

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2296/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 5 OF PLANNING APPLICATION 4/20/2334/0R1	
3.	Location:	FORMER ROMAR FACTORY, 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		
		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 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. These buildings have now been demolished. The site has a change in levels across its length, with the highest point within the south western corner. The site fronts Main Street, and is bound to the south by existing residential properties which front onto Muncaster Road and Queens Close. The site is bounded to the north east and	

south west by 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

4/22/2494/DOC – Discharge of conditions 3 and 4 of planning application 4/22/2110/0B1 – 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

4/25/2261/DOC – Discharge of conditions 11 and 12 of planning approval 4/17/2143/0O1 – Approved

Proposal

In November 2021, reserved matters planning permission was granted (ref: 4/20/2334/0R1) for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1.

This current application seeks to discharge condition 5 of reserved matters planning approval reference 4/20/2334/0R1. This condition state the following:

5. Prior to the first occupation of the development hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

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

- Application Form, received by the Local Planning Authority on the 29th August 2025.
- Maintenance Plan, Prepared by RWO Associates April 2025, Reference PAS/SuDS/19100, Version: 2, received by the Local Planning Authority on the 29th August 2025.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

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

Condition 5 –

The LHA and LLFA are content with the information submitted to the Local Planning Authority, therefore condition 5 can be discharged.

United Utilities

As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of any potential risks to ensure the longevity of the surface water drainage system and the service it provides to people. We therefore only recommend that the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system.

United Utilities cannot provide comment on the design, management and maintenance of an asset that is not in our ownership and therefore we cannot be involved in discharging this condition. Could I therefore suggest that you speak to the Lead Local Flood Authority to assess the proposals and if satisfied they discharge the planning condition.

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 4/20/2334/0R1 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

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 condition 5 of reserved matters planning approval reference 4/20/2334/0R1. <u>Condition 5</u> This condition seeks to discharge the requirement for the development to provide sustainable drainage management and maintenance plan for the lifetime of the development. Based on the details submitted with this application the Lead Local Flood Authority have confirmed that this condition can be discharged. It is therefore confirmed that condition 5 can be discharged. <u>Conclusion</u> Discharge of condition 5.	
8.	Recommendation: Approve discharge of condition 5.	
Case Officer: C. Burns		Date : 06.10.2025
Authorising Officer: N.J. Hayhurst		Date : 07/10/2025
Dedicated responses to:- N/A		