

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2391/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 11 AND 12 OF PLANNING APPLICATION 4/22/2466/0F1
3.	Location:	LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Main River Consultation Area - Main River Consultation Area
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location: The Application Site comprises 0.96 hectares (2.36 acres) of previously developed land located to the north of Coach Road, Whitehaven. The Application Site is bounded by further previously developed land and residential development to the west; a commercial development and residential development to the east; a retail development to the north; and a combination of recreational fields/facilities and residential development to the south. The Application Site is currently vacant with many of the previous buildings and structures demolished, leaving behind a concrete slab and hardstanding.	

A footway/cycleway is located adjacent to the east and north boundaries of the Application Site.

There are no conservation areas or listed buildings on or directly adjacent to the Application Site.

The Application Site is located within a combination of Flood Zone 1, 2 and 3 and a Coal Advice Area.

Full Planning Application ref. 4/22/2466/0F1 approved the erection of 35no. dwellings subject to planning conditions and a Section 106 Agreement.

Proposal:

This Application seeks approval of details reserved by Planning Condition 11 and Planning Condition 12 of Full Planning Application ref. 4/22/2466/0F1.

11. Notwithstanding any submitted details, no development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:-

proposed finished levels or contours;

means of enclosure including details of any retaining walls/structures;

other vehicle and pedestrian access and circulation areas; and,

hard surfacing materials.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

12. No development shall commence until a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) have been submitted to and approved in writing by the Local Planning Authority.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain of at least ten percent. The BNGS shall use the Statutory Biodiversity Metric Calculation Tool associated with the Environment Act 2021.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

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

Application Form

Site Plan as Proposed Soft Landscaping Plan – Drawing No. 2245-PL-150 Rev. C

Fences & Boundary Treatments As Proposed – Drawing No. 2245-PL-120 Rev. A

Fences & Boundary Treatments As Proposed – Drawing No. 2245-PL-121

Biodiversity Net Gain Assessment and Project Implementation Plan - Land To The North Of Coach Road Whitehaven Cumberland CA28 9DF - December 2025 - 2025-106 Rev B

Coach Road, Whitehaven – Pre-Development Habitats – Drawing No. 2025-106-001

Coach Road, Whitehaven – Post-Development Habitats – Drawing No. 2025-106-002

Consultee:	Nature of Response:
Highways and LLFA	The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: Condition 11- The above condition is not for the LHA or LLFA to discharge. Condition 12 - The above condition is not for the LHA or LLFA to discharge.
Ecologist	This response pertains to Condition 12. Council Response The county ecologist accepts the Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) and has no further comments.
Arb. Consultant	DISCUSSION We have the following comment/observation to make on the submitted documents. Planning condition No.11 applies to the planting new trees and shrubs as

		part of the proposed development of the site. The applicant has submitted a Site Plan as Proposed Soft Landscaping Plan (Dwg. No.2245-PL-150 dated Nov 25), which includes details for preparing the site for planting, a specification and details for establishing the turf and grassland areas. It also provides a list of trees and size specification, and states 'To be randomly placed throughout the development and planted in accordance with the above specification. No two trees of the same species should be placed beside each other.' The specification does not state how many of each species to plant. This does not fulfil the requirements of condition 11, which asks for proposed numbers. Ideally, the proposed tree locations should be shown on the plan to make post planting assessment easier. UPDATE 09/02/2026 The applicant submitted an amended Proposed Soft Landscaping Plan (Dwg. No.2245-PL-150 Rev.A, dated Nov 25) showing the location and species of the 37 trees to be planted. This fulfils the requirements of the planning condition. RECOMMENDATIONS The approved landscaping scheme (Dwg. No.2245-PL-150 Rev.A, dated Nov 25) must be implemented by the end of the first planting season following substantial completion of the development. Any trees or plants that die, are removed, or become seriously damaged or diseased, within a period of 10 years from the completion of the development, must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval for a variation. Reason: To ensure an adequate landscaping scheme in accordance with Policy DS5 of the Copeland Local Plan 2021-2039.
	Neighbour Responses: N/A.	
	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

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 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.

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Policy N14: Woodlands, Trees and Hedgerows

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

Assessment:

Planning Condition 11

A hard and soft landscaping scheme has been submitted.

The design of the respective schemes is appropriate to the design of the development and its location.

Tree lined streets are incorporated.

An appropriate scheme of implementation and management has been submitted.

Planning Condition 12

	Biodiversity Net Gain Assessment and Project Implementation Plan have been submitted. This demonstrates the delivery of 11.43% net gain and secures its delivery and monitoring. The Cumberland Council Ecologist has accepted the conclusions of the Biodiversity Net Gain Assessment and Project Implementation Plan. A Biodiversity Net Gain Plan is not required as the requirement was secured under emerging policy of the LP and not statute. Conclusion Planning Condition 11 – Approve requirements of planning condition. Planning Condition 12 – Approve requirements of planning condition.	
8.	Recommendation: Approve	
9.	Condition(s): N/A	
Case Officer: C. Harrison		Date : 11.08.2026
Authorising Officer: N.J. Hayhurst		Date : 11.08.2026
Dedicated responses to:- N/A		