

PROPOSAL: RELOCATION AND RETENTION OF EXISTING NO. 3 STORAGE CONTAINERS AND ADDITION OF A FURTHER 1NO. STORAGE CONTAINER IN A REVISED LOCATION ON THE APPLICATION SITE (REVISED DESCRIPTION 03/03/2022)

LOCATION: NORTHERN TEA MERCHANTS, 193 CHATSWORTH ROAD, CHESTERFIELD, DERBYSHIRE, S40 2BA

Committee Date: 14th March 2021

Ward: Holmebrook

1.0 CONSULTATION RESPONSES

Ward Members	No 1 x representations received – Cllr has no objection to the proposed development
Strategic Planning	Comments received in respect of the original consultation process in March 2020 and prior to adopting new Local Plan: The storage containers are ancillary to the primary existing retail use which is located within Chatsworth Road District Centre. The proposed development is considered to be in accordance in principle with the current and emerging development plan. Given the proximity of adjoining premises, attention should be paid to the impact of the proposed use on adjoining occupiers in accordance with policy CS18 (d), which states that “Development will be expected to...have an acceptable impact on the amenity of users and Neighbours”. Given the nature of the proposal, it may be appropriate to impose a condition limiting the permission to a temporary consent. (<i>Local Plan policy 2020: CLP20</i>)
Environmental Health	No representation received
Coal Authority	Application site is located within Defined High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining

features and hazards, specifically both actual and probable shallow coalmine workings. There is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

Local Highway Authority	No objection subject to adequate manoeuvring space being demonstrated and maintained clear of any obstruction to its designated use in order that the largest vehicles likely to visit the site can enter and exit in a forward gear.
Yorkshire Water Services	Objected to the original layout of the site as a result of the containers being sited over an access point to the public sewer which is below the application site however no comments have been received in respect of the revised layout to date.
Design Services	No objection to the proposed development
Conservation Officer	The Northern Tea Merchants is located within the Chatsworth Road Conservation Area. No objections to a further temporary consent.
Urban Design Officer	No representations received
Representations	No representations received

2.0 THE SITE

2.1 The premises, the subject of the application is currently the location of the business known at Northern Tea Merchants. The business has operated here since 1978, according to the company's website. The premises is finished in a red brick and presents as a three storey building to the public highway with a tea rooms at ground floor level. This is also a shop for the purchasing of the goods made on site.

- 2.2 The application site is located within the Chatsworth Conservation Area however this only extends to the rear elevation of the frontage of the premises and does not include the yard area located to the rear of the premises which is where the proposed containers are to be sited.
- 2.3 The area surrounding the application site is predominantly characterised by a mix of residential properties and commercial premises.

3.0 SITE HISTORY

- 3.1 CHE/0487/0218 – Permission for erection of office with fire escape route at 193 Chatsworth Road, Chesterfield for Northern Tea Merchants.
Conditional permission granted 19/06/1987
- 3.2 CHE/0289/0115 – Permission for extension to coffee roasting building for storage purposes at 193 Chatsworth Road, Chesterfield for Northern Tea Merchants
Conditional permission granted 20/04/1989
- 3.3 CHE/0991/0580 – Extension to coffee roasting building for storage purposes
Conditional permission granted 18/10/1991

4.0 THE PROPOSAL

- 4.1 The application proposes the retention of no. 2 existing storage containers at the application site however these are to be in a revised location from the existing siting. The existing containers are sited to the north east corner of the application site however the application seeks to move the containers to the north of the rear workshop building and to the south of the existing outbuilding.
- 4.2 The proposal seeks planning consent for no. 4 containers. One of the containers in the existing location is exempt from planning consent due to the number of years it has been sited at the application site. The application form indicates a second container was sited at the application site in October 2016 and a further container was added in June 2017 however these latest two additions are not immune from planning control due to the limited time they have been at the application site. In the revised location however, all three of these containers will need planning permission and the applicant is using this application to add an additional container to the service yard area which will result in 4no. units in total. It

should be noted however that if the containers were to be considered in the location that they are in now, one of them would not be able to be considered due to the years it has been sited at the application site and consideration would only be extended to the additional two containers since October 2016 and the proposed additional container.

