

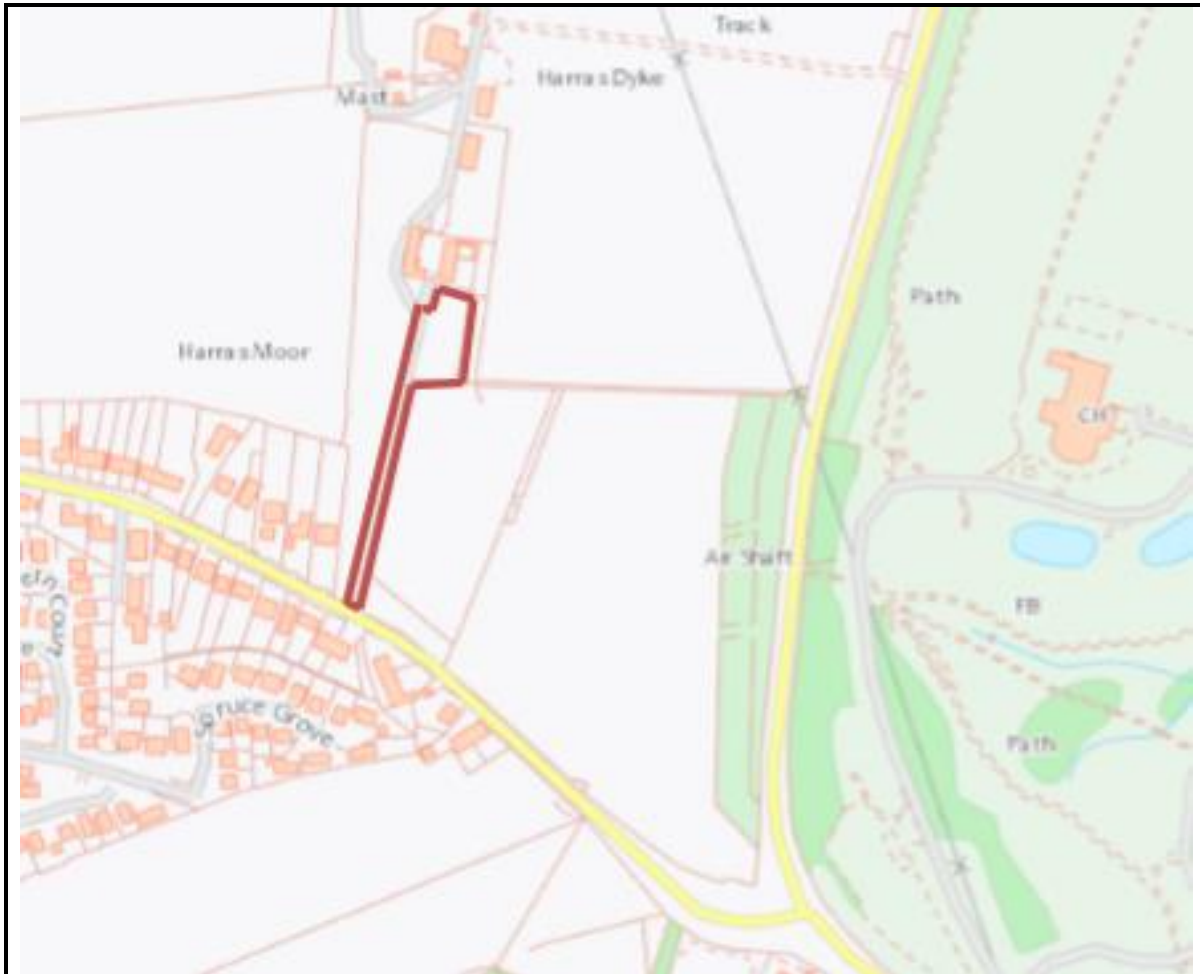


To: PLANNING PANEL

Development Control Section

Date of Meeting: 14/04/2021

Application Number:	4/21/2001/001
Application Type:	Outline : CBC
Applicant:	Vince Little & Advissor Limited
Application Address:	HARRAS DYKE FARM, HARRAS DYKE, WHITEHAVEN
Proposal	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF A SINGLE DWELLING INCLUDING DETAILS OF ACCESS
Parish:	Whitehaven
Recommendation Summary:	Approve in Outline (commence within 3 years)



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Reason for Determination by Planning Panel

This application is brought for consideration by Members of the Planning Panel as the proposal is a departure from the adopted Copeland Local Plan 2013-2028.

