

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2153/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 5, 6, 8, 9 AND 11 OF PLANNING APPROVAL 4/23/2314/0F1
3.	Location:	LAND AT PRESTON STREET, PRESTON STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	N/A.
7.	Report: Site and Location: <p>The Application Site extends to c.1ha and comprises an existing car park located to the east of Preston Street, Whitehaven and a parcel of currently vacant land located to the rear of Nos. 1-4 and the Former Annlea House (No. 10) The Ginns, Whitehaven.</p> <p>The existing car park is currently operated as a pay and display car park.</p> <p>The Application Site is located c.275m south and c.200m west of the defined Whitehaven Town Centre.</p> <p>The Application Site is irregular in shape and is broadly orientated north south.</p> <p>The Application Site is enclosed by a combination of rubble stone walls, fencing, brick walls and vegetation. The eastern and southern boundaries of the currently vacant land have no physical delineation.</p> <p>The Application Site is bounded to the north by an existing footway / Cycle Route 72 beyond</p>	

which are retail units with associated parking, including an existing ALDI foodstore; to the west by Preston Street and existing dwellings beyond which is an existing ASDA foodstore and commercial development; and, to the east and south by further currently vacant land.

The Application Site is not located within a conservation area.

There are no listed buildings on or directly adjacent to the Application Site.

The Application Site is located in Flood Zone 1, which is the lowest category of flood risk.

The Application Site is partially located within an area identified as having high risk in relation to coal mining.

The Application Site is located within an area identified as potentially contaminated land.

United Utilities assets are located within the Application Site.

Proposal:

This Application seeks approval of details reserved by Planning Conditions 3, 5, 6, 8, 9 and 11 of planning permission reference 4/23/2314/0F1.

3. No development shall commence until details, including longitudinal/cross sections of the carriageway, footways, footpaths have been submitted to and approved in writing by the Local Planning Authority. Any works so approved shall be constructed in accordance with the approved details before the development is complete.

5. No development shall commence until full design details of a scheme for highway modifications to Preston Street have been submitted to and approved in writing by the Local Planning Authority.

6. No development shall commence until the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority has been secured. The written scheme of investigation must include the following components:

- i) An archaeological evaluation; and,*
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation.*

8. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- details of the means of access and parking for construction traffic and vehicles;*
- procedures for the loading and unloading of plant and materials;*
- hours of delivery; - details of the storage of plant and materials used in construction;*



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- details of measures to control dust, emissions, sediments and pollutants arising from the development;
- a scheme for recycling/disposing of waste resulting from construction works; and,
- measures to control noise and vibration.

The approved CEMP shall be adhered to throughout the construction period.

9. No development shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the Local Planning Authority.

The CSWMP shall include:

- details of measures to control surface water flows and prevent flooding during the construction period; and,
- measures to prevent the discharge of sediments and pollutants to the existing watercourses.

The approved CSWMP shall be adhered to throughout the construction period.

11. Notwithstanding the submitted details, no development shall commence until a detailed scheme of soft landscape works has been submitted to and approved in writing by the Local Planning Authority.

These shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; an implementation programme and a five-year maintenance plan.

The agreed scheme shall be carried out as approved to the agreed timetable.

Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

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

Application Form

Planning Condition 3 and Planning Condition 5

Drawing No. 79-EXXX-HYD-ZZ-XX-DR-C-Ro-50-20-11-5000-A5-C03 - S278 Site Clearance

Drawing No. 79-EXXX-HYD-ZZ-XX-DR-C-Ro-50-20-11-5001-A5-C03 - S278 Construction Build Ups

Drawing No. 79-EXXXX-3E-ZZ-XX-DR-C-Ro-50-20-11-5002-A5-C02 - S278 Highway Construction Details - Sheet 1

Drawing No. 79-EXXX-HYD-ZZ-XX-DR-C-Ro-50-20-11-5003-A5-C03 - S278 Adoptable Highway Construction Details - Sheet 2

