



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2362/0F1
2.	Proposed Development:	PROPOSED DEMOLITION OF EXISTING WORKSHOP AND STORE AND ERECTION OF NEW WORKSHOP AND STORE
3.	Location:	CROSSFIELD COAL YARD, CROSSFIELD ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to the former Coal Yard, located off Crossfield Road in Cleator Moor. The site is currently utilised by Mossop Construction Services for storage and maintenance of their plant and equipment.</p> <p>The yard consists of an office, some small storage buildings and a recently demolished large workshop to make way for a new replacement workshop.</p> <p>St John's Close runs to the north east of the site with the residential dwellings known as Almenia and Keslyn to the north west. Crossfield Road is beyond to the north west.</p> <p>The overall site covers an area of 0.24 hectares.</p>

PROPOSAL

Planning permission is sought for the erection of a workshop for storage of equipment and to allow for the repair of vehicles associated with the business. The proposed workshop will be located to the south of the site.

The building will provide a total of 135m² gross internal floorspace. It will be 9.2m in width and 13.5m in length. The eaves will be 3.5m from the ground and the ridge will be 5.3m.

The walls will be rendered panels with a sheet metal roof and a roller shutter door on the front elevation. A single pedestrian door will be installed in the side elevation.

Car parking will be retained within the yard with a total of 6 car parking spaces and 5 spaces for LGVs.

Drainage will remain as existing, with tanks to collect rainwater for use for vehicle washing and the excess running to the existing drains.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Cleator Moor Town Council

No response received.

The Coal Authority

The application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the application site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

More specifically, the Coal Authority's information indicates the site lies in an area of where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Coal Mining Risk Assessment report (4 December 2023, prepared by EnviroSolution Ltd). Based on a review of relevant sources of coal mining and geological information, the report concludes that there exists the potential for unrecorded mine workings to be present beneath the site at shallow depth, including those associated with past ironstone mining activity.

Accordingly, the report goes on to make appropriate recommendations for the carrying out of



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intrusive ground investigations, in the form of the drilling of boreholes, in order to co determine the depth of superficial deposits and to identify evidence of potential unrecorded coal mine workings present.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed and carried out by competent persons, in cognisance of the conclusions of the Coal Mining Risk Assessment report, and should be appropriate in terms of assessing the ground conditions at the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The report does not outline what measures may be required in the event that mine workings are encountered within influencing distance of the site surface. The results of the investigations should therefore be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

The report identifies the potential for unrecorded mine entries to be present within the site and recommends that vigilance should maintained during the earthworks stage of construction for any anomalous features. We take this opportunity to highlight that should a previously unrecorded mine entry be encountered during development, appropriate treatment of the feature will be required, in accordance with details permitted under a Coal Authority Permit.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent

person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team concurs with the recommendations of the Coal Mining Risk Assessment report; that mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. *No development shall commence (excluding the demolition of existing structures and site clearance) until;*
 - a) *a scheme of 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.
2. *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 is, or 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 intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs



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189 and 190 of the National Planning Policy Framework.

Should planning permission be granted for this proposal, we also request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for 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 permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Cumbria Highways and Local Lead Flood Authority

1st response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection in principle to the proposed development but would like the following point addressed.

As the proposal is to erect a new building and demolition the existing the LLFA would like to see full details of the surface water drainage system including sustainable drainage systems (SUDS), The LLFA requires the applicant to follow the drainage Hierarchy with details submitted to the Local Planning Authority for approval prior to development being commenced.

BRE 365 infiltration test or similar test results will need to be submitted if infiltration is the preferred drainage option for this site.

2nd response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference, Please see below previous comments and current status following additional details submitted to the Local planning Authority (LPA) in January 2024.

□ As the proposal is to erect a new building and demolition the existing the LLFA would like to see full details of the surface water drainage system including sustainable drainage systems (SUDS), The LLFA requires the applicant to follow the drainage Hierarchy with details submitted to the Local Planning Authority for approval prior to development being commenced.

BRE 365 infiltration test or similar test results will need to be submitted if infiltration is the preferred drainage option for this site.

Additional drainage details have been submitted to the LPA in January 2024 which meet the LLFA requirements requested above therefore the above point has been addressed.

With additional information submitted by the applicant I can now confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Environmental Health

Environmental Health has no objections in principle to this development though a concern have been highlighted within the submission.

Principally there is the potential presence of mine gas below the site that could be migrated by any groundworks.

