

**PROPOSAL: CONVERSION AND SUB-DIVISION OF 2 EXISTING INDUSTRIAL UNITS INTO 5 SELF-CONTAINED INDUSTRIAL UNITS FOR E (G II AND III) AND B8 USE (REVISED PLANS RECEIVED 13.10.2021)**

**LOCATION: WILLETS BROS LTD, KING STREET NORTH, WHITTINGTON MOOR, S41 9BA**

**1.0 CONSULTATION RESPONSES**

Ward Members      Comments from Cllr Caulfield – no objections, current building is shabby and unused and this can only be an improvement in my opinion

Environmental Health      EV charging points should be installed to serve the vehicle parking places and hours of operation on the site (including delivery and despatch) are restricted to reduce the impact on nearby housing. Advise the following times: Monday to Friday - 07:00 to 19:00 Saturday – 08:00 to 14:00 Sunday/Bank Holiday – no working

Local Highways Authority      Comments provided on the basis of the initial submission

- Vehicular access would be required for some of the indicated parking mostly that at the junction of King Street North and Thompson Street. The Highway Authority would not wish to see vehicular access provided at this location and applicant should reassess the proposal with this in mind.
- In view of the nature of the housing in this locality and the high demand for on-street parking off street parking in accordance with Local Authority parking standards should be provided.
- Parking spaces should have minimum dimensions of 2.4m x 5.5m clear of the publicly maintainable highway.

On the submission of revised details, further consultation was undertaken and no additional comments were forthcoming.

Yorkshire Water	No comments received
Design Services Drainage	The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. Any new connections to the public sewerage system, will require prior approval from Yorkshire Water. Any amendments to existing drainage on site, may require Building Control consent.
Strategic Planning Team	As the proposal falls outside of an Established Business Area, further information is required regarding the intended scale of each use class before it is possible to determine the extent to which the proposal would accord with the Local Plan. Will need to consider: - The use of a condition to limit the use of the units to Class E g (i) and E g (ii). - Provision of adequate parking for vehicles, electric vehicle charging points and secure, covered cycle storage. - Submission of information detailing biodiversity net gain measures to be agreed prior to any grant of permission.
Representations	Representations received from 6 local residents.

## **2.0 THE SITE**

- 2.1 The site subject of this application is situated on the south side of King Street North. The application site is not allocated for a specific use and falls within the defined built up area. The existing site comprises of two industrial buildings formerly operated by Willet Sweets for production and storage purposes. The larger unit was utilised for storage (B8) and the smaller unit for production (B2).



Aerial photograph of the site taken from Google maps ©



### 3.0 SITE HISTORY

- 3.1 CHE/1082/584 – for the erection of a confectionary factory on land at King Street North, Whittington Moor, Chesterfield for Willett Bros Ltd – **CONDITIONAL PERMISSION (14.12.1982)**
- 3.2 CHE/191/64 – extension to existing factory to provide warehouse and offices at King Street North, Whittington Moor, Chesterfield for Willet Bros (Chesterfield) Ltd – **REFUSED (01.04.1991)**

