
Copeland area Planning Department, Cumberland Council

For the attention of Nick Hayhurst

Date: 25 September 2025

Your reference: 4/21/2432/0F1

Dear Nick Hayhurst

CONSULTATION ON PLANNING APPLICATION

Appn: 4/21/2432/0F1
Site Address: FORMER MARCHON CHEMICAL FACTORY, HIGH ROAD, WHITEHAVEN
Proposal: HYBRID APPLICATION SEEKING FULL PLANNING PERMISSION FOR THE ERECTION OF 139 RESIDENTIAL DWELLINGS (C3), NEW VEHICULAR ACCESSES OFF HIGH ROAD, PUBLIC OPEN SPACE AND ANCILLARY INFRASTRUCTURE AND OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT UNITS, RETAIL (E(A,B,C,E,F), F2(A) AND ANCILLARY INFRASTRUCTURE WITH ALL MATTERS RESERVED OTHER THAN ACCESS

Thank you for your consultation on the above Planning Application.

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the revised assessments and drawings (listed below) relating to the site layout and surface water drainage design and our findings are detailed below.

- Planning Statement dated Aug 2025
- Masterplan Sketch 2025 dated 04.07.25
- TA Addendum dated Aug 2025
- Prelim Drainage Layout Sheet 1 Dwg No. 0506/100/1 Dated 12.08.25
- Prelim Drainage Layout Sheet 2 Dwg No. 0506/100/2 Dated 12.08.25

The comments below are based on and are consistent with previous responses, updated to reflect the revised layout. The revised layout is similar to the previous proposal in some respects but differs significantly by pushing the extent of Phase 1 well onto the Phase 2 area towards High Road and extending the spine road.

Local Highway Authority response:

The following matters relate to the discussions regarding the on-site and adjacent active travel requirements and aspirations. The comments and observations below also include

previous concerns and shortcoming which have been addressed, as confirmed in the previous response:

Visibility Splays (at the main access onto High Road)

- The splays previously shown as 59m are not materially different to the required 60m and can remain as it is on the drawings;

Parking Provision (cars)

- The revised proposals do not clearly show the required number and location of visitor spaces. These should be provided at a rate of 1 space per 5 dwellings and evenly distributed around the development in laybys off the main carriageway running lanes. For 139 dwellings we would expect 28 spaces.
- The car parking figures for the driveways are not clearly shown. These should be provided in curtilage at the following rates:
 - 2 and 3 bedroom houses = 2 spaces
 - 4+ houses = 3 spaces
- Please provide a parking layout plan with these spaces clearly shown and tabled

Parking Provision (cycles)

It is noted that the TP proposes cycle parking to be provided in each house curtilage. We suggest this is strengthened in the detailed submission of the proposals to provide a more robust offering of 'secure under-cover cycle parking with mains supply within each house curtilage where there is no garage' (i.e. a solid bike store or shed). This will allow for the convenient and secure storage of e-bikes (and possibly e-scooters) as well as regular bikes and will encourage sustainable transport for short journeys.

Phase 1 Layout

- I note that several of the private driveways are fairly long (20+m) which means that the delivery drivers will be tempted to drive down them (i.e. vans). There are no turning provisions (apart from parking spaces) at the end of these private shared drives.
- The design, especially of the northern section includes a secondary road running parallel to the spine road (with a private shared drive) which could provide a loop road layout (as a secondary road), but instead is two cul-de-sacs. This makes deliveries, refuse collection more onerous and dangerous with more unnecessary turning and reversing manoeuvres. As many cul-de-sacs as possible should be designed out.
- It is not clear which roads will be adopted and which will remain private. Please provide a S38 Adoption intentions plan.
- All roads except private shared driveways must be built to adoptable standards and have the appropriate clearance strips and service strips. Please refer to Appendix 4 of the CDDG.
- The main access road is shown to be sufficiently wide with a 2m wide footway. There are various raised tables / speed humps. The location and design of these

need to be reviewed to minimise the number and align them with junctions and proposed crossing points.

