

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2031/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 11 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: 4/17/2143/001,</p>	

4/20/2334/0R1 & 4/22/2110/0B1) for 26 dwellings also under the applicant's ownership.

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– Change of use from industrial (B2) to residential development comprising 118 No. 1, 2, 3 and 4 bedroom dwellings – Withdrawn.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– Outline application for proposed 58 bed space care home and residential development with associated highway access – Withdrawn.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.

4/24/2367/DOC – Discharge of conditions 3 & 7 of planning application 4/21/2489/0F1 – Ongoing.

Proposal

In May 2013, 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 11 attached to planning permission 4/21/2489/0F1). This condition states the following:

11. 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 will include the following components:

- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- b) 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.
- c) The results of the site investigation and the detailed risk assessment referred to in (2) 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.
- d) 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 (3) 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 shall 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 line with paragraph 170 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 28th January 2025.
- Ground Investigation & Remediation Summary Report, Prepared by GEO Environmental Engineering January 2025, received by the Local Planning Authority on the 28th January 2025.

Consultation Responses

Environment Agency

We have reviewed the following supporting document:

- Report titled 'Ground Investigation and Remediation Summary Report', prepared by Geo Environmental Engineering (referenced: 2024-6566; dated: 17.01.2025)

Environment Agency position:

We have no objection to the discharge of condition 11 of planning application 4/21/2489/0F1 and we offer the following comments:-

We have reviewed the Ground Investigation and Remediation Summary Report, referenced above, and we can confirm that this is acceptable.

Appendix II of the report, referenced above, includes a copy of the Validation Report, prepared by Sirius Remediation Ltd (referenced: SR4798/VR; dated: December 2024). The elements in our previous responses to planning application referenced 4/24/2215/DOC, dated 27 June 2024 and 8 August 2024 (our references: NO/2024/116147/01-L02 & NO/2024/116147/02-L01), for discharge of condition relating to remediation and validation, have been integrated into further verification in the Validation Report.

We are therefore satisfied that condition 11 can be fully discharged.

Environmental Health

Environmental Health are satisfied with the submitted document 'Ground Investigation and Remediation Summary Report' and its rationale.

This will discharge condition 11 of the above planning application.

The Environment Agency had concerns about the possible risk of site contamination being mobilised during construction to pollute controlled waters, so their view on this document would also be welcomed.

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 this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

The following policies are relevant to this application:-

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

	<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>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>Condition 11 seeks to discharge the requirements for the development to provide a remediation strategy to deal with the risks associated with contamination of the site in respect of the proposed works. Based on the details submitted with this application, the Environment Agency have now confirmed that this condition can be fully discharged. Environmental Health have also confirmed that this condition can be discharged.</p> <p><u>Conclusion</u></p> <p>Discharge condition 11.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of condition 11.</p>	
Case Officer: C. Burns		Date : 08.05.2025
Authorising Officer: N.J. Hayhurst		Date : 09.05.2025
Dedicated responses to:- N/A		