

Case Officer: E Casper  
Report Date: 6<sup>th</sup> February 2019

Application No: CHE/18/00841/FUL  
Committee Date: 18<sup>th</sup> February 2019

## **ITEM 2**

### **PROPOSED DEMOLITION OF DETACHED GARAGE AND ERECTION OF A REPLACEMENT ANNEXE FOR DEPENDENT RELATIVE (REVISED PLANS RECIEVED 28.01.2019 AND AMENDED PLANS RECEIVED 01.02.2019 AND 06.02.2019) AT 19 SPRINGFIELD AVENUE, CHESTERFIELD, DERBYSHIRE, S40 1DJ FOR MR MALCOLM BRAMLEY**

Local Plan: Unallocated  
Ward: Holmebrook

#### **1.0 CONSULTATIONS**

DCC Highways	Comments – see report
Ward Members	Request from Councillor S. Brunt for application to be considered by Planning Committee
Design Services Drainage	No objection – see report
The Coal Authority	No comments received – Informative note
Neighbours	Representations received from 3 neighbours (5 letters in total)

#### **2.0 THE SITE**

- 2.1 The site subject of this application is situated on the north side of Springfield Avenue and consists of a detached 1.5 storey bungalow with a relatively large garden (measuring approximately 21m in length). The host dwelling occupies an elevated position with respect to the rear garden and the site slopes gradually towards the northern boundary.
- 2.2 The existing bungalow is faced in render with white u-PVC windows. The site is served by off-street driveway parking for four/five vehicles in line and an existing detached brick garage is situated in the northern corner of the site. The application site is located in an area which is

predominately formed of residential dwellings and the surrounding streetscene is mixed in character.

### **3.0 APPLICATION SITE PLANNING HISTORY**

3.1 No planning history

### **SURROUNDING SITE HISTORY**

3.2 CHE/0294/0114 - Outline application for residential development at Land to Rear of Chesterfield Miners Welfare, Shaftesbury Avenue – **CONDITIONAL PERMISSION (30.09.1994)**

3.3 CHE/1095/0513 - Residential development of 19 houses at Land to the Rear of Shaftesbury Avenue - **CONDITIONAL PERMISSION (15.12.1995)**

### **4.0 THE PROPOSAL**

4.1 The application proposes the demolition of the existing detached garage and the erection of a single storey detached building to create a self-contained annex. The existing detached garage measures 3.65m x 6.1m in footprint and measures a maximum of 2.5m in height and which is positioned 1.2 metres from the rear (northern) boundary at its closest point.

4.2 Revised plans show the proposed development situated a minimum of 1.9m away from the rear (northern) boundary at its closest point and 0.5m from the western boundary. The proposal is formed of a dual pitched roof with shallow pitch roof, measuring 2.55m to the eaves and 3.58m to the ridge. The footprint of the building measures 6.5m x 6.85m overall. Internally the proposal incorporates a bathroom, bedroom and living space.

### **5.0 CONSIDERATIONS**

#### **5.1 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 saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

## 5.2 **Chesterfield Local Plan: Core Strategy 2011 - 2031 ('Core Strategy')**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS18 Design

## 5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)
- SPD 'Successful Places' (adopted July 2013)

## 5.4 **Key Issues**

- Principle of development;
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;

## 5.5 **Principle of Development**

5.5.1 The application site is positioned within a residential area wherein the principle of development, in particular works to a domestic property, is considered to be generally acceptable subject to policies CS2 and CS18 of the Core Strategy, as well as the wider objectives of the NPPF.

## 5.6 **Design and Appearance of the Proposal**

5.6.1 Core Strategy Policy CS18 states that *'all development should 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.'*

5.6.2 The proposed single storey building consists of a dual pitched roof, with gable ends to the east and west elevations. The design of the proposal is considered to reflect the character and appearance of the host dwelling. Revised plans alter the pitch of the roof to reduce the

overall ridge height of the structure. The proposal measures 2.55m to the eaves and a maximum of 3.58m in height overall. The overall height of the building is approximately 1.08m greater than the existing detached garage.

5.6.3 The proposal incorporates two obscurely glazed roof lights in the north (rear) roof plane and two non-obscurely glazed roof lights in the south roof plane. Bi-fold doors and a single upvc window are proposed in the south elevation of the building, facing towards the main dwellinghouse. A single upvc window is proposed in the east elevation facing the garden.