Site and Location

The application site relates to a small area of agricultural land immediately to the south of Harras Dyke Farm which is located on the northern edge of Whitehaven. The site covers an area of approximately 0.17ha and is relatively flat.

Harras Dyke Farm comprises a small collection of buildings that are surrounded by agricultural land. The farm is served by a private road leading from Harras Road to the South.

The site is located adjacent to but outside the settlement boundary for Whitehaven, which runs along the rear of the properties that front onto Harras Road approximately 150m to the South.

Proposal

This outline application seeks to establish the principle of developing the site for residential purposes for a single dwelling. The application includes full details of the proposed access which is to be taken from the private track that links Harras Dyke Farm to Harras Road. All other matters relating to layout, scale, appearance, and landscaping are reserved for future consideration.

Whilst all matters are reserved for subsequent approval, an indicative layout plan has been submitted with this application to show how the site could accommodate a 3 bedroomed bungalow with a detached garage and associated parking and amenity/garden space.

The planning application is accompanied by the following documentation:

- Site Location Plan;
- An Indicative Site Layout Plan;
- An Indicative Floor Plan;
- A Planning Statement;
- A Coal Mining Risk Assessment Report.
- A Geo-environmental Appraisal

Relevant Planning Application History

There have been no previous applications on the site.

Outline planning permission was granted for the residential development of the land immediately to the south of the application site fronting onto Harras Road in 2017.

Consultation Responses

Whitehaven Town Council

Raised concerns relating to flooding and drainage issues on the site.

Cumbria Highways

No objections subject to conditions relating to the following:

- The securing of adequate visibility splays;
- Suitable driveway drainage to prevent surface water discharging off the site onto the lane;
- Any gates should only open inwards only away from the lane.

Local Lead Flood Authority

No objections but noted that infiltration for surface water is unlikely to be viable for this site. Commented that there are known surface water issues affecting the site and adjacent land which leads to surface water discharging out onto the public highway and suggested that further detailed designs with respect to drainage should be sought in order to consider this fully.

Flood and Coastal Drainage Engineer

The application states that the surface water is to be disposed of by means of a soakaway. The attached Geoenvironmental Report, which appears to cover the adjacent site and not this, states that soakaway drainage is considered unlikely to be viable at this site. Therefore, what is actually to be considered / proposed for surface water drainage? It is proposed that the foul drainage is to connect to the mains sewer. Currently the nearest main sewer is approximately 150m away. With the proposed adjacent development having received planning permission, is it proposed to connect the foul drainage into this site? Currently it isn't clear where the connection is to be made.

The Agent responded to these comments as follows:

"the site is adjoining the large housing site which, while currently still under this applicants ownership, is now agreed to be progressed by a housebuilder. Therefore as part of the proposed agreement, they would want to retain a right to connect into the foul and surface water drainage on the main site from this plot, which should be fine. Obviously, that is all still to be confirmed for certain, so I cannot specify that, but it is the most logical and cost effective solution for the applicants "

In response to these comments the Officer concluded the following:

- Flood mapping shows that the site is in Flood Zone 1.
- Flood mapping shows that the site is at a very low risk of surface water flooding.
- However, experience would suggest that there is surface water issues with the land in the area being quite wet and subject to surface water flows.
- Suitable design can minimise the risk to the proposed property from surface water flooding, which is not a concern at the outline stage. (I'm specifically thinking finished floor levels and landscaping.)
- Subject to being able to dispose of surface water and foul sewage satisfactorily, I would have no objection to the proposed development.

United Utilities

Raised no objections, subject to a condition relating to the submission of full drainage details and a condition to ensure that foul and surface water are drained on separate systems.

The Coal Authority

Initially raised substantive concern and objected to the application due to the lack of submitted coal information. Further to the provision of a full coal report for the site, the Coal Authority withdrew their objection and recommended that the development incorporates gas protection measures.

