

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2466/0F1
2.	Proposed Development:	REDEVELOPMENT OF FORMER BUILDERS YARD INTO NEW HOUSING TO PROVIDE 35 DWELLINGS
3.	Location:	LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations & Policy	See Report.
7.	Report: Site and Location: The Application Site comprises 0.96 hectares (2.36 acres) of previously developed land located to the north of Coach Road, Whitehaven. The Application Site is bounded by further previously developed land and residential development to the west; a commercial development and residential development to the east; a retail development to the north; and a combination of recreational fields/facilities and residential development to the south. The Application Site is currently vacant with many of the previous buildings and structures demolished, leaving behind a concrete slab and hardstanding. A footway/cycleway is located adjacent to the east and north boundaries of the Application Site.	

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

The Application Site is located within a combination of Flood Zone 1, 2 and 3 and a Coal Advice Area.

Full Planning Application ref. 4/22/2466/0F1 approved the erection of 35no. dwellings subject to planning conditions and a Section 106 Agreement.

Proposal:

It is proposed to amend the wording of Planning Condition 5, Planning Condition 6 and Planning Condition 7 to the following:

5. No development other than site clearance and preparatory works shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

- 1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.*
- 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

6. No development shall commence on any individual dwelling plot, highway, public open space or drainage infrastructure until:

- a) a scheme of intrusive site investigations for that specific dwelling plot, highway, public open space or drainage infrastructure has been submitted to and approved in writing by the Local Planning Authority to establish the risks posed by past coal mining activity; and*
- b) any remediation works and/or mitigation measures identified as necessary for that specific dwelling plot, highway, public open space or drainage infrastructure to address land instability arising from the coal mining legacy have been fully implemented on site.*

All intrusive investigations, remediation works and mitigation measures shall be undertaken in accordance with authoritative UK guidance.

7. No development other than site clearance and preparatory works shall commence until a detailed site-specific risk assessment in relation to any deep foundation piling techniques in made ground to be used in the construction of the development hereby approved has been



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submitted to and approved in writing by the Local Planning Authority. The assessment should include details that demonstrate any techniques do not cause or exacerbate existing contamination. Some techniques may not be suitable. The development shall be completed in accordance with the approved details.

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 DS4: Design and Development Standards

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Design Guide (NDG).

Planning Practice Guidance (PPG).

Assessment:

Planning Condition 5 and Planning Condition 7 – It is proposed to replace ‘No development shall commence’ with ‘No development other than site clearance and preparatory works shall commence’. This is proposed to permit the necessary site clearance and preparatory works required to secure the details required by the respective planning conditions and to ensure

	that any work completed in the course of these activities do not inadvertently invalidate the extant planning permission. The amendments do not undermine the purpose, intent and controls afforded by the planning condition, which still prevent the commencement of the building activities until the required information has been submitted. Planning Condition 6 – Amendments are proposed to permit the phased approval of the details reserved by the planning condition. The Coal Authority have been consulted and have confirmed that they have no objections to the amendment. The amendments do not undermine the purpose, intent and controls afforded by the planning condition. It is highlighted that Planning Condition 17 is retained as prior to occupation of the first dwelling to ensure that all necessary remediation on the site has been completed before any dwelling on the site is occupied. This allow the commencement of development whilst the final investigative works are completed but would require the remediation to be completed prior to occupation as already required. Conclusion The proposed amendments are acceptable in relation to the development. In the context of the wider approved development, the proposed comprise non-material amendments. Approve non-material amendments.	
8.	Recommendation: Approve NMA	
Case Officer: C. Harrison		Date : 11.08.2026
Authorising Officer: N.J. Hayhurst		Date : 11.08.2026
Dedicated responses to:- N/A		