

ITEM 3

Case Officer: Chris Wright

File No: CHE/21/00657/FUL

PROPOSAL: TWO STOREY SIDE AND REAR EXTENSIONS AND PORCH TO FRONT ELEVATION. (REVISED DRAWINGS RECEIVED 02.12.2021 and 21.12.21) AT 12 ST DAVIDS RISE, WALTON, CHESTERFIELD for C and S ROBINSON.

1.0 **CONSULTATIONS**

Ward Members: No comments received.

Local Highway Authority: No objections

Representations: 23 objections received from the residents of 8 dwellings, although one has not provided an address. 6 of the comments have been received after the 21st December revised drawings were submitted.

2.0 **THE SITE**

2.1 The application site is an existing dormer bungalow on the south side of St Davids Rise. It is in a residential area and is surrounded by housing on all sides. The prevailing character of the area is for detached dwellings, with a mix of bungalows, dormer bungalows and two storey dwellings.

2.2 The existing bungalow has two dormer windows to the front and an attached single garage to the side and one dormer window to the rear. There is an existing conservatory to the rear of the dwelling. It has 1 parking space to the front and one in the garage.

2.3 The majority of dwellings have off street parking for several vehicles. It is a reasonably narrow road, with grass verges and dwarf walls to the front of the houses. There is a decline on the street from west to east.