Countryside Access Officer

Public Footpath 431011 follows an alignment to the west side of the proposed development and must not be altered or obstructed before or after the development has been completed.

If the footpath is to be temporarily obstructed then a formal temporary closure will be required there is a 12 week lead in time for this process, for further information please contact Sandra.smith@cumbria.gov.uk.

Public Representation

This application was advertised by way of site notice, press notice and neighbour notification letters issued to 8 residential properties.

Two letters were received with queries relating to details of the application including the width of the access road and details of the drainage.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

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

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Emerging Copeland Local Plan:

The emerging Copeland Local Plan 2017-2035 has recently been subject to a Preferred Options Consultation which ended on 30th November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

The primary issues relevant to the determination of this application are:

- The principle of the development;
- Housing need;
- Settlement character, landscape and visual impact;
- Design and impact on residential amenity;
- Flood risk and the achievement of satisfactory drainage;
- The impact of the development on highway safety;
- Coal mining risk.

Principle of Development

The principle of new housing is supported in the Copeland Local Plan through strategic policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

Whitehaven is classified as Copeland's Principal Town under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to direct the majority of the Borough's new development to Whitehaven due to the range of facilities and services it has to offer. In respect of housing development, the following is identified as appropriate: allocations in the form of estate-scale development where appropriate and continuing initiatives for large scale housing renewal (This could involve extensions to the town's settlement boundary); and Infill and windfall housing. Larger sites will require a proportion of affordable housing.

The application lies outside of the designated settlement boundary for Whitehaven, and as such, the proposal is in conflict with Policy ST2. Policy ST2 of the Copeland Local Plan states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the

emerging housing requirement calculated in the updated Strategic Housing Market Assessment (SHMA) and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the Local Plan must still be considered out of date and only some weight can be given to their content as far as they are consistent with the provisions of the NPPF.

Consultation on the Local Plan 2017-2035 Preferred Options Draft (ECLP) ended in November 2020. The ECLP will, once adopted, replace the policies of the adopted Local Plan.

The ECLP has been drafted based upon an evidence base. The SHMA calculates a housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

The ECLP continues to identify Whitehaven as Copeland's Principal Town reflective of the number and type of services it contains and identifies a settlement boundary around the town. The ECLP continues to identify the Application Site as outside but very close to the revised settlement boundary for Whitehaven. Whilst the proposed development is in conflict with the emerging policies and provisions of the ECLP, as the document is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, the identified conflict can be given little weight at present.

In the context of the provisions of Paragraph 11, the defined development boundary for Whitehaven must be considered out of date. Paragraph 11 of the NPPF sets out that planning permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The site lies on the northern edge of the built up area of Whitehaven, and is considered to be within walking distance from the wide range local services within the town.

In applying the provisions of paragraph 11:

- The site would assist in boosting housing supply to meet the identified need for housing in Whitehaven and the wider Borough;
- The proposed development comprising the erection of a single dwelling is appropriate in size to the designation of Whitehaven as Copeland's Principal Town in accordance with the spatial objectives of Policy ST2;
- The site is close to the existing settlement boundary and is located adjacent to the existing built form on the northern edge of Whitehaven;
- The site is located adjacent to a site with an existing planning permission for up to 100 dwellings;

- The Site is located in close and convenient proximity to the services and employment opportunities located within Whitehaven. The proposed development will support existing services;
- Sustainable travel options exist within the vicinity, including train, cycle routes and bus services, as per the provisions of Policy DM22 of the Local Plan.

Housing Need

Policy SS3 of the Local Plan requires housing development to demonstrate how proposals will deliver an appropriate mix of housing as set out in the SHMA.

The site falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SMHA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The supporting statement submitted with the application sets out that the proposed development would provide a new dwelling for the applicant with accommodation likely to be on a single level as their existing property (Harras Dyke Farm) is a large two storey dwelling.

The proposed development has the potential to assist in providing a greater balance of market housing stock within this part of Whitehaven in accordance with Policy SS3 of the CS. No affordable housing is proposed in accordance with the provisions of Paragraph 63 of the NPPF which sets out that the provision for affordable housing should not be sought for residential developments that are less than 10 units.

