

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2156/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4, 6, 10, 11, 12, 13, 15 AND 20 OF PLANNING APPLICATION 4/21/2489/0F1	
3.	Location:	LAND WEST OF CLEATOR MOOR ROAD, 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 a brownfield site located off Cleator Moor Road, located within the centre of Hensingham to the east of Whitehaven. The regular shaped site covers an area of 1.21 hectares and is generally flat. The application site previously sited the Sekers factory demolished in 2010, and currently benefits from two access points onto Cleator Moor Road. The application site is bounded to the north east by Cleator Moor Road, to the north west by The Gables care home, to the south east by existing residential estates, and to the south west by another brownfield site which benefits from planning permission (ref: 4/17/2143/0O1, 4/20/2334/0R1 & 4/22/2110/0B1) for 26 dwellings also under the applicants ownership.	

Relevant Planning History

4/07/2706/0 – Change of use from industrial (B2) to residential development comprising 118 No. 1, 2, 3 and 4 bedroom dwellings – Withdrawn.

4/10/2359/0O1 – Outline application for proposed 58 bed space care home and residential development with associated highway access – Approve in outline.

4/13/2159/0O1 – Application for a new planning permission to replace extant planning permission (4/10/2359/0O1) – Outline application for proposed 58 bed space care home and residential development with associated highway access – Withdrawn.

4/17/2143/0O1 – Demolition of factory and outline planning permission for erection of dwellings – Approved in outline (adjacent site).

4/20/2334/0R1 – Reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0O1 – Approved reserved matters (adjacent site).

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 (adjacent site).

4/21/2489/0F1 – Residential development of 37 dwellings – Approved.

4/24/2215/DOC – Discharge of condition 11 of planning application 4/21/2489/0F1 – Approved.

4/24/2271/0B1 – Variation of condition 2 (plans) to amend external appearance of house types on the site of planning approval 4/21/2489/0F1 Residential development of 37 dwellings – Withdrawn.

4/24/2249/DOC – Discharge of conditions 4, 6, 8, 10 and 12 of planning application 4/21/2489/0F1 – Approved.

4/24/2367/DOC – Discharge of conditions 3 and 7 of planning approval 4/21/2489/0F1 – Approved.

4/25/2031/DOC – Discharge of condition 11 of planning application 4/21/2489/0F1 – Approved.

Proposal

In May 2013, planning permission (ref: 4/21/2489/0F1) was granted subject to a S106 agreement, for a residential development of 37 dwellings.

This current application seeks to discharge conditions 4, 6, 10, 11, 12, 13, 15, and 20 attached to planning permission 4/21/2489/0F1. These conditions state the following:

4. Prior to the commencement of the development hereby approved detailed specifications of carriageways, footways, footpaths, cycleways must be submitted to

and approved in writing by the Local Planning Authority. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete and maintained thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

6. Prior to the commencement of the development hereby approved, details of the proposed vehicle crossing over the footway, including lowering of kerbs, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any works so approved must be constructed before the development is complete and maintained thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

10. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
 - pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - details of proposed crossings of the highway verge;
 - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - details of proposed wheel washing facilities;
 - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian);
- Surface water management details during the construction phase
- Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians, deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

11. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete

and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

12. The development hereby approved must not commence until a tree maintenance scheme, to include detail of the planting and aftercare maintenance of the new trees, has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To adequately protect the proposed trees within the site.

13. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

15. Before any part of the development is occupied 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 in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

20. Prior to the occupation of the first dwelling hereby approved a scheme detailing the layout and design, including play equipment specifications, of the approved public open space must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented as per the approved details prior to the completion of the development hereby approved. The area must be maintained for use as a public open space in accordance with the approved details for the lifetime of the development.

Reason

To ensure the provision of sufficient provision of children's play space within the development for use by residents in accordance with the provisions of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028.

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

- Application Form, received by the Local Planning Authority on the 22nd May 2026.
- White Lining and Signage Details, Scale 1:500, Ref: GHC-IM-C-20-01, Rev: B, received by the Local Planning Authority on the 22nd May 2026.
- Phase 1 Highway Construction Details, Scale 1:20 & 1:25, Ref: GHC-IM-C-SD-01, Rev: D, received by the Local Planning Authority on the 22nd May 2026.
- Landscape Plan, Scale 1:500, Drawing No: WW01, Rev: A, received by the Local Planning Authority on the 22nd May 2026.
- Material Dispersion Plan, Scale 1:500, Drawing No: 2089-MDP-10, Revision: -, received by the Local Planning Authority on the 22nd May 2026.
- Validation Report, Prepared by Sirius December 2024, received by the Local Planning Authority on the 22nd May 2026.

- Maintenance Plan, Prepared by RWO Associates April 2025, Version: 2, received by the Local Planning Authority on the 22nd May 2026.
- Construction Traffic & Environmental Management Plan, Prepared by Gleeson Homes November 2025, received by the Local Planning Authority on the 22nd May 2026.
- Material Schedule, received by the Local Planning Authority on the 29th June 2026.
- Proposed Play Area Plan, Scale 1:200, received by the Local Planning Authority on the 28th July 2026.
- Trail Trim – Sit Ups, received by the Local Planning Authority on the 26th July 2026.
- Trail Trim – Step Ups, received by the Local Planning Authority on the 26th July 2026.

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 4:

We as the LHA and LLFA are content with the information/documents in support of the above condition, therefore the above condition can be discharged.

Condition 6:

We as the LHA and LLFA are content with the information/documents in support of the above condition, therefore the above condition can be discharged.

Condition 10:

We as the LHA and LLFA are content with the information/documents in support of the above condition, therefore the above condition can be discharged.

Condition 11:

The above condition is not for the LHA or the LLFA to discharge.