- The boundary road to the southern and southeastern extents of Phase 1 show the extent half way across the road. This is obviously unworkable. The plans should be revised to include the full width of the carriageway and adjoining footways. The extreme southern end of the spine road should include a stub end to allow a 3-point turn.
- The highway materials and colour need careful consideration and will need to be approved by the Adoptions Officer and Traffic Officer. Our recommendation will be that further details of the highway layout and associated infrastructure will be required for approval by the LHA via a pre-commencement condition.
- The internal road on the frontage of plots 40 – 43 would benefit from a footway connection to the Wagon Way. The connections to the Wagon Way from the junctions between plots 10 & 16 / 23 & 48 appear to be pedestrian only. The applicant is encouraged to review these connections to ensure they function for cyclists.
- All the junctions on the main 3m wide shared footway spine road would benefit from review to ensure they function effectively and provide direct, convenient and safe access / transition from the footway to other footways and the carriageway for pedestrians, wheelers and cyclists. This will involve closer inspection or raised junction areas and provision of dropped kerbs and tactile paving at the optimum locations.

Active Travel Routes Through the site

- I note that the requested 3m wide shared cycleway on the eastern fringe of the site linking to a spur to the northern boundary leading to High Road and an extension of this along the main E-W road to the western end of the site.
- I note from the landscape drawing that the requested leisure paths have been indicatively shown as requested. This is very much welcomed - these link to the ECP and also provide useful circular leisure routes around the basins.
- The offset 3m wide shared footway along the spine road is acceptable but there needs to be a continuous link provided in Phase 1 to High Road to the south. In order to promote sustainable travel and also act as an EVA the LHA request a 3m wide link along the proposed Phase 2 access road to High Road to be delivered in Phase 1.

Phase 2 Outline - LHA Comments

- There is no objection in principle to the proposed two access locations to the highway. The accesses will need to comply with the CDDG in terms of width, footway provision and visibility splays. the splays should be 2.4m x 60m in each direction.
- The two accesses ensure that there are sufficient number of accesses for the development (i.e. 2 accesses for >100 dwellings);

- The internal layout of the streets in Phase 2 (and beyond) are only shown indicatively and the layout is to be considered as part of the reserved matters. The developer should adhere to the CDDG and principles of Manual for Streets in the design to create a sense of place with high quality and convenient sustainable transport routes. In particular the following should be noted:
 - Cul-de-sacs are to be avoided. Loop roads are preferred;
 - The streets (especially the primary streets) should be designed using geometry and layout features to naturally control the speed, vertical measures should be avoided. The design speed of 20mph shall be the target;
 - Links to adjacent new and existing residential areas as well as footways and footpaths shall be provided;
 - I note the spine road through the two phases is 6.7m wide. This is very much welcomed as it allows for the road to be used as a bus route thus future-proofing the site to provide the option for bus operators in the future. This spine road layout should be preserved in the detailed design.

Link to Phase 2 and Traffic Calming

- The proposed extension of the access road into Phase 2 is welcomed. This link also provides the necessary second access and / or EVA once the development is connected. It also provides the necessary cycle and footway link to Phase 2 and onwards to High Road.
- The indicative design of the traffic calming is accepted as an appropriate measure to manage speeds in this instance. I note that the humps have been replaced with tables as suggested. Further raised junctions should be considered in the southern extent of Phase 1 to control speeds.

Transport Assessment & Travel Plan

Targets & Intervention Measures

- The proposal for setting targets in the revised TP is acceptable.
- Off-site measures are addressed in the comments below and do not need to appear in the TP;

Off-site Contributions and Highway Improvements

The proposals below have been discussed extensively to date and agreed with the applicant. The current proposals to not materially affect the impact and the LHA maintain that the below measures and contributions are still necessary to make this hybrid application necessary. The triggers are also unchanged.

