

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2184/0F1
2.	Proposed Development:	PROPOSED CHANGE OF USE FROM AGRICULTURAL LAND TO FORM ORGANIC GARDEN, SERVICE ACCESS TRACK, FORMATION OF RAISED BEDS, BIN STORE AND EV CHARGING POINT
3.	Location:	THE KEEKLE INN, 33 KEEKLE TERRACE, CLEATOR MOOR
4.	Parish:	Weddicar
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - 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: Site and Location This application relates to a parcel of land associated with The Keekle Inn, situated on Keekle Terrace, Cleator Moor. The site runs across the back of the gardens associated with Keekle Terrace stretched from the rear of 41 Keekle Terrace to the public house situated beyond at 34 Keekle Terrace. The site is accessed through a small gated access road to the north west of the Keekle Inn, which leads directly from Keekle Terrace. The land is currently in use as agriculture.	

Relevant Planning History

No previous applications on the site.

Proposal

The application seeks full planning permission to change the use of the land from agricultural land to form an organic garden, service access track and the formation of raised beds, a bin store and EV charging point. The development will be utilised in association with the operation of The Keekle Inn as a Public House/Restaurant.

The organic garden will include an orchard area with fruit trees, a vegetable garden for sustainable food production associated with the restaurant and the installation of some raised planters. The site will be bound with a hedgerow for screening.

Consultation Responses

Weddicar Parish Council

No response received.

Cumbria Highways and Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can 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

This application is a reduced in scale re-submission of a previous application. Environmental Health do not have any objections to this proposed development. Planners may wish to condition its hours of use and times of vehicle deliveries in order to protect local residential amenity.

Otherwise, some amendment to the food registration of the Keekle Inn may be required, and subsequent local authority food hygiene inspections would include the proposed food-related activities.

The following conditions may be considered:

- Hours of operation The use of the site shall not be carried out outside of the hours of (specify) to (specify) Monday to Saturday (or amend as appropriate). Reason: To safeguard the amenities of nearby residential occupiers.
- Deliveries to and from the site All deliveries to and from the site shall be between the hours of 08.00 – 18.00 Monday to Saturday (or amend as appropriate). Reason: To safeguard the



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amenities of nearby residential occupiers.

Ecologist

1st Response

The Council ecologist notes that the metric is incorrect. Of the two metrics received, the one labelled 'Keekle 4th June latest' is to be discarded due to it not reflecting the site. The other metric must be updated to reflect the gravel track (urban>sealed surface or unsealed surface if self-draining) and the orchard trees – both habitats are to be created. The SuDS are not identified on the drawing.

Despite the above, the ecologist advises that regarding ecology, this application may receive planning permission as it should be possible to achieve the 10% BNG on these plans. However, a 10% gain in biodiversity must be evidenced at the Discharge of Condition stage.

Suggested Planning Conditions

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

Small Mammals

All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of small mammals and should adopt the following precautionary method of works:

- All work must take place during daylight hours.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

Habitat Management and Monitoring Plan

No development hereby permitted shall commence until:

- a) A Habitat Management and Monitoring Plan (HMMP) in place for 30 years is submitted to

and accepted by the council,

b) At this stage off-site provision is not likely. However, if used, if not using a registered habitat bank, is to be secured through a Section 106 for a period of 30 years and is approved by the council in writing. If a registered habitat bank is to be used then proof of unit purchase/purchase certificate is to be submitted to the council in lieu of a Section 106,

c) Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved plans.

BNG Informative

The effect of paragraph 13 of 7A to the Town and Country Planning act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ('the biodiversity gain condition ') that development may not begin unless:

a) A Biodiversity Gain Plan has been submitted to the local planning authority, and

b) The local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be on which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for break of planning control.

2nd Response

Suggested Planning Conditions

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Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 11 no. properties.

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

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.

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.

Copeland Local Plan 2021 - 2039 (LP):

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

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy R5: Retail and service provision in rural areas

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy CO4: Sustainable Travel



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Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The key issues raised by this application relate to the principle of the development; scale, design impact of the development; impact on highway safety; flood risk and drainage; and impact on biodiversity and ecology.

Principle of the Development

The site is within Keekle which does not feature in the settlement hierarchy detailed within Policy DS1 of the Copeland Local Plan.