Condition 12:

The above condition is not for the LHA or the LLFA to discharge.

Condition 13:

The above condition is not for the LHA or the LLFA to discharge.

Condition 15:

We as the LHA and LLFA are content with the information/documents in support of the above condition, therefore the above condition can be discharged.

Condition 20:

The above condition is not for the LHA or the LLFA to discharge.

Cumberland Council – Environmental Health

Environmental Health are satisfied with the Validation Report (Parts 1, 2 and 3) and can confirm that this can partly discharge condition 11 (Contamination Remediation Strategy). Further work is required to validate the clean cover systems in residential gardens and public open spaces and for the ground gas protection measures, both of which are to be undertaken as the development is built out.

Environment Agency

Environment Agency position:

We have reviewed the Sirius Validation Report SR4798/VR dated December 2024.

The remedial works outlined in the remediation strategy regarding investigation, delineation and removal of hot spots was completed and validated to our satisfaction.

Therefore we have no objections to the discharge of conditions.

United Utilities

No comments received.

Cumberland Council – Consultant Arboriculture Officer

DISCUSSION

We have the following comment/observation to make on the submitted documents.

Planning condition No.12 applies to the planting new trees as part of the proposed development of the site.

12. The development hereby approved must not commence until a tree maintenance scheme, to include detail of the planting and aftercare maintenance of the new trees, has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To adequately protect the proposed trees within the site.

The applicant has submitted a Landscape Plan (Dwg. No.WW01 Rev.A dated 02.04.22), which includes a plant specification and details for establishing and maintaining the trees and shrubs. This document contains the necessary details to fulfil the requirements of condition 12.

RECOMMENDATIONS

Inform the applicant that the submitted information discharges the requirements of condition



Cumberland Council

12. The specifications and details contained in these documents should be carried out in full to satisfy the requirements of the conditions.

Cumberland Council – Open Space Team

The approval letter, dated 13th May 2024, refers to it being subject to s106 Agreement, which from our exchange of emails yesterday, has been signed off. It is a shame that Parks and Open Spaces didn't have the opportunity to input into the possibility of a contribution for off-site play equipment.

Condition 20 refers to on-site play provision (the condition requires details to be submitted prior to occupation of first dwelling). The Landscape Plan indicates this is to be a Trim Trail. However, I take it that no details have yet been provided? I'm guessing it might be provided by Kompan and identical to the one for Daleview.

Regarding the Landscape Plan prepared by Wetwood Landscapes, my comments are the same as for Daleview.

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 4/21/2489/0F1 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)
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Cumberland Council

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

This application seeks to discharge conditions 4, 6, 10, 11, 12, 13, 15, and 20 attached to planning permission 4/21/2489/0F1.

Condition 4

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

It is therefore confirmed that condition 4 can be discharged.

Condition 6

This condition seeks to discharge the requirement for the development to provide details of the proposed vehicle crossing over the footway, including lowering of kerbs, for the development. Based on the details submitted with this application, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 6 can be discharged.

Condition 10

This condition seeks to discharge the requirement for the development to provide a Construction Traffic Management Plan (CTMP) for the development. Based on the details submitted with this application, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 10 can be discharged.

Condition 11

This condition seeks to discharge the requirement for the development to provide remediation strategy to deal with the risks associated with contamination of the site.

Based on the details submitted with this application, the Environment Agency have confirmed that the condition can be discharged. The Council's Environmental Health Team have however confirmed that additional works are required to validate the clean cover systems in residential gardens and public open spaces and for the ground gas protection measures, both of which are to be undertaken as the development is built out. They have therefore advised that condition 11 can only be discharged in part.

It is therefore confirmed that condition 11 can only be discharged in part.

Condition 12

	This condition seeks to discharge the requirement for the development to provide a tree maintenance scheme, to include detail of the planting and aftercare maintenance of the new trees, for the development. Based on the details submitted with this application, the Council's Consultant Arboricultural Officer has confirmed that the condition can be discharged. It is therefore confirmed that condition 12 can be discharged. <u>Condition 13</u> This condition seeks to discharge the requirement for the development to provide details of the materials to be utilised within the development. Based on the additional details submitted with this application, the proposed materials are considered acceptable in the context of the site and wider area. It is therefore confirmed that condition 13 can be discharged. <u>Condition 15</u> This condition seeks to discharge the requirement for the development to provide a sustainable drainage management and maintenance plan for the lifetime of the development. Based on the details submitted with this application, the LLFA have confirmed that the condition can be discharged. It is therefore confirmed that condition 15 can be discharged. <u>Condition 20</u> This condition seeks to discharge the requirements for the development to provide a scheme detailing the layout and design, including play equipment specifications, of the approved open space for the development. Whilst concerns have been raised from the Council's Open Space team in relation to the level of equipment provided, the proposed trim trail specification is considered acceptable given the context of the site, the scale of the proposed open space, and the viability issues surrounding the original approval. The proposed trim trail will provide some on-site provision for residents, however there are other leisure facilities within walking distance of the site. It is therefore considered that condition 20 can be discharged. <u>Conclusion</u> It is therefore confirmed that conditions 4, 6, 10, 12, 13, 15, and 20 attached to planning permission 4/21/2489/0F1 can be formally discharged. It is also confirmed that condition 11 attached to planning permission 4/21/2489/0F1 can only be discharged in part.
8.	Recommendation: Approve discharge of conditions 4, 6, 10, 12, 13, 15, and 20 attached to planning permission



**Cumberland
Council**

	4/21/2489/0F1. Approve part discharged of condition 11 attached to planning permission 4/21/2489/0F1.	
Case Officer: C. Burns		Date : 30.07.2026
Authorising Officer: N.J. Hayhurst		Date : 31.07.2026
Dedicated responses to:- N/A		