Whilst there are no records of mine gas incidences at this site, both the Coal Mining Risk Assessment and the response from the Coal Authority note that “it is recommended that a detailed gas risk assessment is undertaken in accordance with relevant guidance” (p11, Coal Mining Risk Assessment, December 2023).

The close abundance of residential dwellings around the site effectively forces the Local Authority to take this risk into account.

Other than that, if the development does go ahead, any demolition / construction works should be carried out during the standard construction hours.

Accordingly, Environmental Health would request that the following conditions are imposed to any approval:

Mine Gas

No development shall commence until

- a. a scheme of detailed investigations has been carried out on site to establish the risks posed to the development and locality of the presence of mine gas and its migration and a report is submitted to and agreed in writing by the Local Planning Authority; and
- b. any remediation measures to address mine gas contamination are identified and implemented in full in order to ensure that the site and locality is made safe for the



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development proposed.

- c. A signed statement of declaration that the site has been made safe is prepared by a suitably qualified person and is submitted to and approved by the Local Planning Authority.

Reason: To ensure that risks from mine gas are understood and that risks are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Demolition / Construction Working Hours

Following approval of the development, demolition / construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: In the interests of the amenities of surrounding occupiers during the demolition and construction of the development.

United Utilities

1st Response

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice:

Requested Condition

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 5 l/s;
- (iii) (iii) Levels of the proposed drainage systems including proposed ground and finished

- floor levels in AOD;
- (iv) (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

2nd Response

Drainage

Following our review of the submitted drainage documents; Drainage information, Submitted January 2024 and Drainage Strategy Ref: 459 01003 Rev 01, Dated Feb 24, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. Infiltration testing has been reference, however no evidence of this has been submitted for assessment.

Furthermore, the drainage strategy does not include cover and invert levels or finished floor levels. Finally, there is no proposed attenuation or flow control device to restrict flows in order to provide betterment. We can no accept free flowing discharge into the public sewer network.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;



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- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Please note United Utilities cannot provide comment on an asset that is owned by a third party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United Utilities would not be involved in its discharge.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 10 properties.

No responses have been received as a result of this advertisements.

PLANNING POLICIES

Planning law requires 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 2013 -2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER4 – Land and Premises for Economic Development

Policy ER5 – Improving the Quality of Employment Space

Policy ER6 – Location of Employment

Policy ER11 – Developing Enterprise and Skills

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM3 – Safeguarding Employment Areas

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards



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Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

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 will close 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. Once 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.

The policies relevant to this application are as follows:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

Policy E7PU: Safeguarding of Employment Sites

Strategic Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

ASSESSMENT

Principle of the Development

Policies ST1, ST2, ER4 and ER6 of the CS and Policies E2PU and E7PU of the ELP are supportive of commercial development in this location. The site lies within the settlement boundary for Cleator Moor which is designated as a Key Service Centre within the adopted and Emerging Local Plan.

The site is currently utilised by a construction company with an existing storage building to be removed and a new one built on the space adjacent. The site is used for commercial purposes and has been for some time and the proposal will not materially change the existing situation.

On this basis, the principle of the development is considered to be acceptable.

Scale, Design and Amenity Impacts

Policy ST1 of the CS, DS1PU of the ELP and section 12 of the NPPF seek to promote high quality designs. Policy DM10 of the CS and DS6PU of the ELP seek to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site. These policies also ensure that any neighbouring properties are protected from any adverse amenity impacts.

The building fits neatly onto the site, with ample space remaining on the large plot. It is viewed in context with the existing buildings on the site and is of an appropriate scale and design for the site context. As the building will replace an existing storage building, there is unlikely to be a material change to the site or the surroundings.

The repositioning of the building further east in the site will increase the distance from the neighbouring properties on Crossfield Road and St John's Close. This is welcomed and no objections have been received.

On this basis, the proposal is unlikely to create any harm to the visual amenity or local landscape in compliance with policies ST1, DM10 and ENV5 of the Local Plan, DS1PU and DS6PU of the emerging local plan and Section 12 of the NPPF.

Parking and Access

Policy DM22 of the CS and CO7PU of the ELP seek to ensure that all new development includes sufficient access and parking.



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The proposal does not alter the existing access, egress or parking situation. No objections have been received from the Highways Team who considered there would not be a material effect on the existing highway conditions.

As a result of the above, the proposal is considered to accord with these policies within the CS and ELP.