Policy DS2 lists the development that will be supported outside the settlement boundaries including:

- Dwellings that are well related to the settlement boundary, physically connected to an identified settlement and where the Council cannot demonstrate a 5 year land supply;
- Nuclear related developments;
- Renewable energy proposals, including wind farms;
- Essential infrastructure to support energy developments and other infrastructure;
- Appropriate rural developments such as agricultural, forestry, farm diversification or tourism proposals which are dependent on such a location.

The proposed garden land is proposed to be used in association with the existing public house and restaurant known as "The Keekle Inn". The proprietors wish to be more sustainable and self-sufficient, growing their own produce for use in the kitchen. The location adjacent to the rear of an existing terrace and to the rear of the pub allows for fresh produce to be tended to and gathered as needed and it is considered that the location is acceptable in this case. Planning conditions could be imposed to ensure that the site is only utilised in association with The Keekle Inn and that no commercial business is undertaken to provide an element of control.

The principle of development is therefore considered to comply with Policies DS1 and DS2 of the Copeland Local Plan.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhanced by: supporting proposals which enhance the value of Copeland's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value; ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage; and Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape. Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. This policy further states that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment¹⁰⁸ from the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5d: Urban Fringe. The Key Characteristics of the land comprise:

- Long term urban influences on agricultural land
- Recreation, large scale buildings and industrial estates are common
- Mining and opencast coal workings are found around Keekle and Moor Row
- Wooded valleys, restored woodland and some semiurbanised woodland provide interest.

The Guidelines for development include:

- When new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside. Reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features.
- Protect 'green' areas from sporadic and peripheral development. Support the retention and development of 'green gaps', green infrastructure and ecosystem services approaches in Local Development Frameworks where they would help maintain distinctive, undeveloped characteristics.
- Protect countryside areas from sporadic and peripheral development through the local plans.
- Careful siting of any new development in nonprominent locations.
- Strengthen undeveloped areas of land with mixed woodland and hedgerow planting and

restoration of natural landscape features.

- Encourage horse grazing and equestrian uses to respect field boundaries and field patterns. Stables and other facilities should be sited sensitively with appropriate landscape mitigation to prevent the erosion of the pastoral farmland character.
- Along major roads, develop schemes to improve visual awareness of the individual settlements, land uses and cultural landmarks.
- Conserve and maintain traditional farm buildings within their own setting.
- Reduce the impact of large scale new farm buildings by careful location so as not to dominate the traditional farm buildings on a plot adequate to accommodate circulation, storage and landscape proposals using a choice of sympathetic colours and non-reflective finishes.

The application site is located to the rear of the terrace of housing on Keekle Terrace and within an existing agricultural field. As the development is low impact – to be mostly planted with only a minimal amount of hard landscaping, it is considered that it will not have a significant detrimental impact on the character and appearance of the open countryside in this area and will be seen against a backdrop of existing terraced houses.

Additional landscaping is proposed to comply with BNG requirements and will be secured via relevant conditions. The site will be bound by a native hedgerow, and it is considered that this will screen the site and allow for a natural transition from urban to rural.

A condition is proposed to remove permitted development rights from the site to ensure inappropriate development is not introduced onto the site to retain the character of the land and surrounding area.

Based on the above the proposal is considered to comply with Policy N6 of the Copeland Local Plan and the guidance set out in the Cumbria Landscape Character Toolkit.

Scale, Design, and Impact of Development

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

The proposal is unlikely to have a significant detrimental impact on the occupiers of the properties on Keekle Terrace. The Application Site is located to the rear of the existing domestic garden areas and this will provide an appropriate separation distance. The nature of the use as a produce garden is also likely to be low key.

Whilst the proposal includes a bin store, this will be created from timber and is unlikely to have a significant impact on the overall character of the area. The proposed electric charging

point is modest in scale and is unlikely to create any adverse impact on amenity.

Planning conditions can be imposed to control the use of the land and also the addition of any additional structures by the removal of permitted development rights. This will ensure that it does not become cluttered with buildings or inappropriate fences.

Environmental Health raised no objections to the proposal but requested conditions to restrict the use of the site to suitable times of the day so as not to create a disturbance and to ensure that construction hours are in line with those usually permitted.

There have been no objections received to the proposal as a result of the consultation process.

On this basis, it is considered that the development would be in accordance with Policies DS4 of the Copeland Local Plan, and provisions of the NPPF.

