

Item 4

CHE/22/00808/FUL

Planning Committee - 24th April 2023

Ward – St Helens

Conversion of brick-built former garage into a 2 bedroomed dwelling on land at rear of 127 Newbold Road, Newbold, Chesterfield, S41 7PS for K Hicking and M Edwards

1.0 CONSULTATION RESPONSES

Coal Authority	No objections, standing advice recommended
Drainage	No objections, YW will need to be contacted regarding connection to sewer network
Highways	No objections however, comments regarding parking provision noted
Tree Officer	No objections, conditions recommended
Yorkshire Water	No comments received.
Ward Councillors	One representation received from Cllr Murphy
Representations	9 Representations received from 8 local properties

2.0 SITE DESCRIPTION

- 2.1. The application relates to a plot of land to the rear of 127 Newbold Road, which would have formed the rear garden of the property. The site is accessed directly from Newbold Road, served by a private access track which loops around the rear of the adjacent terraces.
- 2.2. The site, approximately 165m² in area, is currently in a dilapidated and unused state, comprising of a derelict outbuilding, overgrown shrubbery and piles of building rubble. Hard landscaping in the form of fencing and

a brick wall, make up the boundaries to the East & West of the site, with a hedgerow to the Northern boundary.

- 2.3. The surrounding area is predominantly residential in character. To the South of the site is a terrace of 10 villa style properties, which are included on the local list of heritage assets due to their group value and the positive contribution they make to the street scene.





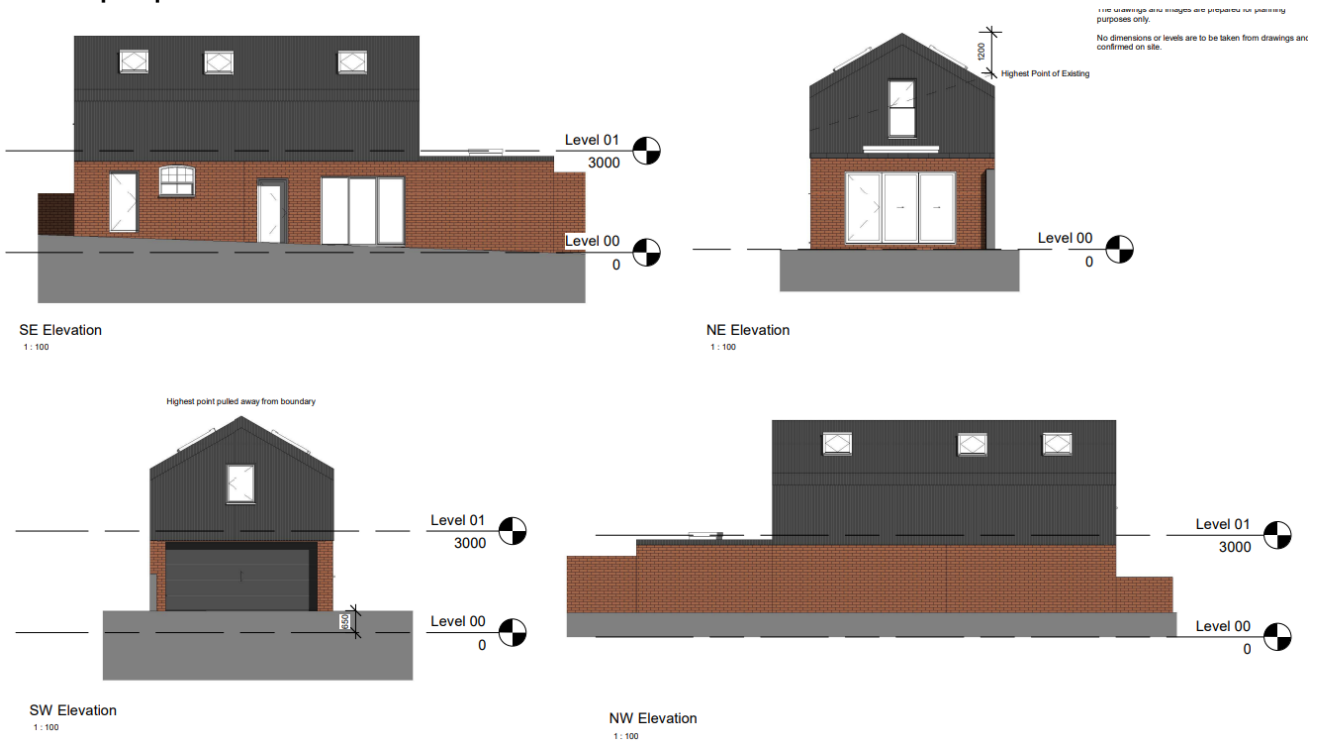
3.0 PLANNING HISTORY

- 3.1. CHE/0592/0300 – Change of use of 127 Newbold Road property to 4 flats – Conditional permission 18/08/92

