

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2164/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 10 OF PLANNING APPROVAL 4/23/2314/0F1
3.	<b>Location:</b>	LAND AT PRESTON STREET, PRESTON STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <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 Condition 10 of planning permission reference 4/23/2314/0F1.

*United Utilities Asset Protection*

*10. No development shall commencement until details of the means of ensuring the 600x800mm public combined sewer that is laid within the site boundary is protected from damage as a result of the development (including the proposed level changes and connections to this sewer) have been submitted to and approved by the Local Planning Authority. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. The development shall be completed in accordance with the approved details.*

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

Application Form

DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6000-A5-C07 - Proposed Sewer Diversion

DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6001-A5-C05 - Proposed Sewer Diversion Long Sections and Details

DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6002-A5-C02 - Sewer Diversion Details

DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6003-A5-C05 - Manhole 3406 Proposed Details

DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6004-A5-C06 - Proposed Manhole C1 Details

DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6005-A5-C06 - Proposed Manhole C2 Details

DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6006-A5-C03 - Manhole 3501 Proposed Details  
 DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6007-A5-C02 - Existing Manhole Details  
 DA-0470-3E-ZZ-XX-DR-C-Ro-50-20-11-6008-A5-C02 - Land Registry Plan

HH592 - HHRAMS 01 - Attenuation Tank Installation - V2.0  
 HH592 - HHRAMS 04 - Concrete Pour & Finish Works - V2.0  
 HH592 - HHRAMS 07 - Drainage & Manhole Installation - V2.0  
 HH592 - HHRAMS 08 – Ducting – V2.0  
 HH592 - HHRAMS 09 - Steelfixing – V2.0  
 HH592 - HHRAMS 11 - Foundations – V2.0  
 HH592 - HHRAMS 18 - Kerbing Installation– V2.0  
 HH592 - HHRAMS 19 - Reduce Level Cut and Fill - V2.0  
 HH592 - HHRAMS 22 - Saddle Drain Connection – V2.0  
 HH592 - HHRAMS 23 - Stoning Up – V2.0  
 HH592 - HHRAMS 31 - Manhole Drain Connection (Live Manhole) – V2.0  
 HH592 - HHRAMS 46 - Banking Construction Plant/Vehicles - V2.0  
 HH592 - HHRAMS 59 - Formwork and Shuttering – V2.0  
 HH592 - HHRAMS 68 - Manual Handling – V2.0

Explanatory Email dated 13<sup>th</sup> June 2025

HH592 - HHRAMS 29 - Drainage Diversion – V2.0 received 13<sup>th</sup> June 2025

The plans and details have been revised during the determination period.

Since the consultation with United Utilities, all of the Stantec drawings have been revised to “Construction Issue” including revisions to the drawing number etc.; however, no changes to the design of the S185 works have been made.

The land registry drawing has been revised on advice from the Applicant’s Solicitors so that it matches the title plan boundary to certainty. This does not change the merits of the mitigation proposed.

Consultee:	Nature of Response:
United Utilities	<p>11<sup>th</sup> June 2025</p> <p>Further to our review of the submitted documents, RAMS Package - Drainage Diversion, - Dated 26/05/25, United Utilities recommends that condition 10 is not discharged. This is because the RAMS are generic and do not have the relevant MH numbers inputted into the method statement for the sequence of excavation. The RAMS are fairly detailed but need to be tailored to this project.</p> <p>In addition, they indicate that the bedding and backfill will be as per specification but indication of the spec and the proposed bedding and</p>

	<p>backfill design is required.</p> <p>7<sup>th</sup> July 2025</p> <p>Further to our review of the submitted documents, 'Covering email amended details', United Utilities has no objection to condition 10 being discharged. All comments have been addressed.</p>
	<p><b>Neighbour Responses:</b></p> <p>N/A.</p>
	<p><b>Development Plan:</b></p> <p>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.</p> <p>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.</p> <p>The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p><u>Copeland Local Plan 2021 - 2039 (LP):</u></p> <p>Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.</p> <p>The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.</p> <p>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</p> <p><b>Other Material Planning Considerations</b></p>

	<p>National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG).</p> <p><b>Assessment:</b></p> <p><i>Planning Condition 10</i></p> <p>The proposed measures provide suitable protection of the United Utilities assets.</p> <p>United Utilities has been consulted in relation to the development and has confirmed no objections.</p> <p><b>Conclusion</b></p> <p><i>Planning Condition 10</i></p> <p>Approve requirements of planning condition.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve</p>	
<b>Case Officer:</b> C. Harrison		<b>Date :</b> 14.07.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 14/07/2025
<b>Dedicated responses to:-</b> N/A		