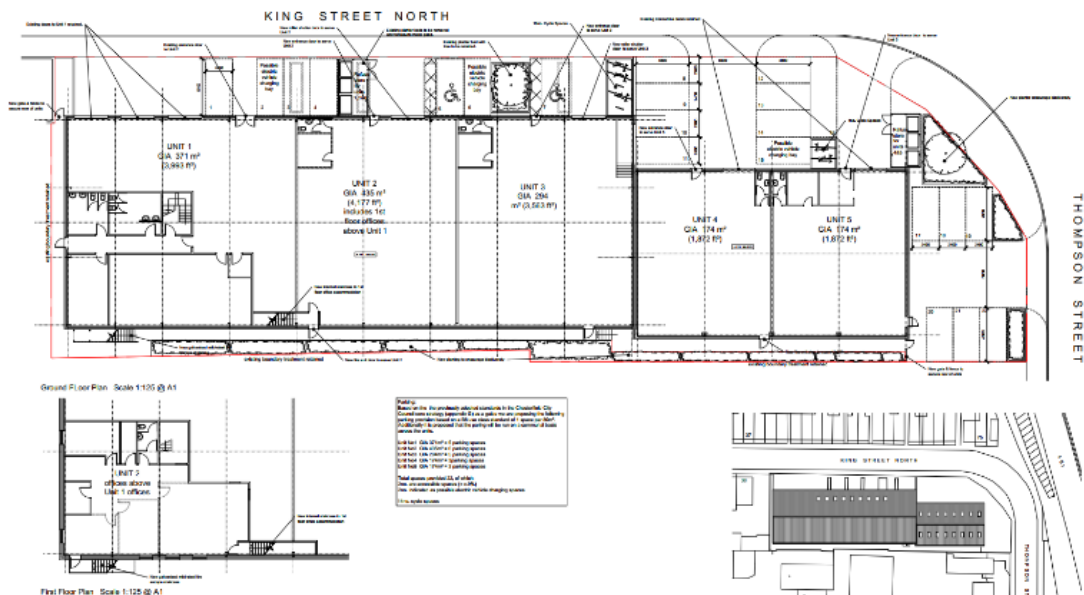
3.2 CHE/791/466 – extension to existing factory to provide warehouse and offices at King Street North, Whittington Moor, Chesterfield for Willet Bros (Chesterfield) Ltd – **CONDITIONAL PERMISSION (11.09.1991)**  
This consent included condition 5 which reads ‘notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 or any order revoking and re-enacting that order the development is restricted to a warehouse with office for the storage of confectionary and ancillary goods’.

#### 4.0 **THE PROPOSAL**

4.1 The application seeks consent for the change of use and division of the existing buildings to create 5 individual units. The revised scheme seeks for the units to be used for uses falling within the following;

- Class B8 (storage and distribution)
- Class E (g ii and iii)
  - ii – the research and development of products or processes
  - iii – any industrial process  
(being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit)

4.2 The proposal includes the creation of additional off-street parking including electric charging provision and cycle parking, waste storage areas and landscaping/biodiversity enhancements. External alterations to the building include the installation of new roller shutter doors to units 2 and 3 and the installation of new pedestrian access doors/fire escapes. The existing cladding will be retained and altered to suit the new openings with matching detailing. The proposal is assessed on the basis of the submitted plans.



## 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.

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

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP6 Economic Growth
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the demand for travel

### 5.5 **National Planning Policy Framework (NPPF) 2021**

- Part 2. Achieving sustainable development
- Part 6. Building a strong and competitive economy
- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

## 6.0 **CONSIDERATION**

## 6.1 Principle of Development

- 6.1.1 The application site is unallocated on the adopted Local Plan Policies Map. The site was previously occupied by Willet Brothers Sweets for the production and storage associated with the business. Local Plan policies CLP1, CLP2 and CLP6 are of relevance for consideration with regards to the principle of development.
- 6.1.2 Local Plan policy CLP1 seeks to concentrate new development within walking distances of key services and CLP2 sets out considerations for developments which are not allocated within the Local Plan.
- 6.1.3 The application is located within the defined built-up area approximately 100m walking distance from Whittington Moor District Centre. The site therefore accords with the principle of policy CLP1 and aspects of CLP2 (parts a to e).
- 6.1.4 Local Plan policy CLP6 states that planning permission will be granted for new employment developments where they accord with the council's overall spatial strategy including b) B1(b&c) Light Industrial in locations within and close to existing town and district centres.
- 6.1.5 Local Plan policy CLP6 also sets out that B8 uses will be permitted in established business areas where there would be no unacceptable adverse impact as a result of traffic movement.
- 6.1.6 The initial application submission included proposed B2 uses (general industrial) for the units. Concerns were raised regarding the intensification of an existing B2 use outside of an established business area in close proximity to residential dwellings and which would not be supported. The application has therefore been revised to remove the proposed B2 uses and now seeks consent for change of use to B8 and E (g ii and iii) (former B1 b/c) uses. The proposed E uses (g ii and iii) are considered to be acceptable in principle in accordance with Local Plan policy CLP6 as the site is within walking distance of an existing centre.
- 6.1.7 The Councils Strategic Planning Team reviewed the application and highlighted that the proposal for Class E uses now includes a range of uses which fall within Main Town Centre uses, therefore consideration is required of potential permitted development rights and sequential testing requirements as set out in paragraph 86 of the NPPF. The Strategic Planning team recommended '*the case officer considers a*