4.0 PROPOSAL

- 4.1. The applicant is seeking permission for the conversion of the garage building into a 2-bedroom residential dwelling which will have an open plan kitchen/living/dining on the ground floor with two double-bedrooms and shared bathroom on the first floor. Parking is to be provided for the dwelling in the form of 2 parking spaces in a car port to the front of the property.
- 4.2. The dwelling will measure 14.5m (L) by 5.5m (W), giving a total floor area of approximately 120m² over the 2 levels. To the rear of the building will be a garden measuring 75m²
- 4.3. The building will have a gable pitched roof, with eaves and ridge of 4.2m and 5.8m respectively. The application has adopted a modern approach towards the design and materials of the new dwelling. The property is proposed to be brick-built at ground floor level, with black metal cladding to be used at first floor level and for the roof. The dwelling is proposed to include a pitched roof with large areas of fenestration to the east and

west elevations along with six roof lights. At 1 ½ storeys, the height of this property would be noticeably smaller than that of neighbouring properties.





5.0 PLANNING POLICY

5.1 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.

5.2 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 (Strategic Policy)
- 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

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- 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

5.4 Supplementary Planning Documents

- Successful Places Residential Design Guide

6.0 **CONSIDERATION**

6.1. Principle of Development

6.1.1. The application site is situated within the built settlement of Newbold and is close to the Town Centre. This area is predominantly residential in nature, with Edinburgh Park located to the northwest. Having regard to the proposed development, Local Plan policies CLP1, CLP2, CLP3 and CLP20 and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's SPD on Housing Layout and Design "Successful Places" is also a material consideration.

6.1.2. Policy CLP1 (Spatial Strategy) states that "overall approach to growth will be concentrate new development within walking distance of Key Services as set out in Local Plan policy CLP2..." When considering this application site, it is considered the location of the development proposed accords with this spatial strategy (CLP1) objective as the site is within walking distance of a centre; Chesterfield Town centre within a 10 minute (800 metre) walk and there are various retail, recreational and leisure facilities within an 800m radius of the site.

6.1.3. The guidance of what constitutes as 'walking distance' has been extracted from the adopted SPD "Successful Places" which indicates a local centre should be located between 600m and 800m walk. The SPD also indicates that walking distances can be reduced according to various different factors – such as steep gradients and safety of the route. It is considered the walking routes offered to both retail centres identified above are acceptable as each have pavements and lighting. The routes are also considered to be relatively level with no steep inclines.

6.1.4. Policy CLP2 Policy CLP2 (Principles for Location of Development) requires that "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 on the council's spatial strategy (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 (CLP10) or are of sufficient scale to provide additional capacity, with on site or through contributions to off-site improvements.
- g) ensure the long-term protection of safeguarded minerals relation 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;

6.1.5. Having regard to the NPPF when considering the principle of development, the Framework excludes "land in built-up areas such as residential gardens, parks, recreation grounds and allotments" from the definition of 'previously developed land' (annex 2: Glossary). It could

therefore be considered that the proposed development does not accord with the provisions of CLP2 b) as the application site is not considered to be previously developed land. It is therefore considered necessary to consider Local Plan Policy CLP3 (Flexibility in Delivery of Housing). CLP3 states that “Planning permission will be granted for residential development on the sites allocated on the Policies Map and as set out in Table 4, provided they accord with other relevant policies of the Local Plan. Outside of the built-up area (as set out on the Policies Map), and subject to other relevant policies of the Local Plan, new residential development on sites not allocated in Table 4 will only be permitted where:

- a) The development can demonstrate that it would have reasonable access to a range of key services as set out in Policy CLP2; and
- b) It re-uses redundant or disused buildings and enhances their immediate setting; or
- c) It is for the sub-division of an existing residential dwelling; or
- d) It is for the redevelopment of previously developed land in a manner that would not harm the intrinsic positive character of the countryside; or
- e) It represents the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of the heritage asset; or
- f) It meets a specific demonstrable housing need for a rural worker; or
- g) It is of exceptional quality of design quality, in that it:
 - i. is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

6.1.6. It is therefore considered that as the application site is located within an established built-up area (as set out on the Policies Map), the restrictions outlined in CLP3 do not apply in the consideration of this application.