5.6.4 The host dwelling is served by a relatively large garden (approximately 13m x 21m in area) and it is considered that the site can accommodate an outbuilding without adversely impacting the private amenity space of the occupants. Observation of the wider streetscene shows a number of large detached outbuildings (see image below) therefore, development of this scale is not considered to be out of character for the area.



*Application site outlined (approximately) in red for illustrative purposes only*

5.6.5 The application form and associated plans state that the proposal will be faced in render. This is considered to match the materials of host dwelling and is considered to be acceptable.

5.6.6 Having regard to the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will

therefore accord with the design provisions of policy CS18 of the Core Strategy.

## **5.7 Impact on Neighbouring Residential Amenity**

5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*.

5.7.2 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*

5.7.3 The application site is adjoined by No 17 Springfield Avenue to the east/south east and No 21 Springfield Avenue to the north/north west. The rear garden of the site is bound by Nos 11 and 15 Linden Park Grove to the north. Nos 18, 20 and 22 Springfield Avenue face the application site to the south, situated on the opposite side of Springfield Avenue highway.

5.7.4 The proposed development is situated in the northern corner of the site, therefore it is considered necessary to consider potential impacts arising as a result of the proposal on Nos 11 and 15 Linden Park Grove (see below).

### **Impact on No 11 and No 15 Linden Park Grove**

5.7.5 Nos 11 and 15 Linden Park Grove are two storey detached dwellings situated to the north of the application site. The dwellings are thought to have been constructed around the late 1990s as part of an infill development (see applications CHE/0294/0114 and CHE/1095/0513). No 15 has a conservatory structure adjoining the southern elevation of the dwelling. The rear gardens of both properties are set at a lower level than the rear garden of the application site with No 19 Springfield Avenue dwellinghouse occupying an elevated position (see photograph below).

5.7.6 The existing detached garage is situated approximately 1.2m from the northern boundary (at the closet point) and the north elevation measures 2.5m in height overall. The applicant/agent submitted revised plans in response to concerns raised by the adjoining

neighbours. The revised plans propose moving the building further south to approximately 1.9m from the shared boundary (at the closest point) and altering the pitch of the roof to reduce the ridge height. Revised plans show a shallow roof pitch (of approximately 17 degrees) with a ridge height of 3.58m overall. The ridge of the building is located approximately 5.1m from the shared boundary (taken from the closest point in the northern corner) with the roof sloping away from the northern boundary.



*Photograph taken from the rear garden of No 11 facing south/south east towards the application site*

- 5.7.7 Due to the orientation of the proposal with respect to the rear gardens of Nos 11 and 15 it is acknowledged that the mass of the roof will result in a degree of overshadowing. It is accepted that the revised drawings reduce the proposed ridge height by a relatively modest 0.32m and as a result the ridge of the roof is approximately 1.08m above the height of the existing garage. It is considered that the reduction in height in conjunction with the shallow pitched roof will lessen overshadowing impact on the neighbours.
- 5.7.8 It is considered necessary to note that under permitted development legislation a householder can build single storey outbuildings with a

maximum of 2.5m in height (within 2m of the boundary), when situated more than 2m from a boundary an outbuilding can measure 2.5m to the eaves and a maximum height 4m (subject to other stipulations and conditions). Taking into account permitted development legislation as a 'fall-back position', the scale of the proposal is considered to be acceptable and potential adverse impacts of overshadowing are not considered to be significant enough to warrant a refusal due to the single storey nature of the building.

- 5.7.9 No windows are proposed in the rear (north) elevations of the building facing towards Nos 11 and 15 Linden Park Grove. Two high level roof lights are proposed with the north roof plane, the revised drawings show the windows to be installed obscurely glazed, therefore potential adverse impacts of overlooking arising as a result are considered to be negligible.

### **Impact on all other boundary sharing neighbours**

- 5.7.10 Due to the siting and orientation of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the other boundary sharing neighbours.
- 5.7.11 Having consideration for the observations above, on balance the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

## **5.8 Highways Safety and Parking Provision**

- 5.8.1 The Local Highways Authority Derbyshire County Council (DCC) Highways Team were consulted on the proposal and provide the following comments; *'No objection subject to applicant demonstrating and maintaining adequate off-street parking space clear of any obstruction to its designated use and proposed development remaining private and ancillary to existing dwelling, occupied by close family relative only, with no future sub-letting or selling-off'*
- 5.8.2 **Officer Comments –The comments from the Highways Officer have been noted. The application site is served by driveway parking for four/five vehicles. The Local Planning Authority can only consider sufficient parking provision to satisfy the**

development subject of this application and the existing host dwellinghouse is not subject to formal restrictions. The application proposes the creation of one additional bedroom therefore the Local Planning Authority need to be satisfied that the application site can accommodate one parking space. In this instance it is considered that the site can comfortably provide one parking space.

