

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2393/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 4, 8, 9, 13 AND 14 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 Conditions 3, 4, 8, 9, 13 and 14 of Full Planning Application ref. 4/22/2466/0F1.

3. No development shall commence until finished floor levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

4. Notwithstanding the submitted details, no development shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

8. No development shall commence until details, including longitudinal/cross sections of the carriageway, footways, footpaths etc. have been submitted to and approved in writing by the Local Planning Authority. The carriageway, footways, footpaths etc. shall be designed,



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constructed, drained and lit to a standard suitable for adoption and accord with the standards laid down in the Cumbria Development Design Guide or any such replacement documentation. The development shall be completed in accordance with the approved details before the development is complete.

9. No development shall commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

13. No development shall commence until a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include: - details of the means of access and parking for construction traffic and vehicles - procedures for the loading and unloading of plant and materials - details of the storage of plant and materials used in construction - details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the existing watercourses - a scheme for recycling/disposing of waste resulting from construction works - measures to control noise and vibration. The approved CEMP shall be adhered to throughout the construction period.

14. No development shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CSWMP shall be adhered to throughout the construction period.

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

Application Form

Condition 3 – Site Levels

Drawing No. 2025-099-001 Surfacing and Kerb Details

Condition 4 – Drainage

Drawing No. 2025-099-002 Drainage Layout 1 of 2

Drawing No. 2025-099-003 Drainage Layout 2 of 2

Drawing No. 2025-099-004 Drainage Details 1 of 2

Drawing No. 2025-099-005 Drainage Details 2 of 2

Drawing No. 2025-099-008 Compensatory Storage

Condition 8 – Highways

Drawing No. 2025-099-006 Highway Details
Drawing No. 2025-099-001 Highway Surfacing and Kerb Details

Condition 9 – Highways – Visibility Splays
Drawing No. 2025-099-009 Rev. B Visibility Splays

Condition 13 – Construction Environmental Management Plan (CEMP)
24-099 Rev. A Construction Environmental Management Plan

Condition 14 – Construction Surface Water Management Plan (CSWMP)
24-099 Rev. A Construction Surface Water Management Plan

Consultee:	Nature of Response:
Highways and LLFA	Response 1 The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: Condition 3 - The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 3 can be discharged. Condition 4 - The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 4 can be discharged. Condition 8 - The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 8 can be discharged. Condition 9 - The LHA and LLFA are content with the information submitted in support of the above condition, but would welcome further detail added to the plan regarding the existing wall to the west, detail required should include either removal or reduced in height to a maximum of 1.05 metres within the visibility splay. therefore further detail is required before condition 9 can be discharged. Condition 13 - The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 13 can be discharged. Condition 14 - The LHA and LLFA are content with the information



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		submitted in support of the above condition, therefore condition 14 can be discharged. Response 2 We as the LHA are content with the information provided in support of condition 9 . Therefore condition 9 can be discharged.
	United Utilities	Further to our review of the submitted documents, drawing 2025-099-002 & 2025-099-003, Dated October 2025, United Utilities has no objection to condition 4 being discharged.
	EHO	With regards to the submission of the Construction Environmental Management Plan, by Waterway Drainage Engineering dated October 2025, ref 2024-099 Rev A. Environmental Health are satisfied with this document and that condition 8 can therefore be duly discharged.
	Environment Agency	We have reviewed the revised drainage proposals submitted for the discharge of condition 4, which now indicate a direct connection to Pow Beck via a hydrobrake system rather than through soakaway areas. This is acceptable from a land contamination perspective. We therefore have no objection to the discharge of condition 4. Additional information Condition 5 (Contaminated land) and 7 (Piling risk assessment) are not included within the current discharge of conditions consultation. The original Geoenvironment Site Investigation (2014 REC ref. 45418p1r1), amended in 2025 but referenced October 2023 with no changes, recommends a Tier 2 detailed quantitative risk assessment to delineate remediation thresholds for removal and remediation of the underground storage tank. This assessment has not been provided to date. We look forward to being re-consulted once further evidence is submitted to support the discharge of condition 5 and 7.
	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 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 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 DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy CO2: Priority for improving transport networks within Copeland

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

Assessment:

Condition 3 – Site Levels

The site levels proposed are in accordance with the provisions of the Flood Risk Assessment.

The levels of the dwelling are c.60-120cm above the level of the prevailing ground level requiring the provision of access steps to the front elevations and raised areas to the rear



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elevations.

This arrangement is less than ideal in townscape and design terms; however, it is necessary to make the development safe in respect of flood risk.

The impacts are localised.

Condition 4 – Drainage

United Utilities, the Environment Agency and LLFA have been consulted and have confirmed objections to the proposed drainage scheme.

The drainage scheme is in accordance with the drainage hierarchy.

Condition 8 – Highways

Cumberland Council Highways have been consulted and have confirmed objections to the proposed scheme.

Condition 9 – Highways – Visibility Splays

Cumberland Council Highways have been consulted and have confirmed objections to the proposed details.

Condition 13 – Construction Environmental Management Plan (CEMP)

Cumberland Council EHO have been consulted and have confirmed objections to the proposed scheme.

Condition 14 – Construction Surface Water Management Plan (CSWMP)

Cumberland Council LLFA and the Environment Agency have been consulted and have confirmed objections to the proposed details.

Conclusion

Planning Condition 3 – Approve requirements of planning condition.

Planning Condition 4 – Approve requirements of planning condition.

Planning Condition 8 – Approve requirements of planning condition.

Planning Condition 9 – Approve requirements of planning condition.

Planning Condition 13 – Approve requirements of planning condition.

	Planning Condition 14 – 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		