6.1.7. To summarise, it is considered the application site is located within the established built-up residential area in a sustainable location due to the range of services that can be easily accessed on foot. The proposal would therefore concentrate new development in a sustainable location in general accord with CLP1 and CLP2 of the Local plan and the wider NPPF. This is subject to the development complying with other relevant and appropriate policies of the Local Plan for which the remainder of this report will assess.

6.2. Design and Appearance of the Proposal

6.2.1 Local Plan Policy CLP20 states in part that 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 This application has adopted a modern approach towards the design and materials of the new dwelling. The proposed design of the new dwelling contrasts with the existing residential properties in the locality, however it utilises similar facing materials to what is present in the street scene. When the application site is viewed in the wider context, whilst some common architectural accents exist there is a diverse range of building styles located in the vicinity. These include the locally listed terraced villas and other early C20th properties to the South of the site, and post war semi-detached dwellings to the North and West. The proposed new dwelling has taken inspiration from these and integrated more modern materials such as sheet metal for the roof.

6.2.3 Due to the architectural diversity of the surrounding street scene, it would be unreasonable to argue that the development proposals should replicate the style and scale of the residential properties located on Newbold Road and nearby areas. Reclaimed materials from the existing building will be used in the construction of the new property, which will

help to integrate it with the street scene and mitigate its visual impact to a certain degree.

6.2.4 Furthermore, the new dwelling is located 20m+ from the highway and set at a lower level to the properties which front onto Newbold Road with facing brick materials to the front elevation. As such, it will be subserviate to the existing dwellings and not become an incongruous or dominant feature which draws attention away from the terraced villas. It is considered that this new dwelling is of an interesting and appropriate design and makes use of suitable materials. It is important to encourage such appropriate, innovative approaches to architecture in the borough, and this proposal seeks to do so.

6.2.5 Therefore, on balance, the proposal is not considered to have a detrimental impact on the area and will be generally in accord 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. The Successful Places SPD sets out the guidance which applies to the design of residential development.

6.3.2 The main impact of the proposal would be on the dwellings along Edinburgh Road to the west, whose rear gardens adjoin the boundary of the site, and are at a significantly lower level. The existing structure forms part of the boundary treatment. Whilst the proposal will result in the height increasing slightly, its impact will not be significantly worse than that of the existing structure.

6.3.3 It is accepted that development of this nature on adjoining neighbouring land that was previously undeveloped will impose an impact upon a boundary sharing neighbour, particularly when the development is proposed in proximity to the common boundary. In this instance there is however a case to argue that this impact will be minimal due to the

modest height of the proposed new dwelling and the distance from the neighbouring properties.

- 6.3.4. Furthermore, there is a tree adjacent to where the side elevation of the new dwelling will be, which will provide some screening and mitigate its impact to a certain degree. Notwithstanding this, a large brick structure has been in place for a many years and it is considered that the new dwelling will not cause a detrimental increase in overbearing to the rear garden of the dwelling to the East, or result in increased overshadowing than currently occurs.
- 6.3.5 There are no windows facing private amenity spaces to the East or West and the rear habitable room window is located 16m from the rear boundary. Although located at a higher level than the dwelling to the North, it will not result in an overbearing feature or have a significant impact on privacy afforded to the neighbouring dwelling.
- 6.3.6 The dwelling maintains separation distances of 20.5m between the side elevation and rear windows of the dwellings on Edinburgh Road; a minimum of 11m to the rear boundary and 32m to the facing windows of the dwellings to the North. This significantly exceeds the minimum separation distance set out in the SPD and account for the level differences between the site and neighbouring dwellings. The internal and external space provision is appropriate for the number of rooms provided and ensures that future occupants benefit from a reasonable level of amenity. In order to prevent overdevelopment of the plot, a condition will be included to prevent a permitted change of use to another residential use (i.e. HMO) within Class C.
- 6.3.7 Concerns from neighbours about future development of the site are noted. Each application for development is assessed on its merits and the Council would consider the cumulative impact further properties would have on residents/properties in the area. Any future proposal may trigger the requirement for the access road to be brought up to an adoptable standard.

