

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/26/2121/0B1	
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 11 (PROVISION OF PEDESTRIAN FACILITY ON B5295) OF PLANNING APPLICATION 4/17/2143/001 - DEMOLITION OF FACTORY AND OUTLINE PLANNING FOR ERECTION OF DWELLINGS	
3.	<b>Location:</b>	IVY MILL, MAIN STREET, HENSINGHAM, WHITEHAVEN	
4.	<b>Parish:</b>	Whitehaven	
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>		
	<b>Site and Location</b>		
	<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. 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>		

The site fronts onto 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

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

4/25/2296/DOC – Discharge of condition 5 of planning application 4/25/2296/DOC –



## Cumberland Council

Approved.

4/25/2382/0G1 – Removal of condition 11 of planning application 4/17/2143/001 –  
Withdrawn

4/25/2405/DOC – Discharge of condition 11 of planning application 4/17/2143/001 – Ongoing

### **Proposal**

In July 2017, outline planning permission (ref: 4/17/2143/001) was granted for the demolition of the existing factory and for the erection of dwellings at this site.

This current application seeks to vary the following condition attached to planning approval ref: 4/17/2143/001:

11. Full details of a pedestrian facility on the B55295, including any highway widening must be submitted to this authority for approval. Any works so approved shall be fully implemented before any dwelling hereby permitted is occupied.

Reason

In the interest of highway safety.

### **Consultation Responses**

#### Whitehaven Town Council

No negative objections or comments were raised.

#### Cumberland Council – Highway Authority & Lead Local Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we are content with the below condition variation.

Condition 11:

Full details of a pedestrian facility on the B5295, including any highway widening, must be submitted to the Local Planning Authority (LPA) for approval. Any work so approved shall be fully implemented before the occupation of the 26th dwelling approved on the site.

Reason:

To ensure a suitable standard of crossing for pedestrian safety.

#### Public Representation

This application has been advertised by way of a site notice.

One letter of objection has been received raising the following concerns:

- I write to object to the application to remove the pedestrian facility on Hensingham

Main Street.

- The road is extremely busy, with a junction, new housing site, petrol station, and 4 schools crossing the road and queuing to enter the petrol station.
- The road is 30 mile per hour and is a nightmare to cross any time of day.
- It is difficult to exit our estate in a car due to high volumes of traffic, and with more houses it will be more difficult.
- The crossing should not be withdrawn, as this was on the original plans when the site was getting built and were approved to have the crossing built too.
- Does it need for someone to be knocked down even killed because of lack of forethought.
- Stating that there is an island by the roundabout and fire station with traffic coming from 3 directions does not address a crossing near the site as planned. Plus the traffic light crossing further down the hill near Winston Drive does not address the need for a further crossing allowing pedestrians to cross safely and cars to exit estates safely too.
- Can you in all honesty pass this application knowing that this is a very busy, fast road at times with multiple children, and others trying to cross.

Whilst these concerns have been registered for this application, the objections relate to the removal of the condition rather than the variation as sought by this current application. It is therefore considered that these comments should have been submitted in relation to application 4/25/2382/0G1 which has now been withdrawn by the agent.

### **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.



## Cumberland Council

### 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 5<sup>th</sup> 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

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

	<p><b>Other Material Planning Considerations</b></p> <p>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)</p> <p><b>Assessment</b></p> <p>Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.</p> <p>In terms of the conditions attached to the previous decision notice (ref: 4/17/2143/001), condition 1, 2, 3, and 13 will be repeated to ensure that works are carried out as per the approved details. Conditions 4, 5, 6, 7, 8, 9, 10, and 12 will be updated to reflect that these conditions have been discharged.</p> <p>This current application seeks to vary condition 11 of the original planning approval (ref: 4/17/2143/001).</p> <p>Conditions 11 sought to secure a pedestrian facility on the B5295 prior to the commencement of development at the site and its implementation before the occupation of any dwelling. This application seeks to vary this condition to allow this detail to be agreed and the facility to be fully implemented before the occupation of the 26<sup>th</sup> dwelling.</p> <p>The Highway Authority have reviewed this application and have confirmed their agreement to the amendment of this condition as requested by this application.</p>
8.	<p><b>Recommendation:</b>  Approve</p>



**Cumberland  
Council**

9. **Conditions:**

1. The layout scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

- Location Plan, Scale 1:1250, Drawing No: 16061-00, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Existing Plans and Elevations, Scale 1:200, Drawing No: 16061-01, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Design and Access Statement, prepared by PFK dated April 2017, received by the

Local Planning Authority on the 12<sup>th</sup> April 2017.

