

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2317/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 5 AND 11 OF PLANNING PERMISSION 4/21/2339/0F1
3.	Location:	JEFFERSON PARK, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>TPO - TPO,</p> <p>Coal - Standing Advice - Data Subject To Change,</p> <p>Coal - Development Referral Area - Data Subject to Change</p>
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: NO</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>Site and Location:</p> <p>This application relates to land at Jefferson Park.</p> <p>Outline planning permission was originally granted for the redevelopment of the site for residential use in 1998 (application reference 4/98/0311/0 relates). A subsequent application for the erection of 48 dwellings was approved in 2007 (application reference 4/06/2681/0 relates). Phase one of the development comprising 24 units has been complete.</p>	

Full planning permission was granted by the Members of the Planning Panel in November 2021 for the erection of 14 dwellings on the site for affordable rent, including the associated infrastructure, parking and landscaping (application reference 4/21/2339/0F1 relates).

The Application Site covers an area of 0.32 hectares and includes land to the west of Rose Cottage and the undeveloped areas on the site between the existing estate road and the 24 dwellings that were erected under phase one.

Jefferson Park is accessed directly from Low Road and is adjoined by the cemetery to the south and open fields to the north and west.

Proposal:

This application seeks to discharge the requirements of conditions 5 and 11 of the planning permission reference 4/21/2339/0F1.

These conditions state the following:

5. Prior to the commencement of works, the current gas regime on site following Ciria 665, undertaking monitoring for a minimum of 3 months with at least 1 measurement below 1000 millibars must be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the site is suitable for residential development in accordance with Policy ST1 of the Copeland Local Plan.

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development must be submitted to the Local Planning Authority for approval in writing. This document must confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To safeguard the amenities of occupiers and in accordance with Policy ST1 of the Copeland Local Plan.

Consultee:	Nature of Response:
Environmental Health	Environmental Health are satisfied that the information supplied with the above planning submission discharges conditions 5 and 11 respectively of planning approval ref 4/21/2339/0F1.



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Neighbour Responses:	
None received.	

Development plan policies:

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 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Development Management Policies (DMP):

Policy DM12 – Standards for New Residential Development

Emerging Local Plan 2021-2038 (ELP)

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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

	<p>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.</p> <p>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.</p> <p>The policies relevant to this proposal are:</p> <p>Strategic Policy DS1PU: Presumption in favour of Sustainable Development Policy DS10PU: Soils, Contamination and Land Stability</p> <p>Other Material Planning Considerations</p> <p>National Planning Policy Framework 2023 (NPPF)</p> <p>Assessment:</p> <p><u>Condition 5</u></p> <p>The application has been accompanied by a Remediation and Enabling Works Validation Report which has been assessed by the Council's Environmental Health Officer.</p> <p>The information is considered to be acceptable and therefore this condition can be discharged.</p> <p><u>Condition 11</u></p> <p>A submitted comprehensive Probe Drilling and Mineworkings Remediation Report has been assessed and is considered to be acceptable.</p> <p>Environmental Health were satisfied with the information provided and therefore condition 11 can be discharged.</p> <p><u>Conclusion</u></p> <p>Conditions 5 and 11 can be discharged.</p>
8.	<p>Recommendation:</p> <p>Approve discharge of conditions</p>



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Case Officer: Sarah Papaleo	Date : 15/12/2023
Authorising Officer: N.J. Hayhurst	Date : 15/12/2023
Dedicated responses to:- N/A	