## **6.0 REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters sent to 7 boundary sharing neighbours on 07.01.2019. On receipt of revised plans neighbours were re-consulted on 29.01.2019. As a result of the neighbour notification process 5 letters of representation have been received from 3 adjoining neighbours and are summarised below;

6.2 11 Linden Park Grove (letter 1)

### ***Overbearing / Out of character / Out of scale***

*The size of the proposed development is excessive when compared with the surrounding outbuildings, garages and sheds. Other outbuildings along the row of garden boundaries do not exceed a height of 2.5m.*

*A proposed pitched roof height of 3.9m is unnecessarily excessive and is not 'in-keeping' with the surroundings.*

*The location is at the lower end of the sloping ground away from the main residence therefore conversely the proposed development is at the top of the sloping ground away from our property resulting in a further increase of the roof height when measured from our property.*

### ***Over development of the site***

*This site has been extensively developed during the last six months, with expansion from 2 to 4 bedrooms. The proposed "annexe" which is effectively the addition of a one-bedroom bungalow would increase the accommodation on the site to five double bedrooms with sleeping facilities for at least 10 people when compared to the 4 people accommodated at the original property that occupied the site. Such a substantial increase (250%) on the existing plot could result in potentially 10 adults living at the property which inevitably would result in a significant increase in the number of vehicles with an associated increase in the noise from the rear of the property.*

### ***Visual impact***

*The increased size of the proposed one-bedroom bungalow in comparison to the existing detached garage would adversely affect the*

*open aspect of the neighbourhood due to the 'garden grabbing' that is involved in substantially extending the footprint of the existing building. A proposed pitched roof height of 3.9m extended along an overall width of 6.86m is a substantial roof to be located at the boundary of our property. The nature of the sloping ground at which our property sits at the lower end of, effectively increases the overall height of the proposed building creating an adverse visual impact for all the windows and doors, including the bedrooms, on the rear of our property.*

#### **Over shadowing**

*The orientation of the garden of our property is south facing therefore the sunlight is in the direction of the proposed development. By increasing the height from the levels of the exiting garage by 1.5m as proposed, it is likely that the windows and doors on the ground floor of our property will lose the natural sunlight.*

*The proposed building would severely restrict any opportunity for our property to be extended or developed in a similar way to the neighbouring properties in compliance with current planning restrictions.*

#### **Loss of Privacy**

*In some of the plans for the development, although not all, Velux windows are shown on the rear of the roof in the direction of our property. The excessive height and pitch of the proposed roof would cause the rear Velux windows to look directly at the bedroom windows of our property. As the sunlight is at the front of the proposed building and there are several glass windows and doors planned at the front, the rear roof windows would appear to be ineffective regarding the provision of light in to the building.*

6.3

11 Linden Park Grove (letter 2)

#### **Correspondence between the Case Officer and the Applicant following the site visit**

*1. The Planning Case Officer stated to the Applicant regarding the proposed height (which is our main objection), "I think to mitigate impacts on neighbours, **the ridge should be reduced as much as possible** by altering the pitch of the roof or **introducing a flat roof**" We are pleased to see that the Case Officer has acknowledged that the proposed development 'impacts on the neighbours' however, the plans that have submitted do not address the request that the Officer made to the Applicant. A proposed reduction in the overall height of the development by 32cm (12.5 inches) coupled with moving the building forward by 750mm forward (29.5 inches) does not constitute 'reducing the ridge by as much as possible or introducing a flat roof'.*

*We propose that a further set of revised drawings are submitted that comply with the Officer's request to include either a flat roof (like the existing garage that is being replaced) or a roof that has the minimum pitch that is possible.*

*2. The Case Officer stated to the Applicant regarding the proposed roof lights (Velux windows), "I wondered if four lights were **essential** to the development and whether two roof lights (in the south plane) would be an acceptable compromise?"*