Settlement Character and Landscape and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

The application site comprises of undeveloped land that lies adjacent to a number of existing dwellings. The site is located to the north of a large site which benefits from an outline planning permission for up to 100 dwellings (application reference 4/16/2415/001

relates). In this context it is unlikely to result in any significant harm to this edge of the settlement.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5 'Whitehaven Hillside'. The Key Characteristics of the land comprise open hillside and skyline setting to the east of Whitehaven. It is heavily influenced by the nearby settlement, but has a sense of exposure and long views seaward and towards open moorland. The urban edge is defined by isolated fringe farmsteads and isolated housing developments.

The Guidelines for development include: Preserve the open countryside buffer between the urban edge of Whitehaven and the sensitive open moorlands to the east, defining the urban edge of Whitehaven, conserving and maintaining traditional farm buildings within their own setting, and enhancing and strengthening green infrastructure to provide a link between the urban areas and the wider open countryside.

Whilst the development would be considered a small edge of settlement extension the proposed site does not extend into the open countryside beyond the existing collection of dwellings that extend northwards along the dwelling located further north and will effectively infill the gap between the approved dwellings on the land to the south and the existing dwellings at Harras Dyke. In this context the site is clearly not isolated and would be consistent with the prevailing character and form on this urban edge. The development would be viewed in context with these existing properties. Additional landscaping and the retention of the boundary wall, which would be detailed within subsequent reserved matters applications, will also help to soften the potential landscape and visual impacts of the development.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that the site could be developed in a manner that respects the form, density and character of the existing developments within the locality. The proposal is therefore considered to comply with policies ST1 and ENV5 of the Copeland Local Plan and provision of the NPPF.

Design and Impact on Residential Amenity

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity, and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

The application site lies adjacent to residential properties to the north of the site, currently with open countryside to the south. The application includes indicative details of the proposed layout only with details of the siting, scale and appearance of the dwelling reserved for subsequent approval at the Reserved Matters stage. As submitted the proposed plot layout does reasonably allow for adequate separation distances to be achieved between the proposed and existing dwellings as required by Policy DM12 of the

Local Plan. The indicative layout also shows that the proposed dwelling will be set back within the plot, away from the road, to allow for parking and turning in front of the property. The use of suitable boundary treatments would also help to minimise the potential impacts on the adjacent properties. Details of the boundary treatment would be submitted at the reserved matters planning stage.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, the illustrative layout plan submitted in support of the application demonstrates that a development layout is deliverable that meets the required separation distances with the immediate neighbouring properties. It is reasonable to conclude at this stage that the site could be developed to accommodate a single dwelling without resulting in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearingness and overlooking. The requirements of Policy DM12 of the Local Plan are considered to be achievable.

Drainage and Flood Risk

Policy ST1B(ii) of the Local Plan and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

Although the application site is located within Flood Zone 1, the Council's Flood and Coastal Defence Engineer, Lead Local Flood Authority and United Utilities have been consulted upon this application. Concerns were also raised from both a local resident and the Whitehaven Town Council with the possibility of flooding on the site due to historic surface water issues in the area. Local flooding issues have been confirmed by the Local Lead Flood Authority.

As the application is in outline form only, the agent for this application has indicated that the site will be drained to the mains connections on the adjacent site which is under the same ownership. No objections have been received from any Statutory Consultees on this matter however it has been indicated that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. In line with these comments relevant conditions are proposed to ensure an adequate drainage system can be secured to serve the site and to ensure a surface water drainage scheme is achievable based on the hierarchy of drainage options set out in the NPPF. These details should be secured prior to commencement of works on the site in order to ensure that the concerns of local residents and the Town Council are fully satisfied.

The imposition of these conditions will secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of

the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough.

The application shows that access will be achieved from the adjoining private road to the west of the site which leads from Harras Road. The indicative layout shows that the dwelling will benefit from ample space at the front for parking and turning facilities on site. Whilst this plan is for illustration purposes only the site is of sufficient size to allow for satisfactory access, parking and turning to be achieved.