A zebra crossing on High Road adjacent to Kells Infant School

This scheme is to be implemented through a Section 278 agreement prior to first occupation of Phase 1.

English Coastal Path Upgrade

A contribution of £65,000 is required for improvements to the English Coastal Path (ECP) in the vicinity of the site. To be paid prior to the occupation of the 50th dwelling.

High Road Active Travel Measures / Contributions

A contribution of £80,000 to enhance active travel facilities on High Road. To be paid prior to work commencing on Phase 2. (to provide an opportunity for these improvements to be enjoyed by residents of Phase 2)

B5345 Meadow View / Ginns to Kells Junction

- The junction between the B5345 Meadow View and Ginns to Kells would be provided with traffic signals to accommodate the increased trips from the site. It has been agreed that this would be implemented prior to occupation of the 80th dwelling through a Section 278 agreement.
- The Linsig model shows that signalling this junction will work in theory. The LHA accept the proposed banned movement is necessary and that this will not cause a material impact on the network. Further detail and modelling and the consideration of queue detection will be required in due course as part of the detailed design.
- Please be aware of the TRO process and timescale that will be required to make the banned turn legal - this can take up to 12 weeks. The TRO will need to be in place before the junction can be commissioned.

Mirehouse Rd / St Bees Rd Junction (ID36 in the Copeland Transport Improvements Study)

- The development will increase traffic at this junction and therefore exacerbate the existing identified problem with the layout. The LHA therefore are requesting a S106 Infrastructure Contribution of £59,600 towards improvement works with the contribution payable before occupation of the 100th dwelling.
- The Preliminary design can be found in the TIS Report (Page 84)

I can confirm that subject to these provisions the Travel Plan is acceptable. We will be seeking a S106 contribution of £6,600 for reviewing the Travel Plan monitoring reports over a 5 year period. This will be conditioned.

Countryside Access Comments

The granting of planning permission would not entitle the applicant to obstruct the public rights of way within the development site.

The current Site Layout Plan would potentially result in the obstruction of a section of FP 431037 which would be unacceptable.

The diversion or stopping up of public footpaths, bridleways and restricted byways is a separate process which must be carried out before the routes are affected by the development.

The applicant must contact Cumberland Council's Countryside Access Team to discuss their proposal for any diversion or stopping up of the Public Rights of Way within the development site.

To comment fully on the application, we require the following information:

- Details of how each of the Public Rights of Way within the development site will be treated should be provided within the planning application, including width, surface, and boundary information.

The following Public Rights of Way pass through the development site –

- FP 431037
- FP 431051

These are recorded in the Definitive Map and Statement as Public Footpaths which can be used only for walking, running, mobility scooters or powered wheelchairs.

Given the scale of the development, we would anticipate the applicant will also require the temporary closure of sections of the public rights of way network to allow construction works to be carried out. Again, we would advise the applicant to contact the Countryside Access Team to discuss these in more detail.

Design & Access Statement

We welcome the proposal to integrate a network of walking and cycling routes throughout the site and to provide links to the wider network.

The following Public Right of Ways FP 431046, FP 431048, FP 431066 link to the development, again these are Public Footpaths which can be used only for walking, running, mobility scooters or powered wheelchairs.

The King Charles III England Coast Path runs along the boundary of the site. The King Charles III England Coast Path is a National Trail and in Cumberland runs from the border at Gretna to Green Road Station.

Reference is made to Cumbria Coastal Way throughout the application. However, this route is no longer supported by the Council or maintained by any other third party and has been replaced by the King Charles III England Coast Path.

4.8 Connections & integration - Access & Movement – The diagram on page 24 is misleading. It shows line of the Wagon Way which is an existing Public Right of Way as a Proposed Pedestrian Route.

The Existing Right of Way shown as a green dashed line is not the legal line of the Public Right of Way shown on the Definitive Map and Statement but is the line of a proposed diversion.