- Preliminary Environmental Risk Assessment, Part 1 of 5, prepared by Elliott Environmental Surveyors Ltd on the 7<sup>th</sup> March 2017, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Preliminary Environmental Risk Assessment, Part 2 of 5, prepared by Elliott Environmental Surveyors Ltd dated March 2017, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Preliminary Environmental Risk Assessment, Part 3 of 5, prepared by Elliott Environmental Surveyors Ltd dated March 2017, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Preliminary Environmental Risk Assessment, Part 4 of 5, prepared by Elliott Environmental Surveyors Ltd dated March 2017, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Preliminary Environmental Risk Assessment, Part 5 of 5, prepared by Elliott Environmental Surveyors Ltd dated March 2017, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Flood Risk Assessment and Outline Drainage Strategy, prepared by R.G.Parkins & Partners Ltd on the 16<sup>th</sup> March 2017, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Ecological Appraisal, prepared by Envirotech on the 28<sup>th</sup> September 2016, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.
- Transport Statement, prepared by Moda Group Ltd dated October 2016, received by the Local Planning Authority on the 12<sup>th</sup> April 2017.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. Foul and surface water shall be drained on separate systems and must be carried out in accordance with the details approved as part of condition 4 of permission 4/17/2143/001, as detailed within correspondence dated 14<sup>th</sup> October 2022 (ref: 4/22/2238/DOC).

Reason



**Cumberland  
Council**

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy DS6 and DS7 of the Copeland Local Plan.

5. The surface water drainage scheme for the development must be carried out in accordance with the details approved as part of condition 5 of permission 4/17/2143/001, as detailed within correspondence dated 7<sup>th</sup> October 2025 (ref: 4/25/2296/DOC).

Reason

To ensure flood risk is not increased within the site or elsewhere

6. The surface drainage management and maintenance plan for the lifetime of the development must be carried out in accordance with the details approved as part of condition 6 of permission 4/17/2143/001, as detailed within correspondence dated 9<sup>th</sup> September 2025 (ref: 4/25/2239/DOC).

Reason

To ensure a minimum standard of parking provision is made within the site for vehicles visiting the site.

7. The highway surface water drainage system for the development must be carried out in accordance with the details approved as part of condition 7 of permission 4/17/2143/001, as detailed within correspondence dated 14<sup>th</sup> October 2022 (ref: 4/22/2238/DOC).

Reason

In the interests of highway safety and environmental management

8. The remediation strategy for the development for the development must be carried out in accordance with the details approved as part of condition 8 of permission 4/17/2143/001, as detailed within correspondence dated 8<sup>th</sup> May 2025 (ref: 4/25/2046/DOC).

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.

9. The asbestos survey for the development for the development must be carried out in accordance with the details approved as part of condition 9 of permission 4/17/2143/001, as detailed within correspondence dated 1<sup>st</sup> May 2018.

Reason

In order to ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other off-site receptors

10. The provisions for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for visitors, for the development must be carried out in accordance with the details approved as part of condition 10 of permission 4/17/2143/001, as detailed within correspondence dated 14<sup>th</sup> October 2022 (ref: 4/22/2238/DOC).

Reason

To ensure a minimum standard of parking provision is made within the site for vehicles visiting the site.

11. Full details of a pedestrian facility on the B5295, including any highway widening, must be submitted to the Local Planning Authority (LPA) for approval. Any work so approved must be fully implemented before the occupation of the 26th dwelling approved on the site.

Reason

To ensure a suitable standard of crossing for pedestrian safety.



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Council**

12. The provisions for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for visitors, for the development must be carried out in accordance with the details approved as part of condition 10 of permission 4/17/2143/001, as detailed within correspondence dated 12<sup>th</sup> November 2025 (ref: 4/25/2261/DOC).

Reason

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

13. No dwellings shall be occupied until the estate road, including the footways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interest of highway safety

**Informative**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer:** C. Burns

**Date :** 08.06.2026

**Authorising Officer:** N.J. Hayhurst

**Date :** 12.06.2026

**Dedicated responses to:-**