential development with associated highway access – Approve in outline.

4/13/2159/0O1 – Application for a new planning permission to replace extant planning permission (4/10/2359/0O1) – Outline application for proposed 58 bed space care home and residential development with associated highway access – Withdrawn.

4/17/2143/0O1 – Demolition of factory and outline planning permission for erection of dwellings – Approved in outline (adjacent site).

4/20/2334/0R1 – Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Approved reserved matters (adjacent site).

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 (adjacent site).

4/21/2489/0F1 – Residential development of 37 dwellings – Approved.

4/24/2215/DOC – Discharge of condition 11 of planning application 4/21/2489/0F1 – Approved.

4/24/2249/DOC – Discharge of conditions 4, 6, 8, 10 and 12 of planning application 4/21/2489/0F1 – Approved.

4/25/2031/DOC – Discharge of condition 11 of planning application 4/21/2489/0F1 – Approved.

Proposal

In May 2024, planning permission (ref: 4/21/2489/0F1) was granted subject to a S106 agreement, for a residential development of 37 dwellings.

This current application seeks to discharge condition 3 and 7 attached to planning permission 4/21/2489/0F1). This condition states the following:

3. Prior to the commencement of development (including any earthworks), the following must be submitted to the local planning authority and approved in writing:
 - Evidence that diversion/abandonment works for the existing water main have been agreed with the relevant statutory undertaker and that the approved works have been undertaken.
 - Details of the means of ensuring the water main is protected from damage as a result of the development. These details must include the potential impacts on

the water main from construction activities and the impacts post completion of the development, including landscaping, on the water main infrastructure, and identify mitigation measures, to protect and prevent any damage to the water main both during construction and post completion of the development.

Any mitigation measures identified by (ii) must be implemented in full prior to commencement of development in accordance with the approved details and must shall be retained thereafter for the lifetime of the development.

Reason

In the interest of public health and to ensure protection of the public water supply in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

7. Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

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

- Application Form, received by the Local Planning Authority on the 28th October 2024.
- Statement: Planning Condition 3, received by the Local Planning Authority on the 28th October 2024.
- Statement: Planning Condition 7, received by the Local Planning Authority on the 28th October 2024.
- United Utilities: Water Main Records, received by the Local Planning Authority on the 28th October 2024.
- Email from Agent: Main Disconnection 08.05.25, received by the Local Planning Authority on the 8th May 2025.
- United Utilities: Your Water Main Diversion Acceptance Note, received by the Local Planning Authority on the 8th May 2025.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority

(LLFA) has reviewed the above planning reference and our findings are detailed below.

Condition 3 – The above condition is not for the LHA and LLFA to discharge.

Condition 7 – The LHA and LLFA are content with the information submitted in support of condition 7, therefore condition 7 can be discharged.

United Utilities

19th November 2024

Further to our review of the submitted documents, United Utilities recommends that Condition 13 is NOT discharged. This is because the proposed abandonment works have not been agreed and there is insufficient information with regards to the protection measures whilst the water main is still live.

8th July 2025

Further to our review of the submitted documents United Utilities has no objection to condition 3 being 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.

Planning approval 4/21/2489/0F1 was determined under the previous Local Plan, however



Cumberland Council

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)

	<p>Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)</p> <p>The Cumbria Landscape Character Guidance and Toolkit (CLGC)</p> <p>Copeland Borough-Wide Housing Needs Survey (2020)</p> <p>Assessment</p> <p>The application seeks to discharge the requirements of conditions 3 and 7 attached to the previous planning permission at this site. These are assessed separately below:</p> <p><u>Condition 3:</u></p> <p>This condition seeks to discharge the requirement for the development to provide evidence on the diversion/abandonment works for the existing water mains, and details to ensure the water main is protected from the development. Based on the additional details submitted with this application, United Utilities have confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 3 can be discharged.</p> <p><u>Condition 7:</u></p> <p>This condition seeks to discharge the requirement for the development to provide detail of the reduced front highway boundary. Based on the details submitted within this application, the Highway Authority have confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 7 can be discharged.</p> <p><u>Conclusion</u></p> <p>Discharge conditions 3 and 7.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of conditions 3 and 7.</p>	
Case Officer: C. Burns		Date : 09.07.2025
Authorising Officer: N.J. Hayhurst		Date : 10/07/2025
Dedicated responses to:- N/A		