

## ITEM 1

**PROPOSAL: CHANGE OF USE OF AND ALTERATIONS TO BUILDING FOR CONVERSION TO DWELLING (REVISED LOCATION PLAN RECEIVED 22.02.2023 WITH NEW RED LINE BOUNDARY)**

**LOCATION: 99 FOLJAMBE ROAD, CHESTERFIELD, DERBYSHIRE, S40 1NJ FOR G SPENCER**

Local Plan: Unallocated, within the built up area

Ward: Brockwell

### **1.0 CONSULTATIONS**

Ward Members No comments received

Local Highways Authority no highway objections – see report

Design Services Drainage Comments received – see report.

Strategic Planning Comments received - see report.

Yorkshire water No comments received

Environmental health No objection in principle. Condition recommended covering working hours condition

Representations One letter of objection received, concerns raised regarding impact on parking

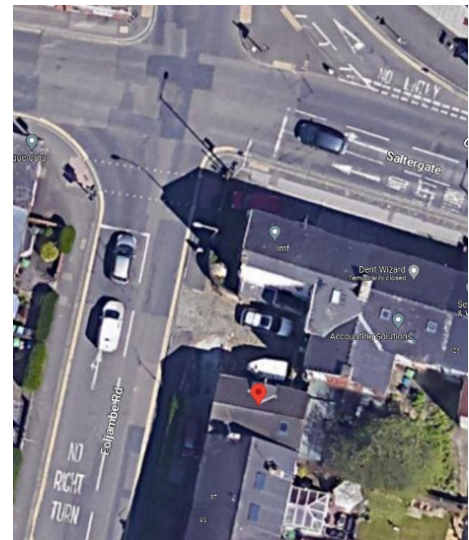
### **2.0 THE SITE**

2.1 The site subject of this application is a two storey red brick end of terrace, thought to be circa late 19<sup>th</sup> century/early 20<sup>th</sup> century. The main window openings face into a cobbled courtyard and the rear elevation of No 130/130A/130B Saltergate. The building directly adjoins No 97 Foljambe Road, a residential dwelling situated to the south of the site.

- 2.2 The red line boundary was altered during the application process to ensure it extended to the public highway, including serving notice on the relevant landowner.
- 2.3 The site appears to have been a former commercial premises with advertising signs remaining on the external elevations of the building. Historical imagery suggests that the building has been vacant for a number of years with the windows/doors boarded up since November 2020. The building is located within the town centre conservation area, contributing to the distinctiveness and character of the locality.
- 2.4 The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Extract of submitted location plan ©



Aerial photograph taken from Google maps ©

### 3.0 **SITE HISTORY**

- 3.1 CHE/10/00418/COU - Change of use of building to dwelling and internal alterations – REFUSED (27.09.2010)

#### Reasons for refusal

*‘The proposal is considered to fail to achieve a high quality living environment and an adequate level of residential amenity for future residents, with low levels of privacy, outlook and daylight to its internal accommodation and amenity space as a consequence of:*

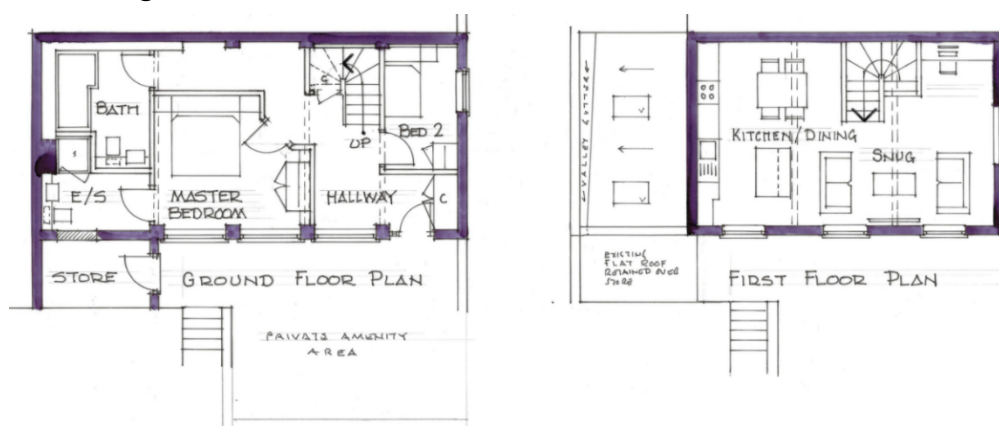
- i. *The proposed principle aspect being predominantly north facing, onto a three storey building in close proximity, the neighbouring buildings massing and height dominating the outlook from the proposed dwelling.*

