

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2372/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 7 OF PLANNING APPLICATION 4/23/2314/0F1
3.	Location:	LAND AT PRESTON STREET, PRESTON STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, 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: <p>The Application Site extends to c.1ha and comprises an existing car park located to the east of Preston Street, Whitehaven and a parcel of currently vacant land located to the rear of Nos. 1-4 and the Former Annlea House (No. 10) The Ginns, Whitehaven.</p> <p>The existing car park is currently operated as a pay and display car park.</p> <p>The Application Site is located c.275m south and c.200m west of the defined Whitehaven Town Centre.</p> <p>The Application Site is irregular in shape and is broadly orientated north south.</p> <p>The Application Site is enclosed by a combination of rubble stone walls, fencing, brick walls and vegetation. The eastern and southern boundaries of the currently vacant land have no physical delineation.</p>	

The Application Site is bounded to the north by an existing footway / Cycle Route 72 beyond which are retail units with associated parking, including an existing ALDI foodstore; to the west by Preston Street and existing dwellings beyond which is an existing ASDA foodstore and commercial development; and, to the east and south by further currently vacant land.

The Application Site is not located within a conservation area .

There are no listed buildings on or directly adjacent to the Application Site.

The Application Site is located in Flood Zone 1, which is the lowest category of flood risk.

The Application Site is partially located within an area identified as having high risk in relation to coal mining.

The Application Site is located within an area identified as potentially contaminated land.

United Utilities assets are located within the Application Site.

Proposal:

This Application seeks approval of details reserved by Planning Condition 7 of planning permission reference 4/23/2314/0F1.

Ground Conditions 7

No above ground development shall commence until:

*a) a scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and,
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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

Application Form

Permit Closure Summary Form – Permit Ref. 30001

Factual Report Drilling and Treatment for Former Shallow Mine Workings – Aldi, Whitehaven – Job No. 250597

VE Drilling Summary – Drawing No. 250597VED Rev. -

VE Grouting Summary – Drawing No. 250597VEGS Ref. -

Consultee:	Nature of Response:
The Coal Authority	<p>Thank you for your notification of 7th November 2025 seeking the views of the Coal Authority on the above. Condition 7 of the approved consent is coal mining related and states:</p> <p>7. No above ground development shall commence until: a) a scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and, b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made 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>In support of the applicant the applicant has submitted a factual report on the drilling and treatment of former shallow mine workings prepared by specialist contractor Van Elle, ref. VE250597, dated 31st October 2025. This report documents the drilling of 153 treatment boreholes across the proposed building footprint as per the specification into which grout treatment was attempted. Whilst drilling consistently note coal at c. 23m depth, drilling on average being extended to 25m, no evidence of mine workings was identified. This corroborated the site investigation findings reported on by 3E Consulting in 2022 which we commented in our response to the full application 4/23/2314/0F1, despite the recorded evidence of shallow workings on Coal Authority records. Van Elle having undertaken the works as they state in accordance with CIRIA C758D and under a Coal Authority Permit (Ref. 30001) conclude that:</p> <p>‘Van Elle are satisfied that the risk from former mine workings based on the evidence gleaned from the drilling and grouting exercise is negligible, and that the development can go ahead unhindered.’</p> <p>On that basis and in light of the watching brief recommended we are satisfied that the applicant has demonstrated full compliance with Condition 7. We also note that Condition 7 does not require the applicant to submit written evidence for approval.</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 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 of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Policy DS8: Soils, Contamination and Land Stability

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).

Assessment:

Planning Condition 7

The Applicant has submitted a factual report on the drilling and treatment of former shallow mine workings prepared by specialist contractor Van Elle, ref. VE250597, dated 31st October 2025.

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Cumberland Council

	<p>evidence of mine workings was identified. This corroborated the site investigation findings reported on by 3E Consulting in 2022, despite the recorded evidence of shallow workings on Coal Authority records.</p> <p>Van Elle having undertaken the works as they state in accordance with CIRIA C758D and under a Coal Authority Permit (Ref. 30001) conclude that: <i>‘Van Elle are satisfied that the risk from former mine workings based on the evidence gleaned from the drilling and grouting exercise is negligible, and that the development can go ahead unhindered.’</i></p> <p>The Coal Authority have confirmed on this basis and in light of the watching brief recommended they are satisfied that the applicant has demonstrated full compliance with Planning Condition 7.</p> <p>Planning Condition 7 does not expressly require the applicant to submit written evidence for approval; however, given that it has been demonstrated that the requirements of the planning condition have been met, the requirement of the planning condition can be confirmed as discharged.</p> <p>Conclusion</p> <p><i>Planning Condition 7</i></p> <p>Discharge the requirements of the planning condition.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: C. Harrison		Date : 12.01.2026
Authorising Officer: N.J. Hayhurst		Date : 12.01.2026
Dedicated responses to:- N/A		