*condition to limit the use of the units to Class E(g) (i, ii and iii) in order to ensure that the units cannot be occupied by a main town centre use without a sequential assessment having been undertaken.'*

6.1.8 Local Plan policy CLP6 permits B8 uses in established business areas where there would be no unacceptable adverse impact as a result of traffic movements. The Strategic Planning Team states that '*An intensification of a B8 use would not be compliant with the Local Plan at this location as the site is not located within an Established Business Area. However, as one of the units is already in use as a 'B8 unit' the case officer could consider a condition that limits the B8 floor space to that of the existing take-up, thus preventing an intensification of a B8 use outside of an Established Business Area. If designing a condition that restricts floorspace the case officer may wish to consider the eligibility of the smaller unit for any permitted development rights and take into account any associated fallback positions.'*

6.1.7 It is therefore recommended that the B8 use be restricted to no more than 1100sqm of the floorspace to accord with Local Plan policy CLP6.

6.1.8 Subject to a relevant condition restricting the use/floorspace it is considered that the principle of the development accords with policies CLP1 and CLP6 of the Local Plan and the wider NPPF. Further consideration of policies CLP20, CLP14, CLP13 and CLP16 as set out in the report below.

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

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

6.2.2 The proposed alterations are in keeping with the character of the existing buildings and no extensions are proposed as part of the application. Landscaping is proposed to enhance the appearance of the site (see section 6.4 below). It is therefore considered that the proposal is an appropriate in design/appearance and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

## **6.3**      **Amenity**

6.3.1      Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.

6.3.2      The application site is situated in close proximity to residential dwellings. The Council's Environmental Health Officer reviewed the application and requested a working hours condition (Monday to Friday - 07:00 to 19:00 Saturday – 08:00 to 14:00 Sunday/Bank Holiday – no working) be imposed to protect the amenity of the surrounding residents.

6.3.3      It is acknowledged that the proposal will intensify the use of the site albeit with smaller individual operational units. Consideration of the fall back position of the existing use and restrictions imposed is necessary which could continue to be utilised as separate B2 and B8 units with no restrictions. Condition 3 of the original 1982 consent and 5 of the 1991 permission restricts the use to manufacturing, warehouse and office for the confectionary and ancillary goods. It is considered that a restriction solely to confectionary was possibly excessive since other products which may well be manufactured in such a unit could reasonably be manufactured and stored without having any worse an impact on the amenity of the surrounding area. The application seeks consent for B8 and E (g ii and iii) uses. E uses are classed as a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Such a restriction is still appropriate given the close proximity of the neighbouring residential dwellings. The proposal includes provision of shared screened refuse stores for each unit, it is recommended that details are provided and controlled by condition in the interests of the amenity and character of the area. The recommended hours suggested by the EHO need to be considered in the context that there are currently no such restrictions on the existing permissions however given the prospect that the use of the site is likely to intensify, given the subdivision of the unit, then it is reasonable to restrict the hours in the interests of the nearby residential neighbours. The normal hours limitation on a Saturday in such circumstances would be 13:00 rather than the 14:00 suggested by the EHO and this can be included in the condition in the event that planning permission is granted.

6.3.4      It is therefore considered that subject to relevant conditions covering working hours and controlling the uses and refuse storage, the proposal



will accord with the provisions of policies CLP14 and CLP20 of the Local Plan.

