

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2297/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 3 OF PLANNING APPROVAL 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>	

The Application Site is enclosed by a combination of timber fencing and vegetation.

The Application Site is located in Flood Zone 1.

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 3 of planning permission ref. 4/24/2085/0B1.

3. No development shall commence until any remediation works and/or mitigation measures to address the mine entry and shallow coal mining works, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance. Reason This is in order to ensure the safety and stability of the development, 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 - Land to the west of Valley View Road, Whitehaven, application to discharge conditions 3 of application reference 4/24/2085/0B1 – 23rd August 2024.



Cumberland Council

Consultee:		Nature of Response:
The Coal Authority		<p>Thank you for your notification of 30 August 2024 seeking the views of the Coal Authority on the above.</p> <p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>The Coal Authority response:</p> <p>Condition 3 of the planning permission states:</p> <p>'No development shall commence until any remediation works and/or mitigation measures to address the mine entry and shallow coal mining works, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.'</p> <p>You will note the letter (dated 7 August 2024) from ID GeoEnvironmental Ltd, which accompanied 4/24/2240/DOC and which confirmed that all aspects of built development are outside the zone of influence of the shallow coalmine workings. The information allowed us to recommend the discharge of Condition 12 of 4/22/2332/0F1. Consequently, and on the basis that the Verification Report for the Treatment of Mineshaft 271515-008, which accompanies this application confirms the completion of the necessary treatment, the Planning and Development Team at the Coal Authority is able to recommend the discharge of Condition 3.</p>
Neighbour Responses:		
N/A.		
Development Plan:		
<p>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.</p> <p>Cumberland Council inherited the local development plan documents of each of the</p>		

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



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	Other Material Planning Considerations National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG). The Conservation of Habitats and Species Regulations 2017 (as amended) (CHSR). National Design Guide (NDG). Cumbria Development Design Guide (CDDG). Assessment: The Coal Authority have confirmed that the submitted details are acceptable and demonstrate that the completion of remediation works and/or mitigation measures (as necessary) to address the mine entry and shallow coal mining works have been implemented on site in full to ensure that the site is safe and stable for the development proposed. Conclusion Planning Condition 3 - Discharge requirements of planning condition.	
8.	Recommendation: Approve	
9.	Condition(s): N/A.	
Case Officer: Chris Harrison		Date : 17.09.2024
Authorising Officer: N.J. Hayhurst		Date : 17.09.2024
Dedicated responses to:- N/A		