3.0 **RELEVANT SITE HISTORY**

3.1 No relevant planning applications for the site.

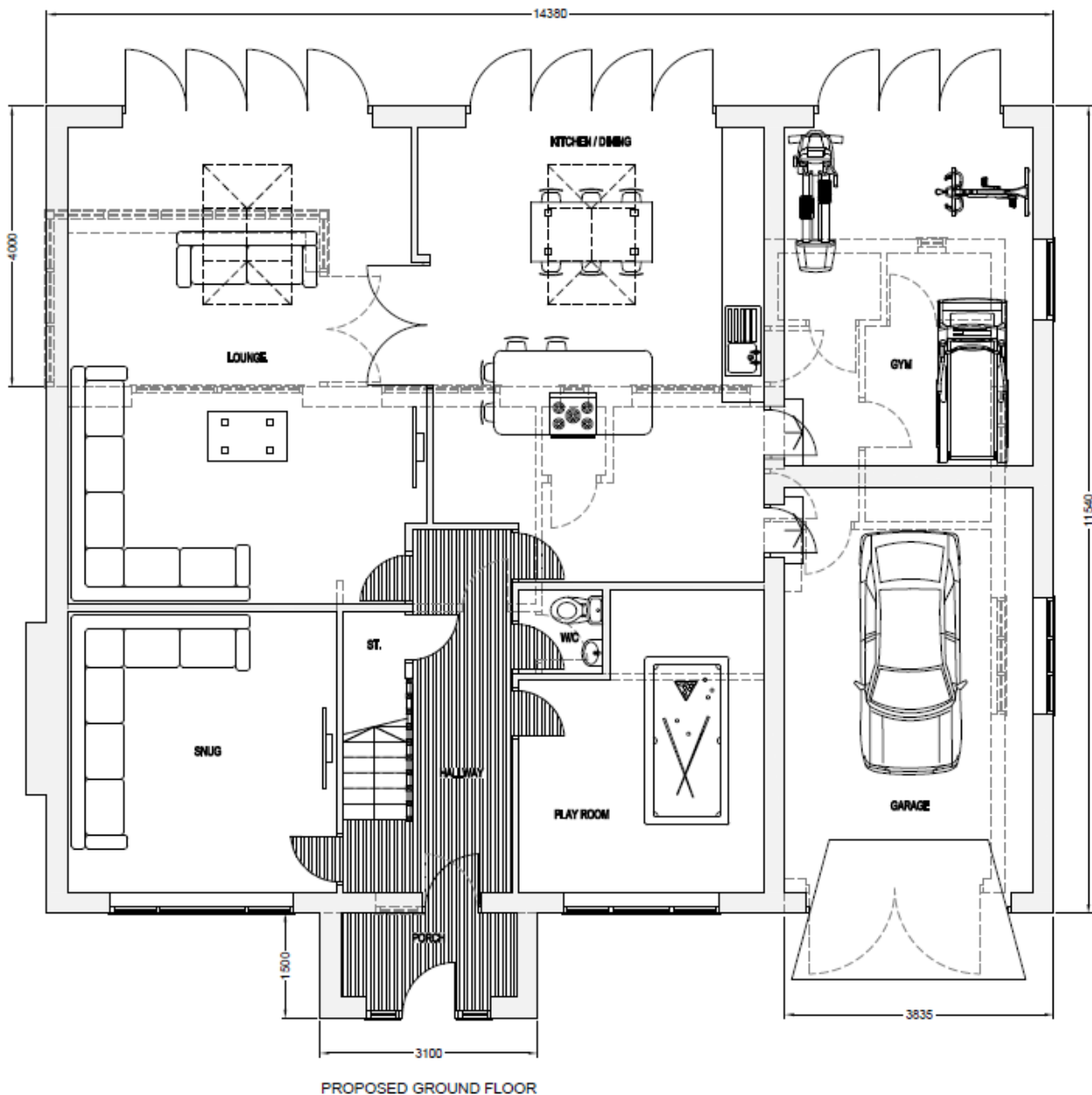
4.0 **THE PROPOSAL**

4.1 It is proposed to build a 1st floor side extension, a single storey rear extension, a front dormer, 3 additional dormer windows to the rear and a front porch. The proposal has been amended during the application, to remove the two storey rear section and replace this with more rear dormer windows, and then previously to move the two storey rear section to the middle of the dwelling, as it was originally attached to the side extension. The porch has also been reduced in height. The internal layout of the dwelling has also been altered several times, as a reaction to these changes.



4.2 The single storey rear extension would project out of the rear by 4m and would have a width of 14.4m along the new rear of the dwelling, with a height of 2.5m. The side extension would project to

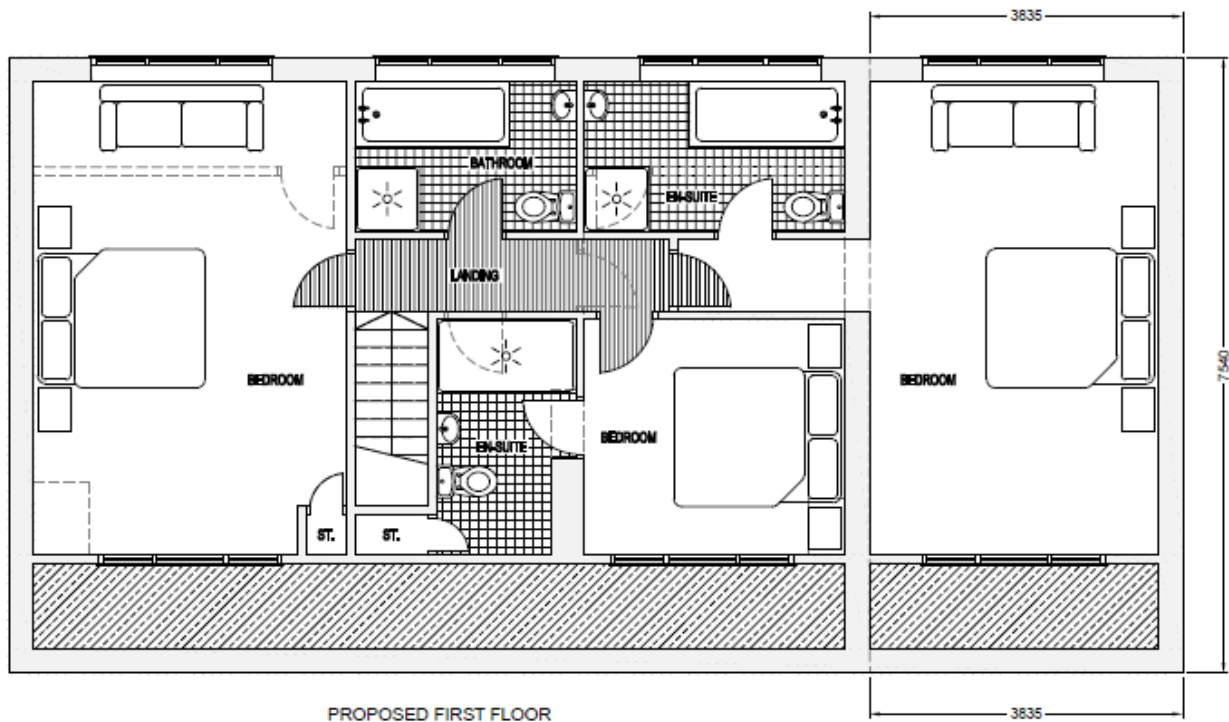
the side by 3.8m and would align with the existing dwelling's width of 7.5m at 1st floor, with an 11.5m length at ground floor.