- ii. *The single aspect design and presence of a three storey building and two storey building in close proximity to the north and east of the proposed dwellings principle aspect, significantly limiting daylight and sunlight to the proposed dwelling.*
- iii. *The height and massing of surrounding buildings and boundary treatments significantly limiting the degree of daylight, sunlight and outlook from the curtilage of the building.*
- iv. *The amenity space within the curtilage of the proposed dwelling and its principle elevation is overlooked by several windows on adjoining neighbouring buildings.*
- v. *The amenity space within the curtilage of the proposed dwelling adjoins a shared pedestrian access to the rear of 130 Saltergate, affording a low level of privacy to the amenity space and principle elevation of the proposed dwelling.*

*Consequently it is considered that the proposal would not accord with policy HSN5 of the Replacement Chesterfield Borough Local Plan.'*

## **4.0 THE PROPOSAL**

4.1 The application proposes the change of use of the building to form a two bedroom residential dwelling. The overall gross internal floorspace of the dwelling has an internal footprint of 86.5sqm. The internal layout comprises of two bedrooms at ground floor with a shared bathroom and one en-suite, at first floor the scheme will create an open plan kitchen/dining/snug space. The development will utilise existing window openings and involves the installation of four roof lights.



Proposed floorplan



Proposed elevations

4.3 The proposal will include a small area of amenity space within the courtyard. No parking is proposed as part of the scheme.

## 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 Chesterfield Borough Local Plan 2018 – 2035.

5.1.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### 5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP3 Flexibility in Delivery of Housing
- CLP6 Economic Growth
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

## **Supplementary Planning Documents**

- Successful Places

### **5.3 National Planning Policy Framework**

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport
- Part 12. Achieving well-designed places
- 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

### **5.4 Principle of Development**

#### **Relevant Policies**

- 5.4.1 The application site is unallocated and is positioned within the built up area therefore policies CLP1 and CLP2 are of relevance.
- 5.4.2 Policy CLP1 sets out the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2.
- 5.4.3 Policy CLP2 states that when *'Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council's Spatial Strategy (policy CLP1);*
  - b) are on previously developed land that is not of high environmental value;*
  - c) deliver wider regeneration and sustainability benefits to the area;*
  - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
  - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
  - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
  - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
  - h) are not on the best and most versatile agricultural land;'*

## **Considerations**

- 5.4.4 The principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The application site is located within the built-up area in a location which is within walking and cycling distances of key services and facilities located in the defined sub-regional town centre, therefore the proposal is considered to accord with the principles of CLP1 and would largely accord with CLP2. The location is relatively accessible without using a car to a reasonable range of key services and facilities, including a GP's surgery, Supermarket, Local Service Centre, primary and secondary schools. The proposal is within the settlement boundary and would introduce additional housing within the existing built up area and regenerating an existing building which is currently unused. There is no Local Plan policy requirement to protect the premises former employment or commercial uses. The building is unallocated and therefore there is no policy requirement to protect the premises for employment or commercial uses. The scheme therefore broadly meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

## **5.5 Design and Appearance of the Proposal (Including Impact on Conservation Area)**

### **Relevant Policies**

- 5.5.1 Local Plan policy CLP20 states '*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.*'
- 5.5.2 Local Plan policy CLP21 states '*In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.*'

### **Considerations**

- 5.5.3 The proposed conversion of the building seeks to utilise existing window/door openings at ground floor and first floor with the introduction of 4 no. roof lights (two roof lights in the single storey

lean to and two roof lights in the principal north roof plane). No extensions are proposed to the building and the works to convert the building are limited. The scheme will result in the active use of an existing vacant premises. New windows are proposed to be timber construction which is supported.

- 5.5.4 It is recommended that a condition be imposed requiring further details of proposed boundary treatments, particularly as the submitted plans appear to indicate a small wall to the western boundary. A small brick wall was evident on site in 2016 and it appears the wall was removed in 2017. It is recommended that a small brick wall be installed on part of the western boundary to define the extent of the courtyard space and enhance the outside amenity space for future residents. The introduction of a small boundary wall which reflects the previously demolished boundary will contribute to the character of the conservation area (see picture below of previous boundary wall, dated 2016).



- 5.5.5 The proposed works as set out above are considered to be acceptable in regard to heritage assets, the changes being either enhancements or minor changes such that overall there is considered to be no harm arising from the development. Subject to a condition requiring detail of a proposed wall to the western boundary the proposal therefore accords with the provisions of Local Plan policies CLP20 and CLP21 and the NPPF.

