

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2240/DOC
2.	Proposed Development:	DISCHARGE OF THE REQUIREMENTS OF PLANNING CONDITION 5 ATTACHED TO PLANNING APPLICATION REF. 4/24/2085/0B1
3.	Location:	LAND TO THE WEST OF VALLEY VIEW ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <p>The Application Site comprises a parcel of agricultural grazing land located on the southern periphery of Whitehaven.</p> <p>The Application Site is bounded by the approved Edgehill Park residential development, which is currently under construction and an existing detached dwelling known as High House to the west; the existing housing estate known as Greenbank to the east; the existing housing estate known as Wastwater Road to the north; and, existing surface water infrastructure and agricultural land and planting to the south.</p> <p>Public Right of Way, footpath no. 431031 runs through the centre of the Application Site and connects Edgehill Park and Greenbank.</p> <p>The Application Site is enclosed by a combination of timber fencing and vegetation.</p> <p>The Application Site is located in Flood Zone 1.</p>	

Directly Relevant Planning History

4/22/2332/0F1 - FULL PLANNING APPLICATION FOR 107 DWELLING HOUSES AND ASSOCIATED INFRASTRUCTURE INCLUDING LANDSCAPING, OPEN SPACE, ACCESS, HIGHWAY AND DRAINAGE – Approved subject to planning conditions and Section 106 Agreement.

4/24/2085/0B1 - FULL PLANNING APPLICATION FOR 107 DWELLING HOUSES AND ASSOCIATED INFRASTRUCTURE INCLUDING LANDSCAPING, OPEN SPACE, ACCESS, HIGHWAY AND DRAINAGE – VARIATION OF DRAINAGE SCHEME, DETACHED GARAGE DESIGN AND LANDSCAPING SCHEME APPROVED UNDER APPLICATION REF. 4/22/2332/0F1 – Approved subject to planning conditions and Section 106 Agreement.

Planning permission ref. 4/24/2085/0B1 is the active planning permission that is currently being delivered by the Applicant.

Proposal:

This Application seeks discharge of the requirements of Planning Condition 5 of planning permission ref. 4/24/2085/0B1.

5. Prior to the occupation of the first dwelling hereby approved 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 shall be submitted to and approved in writing by the local planning authority. This document shall 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 the recorded mine entry.

Reason

This is in order to ensure the safety and stability of the development, in accordance in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

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

- Application Form
- VERIFICATION REPORT FOR THE TREATMENT OF MINESHAFT 271515-008 at PHASE 4 EDGEHILL PARK, WILSON PIT ROAD, WHITEHAVEN Prepared for STORY HOMES LIMITED Report No. 4046-G-R035 Date: March 2024
- Letter - App. Ref. 4/24/2240/DOC – Land to the West of Valley View Road, Whitehaven- Our Reference: 4046-G-L038

The Applicant initially sought discharge of the requirements of Planning Condition 12 of planning permission ref. 4/22/2332/0F1; however, it was confirmed that this planning permission was no longer being implemented and the application was amended to seek



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approval of the requirements of Planning Condition 5 of planning permission ref. 4/24/2085/0B1.

Consultee:	Nature of Response:
The Coal Authority	<p>Response One</p> <p>We note that Condition 5 also seeks to address coal mining legacy issues, specifically applicable to both shallow coal mine workings and the mine entry. However, you will note, presumably by error, that Condition 12 only specifies the mine entry.</p> <p>Notwithstanding the above, and whilst we would have no objections to the LPA discharging Condition 12, specifically as the Verification Report for the Treatment of Mineshaft (March 2024) confirm the stabilisation of the shaft, we look forward to receiving for consultation on the relevant information to address Condition 5.</p> <p>Response Two</p> <p>Condition 12 of the permission requires the submission of a signed statement of declaration to confirm that the site is, or has been made safe and stable for the approved development.</p> <p>The Coal Authority notes the letter (dated 7 August 2024) from ID GeoEnvironmental Ltd, which has been submitted in support of the discharge of Condition 12. On the basis that the content of the letter confirms that all aspects of built development are outside the zone of influence of the shallow coalmine workings and that no remedial works are necessary, the Coal Authority is able to recommend the LPA discharge Condition 12.</p>
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 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or ‘modifications’ that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Now that the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

Policy DS10PU: Soils, Contamination and Land Stability

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (as amended) (CHSR).



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National Design Guide (NDG).

Cumbria Development Design Guide (CDDG).

Assessment:

The Coal Authority advised the following in relation to application ref. 4/22/2332/0F1:

On the basis that the development layout has clearly been designed around the recorded mine entries, and subject to the imposition of a planning condition to ensure the recommended remediation, the Coal Authority has no objections to this planning application.

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

A pre-commencement planning conditions is proposed to secure completion remediation works and/or mitigation measures to address the mine entry and the shallow coal mine workings, as may be necessary, have been implemented and preoccupation planning condition is proposed requiring the submission and approval of a declaration from a suitably competent person confirming that the ground is or has been made, safe and stable for the approved development.

The following was advised in relation to application ref. 4/22/2332/0F1:

The Coal Authority has no objections to this planning application and Condition 5 is required to be duplicated on any reissued consent.

The Coal Authority have confirmed that the submitted details are acceptable and discharge the requirements of Planning Condition 12 of planning permission ref. 4/22/2332/0F1, which mirror the requirements of Planning Condition 5 of planning permission ref. 4/22/2332/0F1.

Conclusion

Planning Condition 5

Discharge requirements of planning condition.

8.	Recommendation: Approve	
Case Officer: Chris Harrison		Date : 22.08.2024
Authorising Officer: N.J. Hayhurst		Date : 22.08.2024
Dedicated responses to:- N/A		