

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2192/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 11 OF PLANNING APPLICATION 4/26/2121/0B1	
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	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 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 south western 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 north east and south west 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 – Approved.



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4/25/2382/0G1 – Removal of condition 11 of planning application 4/17/2143/0O1 – Withdrawn

4/25/2405/DOC – Discharge of condition 11 of planning application 4/17/2143/0O1 – Withdrawn

4/26/2121/0B1 – Variation of condition 11 (provision of pedestrian facility on B5295) of planning application 4/17/2143/0O1 – Demolition of factory and outline planning for erection of dwellings – Approved.

Proposal

In June 2026, planning permission (ref: 4/26/2121/0B1) was granted for the variation of condition 11 (provision of pedestrian facility on B5295) of planning application 4/17/2143/0O1.

This current application seeks to discharge condition 11 of planning approval 4/26/2121/0B1. This condition states the following:

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.

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

- Application Form, received by the Local Planning Authority on the 18th June 2026.
- General Arrangement Plan, Scale 1:100, Drawing Number: DJ26006-ATD-HGN-ZZ-DR-CH-00001, Rev: P01, received by the Local Planning Authority on the 18th June 2026.
- Kerbed Islands Types 1 and 2, Scale NTS, Drawing No: SD_1140_Am0, received by the Local Planning Authority on the 18th June 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 11:

The LHA are content with the information submitted to the LPA in support of condition 11,

Therefore the above condition can be discharged.

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



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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 11 of planning approval 4/26/2121/0B1.

Condition 11 seeks to discharge the requirements for the development to provide a pedestrian facility on the B5295. Based on the information submitted with this application, the Highway Authority have confirmed that the condition can be discharged.

The condition however cannot be fully discharged as the works need to be fully implemented before the occupation of the 26th dwelling on the site. As the works are yet to be implemented the condition can only be discharged in part.

	<u>Conclusion</u> Part discharge of condition 11.	
8.	Recommendation: Approve part discharge of condition 11.	
Case Officer: C. Burns		Date : 01.07.2026
Authorising Officer: N.J. Hayhurst		Date : 01.07.2026
Dedicated responses to:- N/A		