6.3.8 On balance, it is considered that the impact of the development on neighbouring properties will be sufficiently mitigated such that a refusal of planning permission could not be warranted. It is not considered that this proposal will cause any major issues in terms of overshadowing or an overbearing impact, and the absence of side windows will ensure that there are no issues in terms of overlooking either.

6.3.9 On this basis the proposal is considered to accord with the provisions of policies CLP14 and CLP20, as well as the revised NPPF.

6.4. Highways Safety

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

6.4.2 The proposal includes the provision of 2 no. parking spaces, contained within a car port at the front of the property. The Highway Authority consider it unlikely that the proposed dwelling would result in any significant increase in traffic movements over and above those that could be reasonably generated by the sites previous use as a garage/outbuilding and as the existing access serves in the region of 10no other garages/dwellings; a slight increase in vehicle movements associated with the access would be negligible. Therefore, whilst the existing vehicular access to Newbold Road does not conform to current design criteria in regard to emerging visibility, an objection based on any potential intensification in use is unlikely to be sustainable at appeal.

6.4.3 Although the parking spaces do not fully meet the technical standards, the site is in a sustainable location, within walking distance of local amenities and benefits from a bus stop within a 5min walk from the site. It is also acknowledged that the width of the car port is constrained by the width of the plot; widening it would result in access having to be taken within the car port rather than via a separate foot path. As such, the parking provision is considered acceptable.

6.4.4 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5. Flood Risk/Drainage

6.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CLP13), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from flooding. In respect of drainage, the application details that the development is to be connected to mains foul and surface water is to be handled by means of soakaway / existing mains which is acceptable.

6.6. Biodiversity

6.5.1 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”.

6.5.2 The proposal is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition can be attached to any decision issued to ensure the application provides biodiversity net gain measures, as a result of the proposed development.

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

6.6 Developer Contributions

6.6.1 As the development will involve the creation of a new dwelling, the proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is situated within the low CIL charging zone where residential development is subject to a charge of £20 per sqm (index linked).

6.6.2 The CIL Liability for this application has been calculated as follows:

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permi-ssion)	Index (charging schedule)	CIL Charge
Residential (C3)	120	0	120	£20 (Low Zone)	355	288	£2,958

$\text{Net Area (A)} \times \text{CIL Rate (B)} \times \text{BCIS Tender Price Index (at date of permission) (C)} = \text{CIL Charge (E)}$
 $\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}$

7.0 REPRESENTATIONS

7.1 Notification letters were sent to neighbouring properties. Nine representations have been received from 8 local residents and one representation was received from Cllr Murphy. The representations which have been raised include:

- The applicant does not have ownership of the access to the site and would require the permission of other property owners to use it.
- The site does not have residential access rights as it was previously used as a workshop.
- Construction of the property will cause nuisance by way of blocking the access road with skips, scaffolding etc.
- The private road is not suitable for construction vehicles and any damage caused should be paid for by the applicant.
- Exiting the site is difficult due to inconsiderate parking on Newbold Road
- The proposed dwelling is not in keeping with the visual characteristics of the Edwardian villas to the South of the site.

- Approving the development would set a precedent for other properties to develop their garage plots.
- There would be overlooking onto the dwellings to the North from the rear bedroom window and rear extension, which would negatively affect privacy.
- The proposal could affect the safety of people using the access.

Issues over the design and amenity impact of the dwelling have been addressed in sections 6.2 & 6.3.

7.2 The applicant has supplied a title deed which shows that there are rights of access over the road leading to the site for the owner/applicant. Whilst the concerns over rights of access are noted, these are a civil matter to be resolved between the respective private parties.

