

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2261/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 12 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	See Report
7.	Report: Site and Location 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. 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; however these buildings have now been demolished. The site has a change in levels across its length, with the highest point within the southwestern corner. The site is fronts Main Street and is bound to the south by existing residential properties which front onto Muncaster Road and Queens Close. The site was previously bounded to the northeast and southwest 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4/23/2018/DOC – Discharge of conditions 6, 9, 11 and 12 of planning permission 4/17/2143/0O1 – Withdrawn

4/23/2031/DOC – Discharge of conditions 5 and 6 of planning approval 4/20/2334/0R1 – Withdrawn.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

4/24/2272/0B1 – Variation of condition 2 of approval 4/22/2110/0B1 to amend the external appearance of the house types on site – Withdrawn

4/25/2046/DOC – Discharge of condition 8 of planning approval 4/17/2143/0O1 – Approved

4/25/2239/DOC – Discharge of condition 6 of planning approval 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 conditions 12 of outline planning approval reference 4/17/2143/0O1. These conditions state the following:

12. The carriageway, footways, footpaths etc shall be designed, constructed, drained and lit to a standard suitable for adoption in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before works commence on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved

shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

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

- Application Form (Amended), received by the Local Planning Authority on the 11th November 2025.
- Phase 1 Highway Construction Details, Scale 1:20 & 1:25, Ref: GHC-IM-C-SD-01, Rev: E, received by the Local Planning Authority on the 28th July 2025.
- Phase 1 Longitudinal Sections 1 of 2, Scale: 1:100 & 1:500, Ref: GHC-HA-H-13-01, Rev: G, received by the Local Planning Authority on the 28th July 2025.
- Phase 1 Longitudinal Sections 2 of 2, Scale: 1:100 & 1:500, Ref: GHC-HA-H-13-02, Rev: E, received by the Local Planning Authority on the 28th July 2025.
- Phase 1 S38 Agreement Plan, Scale 1:500, Ref: GHC-IM-C-19-01, Rev: E, received by the Local Planning Authority on the 28th July 2025.
- White Lining And Signage Details, Scale 1:500, Ref: GHC-IM-C-20-01, Rev: B, received by the Local Planning Authority on the 28th July 2025.

The application originally sought to also discharge condition 11 attached to planning permission 4/17/2143/001. Following discussions with the applicant this has now been removed from this discharge of conditions application and will be dealt with separately.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Planning Authority

6th August 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 11 - The LHA have not received any information regarding a pedestrian facility on the B5295, therefore condition 11 cannot be discharged. The LHA would require a detailed plan on the proposal and work to be carried out and implemented before first occupation, once complete the condition can be discharged.

Condition 12 - The LHA and LLFA are content with the information submitted to the LPA, therefore Condition 12 can be discharged.

12th November 2025

We are content with the information submitted to discharge Condition 12 of this application.

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 2001-2016.

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.

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



Cumberland Council

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)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

This application seeks to discharge conditions 12 of outline planning approval reference 4/17/2143/001.

Condition 12

This condition seeks to discharge the requirement for the development to provide details of the drainage, construction and lighting to the proposed carriageway, footways, footpaths, and cycleways. Based on the submitted with this application, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 12 can be discharged.

	<u>Conclusion</u> Discharge of condition 12.	
8.	Recommendation: Approve discharge of condition 12.	
Case Officer: C. Burns		Date : 12.11.2025
Authorising Officer: N.J. Hayhurst		Date : 12.11.2025
Dedicated responses to:- N/A		