*The Applicant's reply does not answer the Officer's question or provide any evidence as to whether the four lights are 'essential' to the development. The revised plans include a reference to obscure glass for the Velux windows in the south roof plane (rear) which is in the direction of our property. Unfortunately for the second time, the plans for the Velux Windows are inaccurate and unclear with two of the submitted drawings showing the rear windows in different positions. If the rear Velux Windows have been reconsidered by the Applicant as requested by the Officer, why are we being asked to comment on inaccurate drawings again? We would suggest that by submitting a second set of inaccurate drawings the Applicant is demonstrating that the rear windows have not received the serious consideration requested and are therefore not an 'essential' part of this development.*

***Overbearing / Out of character / Out of scale***

*A proposed reduced pitched roof height of 3.58m is still unnecessarily excessive and consequently it is not 'in-keeping' with the surroundings of this site.*

***Visual impact***

*A proposed pitched roof height of 3.58m extended along an overall width of 6.86m is a substantial roof to be located at the boundary of our property.*

***Over shadowing***

*By increasing the height from the levels of the existing garage by over 1.2m as proposed, it is likely that the windows and doors on the ground floor of our property will lose the natural sunlight.*

***Loss of Privacy***

*In the revised plans for the development, Velux windows are shown on the rear of the roof in the direction of our property. It is not possible to determine the exact position of the rear Velux Windows as again the drawings are inaccurate and appear to show the windows in different locations on different drawings.*

6.4 15 Linden Park Grove (letter 1)

***Visual impact:***

*The increased size of the one bedroom annexe in comparison to the existing garage would affect the neighbourhood due to the extending of the existing building. A pitched roof of 3.90 metres extended along an overall width of 6.86metres is a substantial roof located at the boundary of my property which will be a visual impact for all my windows and doors also my conservatory which is only 8.5 metres away from the boundary and will be affected by the height of the roof.*

*Loss of privacy:*

*The excessive height and pitch of the roof with the velux windows which are in the direction of our property and would look directly at our house. There is sunlight to the front of the proposed building so rear Windows's wouldn't be of any benefit.*

*Over shadowing:*

*The orientation of the garden of our property is south facing so the sunlight is in the direction of the proposed development. By increasing the height by 1.5 metres from the existing garage it is likely that the windows and the conservatory mainly the conservatory which is only 8.5 metres will loose natural sunlight.*

*Overbearing / out of character / out of scale:*

*Other out buildings along the row of garden boundaries do not exceed 2.5 metres in height this includes the existing garage, therefore a height of 3.90 metres is not in keeping of surroundings of this site.*

*Over development of site: This site has been developed over the past year and has been expanded from a two bedroom to now a four double bedroom bungalow. The proposed annexe will have a further double bedroom making 5 double bedrooms on the site. The increase will make a significant increase in vehicles using the property.*

## 6.5 15 Linden Park Grove (letter 2)

*A copy of the correspondence between the officer and the applicant has been received.*

- 1. Our objection is height of the roof. The planning officer stated " i think to mitigate impacts on neighbours the ridge should be reduced as much as possible or introducing a flat roof. A proposed reduction of 32cm in the overall height and moving forward the building 750mm does not constitute " reducing the ridge as much as possible or introducing a flat roof". We are pleased the planning case officer acknowledge that proposed development " impacts on the neighbours" and propose a further set of revised drawings be submitted that include a flat roof (like existing garage )or roof with minimum pitch as possible.*
- 2. the planning case officer stated to the planning applicant regarding the roof lights (velux windows). I wondered if four roof lights were*

*essential to the development. The applicants reply does not answer whether four lights are essential. The revised plan includes a reference to the obscure glass in the south plane (rear) which is in the direction of our property and not whether they were essential. For the second time the plans for the velux windows are in a different position making it unclear as where the rear windows will be therefore not an essential part of this development.*

6.6

17 Springfield Avenue

*Further to your letter of 29th January I would like to OBJECT to the grant of planning permission for the above development for the following reasons:*

- The proposed annex is beyond the existing building line and will be visually intrusive externally*
- There is not sufficient parking within the property and certainly not on Springfield Avenue to service this annex together with the earlier increase to bed space of the main property*
- It is unclear why a "dependent relative" annex is required as the property is currently for sale. How can guarantees be given that the annex would only be used by dependent relatives of the owners of the main property in the future? Should ownership of the two dwelling houses be split this will further exacerbate traffic problems mentioned above and further put pressure on services etc.*
- There has been a considerable amount of upheaval associated with the development of this property over the last twelve months and should this current development be permitted this will lead to yet more disturbance including the potential of continued contractor's temporary lodging on site which will not be acceptable to other residents of the area.*