- 4.3 In the revised location, the proposed containers will be double stacked; each container will have a footprint of 6.1 metres x 2.43 metres with a height of 2.6 metres. Therefore when stacked on top of each other, the overall height will be 5.2 metres. The overall footprint of the proposed containers will be 6.1 metres x 4.86 metres as the plan submitted indicates the containers will be abutting each other. The units were originally proposed to be grey in colour as a result of the location however owing to the revised location for the containers to be sited at, the applicant has indicated a preference for the containers to be green in accordance with the corporate colours of the retail business.
- 4.4 In addition to the relocation of the storage containers, the application proposes a 3 metre security palisade fenced to replace the existing chain link fencing. This fencing will extend the around the north, east and west boundaries of the application site. Security gates are also proposed to be added at the entrance to the yard area. This will reuse the existing gates from the compound area (where the containers are proposed to be located) and will create a secure service yard area for the premises.

5.0 PLANNING POLICY

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.
- 5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP6 Economic Growth (Strategic Policy)
CLP8 Vitality and Viability of Centres (Strategic Policy)
CLP9 Retail
CLP11 Infrastructure Delivery
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel
SS2 Chatsworth Road Corridor (Strategic Policy)

5.3 National Planning Policy Framework

Part 2. Achieving sustainable development
Part 4. Decision-making
Part 6. Building a strong, competitive economy
Part 7. Ensuring the vitality of town centres
Part 8. Promoting healthy and safe communities
Part 10. Supporting high quality communications
Part 11. Making effective use of land
Part 12. Achieving well-designed places
Part 13. Protecting Green Belt land
Part 14. Meeting the challenge of climate change, flooding and coastal change
Part 15. Conserving and enhancing the natural environment
Part 16. Conserving and enhancing the historic environment

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is within the defined Strategic Site 2 (Chatsworth Road) as well as being in a defined Small Town Centre and District Centre as defined by CLP8. In principle, SS2 indicates that “development proposals will be supported where they contribute towards a) the vitality and viability of Chatsworth Road district centre” and Local Plan policy CLP8 states that the “Council will support the role of the town, district, local services centres and local centres in providing shops and local services in safe accessible and sustainable locations”.

6.1.2 Having regard to the above noted policies, it is therefore considered the principle of the development is acceptable as the proposed development seeks to support an existing business within the defined district centre. This is subject to the proposed development according with other relevant policies of the Local Plan – namely CLP14, CLP20 and CLP21.

6.2 Design and Appearance of the Proposal

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 Overall, it is considered the proposed siting of the containers is acceptable and the containers are proposed to be green in colour. The yard area to the rear of the retail premises already has existing outbuildings that are commercial / industrial in nature. This is supported through the appearance and use of the existing buildings; the buildings are used in association with the business and are finished in grey breeze blocks with grey cladding. On this basis, it is considered the industrial appearance of the proposed storage containers is acceptable for the area. Whilst grey was originally proposed as the colour of the units, this was based on the original siting of them and as the applicant has amended the location, has revised the colour to be green. This is considered to be acceptable as the amended location will mean the containers are not visible from any public vantage point and therefore have limited impact on the visual amenity of the area. The applicant has requested green so that the containers are in-keeping with the corporate branding colour. The shade of green has not been specified however given the proposed containers are limited from public view, it is not considered appropriate to require the proposed RAL colour to be submitted.

6.2.3 Typically, the LPA would seek to support storage containers on a temporary basis as a short term (3 year) solution to bridge a gap for business storage / space solutions pending a more appropriate permanent re-development however the applicant has requested a 5 year temporary consent in this case. This typically would not be favoured however the applicant has discussed the reasoning for storage containers as they are secure, weather tight and rodent proof units that allow for a quick increase in storage space. As the nature of the business requires hygienic storage

solutions in order to fulfil the orders received, the appropriateness of the containers is understood. When asked if a purpose built brick storage unit would be appropriate, the agent indicated that a further secure storage solution would be required within any purpose built unit and therefore the storage containers are the most appropriate solution in this case. It is therefore considered a 5 year temporary consent will enable the applicant to address the storage solutions at the application site and / or find alternative solutions off site in the future. The five year temporary consent is therefore considered to support the business located in the district centre – in accordance with CLP6.

6.2.4 It is therefore considered that the proposal is appropriate to the existing building and its surroundings and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.3 Residential Amenity

6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

6.3.2 It is considered, on the basis of the revised location of the proposed containers, the proposal will have a limited impact on residential amenity for the neighbouring residential properties. The siting of the containers between the two existing buildings at the application site assists to mitigate the overall visual impact – especially for residential properties located to the north east and east of the application site. It is noted however there is a residential dwelling located to the south west of the application site. The height of the existing building adjacent to the north boundary of this property (No. 197 Chatsworth Road) is detailed to be 6.47 metres and therefore this will obscure the proposed double height containers (5.2 metres in height) from view. The impact to no. 197 Chatsworth Road is therefore considered to be limited.