## 5.6 **Impact on Neighbouring Residential Amenity and Amenity of Future Occupiers**

### **Relevant Policies**

- 5.6.1 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'*
- 5.6.2 Local Plan policy CLP20 expects development to *'(k) have an acceptable impact on the amenity of users and neighbours;'*

### **Considerations**

- 5.6.3 The proposed development seeks the change of use of an existing two storey building. The site is surrounded by a mix of commercial and residential premises and a small courtyard separates the premises from No 130/130A/130B Saltergate to the north.
- 5.6.4 It is necessary to acknowledge that a scheme for the conversion of the building was previously refused in 2010. The previous reason for refusal centred around the levels of amenity space, low levels of privacy and outlook/daylight to internal accommodation due to the proximity of the building to a three storey building to the north creating a dominating outlook, impacting daylight/sunlight, height and massing or surround buildings and boundary treatments, overlooked amenity space and shared pedestrian access to rear of No 130 Saltergate impacting privacy for future occupants.
- 5.6.5 The scheme subject of this application now proposes an inverted layout with living accommodation at first floor creating an elevated open plan layout with enhanced outlook for the main habitable accommodation including a window to the west elevation facing towards Foljambe Road. In addition two roof lights are proposed which will provide further light to the first floor living accommodation. The proposed plans have carefully considered the internal layout at ground floor to ensure the single bedroom is served by its own window to the west elevation and the main bedroom benefits from two windows. An en-suite and separate bathroom are proposed at ground floor served by roof lights, as non-habitable rooms this is acceptable. The separation distance of approximately 9m exists between the principal elevation of the building and the rear of the premises on Saltergate. The separation distance is smaller than would usually be permitted, however reflects the dense historic building pattern of the town centre. The proposed development will provide a small area of outdoor amenity space, whilst relatively small will provide an opportunity for utilisation for future residents.



- 5.6.6 It is accepted that the orientation of the site and presence of three storey buildings on Saltergate to the north will have impact on the levels of daylight and privacy/outlook achieved by the proposed dwelling. On balance the scheme will create a small two storey dwelling in which the layout has been carefully designed to respond to the constraints of the site. Wider benefits arising as a result of the proposal include the renovation of a building which has remained vacant for a number of years.
- 5.6.7 The proposed development will provide a small area of outdoor amenity space, whilst relatively small will provide an opportunity for utilisation for future residents. In addition the proposal will result in the active re-use and renovation of a vacant building in the conservation area.
- 5.6.8 The Council's Environmental Health Officer reviewed the scheme and raised no objections in principle. As the application site is surrounded by residential dwellings it is recommended that a condition be imposed controlling the hours of construction works in the interests of neighbouring amenity.
- 5.6.9 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

## **5.7 Highways Safety**

### **Relevant Policies**

- 5.7.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*
- 5.7.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.

### **Considerations**

- 5.7.3 The Local Highways Authority reviewed the scheme and provided the following comments; *'The application site is located on Foljambe Road (NC) which is close proximity to Chesterfield town centre. The proposal includes no provision for off-street parking to serve the proposed dwelling, however, based on the sites location in the*

*vicinity of public transport, public car parks, local services, facilities and amenities, it is not considered that future residents would be reliant on the use of private motor vehicles. In view of the above, whilst no off-street parking to serve the proposed development is not ideal, in this instance a highway reason for refusal on this basis would be sustainable. Accordingly, there are no highway objections to the proposal given the central location and existing on-street parking restriction in place, in the vicinity of the site and the proposals would re-use an existing building.'*

5.7.4 The application does not propose the creation of off-street parking to serve the development. No objections have been raised by the Local Highways Authority due to the location of the site in close proximity to Chesterfield Town Centre with access to public transport connections and a range of facilities and services.

5.7.5 In addition the application does not propose the addition of off-road parking. The Local Highways Authority has assessed the scheme on the basis of no parking provision and have therefore not fully considered the potential highway safety issues which may arise with additional vehicular movements to the rear of No 130/130A/130B Saltergate. As set out in section 5.6 above, it is recommended that a condition be imposed requiring details of a proposed wall to the western boundary. The introduction of a small boundary wall will ensure the courtyard remains as amenity space and not used for parking.

5.7.6 Subject to conditions as detailed above the development complies with the requirements of CLP20 and CLP22.

## **5.8 Flood risk, Drainage and Water Efficiency**

### **Relevant Policies**

5.8.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.*

*Development proposals and site allocations will:*

*a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*

*b) be directed to locations with the lowest impact on water resources;*

*c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*

5.8.2 Local Plan policy CLP13 states that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

### **Considerations**

5.8.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water

5.8.4 The Design Services (Drainage) Team reviewed the application and noted that the site is not shown to be at risk of flooding according to the Environment Agency Flood Maps. The comments highlighted that a T2011 sewer is shown to cross under the existing building. Caution should be exercised therefore, so as not to damage this sewer or contaminate it with debris during the alteration works. Yorkshire Water will need to be contacted prior to any new connections to this sewer. Building Control consent may also be required for any amendments to existing drainage.