#### **6.4 Highways safety and parking provision**

- 6.5.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety.
- 6.5.2 The Local Highways Authority Derbyshire County Council were consulted on the application and initially provided the following comments; *'The application form indicates no new or altered vehicular or pedestrian access. It would appear, however, as though this is not the case. It would seem that vehicular access would be required for some of the indicated parking mostly that at the junction of King Street North and Thompson Street. Having said that though the Highway Authority would not wish to see vehicular access provided at this location. It is considered, therefore, that the applicant should reassess the proposal with this in mind. In view of the nature of the housing in this locality and the high demand for on-street parking it is considered that, in the event planning permission is granted, a level of off-street parking in accordance with Local Authority parking standards should be provided. Parking spaces should have minimum dimensions of 2.4m x 5.5m clear of the publicly maintainable highway. It would also be useful if a clear indication of the existing parking layout could be provided.'*
- 6.5.3 Revised plans were submitted and the Local Highways Authority re-consulted. No further comments have been received. The revised plans include an amended parking layout including spaces of 2.4m x 4.8m which accords with this authority's standards with sufficient space for turning (6m). The proposal will provide 22 car parking spaces and 14 cycle spaces. Whilst this Authority does not have any specific parking standards guidance in the new Adopted Local Plan, as a guide the proposal would exceed the parking standards previously outlined in appendix G of the Core Strategy (which would recommend 18 spaces for units of this size).
- 6.5.4 Electric vehicle charging provision should be controlled by condition at 10% of the total number of spaces.
- 6.5.5 It is recommended that conditions are included requiring the vehicle /cycle parking and electric charging provision to be provided prior to first use of the building and therefore maintained in perpetuity. Subject to relevant conditions covering the above the proposal accords with Local Plan policies CLP20 and CLP22.

## **6.6 Flood Risk and Drainage**

- 6.6.1 Local Plan policy CLP13 requires flood risk to be managed for all development commensurate with the scale and impact of the proposed development.
- 6.6.2 The application site is shown to be in Flood Zone 1 according to the Environment Agency. Yorkshire Water and the Councils' Drainage Engineers were consulted on the proposal. No comments were received from Yorkshire Water.
- 6.6.3 The Councils' Drainage Engineers highlighted that the site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps and that any new connections to the public sewerage system, will require prior approval from Yorkshire Water. Any amendments to existing drainage on site, may require Building Control consent.
- 6.6.4 The proposal is therefore considered to accord with Local Plan policy CLP13.

## **6.7 Biodiversity including trees and landscaping**

- 6.7.1 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 174 requires decisions to ‘minimising impacts on and providing net gains for biodiversity’.
- 6.7.2 The application is supported by a revised site plan which includes indicative landscaping measures to provide a net gain in biodiversity and enhance the visual appearance within the streetscene. It is therefore considered reasonable and necessary to impose a condition for further details of proposed landscaping to be submitted for written approval. Subject to a relevant condition the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

## **7.0 REPRESENTATIONS**

- 7.1 Representations have been received from 6 neighbours and are summarised below (full content of representations is available on the website)
- Proposal will exacerbate existing parking issues on the street for residents and if the proposal went ahead there would be no parking

for residents. Proposal will result in more traffic, noise/disturbance including deliveries, lorries/vans and cars

- Businesses/school on Sheffield Road already use King Street North to park making it difficult for local residents on the street. People also use the street when the football club is play further reducing parking
- Long terms residents do not want change which will impact them and neighbours
- There are already existing units nearby on Pottery Lane/Thompson Street and additional units on King Street North are not needed
- Existing issues with driving speed on Thompson Street
- Concerns raised regarding noise occurring at night as a result of the proposal
- Proposed new roller shutter doors will result in a loss of privacy to the residents opposite as they will likely be kept open during the working day with a direct view into the residential properties
- Proposal does not provide sufficient parking for 5 units and no loading bays which will result in vehicles parking on the street impacts residents who already face regular issues with parking
- Traffic –impact on pollution levels
- Noise arising from 5 doors from 5 individual units which inevitably increase the noise from the units rather than one large unit with fewer openings – doors opening/closing and work being undertaken at each unit
- Proposal will cause highway safety concerns
- Concerns regarding waste/litter arising as a result of the development exacerbate an existing problem and visually impacts the area and local wildlife
- Loss of shrubbery/trees introduction of signage and vehicles parked will grossly impact the visual character of the street. Proposal does not include provision to reduce the impact on the street. When original building was contrasted signage was limited and shrubbery/trees planted across from residential properties.
- Local Planning Authority should consider planning permissions granted in the area in the last 15 years including a number of large developments. No provisions have been put in place to cope with increased traffic, noise, pollution and litter along with visual impact, parking and nature conservation. Traffic travelling on the A61 and Sheffield has increased significant due to the development and no measures have been taken by the Local Planning Authority to create a sound barrier to existing residents