Drawing No. 79-EXXX-HYD-ZZ-XX-DR-C-Ro-50-20-11-5004-A5-C03 - S278 Proposed Levels and Drainage Layout

Drawing No. 79-EXXX-HYD-ZZ-XX-DR-C-Ro-50-20-11-5005-A5-C03 - S278 Signage and White Lining

Drawing No. 79-EXXX-HYD-ZZ-XX-DR-C-Ro-50-20-11-5006-A5-C03 - S278 Agreement Plan
Drawing No. 79-EXXX-HYD-ZZ-XX-DR-C-Ro-50-20-11-5007-A5-C02 - S278 Land Dedication Plan

Road Lighting Aldi, Preston Street, Whitehaven Section 278 SPECIFICATION OF WORKS
Standard Detail Drawing – Drawing No. SLDC-4560-1401 Rev. P0
Proposed Lighting Layout – Drawing No. SLDC-4560-1301 Rev. P0
Proposed Site Clearance – Drawing No. SLDC-4560-0201 Rev. P0
Outdoor Lighting Report - PROJECT No: SLDS-4560
Stainton Lighting Design Services Limited Designers Risk Assessment – Ref. SLDS-9999
DRA -01
10m Post Top Column 60 Spigot Option Two Contract No. 9YFN-GLYHDX

Planning Condition 6

Archaeological Works Written Scheme Of Investigation 25016 - Archaeological Services
Durham University

Planning Condition 8 and Planning Condition 9

*Aldi Whitehaven, Preston Street, Whitehaven CA28 9BS - PROJEKT CONSTRUCTION -
CONSTRUCTION PHASE HEALTH, SAFETY & ENVIRONMENTAL PLAN REV. 0*

PRE-CONSTRUCTION HEALTH, SAFETY AND ENVIRONMENTAL METHODOLOGY
STATEMENT- Rev 2 – Proposed New Build Aldi Supermarket - Preston Steet, Whitehaven –
Amended

Preston Street, Whitehaven – SW Outfall Plan
Preston Street, Whitehaven – Temporary SW Soakaway / Catchment Plan
Typical Filter Drain Detail
Temporary Catchment / Flow Restriction Detail
Whitehaven - Main Site Establishment Plan
Whitehaven - Enabling Site Establishment Plan

Planning Condition 11

Drawing No. 21340- SFW-XX-XX-DR-L-1001-P02 – Proposed Landscape Plan
Document No. 21340-SFW R01 - 5 Year Landscape Maintenance & Management Plan

Consultee:	Nature of Response:
Historic Environment Officer	With reference to condition 6, I confirm that I consider the submitted written scheme of investigation for an archaeological evaluation is acceptable and that it fulfils the requirements of part (i) of the condition. I therefore have no objection of part (i) of condition 6 being discharged.

		<p>We will need to know the results of the archaeological evaluation to determine whether any further archaeological work will need to be undertaken to record any archaeological assets disturbed by the construction of the proposed development, as required by part (ii) of the condition. I therefore do not recommend the discharge of part (ii) of condition 6 at this stage.</p>
	Highways and LLFA	<p><i>Response 1</i></p> <p>I have reviewed all the drawings and I am satisfied that the layouts and details adequately address the requirements of Conditions 3 and 5.</p> <p>I have also checked with the S278/S38 Adoptions Officer who is also satisfied with the drawings at this stage.</p> <p>It should be noted though, that Technical Approval is still required under the Highways Act S278 process.</p> <p><i>Response 2</i></p> <p>The drawing refers to both lighting columns being relocated. Given these are going to be installed in new constructed / surfaced areas, preference would be for them to be replaced with new lighting columns.</p> <p>The existing columns 2no shown on the drawings are 10.0m mounting height. The existing luminaires are Large Thorn R2L2 60 LED 500mA EWR Optic 4000K with preset driver dimming 50% 9pm – 6am.</p> <p>On the opposite side of the road at the access to Asda, there are 2no columns are 8.0m mounting height with Urbis Axia 32 LED 700mA (8.64klm) 5080 Optic 4000K with preset driver dimming 50% 9pm – 6am.</p> <p>I have attached a data sheet of a suitable specification column.</p> <p>As they are relocating the centre island and moving the columns back several metres from the existing, I would recommend that we request a lighting design be carried out.</p> <p>The mini feeder pillar shown on the drawing to be removed was previously a supply point for the centre island bollards. These bollards have since been de-illuminated, but it is likely that the DNO supply will remain in the feeder pillar. The outgoing private cable should have been disconnected in the pillar and labelled as redundant – but this needs</p>