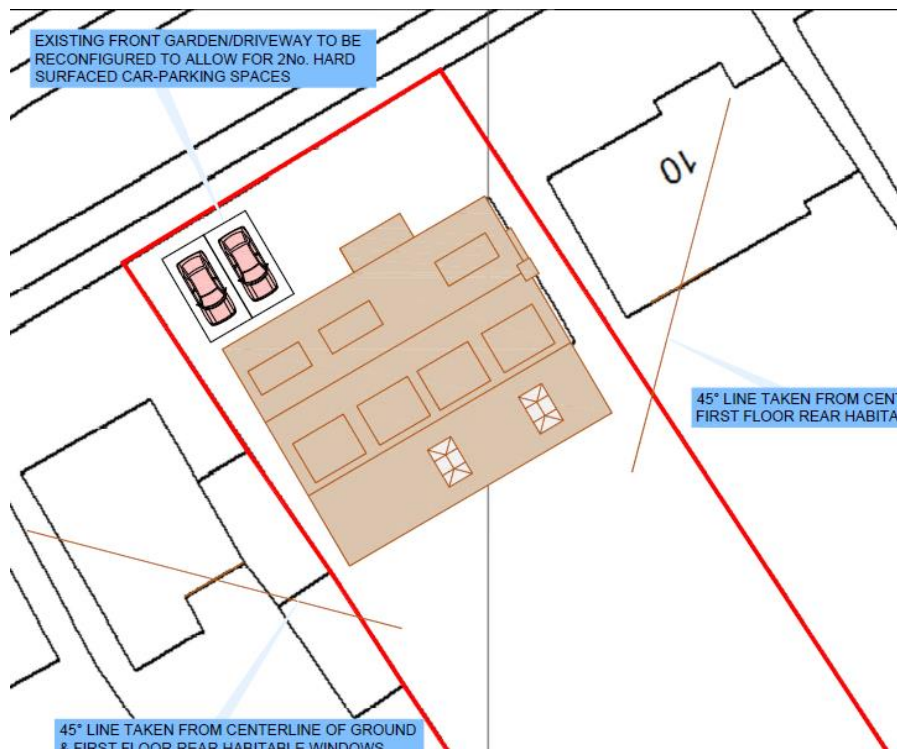
4.3

The scheme also adds a front porch which would project out by 1.5m and have a 3.1m width, this would have a flat roof which would align with eaves of the dwelling and have rendered side and front walls, although no further details have been provided on this matter.

- 4.4 The proposal also includes a dormer window to the front to match the existing dormer roofs, upon the side extension. A velux window would also be added to the front roof.
- 4.5 To the rear there would be three additional dormer windows to match the scale and design of the existing rear dormer, it is unclear what materials would be use to clad these dormers, but from the drawings this may be hanging tiles.



- 4.6 The single storey section would have 3 sets of bi-folding doors to the rear and lantern-style roof light. To the western side at ground floor there would be a window to the side of the garage and a full length window to the side of the gym space.
- 4.7 It is proposed to use matching materials on the roof and walls. The scheme would have parking for 3 vehicles including a garage with a 5.8m long by 3.5m wide space. The two spaces to the front would be 5.5m deep and 2.4m wide.
- 4.8 The scheme would lead to a full re-configuration of the house, with play room, snug, kitchen/diner, gym and garage to the ground floor and 3 bedrooms and 3 bathrooms in the first floor.