7.3 In terms of paying for any repair of the road if damaged during construction, again this would need to be resolved between the applicant and affect landowners to reach an amicable agreement. The points raised by the neighbours have been addressed in the report

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 ENGAGEMENT

- 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 'sustainable development' to which the presumption in favour of the development applies.
- 9.2 The Local Planning Authority has considered this application in a positive and proactive way to achieve a positive outcome for the application.

10.0 CONCLUSION

- 10.1. Overall, the proposal is considered to be acceptable in accordance with the above identified policies of the Local Plan. The proposal would not harm the character of the street scene, would not have a harmful impact on the amenity of the occupiers or surrounding residents, does not raise any highway safety concerns and a scheme of biodiversity net gain can be secured by condition. It is therefore considered that the application is acceptable from a design, amenity, highways, biodiversity perspective.
- 10.2. The site does not form part of the residential curtilage of 127 Newbold Road, and it is likely that it would remain derelict and neglected if the development was not brought forward. Whilst the proposal will have some impact on the amenity afforded to neighbouring dwellings, the benefits of bringing a derelict building back into a viable use within a sustainable location – through providing new residential accommodation and improving the appearance of the area – outweigh the negative impacts it may have.

11.0 RECOMMENDATION

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

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 Compulsory Purchase Act 2004

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).

- Drawing No. LA-GP-0001 REV A – Proposed Floor Plans
- Drawing No. LA-GP-0002 REV B – Site Plan
- Drawing No. LA-GE-0001 REV A – Proposed Elevations
- Structural Inspection Report, prepared by Robert Morton Consulting, dated 29th November 2022

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. Prior to the ordering of materials, details of all proposed materials to be used in the construction of the dwelling hereby approved, shall be submitted to the Local Planning Authority for consideration. Only the materials approved in writing shall be used in the development and retained throughout its lifetime.

Reason - In the interests of requiring good design and in accordance with policy CLP20 of the adopted Chesterfield Local Plan.

4. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees on the adjacent land, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. A tree survey will also be required to provide the information required for the TPP.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) Detailed levels and cross-sections to show that the existing levels of surfacing, within the existing tree's Root Protection Areas can be accommodated where they meet with any adjacent building damp proof courses without the need for any excavations and severance of tree roots.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. These should be outside the trees RPA's unless tree protection measures are implemented.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason – Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990.

5. A residential charging point shall be provided for the dwelling with an IPD65 rated domestic 13amp socket, directly wired to the consumer unit with 32-amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the Local Planning Authority. The electric charging point shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

6. There shall be no gates or other barriers on the access/driveway, which shall be always left free from obstruction.

Reason – in the interests of the safe free flow of traffic and highway safety, in accordance with Policy CLP22 of the Adopted Local Plan 2020.

7. Prior to the occupation of the development hereby approved, details of hard & soft landscaping, and a scheme for biodiversity and ecological enhancement measures shall be submitted and approved in writing by the Local Planning Authority. The landscaping and 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.

8. 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.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan 2020.

9. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles; to be laid out, constructed and retained free from any impediment to their designed use throughout the construction period.

Reason – In the interests of the amenity of neighbouring properties, in accordance with CLP14, and in the interests of highway safety in accordance with CLP22 of the adopted Chesterfield Borough Local Plan

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), any change of use which would otherwise be permitted by Class L of Part 3 of Schedule 2 to that Order shall not be carried out without the prior written consent of the Local Planning Authority

Reason - To safeguard the amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan 2020.

11. 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 buildings, structures, extensions, fences, gates, walls or other means of enclosure, other than those expressly authorised in this permission, shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason – To safeguard the amenities of the occupiers of adjoining and visual amenities of the area in accordance with CLP14 of the Adopted Local Plan 2020.

11.3. Informative Notes

1. 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.
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. Any alteration to the drainage provision on the site will require permission from Yorkshire Water.
4. The applicant should be advised that the requirement to use a solid bound material for driveways and parking spaces is for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto the highway/footway in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.
5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Place department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp,

E-mail: highways.hub@derbyshire.gov.uk

Telephone: 01629 533190.

6. Coal Authority Informative 01/01/2023 – 31/12/2024

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

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

7. 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. 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 (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

8. In accordance with condition no. 7 of this permission, appropriate ecological / biodiversity enhancement measures shall include but shall not be limited to:
 - Bird/Owl/Bat Boxes

Locating your nestbox:

Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but

annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.

Locating your bat box:

Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.