6.3.3 It is noted that to the south west / west of the application site, there is a vacant parcel of land that is currently unallocated on the Local Plan Allocation Map. This land was formerly occupied by a chapel for which consent was granted in 2013 (under application code CHE/13/00763/DEM) to be demolished. The land appears, according to Google Street Maps, to have been used as opportunity car parking since. No planning applications have been submitted since the above referenced demolition application. Having regard to any potential future development of the site, it is

considered a permanent consent for the proposed containers is not appropriate at this stage. The site is currently unallocated and therefore could potentially be redeveloped for housing or commercial uses. On this basis, it is not considered appropriate to have a permanent consent for the siting of these storage containers; hence the reason a temporary consent is recommended.

6.3.4 On this basis and subject to the development according with a temporary consent, the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

6.4 Noise and nuisance

6.4.1 Local Plan policy CLP14 indicates that the “quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. Local Plan policy CLP20 also indicates that developments will have “an acceptable impact on the amenity of users and neighbours”. Whilst the Environmental Health department were consulted with in respect of this application, the EHO returned no comments.

6.4.2 It is considered however that as the proposed containers will be used for storage purposes only, there will be limited noise impacts as a result of the proposal. Furthermore, the proposed siting of the containers is a greater distance from the existing residential properties located to the north east / east.

6.4.3 On this basis, it is considered the proposed development accords with the provisions of CLP14 and CLP20.

6.5 Highway Safety

6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

6.5.2 The LHA were consulted in respect of this application and the following comments were received;

“No objection subject to adequate manoeuvring space being demonstrated and maintained clear of any obstruction to its designated use in order that the largest vehicles likely to visit the site can enter and exit in a forward gear.”

- 6.5.3 Whilst the comments received from the LHA are noted, it should be noted that the comments are received in respect of the originally proposed scheme which resulted in the containers being sited in the far north east corner of the application site. The LHA were invited to make comments in respect of the revised scheme (revised siting proposed 08/02/2022) however at the time of writing this report, comments had not been received.
- 6.5.4 The revised location of the containers (in between the two buildings on site, as shown in the proposed site plan PL03 Rev B). The proposed revised siting is not considered to impact the manoeuvrability within the application site owing to the proposed siting being restricted between two existing buildings and in fact the revised location of the containers would increase the turning space within in the application site and therefore this is considered to be more favourable in respect of the comments received from the LHA.
- 6.5.5 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.6 Biodiversity including trees and landscaping

- 6.6.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.6.2 The application has not been accompanied by details regarding how the development will result in a biodiversity enhancement at the application site. It is noted however that the proposed development is to be located on an area of the application site that is already hard surfaced and therefore the proposal will have a limited impact on biodiversity at the application site. It is therefore considered the development site will be able to demonstrate a biodiversity net gain as a result of the proposed

development.

This gain may be in the form of a bat or bird roosting box located on an appropriate elevation of the dwellinghouse. On this basis, it is considered appropriate to include a planning condition which requires a biodiversity net gain at the application site.

6.6.3 On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 Heritage

6.7.1 Local Plan policy CLP21 requires that the LPA give great weight to the significance of a designated heritage asset and the conservation of designated heritage assets and their setting. Criterion b) of Local Plan policy CLP21 also requires the LPA to protect the significance of Conservation Areas through the use of Conservation Area appraisals.

6.7.2 As a result of the application site, the application was consulted with the **Conservation Officer** who responded with the following comments; *“The Northern Tea Merchants is located within the Chatsworth Road Conservation Area. Development proposals in conservation areas should seek to respect or enhance their character and appearance.*

Clearly large industrial metal container units are not conducive to improving or enhancing the character or appearance of local conservation areas; however the storage units are located outside the conservation area boundary at the rear of a service yard away from public view, hence they have no visual impact on the surrounding street scene. On that basis I have no objections to a further temporary consent.”

6.7.3 It should be noted the comments from the Conservation Officer are based on the previous proposed location of the containers and whilst the Conservation Officer was invited to make comments on the revised location, the Officer indicated previous comments remained valid. This is accepted however the revised location of the proposed containers is considered to be more obscured from public vantage points. Furthermore, the rear yard of the application site and therefore the proposed siting of the containers does not fall within the defined Chatsworth Road Conservation Area and therefore the development proposed does not impact on the

Conservation Area. Furthermore, the proposed relocating of the containers to the rear of the main building at the application site does mitigate their impact from the public vantage point of the Conservation Area.

- 6.7.4 On the basis of the comments above and the consideration that the proposed container units will not be within the conservation area, or visible from public vantage points within the conservation area, the proposed units are considered to address a need which seeks to support a business located within Strategic Site 2 and a defined centre as noted in CLP6 and CLP8. On this basis, any potential harm to the defined Conservation Area is considered to be minimal and the proposal therefore accords with the provisions of CLP21.