5.8.5 No comments were received from Yorkshire Water.

5.8.6 Subject to the imposition of a relevant condition covering water efficiency standards the proposal will accord with the provisions of CLP13 and the wider NPPF.

## **5.9 Biodiversity**

### **Relevant Policies**

5.9.1 Local Plan policy CLP16 states that *‘The council will expect development proposals to:*

- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- *provide a net measurable gain in biodiversity’*

5.9.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

### **Considerations**

5.9.3 The application proposes the change of use of an existing building. To create an biodiversity net gain it is recommended a condition be imposed requiring either a bird box or bat box be installed as part of the development.

5.9.4 Subject to a condition as recommended above the development accords with the requirements of CLP16 and the NPPF.

**5.10 Developer Contributions and Community Infrastructure Levy**

5.10.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwellings and is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

5.10.2 Gross internal floorspace of any existing buildings, including buildings that are going to be demolished, can be deducted from the CIL liability if they have been occupied in a lawful use for a continuous period of at least 6 months within the period of three years ending on the day planning permission permits the development. It will be for the applicant to demonstrate lawful use by providing appropriate evidence and so it is important that further information is provided before a decision on the planning application, in order for the CIL liability to be determined. It is important to note that any exemptions to CIL must be applied for and claimed before any development commences on site.

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	86.5	86.5	0	£50	355	288	£5331

**6.0 REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters, site notice and advert in the local press. One letter of representation has been received from 44 Foljambe Road and is summarized below;

- Highway safety and parking – concerns raised regarding the impact of the proposal on the existing residential parking scheme and associated vehicular requirements. Queries raised regarding the level of parking provisions proposed for the scheme and questions asked if the residents of the property will be eligible to apply to the residents parking scheme. Current parking scheme is terrible, under-managed and grossly over subscribed.

***Officer comments - Highway safety, access and parking – the Local Highways Authority reviewed the scheme and raised no objections to the proposal. No parking provision is proposed as part of the scheme. The site is located in the town centre in walking distance of a range of services and public transport connections. If approved future occupants would likely be eligible to apply for the residents parking scheme should they wish to. See section 5.7 of report.***

## **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 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.

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

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 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.

8.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

## **9.0 CONCLUSION**

9.1 The application site is located within the built-up area in a location which is within walking and cycling distances of key services and facilities located in the defined sub-regional town centre, therefore the proposal is considered to accord with the principles of CLP1 and would largely accord with CLP2. The proposal is within the settlement boundary and would introduce additional housing within the existing built up area and regenerating an existing building. The building is unallocated and therefore there is no policy requirement to protect the premises for employment or commercial uses. The scheme therefore broadly meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. The proposed works as set out above are considered to be acceptable in regard to heritage assets, the changes being either enhancements or minor changes such that overall there is considered to be no harm arising from the development. Subject to a condition requiring detail of a proposed wall to the western boundary the proposal therefore accords with the provisions of Local Plan policies CLP20 and CLP21 and the NPPF. On balance the scheme will create a small two storey dwelling in which the layout has been carefully designed to respond to the constraints of the site. Wider benefits arising as a result of the proposal include the renovation of a building which has remained vacant for a number of years. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20. Subject to conditions covering water efficiency and biodiversity enhancements the scheme will accord with the requirements of CLP13, CLP13 and the wider NPPF.

## **10.0 RECOMMENDATION**

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

### **Conditions**

#### **Standard time frame**

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

Reason - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

#### Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (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).
  - Plans as Proposed, drawing number 22-901-02

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

#### Hours of construction

3. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

#### Boundary Wall

4. Prior to the occupation of the development hereby approved plans for a new brick boundary wall to partially enclose the western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The brick boundary wall shall be erected on site in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP14, CLP20 and CLP21.

#### Bin store

5. Prior to occupation of the development hereby approved details of facilities for the storage and collection of waste and refuse

within the curtilage of the site shall be submitted to and approved by the Local Planning Authority. Development shall be carried out and thereafter maintained in accordance with the approved details

Reason - In the interests of residential amenity and highway safety, and policies CLP14 and CLP20.

Removal of pd rights for fencing, gates, walls

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To ensure appropriate development is maintained within the setting of the conservation area Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Water efficiency

7. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason - To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework

Biodiversity enhancements

8. Prior to the occupation of the development a scheme for biodiversity and ecological enhancement measures comprising of a bird and bat box shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity and ecological enhancement measures shall be installed in accordance with the approved plans prior to the occupation of the development and 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

### **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. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
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. 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)

4. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
5. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all

reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

6. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
7. 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 which would be an offence under relevant regulations. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
8. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.