No objections were raised from the Highway Authority and it is considered that the provision of a single dwelling on the site will not increase the use of the main access to any significant level. The Highways Authority did raise concern with the lack of passing places on the lane and stated that further consideration should be taken in the future, should more development be proposed that utilises this lane. The Highways Authority have requested that conditions should be added to any permission to ensure that adequate visibility splays can be secured, that suitable drainage is put in place to prevent surface water discharging out onto the lane and that any gates erected open inwards away from the lane only.

Overall, it is considered that the submitted details demonstrate that the site can be developed in a way that complies with Policies T1 and DM22 of the Copeland Local Plan and will provide an accessible development with an acceptable parking provision.

Coal Mining Risk

The site lies within a coal mining referral area with the risk of shallow mining works in the vicinity. The submitted coal report shows that there are recorded underground mine workings beneath the property at a depth of 166m and 183m. These are considered to be too deep to significantly impact surface ground stability within the development area.

The report also identifies the risk of mine gas and states that there is a moderate risk. It is considered that further testing would be required in order to establish the level of risk. Any potential ground gas could be mitigated with routinely adopted measures and it is considered that this should not preclude approval of the development.

The Coal Authority raised no objections to the proposal, but suggested that the possibility of ground gas should be investigated prior to the development taking place. A planning condition is proposed to ensure that these investigations are undertaken prior to the commencement of any development on the site.

Overall, it is considered that, subject to further investigations, the site can comply with Policy ST1 of the Copeland Local Plan in relation to ground stability and site suitability.

Planning Balance

The application site is located outside of the settlement boundary for Whitehaven as defined in Policy ST2 of the Copeland Local Plan.

For the reasons outlined, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for

determining the application are to be considered out of date and it required that planning permission be granted unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposed development is in clear conflict with the provisions of Policy ST2 of the Local Plan with regard to the location outside the settlement boundary for Whitehaven; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this policy in decision taking.

As the ECLP is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, this can be given little weight at present.

The development will assist in boosting housing supply within Whitehaven, is of an appropriate scale for the Principal Town, will support the retention of existing services locally, and benefits from sustainable travel options in accordance with the spatial objectives of the Local Plan. The proposal is unlikely to have a negative impact on the surrounding area, being small scale and sited to respect the character and built form of this edge of the settlement. The development is considered to be an infill to the existing settlement pattern and would be viewed in context with the existing dwellings at Harras Dyke. Additional landscaping could also be secured to soften the southern edge of the application site.

Conclusion

On balance, whilst some conflicts are identified these are minor and it is considered that these are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which would include: the provision of housing in a sustainable location, and supporting local services when assessed against the policies in the NPPF taken as a whole.

Recommendation:-

Approve in Outline (Commence within 3 years)

Conditions

1. The layout, scale, appearance and landscaping must be as may be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Location Plan, scale 1:1250, drawing number 2025-EX100 A, received 5th January 2021;

Planning Statement, written by SRE Associates, received 5th January 2021;

Coal Mining Risk Assessment (CMRA), written by Geoinvestigate Limited, received 12th February 2021.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

4. Before development commences full details of the surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

5. Prior to the commencement of the development approved by this planning permission, gas monitoring must be undertaken in accordance with the Coal Mining Risk Assessment, written by Geoinvestigate Limited, submitted on 12th February 2021, and the results and consequential proposed gas protection measures submitted to and approved in writing by the Local Planning Authority. The monitoring must include the siting of gas wells in the development area on 6 occasions over a minimum of a 6 week period.

Reason

To ensure the protection of the development from ground gas in accordance with policy ST1 of the Copeland Local Plan.

6. Prior to the commencement of the development hereby approved, full details of the proposed visibility splays at the entrance of the site must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

Other conditions

7. Foul and surface water drainage must be drained on separate systems.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

8. Any gates adjoining the highway must be hung to open inwards and retained as such at all times thereafter.

Reason

To ensure that the highway is not obstructed in accordance with Policy DM22 of the Copeland Local Plan.

Informatives

1) A PROW (public footpath/bridleway/byway) number 431011 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during or after the completion of the site works.

2) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority
<<http://www.gov.uk/government/organisations/the-coal-authority>>

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.