6.8 Ground conditions and contamination

- 6.8.1 Having regard to the requirements of Local Plan policy CLP14, the **Coal Authority** were consulted with in respect of ground conditions at the application site. The **Environmental Health** department were consult with in respect of contamination however no comments were received in respect of this development. The comments received from the **Coal Authority** are detailed below;

- 6.8.2 *“The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, specifically both actual and probable shallow coalmine workings. However, having considered the proposals in detail, I can confirm that the nature of development is listed as exempt from Version 6, January 2021 of the Coal Authority’s Guidance for Local Planning Authorities.*

Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

The Coal Authority Recommendation to the LPA

Notwithstanding the above, and the interests of public safety the Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice:

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 at the surface or shallow depth. These hazards can include:

mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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, 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any 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

6.8.3 On the basis of the comments received from the Coal Authority it is considered appropriate to impose the recommended informative on any decision granted however as the proposed development is exempt from development requiring a risk based approach and therefore no planning

conditions are recommended. It is therefore considered the proposed development satisfies the requirements of CLP14 when having regard to ground conditions and contamination.

6.9 Developer contributions

6.9.1 This LPA adopted the Community Infrastructure Levy in April 2016 for residential and retail premises that proposed extensions that increase the floor space by 100 square metres or more. As such, the comments received from the Strategic Planning Officer who made comment on the application are provided below'

6.9.2 *"In the apparent absence of clear guidance on the application of the CIL Regulations in circumstances such as those arising from the current proposal, my interpretation of the CIL position is that, given that the proposed floorspace is ancillary storage space to the primary existing retail use, the proposal would not be CIL-liable and therefore there would be no CIL charge associated with this development."*

6.9.3 On the basis of the comments received therefore, the LPA will not be seeking a CIL contribution in respect of the development proposed.

6.10 Flooding and drainage

6.10.1 Local Plan policy CLP13 requires all development proposed to mitigate the flood risk, commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. In accordance with the requirements of CLP13, the application was consulted with the Council's **Design Services** team and **Yorkshire Water Services**.

6.10.2 The **Design Services** team returned no objection to the proposed development in respect of the revised layout as well as the initially proposed location for the containers. In respect of the comments received from **Yorkshire Water Services** on 20/03/2020, YWS objected to the proposed scheme as a result of the containers being sited over access points of a public sewer which crosses the application site. Owing to the siting of the containers impacting the access to the public sewer, YWS objected to the scheme put forward. YWS have been reconsulted in respect of the revised layout of the site and to date, no comments have been received. Should any correspondence be received between this

report being published and the planning committee being held, comments will be read out at the planning committee.

6.10.3 The revised layout of the site is proposed as a result of a site study however and it therefore believed the agent for this application will have been mindful of the access to the sewer when proposing a revised location. For this reason, it is considered the application is in accordance with the requirements of CLP13.

7.0 REPRESENTATIONS

7.1 The standard period of consultation has been carried out for this application and where as the presence of the containers was initially drawn to the Councils attention by a local resident, no representations have been received as a result.

8.0 HUMAN RIGHTS ACT 1998

8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be

‘sustainable development’ to which the presumption in favour of the development applies.

- 9.2 The Local Planning Authority has during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to siting of the proposed containers in order to achieve a positive outcome for the application.

10.0 CONCLUSION

- 10.1 Overall the proposal is considered to be acceptable in accordance with policies CLP6, CLP14, CLP20 and CLP21 of the Local Plan. The proposed development, in its revised location, is considered to be located so as to minimise visibility from public vantage points and will not impact on the maneuverability within the application site. The issuing of a temporary 5 year consent is considered to be appropriate to protect any future development on the vacant parcel of land to the south west / west of the application site as well as permitting the applicant time to source alternative solutions that are more suited to the business for a long term scale.

11.0 RECOMMENDATION

- 11.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

11.2 Conditions

1. The development hereby permitted shall be removed and the land restored to its former condition on or before 14th March 2027.

Reason – A permanent consent is considered inappropriate for the area as a result of the vacant land to the south west / west of the application site and the containers are to provide a storage solution whilst alternative solutions are sought.

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Proposed site location – drawing no. PL03 Rev B – 1:200 @ A3 – dated 02/22

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. Within 3 months of the date of this decision, a scheme for biodiversity and ecological enhancement measures shall be installed/ integrated into the development site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework.

11.3 Informative Notes

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to siting of the proposed containers in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. 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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures

required (for example the need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: 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, 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any 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

4. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.