6.7

**Officer comments in response to the main points raised, see below.**

- Overdevelopment/out of character/out of scale/impact on building line – The existing dwellinghouse is served by a relatively large garden, as such the proposal is not considered to be disproportionate. Viewed in the context of the existing garage and wider observation of the streetscene, the scale of the proposal is considered to be acceptable. Works to the host dwelling have recently been undertaken to create additional rooms in the roof space under permitted development. Planning permission was not required for these works therefore this cannot be taken into**

account in the assessment of this application which must be judged on its own merits.

- **Overbearing/visual impact/overshadowing – Revised plans submitted show a small decrease in ridge height of the proposal by altering the pitch of the roof. The dual pitched nature of the proposal means the roof slopes away from the shared boundary with the properties on Linden Park Grove and the design of the proposal reflects the host dwelling. The ridge of the proposal is 1.08m above the existing garage and the shallow pitch roof is considered to lessen the overall mass of the proposal, mitigating significant adverse impacts on the adjoining neighbours. The proposal has been moved away from the rear (north) boundary and in conjunction with the reduction in ridge height, potential adverse impacts of overshadowing are not considered to be significant enough to warrant a refusal.**
- **Loss of privacy/overlooking – No windows are proposed in the rear (north) elevation of the building and two high level roof lights are shown in the north roof plane. Whilst an outlook of neighbouring properties from these windows would not be possible, revised plans show these windows to be obscurely glazed therefore potential adverse impacts of overlooking are considered to be negligible.**
- **Correspondence between Agent and Case Officer – The Case Officer made recommendations to the Agent regarding potential alterations which would lessen impacts on the neighbours. The Case Officer is of the opinion that the proposed revised scheme is acceptable and the proposal is not considered to result in significant adverse impacts on the amenity of the adjoining occupiers which would warrant a refusal.**
- **Accuracy of plans – The Case Officer highlighted the elevational error with regards to the position of the roof lights and this was amended by the Planning Agent.**
- **Dependent relative annex – the proposal states that the application is for self-contained annex for a dependent relative. It is therefore recommended that a condition be attached to the decision restricting the use. Future occupiers of the property would also be required to comply with the condition which would prevent the building being used as a separate dwelling. The conditions requires self-contained annexes to be *‘Only be occupied by persons with a familial link or demonstrable relationship to the occupants***

*of the main dwelling; not be identified or addressed as a separate postal address; not be occupied in the event the main dwelling is unoccupied; and not be occupied under any form of contract'*

- Disruption and disturbance building works – disruption during the construction period is classified as a 'non-material' planning consideration and cannot be given any weight in the determination of a planning application
- Parking – see section 5.8.

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

## **8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal

with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

- 8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

## **9.0 CONCLUSION**

- 9.1 Overall the proposal is acceptable in design and appearance. It is not considered that that the proposal would result in an unacceptable impact on neighbouring properties in terms of overshadowing and overlooking. The proposal would not compromise existing parking arrangements or highway safety. Therefore, the proposal complies with CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## **10.0 RECOMMENDATION**

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

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

***Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004***

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below), with the exception of any approved non material amendment.
  - 'Proposed elevations' Revision A Sheet 1 (received 01.02.2019)
  - 'Proposed layout' Revision A Sheet 1 (received 06.02.2019)
  - 'Proposed floor layout' Revision A Sheet 1 (received 28.01.2019)

***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. The self-contained accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on the application site, presently known as 19 Springfield Avenue in that it shall: -
  - Only be occupied by persons with a familial link or demonstrable relationship to the occupants of the main dwelling;
  - Not be identified or addressed as a separate postal address;
  - Not be occupied in the event the main dwelling is unoccupied;
  - Not be occupied under any form of contract.

***Reason*** - *The provision of an independent unit of living accommodation would not safeguard a sufficient degree of residential amenity for the occupants of either the existing dwelling or the proposed accommodation*

### **Informative Notes**

1. 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.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and

engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

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

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

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](http://www.gov.uk/government/organisations/the-coal-authority)