Drainage

Policies ENV1 and DM24 of the CS and DS8PU and DS9PU seek to protect developments against risks of flooding.

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. The Application Site is not shown to be liable to surface water flooding.

It is proposed to utilise the existing drainage layout on the site, with rainwater tanks used to collect water which will be utilised for washing vehicles with the remainder entering the existing drains on the site. Despite the situation remaining materially the same, United Utilities requested full details of drainage prior to the commencement of the development as proof that the drainage hierarchy was being followed. Percolation test results have not been provided. A suitably worded planning condition is proposed to ensure that this information is provided and satisfied.

On this basis the proposal is considered to comply with Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP. A condition is proposed to ensure that the development is completed consistently with the submitted details.

Ground Conditions

The site lies within the development referral zone for coal, having previously been subject to potential coal workings. As a result, the application was accompanied by a Coal Mining Risk Assessment which concluded that:

The Coal Mining Risk Assessment submitted for the site at Crossfield Coal Yard in Cleator Moor has concluded that the potential risk associated with coal mining related issues are significant based on information from the Coal Authority and geological interpretation.

The principal risks to the development arise from:

- the potential presence of unrecorded shallow mine workings associated with ironstone seams of workable thickness that are expected to be present beneath the site area;
- unrecorded mine entries.

It is therefore recommended that further intrusive ground investigations are undertaken. These might include the drilling of up to 3 no. rotary probe borehole(s) to a minimum depth of 50m bgl, located close to the proposed development to determine the superficial thickness along with obtaining evidence of potential unrecorded coal mine workings.

	<p>Prior to the commencement of intrusive works, a Coal Authority Permit will be required for drilling activities, that will disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits). The scope of works for the investigation will need to be submitted and approved by the local authority prior to the commencement of the intrusive works.</p> <p>On consultation, The Coal Authority raised no objections to the proposed development, but requested planning conditions to ensure that intrusive investigations were undertaken, approved and mitigated and that a signed statement is submitted to clarify that the site has been made safe.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application relates to an existing commercial site which is currently in use as a builder's yard. The site lies within the settlement boundary for Cleator Moor which is designated as a Key Service Centre. The principle of development is therefore acceptable and this carries significant weight in the planning balance.</p> <p>The proposal will provide a new building to ensure the longevity of the business. This is a benefit that can be afforded moderate weight in the planning balance.</p> <p>Although the proposed building is large in scale, it will be moved further away from the existing residential properties than the existing building on site, reducing any amenity impact on the surrounding neighbours. This is afforded significant weight to the planning balance.</p> <p>Matters relating to ground conditions and drainage can be secured by planning conditions.</p> <p>Overall, the proposed development accords with the policies within the Copeland Local Plan, emerging local plan and NPPF and should be approved.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 2. 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: - Application Form, received 6th December 2023; Site Location Plan, scale 1:1250, drawing number 01001 01, received 6th December



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2023;
Block Plan, scale 1:500, drawing number 01002 01, received 6th December 2023;
Proposed Floor Plan, scale 1:50, drawing number 04001 01, received 6th December 2023;
Proposed Elevations, scale 1:100, drawing number 05001 01, received 6th December 2023;
Proposed Roof Plan, scale 1:50, drawing number 04002 01, received 6th December 2023;
Coal Mining Risk Assessment, written by envirosolution, received 6th December 2023;
Hierarchy of drainage, received 13th January 2024;
Drainage Plan, scale 1:500, drawing number 01003 01, received 15th February 2024.

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

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

4. No development shall commence (excluding the demolition of existing structures and site clearance) until;

a) a scheme of 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 must be carried out in accordance with authoritative UK guidance.

Reason

To ensure that there are no risks from historic mining operations and in accordance with Policy ST1 of the Copeland Local Plan.

Prior to Occupation Conditions

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

Reason

To ensure that there is no risk to public health from historic mining operations and in accordance with Policy ST1 of the Copeland Local Plan.



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6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:

(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Other Conditions

7. Demolition / construction activities that are audible at the site boundary shall be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason

In the interests of the amenities of surrounding occupiers during the demolition and construction of the development.

Informative Notes

1 - Ground Investigations and Groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for 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 permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - Shallow Coal Seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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.

Case Officer: Sarah Papaleo

Date : 25/03/2024

Authorising Officer: N.J. Hayhurst

Date : 27/03/2024

Dedicated responses to:- N/A