12.0 Response To Visual Impact Assessment - The Landscape and Visual Impact Assessment - recognises that the development will have a negative impact on the users of the King Charles III England Coast Path. We would welcome the proposals to reduce visual impact of the development.

Landscape Plan – We welcome the development of a coastal wildflower meadow and additional informal routes linking to the King Charles III England Coast Path but would caution the applicant against the use of timber edging in the construction of any new paths.

The width & gradients of the new paths shown in the Landscape Plan linking the development to the King Charles III England Coast Path must conform with best practice in accessible design. We would also advise against the use of wooden edging boards in the construction of any paths within the development site.

The King Charles III England Coast Path which is a National Trail (shown as a pink line on the attached map) runs along the perimeter of the development site and will form part of a circular route which will be used by the residents of the new development for everyday walking. This sustained daily increase in footfall will have a detrimental impact on this natural grassed surfaced section of the National trail. We would look to secure a planning obligation under an S106 agreement to upgrade this section of King Charles III England Coast Path to a fully constructed 2m wide aggregate surfaced path. The LHA are seeking a contribution of £65,000 for the upgrade to the English Coastal Path (ECP) in the vicinity of the site.

Planning Statement - The Statement should refer to - Local Strategic Policy CO6: Countryside Access (Copeland Local Plan 2021- 2039) and demonstrate how the development complies with the policy.

Lead Local Flood Authority response:

FRA and Flood Risk

Having reviewed the FRA I am satisfied that the flood risk to the site from any source of flooding is 'low' or 'very low'. Also, bearing in mind the site location, there is no risk of run-off from the site causing a flood risk downstream due to high discharge rates and volumes. In fact there is no requirement to limit the discharge rate in this instance as the outfall is to sea, but in terms of pipe capacity, treatment and avoidance of cliff erosion potential, it is desirable in this instance.

Drainage Strategy

I am satisfied that infiltration is not appropriate in this instance due to the presence of contaminants on the site and therefore a positive drainage system discharging to the sea is appropriate.

The design should incorporate as many SUDS features as possible, especially 'green' SUDS such as rain gardens, swales and basins, even if these have to be lined, rather than underground storage solutions if storage is required. The drainage design should be holistic with the wider development layout and be an intrinsic part of the site and where possible offer amenity and bio-diversity benefits with improved habitats.

Permeable surfaces, primarily permeable block-paving, can have useful treatment benefits and should be considered alongside bio-retention areas as suggested in the strategy.

I note from the revised drainage strategy that the surface water outfall is now proposed to use an existing headwall to the north of the site.

I note a sequence of on-line attenuation basins, some with flow controls on the outlets. However, it is not clear of the interaction between these basins and how the storage or proportioned / managed between them. Long-sections of the systems will be necessary to explain how the SW strategy works.

With a change to the development area and locations, the greenfield rates and storage etc, will need to be updated. Please provide an updated full drainage strategy statement. Please refer to Appendix 7 of the CDDG for further details. This should include treatment proposals & assessment, and also maintenance proposals.

Conclusion:

The **LHA** require further clarification on:

- the site road layout (Phase 1), with specific attention to parking provision, cul-de-sacs, turning heads
- Provision of a shared footway / EVA to High Road
- Traffic calming / speed tables layouts confirmed
- Proposed adoption extents / clarifications with S38 plan.
- Road Lighting proposals
- Confirmation from the applicant of acceptance of the off-site / highway contributions and schemes listed above.

The **LLFA** require further information and clarifications as explained above before a full assessment and recommendation can be made. This includes:

- Assessment of exceedance flows from the basins / low points in the system and how this is managed.
- Full outline drainage strategy document with revised calculations and long-sections.

Additional conditions securing details of the proposed design will be requested in due course.

Yours sincerely

Shamus Giles

Lead Officer - Flood & Development Management