

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2263/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 7 AND 8 OF PLANNING APPLICATION 4/24/2252/0F1
3.	Location:	LAND BETWEEN GRIFFIN CLOSE & GREENVALE COURT, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location: This application relates to a parcel of land measuring 0.5 hectares. The land is sited between Griffin Close and Greenvale Court in Frizington. The land was previously in used as sheltered housing which was demolished in 2011. The site has been left as hardstanding and used as informal open space since demolition. The site is accessed directly from Griffin Close and is flanked by residential properties to the south and east. There is a surgery and a care home to the south and open fields to the north	

and west.

Relevant Previous Planning Permission:

Erection of 17 no. 2 bedroom dwellings and associated external works, approved in April 2025 (application reference 4/24/2252/0F1 relates).

Proposal

This current application seeks to discharge conditions 7 and 8 of planning application reference 4/24/2252/0F1.

The conditions consists of the following:

Site Stability

7. 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 has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the further intrusive site investigations, as recommended by Geo Environmental Engineering and the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

Reason

To ensure that the development does not have a negative effect on its occupants and in accordance with Policy DS8 of the Copeland Local Plan.

External Materials

8. Prior to their first use on the dwellings hereby approved, samples and specifications of all external materials must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the development represents that which has been approved and in accordance with Policy DS4 of the Copeland Local Plan.

The application is supported by a mining remediation report written by GEO Environmental and also a schedule of materials.

Consultation Responses

The Coal Authority

The Coal Authority's specific interest lies within Condition 7.

We note that the wording of this condition reflects our recommendation to the Local Planning



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Authority (LPA) dated 24 December 2024, made in light of the content and conclusions of the Supplementary Mining Investigation Report (GEO2024-6310, dated 06.08.2024) and a Summary on Geo-Environmental Investigations (GEO2024-6517, dated 07.11.2024) prepared by Geo Environmental Engineering submitted by the applicant in support of their planning application.

The discharge of condition application is accompanied by a Mining Remediation Validation Report (GEO2024-6517, 13.08.2026) produced by Geo Environmental Engineering Ltd which has been informed by further investigations and remedial works carried out by Van Elle and detailed within their Factual Report (243358, 10/07/2026).

As part of the investigations, the suspected location of the mine shaft [303377.806, 517407.38, was further investigated (80 probe holes drilled on a 1m grid to locate the recorded mineshaft) however, the report authors state that this failed to identify the shaft within the investigated area. Van Elle considers that based on the above, it is therefore reasonable to assume that the shaft is not within the immediate area of the MRA best fit position. However, the shaft could be elsewhere on site and a watching brief should be in place during excavations for any anomalous findings.

Following on from a comprehensive drilling and grouting programme, completed across the proposed development footprint, the report authors are satisfied that where historic shallow mine workings have been identified, these have been successfully treated, and validation testing has confirmed the effectiveness of the remediation works. Accordingly, the report concludes “the site is considered minerally safe, stable and suitable for the proposed residential development subject to normal vigilance during construction activities”.

Based on the above, and the professional opinions provided by Geo Environmental Engineering Ltd and Van Elle, the Planning team at the Coal Authority would have no objections to the LPA discharging Condition 7 of approved consent: 4/24/2252/0F1 if they were minded to do so.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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 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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The policies that are relevant to this application are:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS8: Soils, Contamination and Land Stability

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Assessment

Condition 7:

Condition 7 required the submission of a signed statement from a competent person confirming that the site has been made safe.

A mining remediation report written by GEO Environmental details the initial desk top study, the ground investigation report, the supplementary mining investigation report, the remediation works undertaken and conclusions, residual risks and recommendations.

The report concluded that the necessary measures had been undertaken and that the site is now considered to be mineral safe, stable and suitable for the proposed development.

The Coal Authority were consulted on the application and raised no objections to the discharge of condition 7.

Condition 8:

Condition 8 required the submission of an external material samples and specifications.

The details submitted were updated during the application process to the following:

Light grey rendered walls;

White UPVC windows;

Anthracite UPVC doors;

Natural concrete cills;



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	Grey concrete tiled roof; Black UPVC fascias, bargeboards, soffits and rainwater goods; Close boarded fence boundary treatments; Macadam roads and public footpaths; Grey concrete block paving for shared surfaced roads; Charcoal concrete block paving for parking bays; Natural concrete flags for plot patios and footpaths. The materials are considered to be acceptable and consistent with the character of the local area. <u>Conclusion:</u> Discharge conditions 7 and 8 of planning approval 4/24/2252/0F1.	
8.	Recommendation: Approve	
Case Officer: Sarah Papaleo		Date : 08/10/2026
Authorising Officer: N.J. Hayhurst		Date : 09/10/2026
Dedicated responses to:- N/A		