



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2002/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 4 OF PLANNING APPLICATION 4/21/2195/OR1
3.	Location:	HARRAS DYKE FARM, HARRAS DYKE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change, 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 Planning Policies: See report
7.	Report:	<p>Site and Location:</p> <p>The two applications relate to an area of agricultural land which fronts onto Harras Road and lies on the edge of the main settlement of Whitehaven. The land is bound on its western side by Red Lonning and lies adjacent to the existing dwellings on Harras Road to the west and southwest and open agricultural land to the north. A public footpath crosses the southern section in a diagonal line connecting Harras Road with Red Lonning, A public footpath also flanks the western boundary which connects Harras Road to Harras Dyke to the north.</p> <p>Outline planning permission was granted for the residential development of both sites for a total of up to 110 dwellings in August 2017 (application references 4/16/2415/001 and 4/16/2416/001 relate). Subsequently, reserved matters approval was granted in September 2022 for a total of 90 dwellings - 85 dwellings (application reference 4/21/2195/OR1) and 5 dwellings (application reference</p>

4/21/2196/OR1.

Proposal:

The same Planning Condition was imposed on application ref. 4/21/2195/OR1 and 4/21/2196/OR1 and state the following:

4. No development must take place until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site and whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) A survey of the scale, extent and nature of any contamination
- (ii) An assessment of the potential risks to human health, property, pets and livestock, the surrounding adjoining environment, groundwater and surface waters, and ecological systems
- (iii) An appraisal of remedial options (if required) and proposal of the preferred option/s for remediation.

The written report is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination are understood prior to works on site, both during the construction phase and to the future users of the land and neighbouring land, and any such risks are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors and in accordance with Policy ST1 of the Copeland Local Plan.

This application seeks to discharge the details of these conditions with the submission of the following information:

- Application form;
- Phase II: Ground Investigation Report

Consultee:	Nature of Response:
The Coal Authority	This current consultation relates to Condition 4 of the reserved matters consent which requires investigation and assessment of risks posed by contamination. As the condition does not relate to coal mining features I can confirm that the Planning team at the Coal Authority have no

		specific comments to make on this discharge of condition application.
	Environmental Health	<p>I consider that the submission of the Phase 2 Ground Investigation Report sufficiently discharges the above planning condition 4. Its findings should be noted, and recommendations implemented, by the developer.</p> <p>In particular, the report noted:</p> <ul style="list-style-type: none"> - The presence of heavy clay ground conditions makes soakaway ground drainage unviable and an alternative method should be sought; - No ground / water contamination; - Expert advice on appropriate building foundations will be required from a structural engineer; <p>Ground gas was identified as a potential problem and a Ground Gas Verification Plan will be required to mediate against ground gas entry to the development.</p>
	Neighbour Responses:	
	None received.	

Development plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

The emerging Copeland Local Plan Publication Draft 2021-2038 (ELP)

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of

preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The policies relevant to this proposal are as follows:

Policy DS6PU: Design and Development Standards

Policy DS10PU: Soils, Contamination and Land Stability

Policy N5PU: Protection of Water Resources

Assessment:

Condition 4 – Land Contamination

Policies ST1 of the CS and DS6PU, DS10PU and N5PU of the ELP require that new development considers the previous uses of the land and any potential for land contamination and contaminated runoff from the site.

As a result, a planning condition was attached to the approval for 90 dwellings on the two sites to require that information with regards to any potential contamination of the site be submitted and assessed. A Phase II Ground Investigation Report was received that concluded the following:

- The presence of heavy clay ground conditions makes soakaway ground drainage unviable and an alternative method should be sought;
- No ground / water contamination;
- Expert advice on appropriate building foundations will be required from a structural engineer;
- Ground gas was identified as a potential problem and a Ground Gas Verification Plan will be required to mediate against ground gas entry to the development.

The Environmental Health Officer responded to the consultation request stating that the requirements of condition 4 are satisfied and that any recommendations from the report should be adhered to and addressed by the developer.

Conclusion and planning balance

Overall, the details are considered to satisfy the requirements of the condition and the outcomes

	comply with the policies within the Copeland Local Plan. Condition 4 can therefore be discharged.	
8.	Recommendation: Discharge condition	
Case Officer: Sarah Papaleo		Date : 15/02/2023
Authorising Officer: N.J. Hayhurst		Date : 16/02/2023
Dedicated responses to:-		