## 7.2

### ***Officer comments;***

- ***Proposal will provide 22 car parking spaces and areas for cycle parking which is considered sufficient for the development proposed***
- ***Hours of work restriction is recommended to protect the amenity of the surrounding residents***
- ***Electric charging provisions will be conditioned for air quality***
- ***Some landscaping to be retained to the north and new landscaping areas to the east to enhance the appearance of the site***
- ***Proposal will introduce opening doors/roller shutter doors to the north elevation of the building. Visibility from the proposed units would be across the public highway which is considered to buffer direct views.***
- ***Each planning application is considered on its own merits.***

## **8.0 HUMAN RIGHTS ACT 1998**

- 8.1 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
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

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

- 9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the National Planning Policy Framework (NPPF, 2021) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.
- 9.2 The Local Planning Authority 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.

## **10.0**      **CONCLUSION**

10.1      Overall the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP14, CLP16 and CLP20 of the Local Plan.

## **11.0**      **RECOMMENDATION**

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

### **11.2**      **Conditions**

#### Standard timeframe

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

#### Approved plans

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

- Proposed General Arrangements Floor/Site, Roof & Block Plans, drawing number J21-017 A-105 Revision B (Dated 13.10.2021)
- Proposed Elevations, drawing number J21-017 A-205 Revision B (Dated 13.10.2021)

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.

#### Control of use

3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), this permission shall relate solely to the use of the land and buildings for B8 and E g ii and iii uses and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason - in accordance with Local Plan policy CLP6 to control the use in an established business area and restrict future permitted development rights which may inhibit existing/future businesses and industrial activity due to amenity considerations and to ensure the viability and vitality of employment areas.

#### Control of B8 use

4. No more than 1100sqm of the total floor space shall be occupied by B8 use

Reason - in accordance with Local Plan policy CLP6 to control the B8 use outside of an established business area

#### Working hours

5. The premises shall not be used for the purposes authorised by this permission (including deliveries) other than between the following hours:

07:00 to 19:00 weekdays

08:00 to 13:00 Saturday

And at no time on Sundays or Public holidays

unless otherwise agreed in writing by the Local Planning Authority.

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

#### Parking provision

6. Prior to the first operation/use of the hereby approved development, the car parking spaces as shown on drawing 'Proposed General Arrangements Floor/Site, Roof & Block Plans, drawing number J21-017 A-105 Revision B (Dated 13.10.2021)' shall be provided and thereafter shall be retained free from any impediment to their designated use for the life of the development.

Reason – In the interests of highway safety and in accordance with Local Plan policies CLP20 and CLP22.

#### Cycle provision

7. Prior to the first operation/use of the hereby approved development, the cycle parking facilities shown on the approved drawings 'Proposed General Arrangements Floor/Site, Roof & Block Plans, drawing number J21-017 A-105 Revision B (Dated 13.10.2021)' shall be provided available for use and thereafter shall be retained free from any impediment to their designated use for the life of the development.

Reason - In the interests of providing cycle parking and in accordance with Local Plan policies CLP20 and CLP22.

Electric charging provision

8. Electric Vehicle Charging Points (EVCPs) shall be provided for at least 10% provision of car/van parking spaces; and passive provision shall be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. Thereafter the EVCP's shall be retained and maintained operational for the lifetime of the development.

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

Landscaping and biodiversity

9. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority **prior to first occupation of the development hereby approved**, the details of which shall include :-
  - a) indications of all existing trees to be retained;
  - b) measures for the protection of retained vegetation during the course of development;
  - c) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
  - d) biodiversity enhancements
  - e) means of enclosure including details of waste/bin storage;
  - f) hard surfacing materials;

Reason - To ensure a satisfactory landscaping for the development and enhancement to the site in accordance with CLP16 and CLP20

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in

accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason- To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP16 and CLP20

### **11.3 Informative Notes**

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

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. 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 Department of Economy, Transport & Environment 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 <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs.aspx> E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.
3. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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 applicant'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.



5. The applicant should be aware of the street lighting columns on the site frontage and the fact that any diversion/protection/relocation would be at the applicant's expense
6. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
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. These would be offences 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 9, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
  - bird/owl/bat boxes  
(Locating your nest box: 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 nest boxes 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 nest box close to a bird table 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