

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2046/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. 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 fronts Main Street and is bound to the south by existing residential properties which</p>	

front onto Muncaster Road and Queens Close. The site was previously bounded to the north east and south west 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 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

4/24/2214/DOC – Discharge of condition 8 of planning application 4/17/2143/0O1 – 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:



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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 11th February 2025.
- Ground Investigation & Remediation Summary Report, Prepared by GEO Environmental Engineering January 2025, received by the Local Planning Authority on the 11th February 2025.

Consultation Responses

Environment Agency

We have reviewed the following supporting documents:

- Report titled 'Ground Investigation & Remediation Summary Report', prepared by Geo Environmental Engineering (referenced: 2024-6566 v1; dated 17.01.2025)

Environment Agency position:

We have no objections to the discharge of condition 8 of planning application 4/17/2143/001, and we would offer the following comments:-

We have reviewed the report, referenced above, which also includes the Validation Report, prepared by Sirius Remediation Ltd. The risk assessment and remediation has been completed and we consider that the verification work is satisfactory.

We can therefore recommend that condition 8 can be discharged without posing unacceptable risk to water quality resources.

Environmental Health

Environmental Health are satisfied that condition 8 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.

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-



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2016.

Planning approval 4/17/2143/001 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.

The following policies relevant to this proposal:-

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)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

	<p>The Cumbria Landscape Character Guidance and Toolkit (CLGC)</p> <p>Copeland Borough-Wide Housing Needs Survey (2020)</p> <p>Assessment</p> <p>Condition 8 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 8.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of condition 8.</p>	
Case Officer: C. Burns		Date : 08.05.2025
Authorising Officer: N.J. Hayhurst		Date : 08.05.2025
Dedicated responses to:- N/A		