

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                             |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <b>Reference No:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 4/25/2148/DOC                                                                                                                                                               |
| 2. | <b>Proposed Development:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | DISCHARGE OF CONDITIONS 3, 5, 6 AND 8 OF PLANNING APPLICATION 4/22/2127/0F1                                                                                                 |
| 3. | <b>Location:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | THE ROYAL BRITISH LEGION SITE, HILL TOP ROAD, WHITEHAVEN                                                                                                                    |
| 4. | <b>Parish:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Whitehaven                                                                                                                                                                  |
| 5. | <b>Constraints:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ASC Adverts - ASC;Adverts,<br>Coal - Standing Advice - Data Subject To Change,<br>Coal - Development Referral Area - Data Subject to Change,<br>PROWs - Public Right of Way |
| 6. | <b>Publicity Representations &amp; Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Neighbour Notification Letter: NO<br><br>Site Notice: NO<br><br>Press Notice: NO<br><br>Consultation Responses: See report<br><br>Relevant Planning Policies: See report    |
| 7. | <b>Report:</b><br><br><b>Site and Location</b><br><br><p>This application relates to two separate parcels of land which front onto Hill Top Road. The western site previously contained the current Royal British Legion Club which has since been demolished. The site became brownfield, unmade ground. The eastern site is located on the opposite side of Hill Top Road and was brownfield, unmade ground with garages to the far eastern boundary.</p> <p>The land previously occupied by the club has a significant level difference across its width</p> |                                                                                                                                                                             |

with the western most boundary being approximately 5 metres higher than the eastern boundary which fronts onto Hill Top Road. The land lies immediately adjacent to Monkway Court, a block of assisted living flats to the west. The land is surrounded by residential properties to the north, east and south with Monkway Road to the south.

The land to the east of Hill Top Road also has a significant change in levels across its width. It was previously used as an informal off-road parking area for local residents with six garages in private use on its lower eastern boundary. The site is bound to the north and south by residential dwellings.

Planning permission was approved in February 2023 for the erection of 10 dwellings on the land (application reference 4/22/2127/0F1 relates).

### **Directly Relevant Planning History**

Demolition of existing club and the redevelopment of the site with 10 no. dwellings, approved in June 2018 (application reference 4/18/2045/0F1 relates);

Housing development 10 no. dwellings, approved in February 2023 (application reference 4/22/2127/0F1 relates).

### **Proposal**

This current application seeks to discharge conditions 3, 5, 6 and 8 of planning permission 4/22/2127/0F1.

The conditions consist of the following:

3. The parking court must be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted to and approved in writing by the Local Planning Authority before work commences on site. No work must be commenced until a full specification has been approved. Any works so approved must be constructed before the development is complete and retained as such at all times thereafter.

### **Reason**

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

5. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to and approved in writing by the Local Planning Authority. Any approved works shall be implemented prior to the development being



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completed and must be maintained operational thereafter.

### Reason

In the interests of highway safety and environmental management and in accordance with Policy DM22 of the Copeland Local Plan.

6. 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 and in accordance with Policy DM10 of the Copeland Local Plan.

8. Prior to the first occupation of the dwellings hereby approved, full details of the proposed boundary treatments must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with these approved details and retained as such at all times thereafter.

### Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

### Consultation Responses

#### Whitehaven Town Council

No response received.

#### Highways and Local Lead Flood Authority

#### 1<sup>st</sup> response

Condition 3 The LHA are content with the information submitted to the LPA in support of

condition 3. Therefore condition 3 can be discharged.

Condition 5 The LHA have no objection in principle. However, before the condition can be discharged, we require confirmation of where the ACO channel/drain at the boundary of the highway will discharge. Please provide a plan or details showing the proposed discharge point.

Condition 6 The above condition is not for the LHA/LLFA to discharge.

Condition 8 The above condition is not for the LHA/LLFA to discharge.

### 2<sup>nd</sup> response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously on 15 January 2026 should still apply.

### 3<sup>rd</sup> response

Condition 5 - The LHA and LLFA are content with the documents submitted to support the discharge of this condition. Therefore condition 5 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



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2016.

The policies that are relevant to this application are:

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

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 CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

### **Assessment**

#### Condition 3:

Confirmation was provided that the parking, is topped in tarmacadam with a grey paving outline demarcation. A drawing was received to show the layout, drainage and gradient of the parking and the details were considered to be acceptable by the Local Highway Authority.

This condition can be discharged.

#### Condition 5:

|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                          |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
|                                           | <p>A plan showing the location of the aco drains was submitted and considered to be acceptable. The Local Lead Flood Authority requested that the discharge point be shown. Once provided by the Applicant, no further objections were received.</p> <p><u>Condition 6:</u></p> <p>A product sheet and visual image of the completed dwellings was provided to show the materials to be used. These are as stated during the application process and considered to be acceptable in this location. Whilst the materials are considered to be modern, the render and natural stone ensures that they fit in with the surrounding street scene. Overall, this condition can be considered to be discharged.</p> <p><u>Condition 8:</u></p> <p>A boundary treatment plan was provided to show timber fencing to the rear of the site, rendered walls to the frontage and gabion baskets (gray and blush stone) on the southern edges. These boundary treatments are considered to be acceptable in this location, providing a pleasant finish to the development and avoiding harsh frontages. The condition is considered to be discharged.</p> <p><u>Conclusion:</u></p> <p>Discharge conditions 3, 5, 6 and 8 of planning approval 4/22/2127/0F1.</p> |                          |
| 8.                                        | <p><b>Recommendation:</b></p> <p>Approve discharge of conditions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                          |
| <b>Case Officer: Sarah Papaleo</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Date : 19/05/2026</b> |
| <b>Authorising Officer: N.J. Hayhurst</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Date : 21/05/2026</b> |
| <b>Dedicated responses to:- N/A</b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                          |