	confirmed by the contractor before excavating to remove the existing centre island. <i>Response 3</i> I have reviewed all of the design documents produced by Stainton Lighting Design. The design, drawings and proposed works are satisfactory and I have no comments.
Arb. Consultant	No objections.
Environment Agency	No comments.
Environmental Health	Extremely comprehensive documents. Environmental Health are happy for Condition 8 (CEMP) to be discharged on the strength of this.
Neighbour Responses:	
N/A.	

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 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.

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 N1: Conserving and Enhancing Biodiversity and Geodiversity
 Policy N5: Protection of Water Resources
 Policy BE3: Archaeology
 Strategic Policy CO2: Priority for improving transport networks within Copeland
 Strategic Policy CO4: Sustainable Travel

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
 Planning Practice Guidance (PPG).
 The Conservation of Habitats and Species Regulations 2017 (as amended) (CHSR).
 National Design Guide (NDG).
 Cumbria Development Design Guide (CDDG).

Assessment:

Planning Condition 3 and Planning Condition 5

Cumberland Council – Highways have confirmed that the submitted details are acceptable, and the requirements of the planning condition can be approved.

Planning Condition 6

The Historic Environment Officer has confirmed that the submitted written scheme of investigation for an archaeological evaluation is acceptable and that it fulfils the requirements of part (i) of the planning condition.

The results of the archaeological evaluation are required to determine whether any further archaeological work will need to be undertaken to record any archaeological assets disturbed by the construction of the proposed development, as required by part (ii) of the condition.

Part (ii) of the planning condition should not be discharged of at this stage.

Planning Condition 8 and Planning Condition 9

Cumberland Council – LLFA have confirmed that the submitted details are acceptable, and the requirements of the planning condition can be approved.

	<p>Cumberland Council – Environmental Health have confirmed that the submitted details are acceptable.</p> <p><i>Planning Condition 11</i></p> <p>The Cumberland Council Arboricultural Consultant has confirmed no objections to the landscaping details and specifications submitted.</p> <p>Conclusion</p> <p>Planning Condition 3 - Approve requirements of planning condition.</p> <p>Planning Condition 5 - Approve requirements of planning condition.</p> <p>Planning Condition 6 -</p> <p>The submission of an Archaeological Evaluation approves the requirements of Part i. of Planning Condition 6.</p> <p>The submission of the Written Scheme of Investigation approves the specification of the scheme of archaeological works required to be completed under the requirements of Part ii. of Planning Condition 6.</p> <p>The requirements of Part ii. of Planning Condition 6 are not approved.</p> <p>The implementation/completion of the scheme of archaeological work, reporting, archiving and journaling etc. outlined in the Written Scheme of Investigation will fulfil the requirements of Part ii. of Planning Condition 6.</p> <p>Planning Condition 8 - Approve requirements of planning condition.</p> <p>Planning Condition 9 - Approve requirements of planning condition.</p> <p>Planning Condition 11 - Approve requirements of planning condition.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: Chris Harrison		Date : 23.06.2025
Authorising Officer: N.J. Hayhurst		Date : 23.06.2025
Dedicated responses to:- N/A		