Impact on Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.

Access to the site will be between 41 and 42 Keekle Terrace using an existing gated access road leading from Keekle Terrace. Whilst there may be some additional vehicle movements to the rear of the properties on Keekle Terrace, the ample rear gardens ensure that there is unlikely to be issues with headlight glare, or any adverse effects on the existing highway safety.

The Highways Authority raised no objections to the proposal, stating that there is unlikely to be a material effect on the existing situation.

The proposal is therefore considered to be compliant with the Policy CO4 and CO7 of the Copeland Local Plan, and provisions of the NPPF.

Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk

	of flooding and or, the development would increase the risk of flooding elsewhere. Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate. The application site is located within Flood Zone 1. The proposal comprises a less vulnerable use and is therefore a compatible use in Flood Zone 1. The use will be permeable – including areas of garden, orchard and a gravel self draining track. The Local Lead Flood Authority did not raise any objections to the proposal and consider that the development is unlikely to create any issues with flooding either on site or within the surrounding area. The proposal is considered to be compliant with the Policy DS6 and DS7 of the Copeland Local Plan, and provisions of the NPPF. <u>Impact on Ecology and Biodiversity</u> Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy. Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference. In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. The application is supported by a Biodiversity Net Gain Assessment. This assessment concludes that the existing low ecological value agricultural grassland will be replaced with improved habitat diversity and the planting of 69 metres of native species hedgerow. The Council's Ecologist has offered no objections to the application however she has requested conditions to secure the approval of the relevant Gain Plan and a Habitat Management and Monitoring Plan. Advice has also been given on the protection of breeding birds and small mammals which can be included as an informative. Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF. <u>Planning Balance and Conclusions</u>
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	The application site is located outside of any settlement boundary identified within the Copeland Local Plan. However, it is considered to be a suitable use for the rural setting with justification for the siting within the open countryside. The principle of the development is therefore considered to be acceptable in this location. No objections have been received from statutory or neighbouring consultees. It is considered that the proposal will not result in any significant adverse issues relating to neighbouring amenity, highway safety or site drainage. Conditions are proposed to ensure that further development cannot take place on the site without permission from the LPA, to tie the development to the Keekle Inn and ensure that the site is not used commercially. Enhancements in Biodiversity Net Gain can be secured by the Gain Plan condition and a Habitat Monitoring condition. On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions:</u> 1. The development hereby permitted must 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. This permission relates 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 10th June 2026; Block/Location Plan, scale 1:500, drawing number JP/1, received 10th June 2026; Proposed Site Plan, scale 1:200, drawing number JP/2, received 10th June 2026; Details of Raised Planters, Bin Storage and Electric Charging Cabinet, scales 1:25,



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1:50 and 1:10, received 10th June 2026;
Biodiversity Net Gain Assessment, received 10th June 2026;
Design and Access Statement, received 10th June 2026;
Habitat Management and Monitoring Plan (HMMP), received 23rd June 2026.

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.

Prior to Commencement of the Development Conditions:

3. Prior to the commencement of any development a Habitat Management and Monitoring Plan must be submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan must include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Prior to First Occupation Conditions

4. The development hereby approved must not be occupied until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 3 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Other Conditions:

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no detached buildings, enclosures, domestic fuel containers, pool or hardstandings must be constructed within this land other than those expressly authorised by this permission without the prior written approval of the Local Planning Authority. .

Reason

To safeguard the character and appearance of the development in the interests of visual amenity in accordance with DS4 and N6 of the Copeland Local Plan.

6. The site and organic garden hereby approved must be used in association with The Keekle Inn, Keekle Terrace, Cleator Moor only, and for no other commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area to safeguard amenity in accordance with Policy DS4 of the Copeland Local Plan.

7. Following approval of the development, 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

There must be no construction activities at any time on Sunday or Bank Holiday.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason



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In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with DS4 of the Copeland Local Plan.

Informative Notes:

Biodiversity Net Gain – Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

Coal Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Ecology

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within

	habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged. Small Mammals All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of small mammals and should adopt the following precautionary method of works: • All work must take place during daylight hours. • Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered. • All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand. • Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles. 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 : 30/07/2026
Authorising Officer: N.J. Hayhurst	Date : 07/08/2026
Dedicated responses to:- N/A	