5.0 **CONSIDERATION**

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)
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 **National Planning Policy Framework (2019)**

- Part 2. Achieving sustainable development
- Part 4. Decision-making

- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

5.4 **Supplementary Planning Documents**

Successful Places' Residential Design Guide (2013)

5.5 **Principle of Development**

- 5.5.1 The application site is within a residential area where works to a domestic property are considered to be generally acceptable subject to policies CLP1, CLP2 and CLP20 of the Local Plan, as well as the wider objectives of the NPPF and no objections therefore arise to the principle of the proposal.

5.6 **Residential Impact**

- 5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

- 5.6.2 The comments from local objectors have referred to the following issues:

- Overlooking to neighbours' gardens and houses.
- Overshadowing neighbouring residents.
- Reducing daylight and sunlight to neighbouring houses.
- Overbearing to neighbouring residents.
- An overdevelopment of the plot.
- Outlook/view
- Noise
- Overlooking from the window at the side of the gym.

5.6.3 **Overlooking**

The comments raised relating to overlooking highlighted:

- overlooking to the neighbouring rear gardens of dwelling on Foljambe Avenue from the ground floor and dormer windows.
- overlooking from the dormer windows into the rear gardens of the neighbouring gardens to the side of the site at no. 10 and no.14.

- overlooking from the side window from the gym room towards no.14.
- overlooking from other windows no longer included in the scheme, such as velux windows and rear windows from two storey rear extension.

5.6.4 Many of the comments from local residents have been received prior to the latest set of drawings, which removed the two storey element of the proposal and replaced this with dormer windows to the rear. It is also appropriate to consider which elements of the scheme could be carried out without the need for the submission of a planning application and in this regard all of the dormer windows which would be positioned on the existing rear roof plane would not require permission. It is possible to convert a roof space and add rear facing windows without the need for any planning permission or assessment of their potential impact. It is the case however that the proposed rear dormer window roof on the side extension would require permission.

5.6.5 Of the four rear dormer roofs the two central elements would have obscure glazed windows, one of which already exists. The two other dormers are to either side and both face straight out over the rear garden of the dwelling. The rear garden of the existing dwelling projects for over 25m from the existing ground floor rear elevation. When considering overlooking the Council's Design SPD (2013) offers guidance for new developments that the rear elevations of new houses should be at least 21m apart and that the rear windows of dwellings should be more than 10.5m away from the boundary of a neighbour's rear garden. It is also required to consider the angle of these windows as a determining factor, as a more acute angle diminishes the opportunity for direct overlooking and allows for a reduced separation distance between dwellings.

5.6.6 With regard to the dormer windows, whilst it is considered they would lead to a potential increase in overlooking into the rear gardens of both no.10 and no.14, this would be an angle and is nothing unusual within such a built up residential area. Most dwellings with upper floor windows in their rear elevation have an angled view out over the neighbouring gardens as well as their own and which is considered acceptable in planning terms. The side extension will include a dormer to the rear also (which is not permitted development), and this will allow almost direct

overlooking towards a rear patio area and summer house at no.14. There is a 2m plus mature hedge along the south-western side boundary separating these two gardens, which will restrict a element of this though. The previous iterations of the scheme included rear facing full length windows on the rear extension, which would have had a more pronounced and obvious impact to the neighbouring residents, but the current proposed scheme is considered to be within the realms of what is “normal” and “acceptable” in mixed housing areas such as this. In this regards it is not considered that refusal of planning permission can be justified on these grounds.

- 5.6.7 In regards the overlooking towards the rear gardens of dwellings on Foljambe Avenue, from the ground floor and 1st floor, the 21m plus separation distance between the proposed rear elevation of the dwelling and Foljambe Avenue property is considered to be acceptable and not harmful.
- 5.6.8 Because of the falling levels down the street the proposed side window for the proposed gym is below the height of the neighbouring dwelling’s driveway. However it is considered that there is still a reasonable chance for overlooking, as there are kitchen windows to the side of no.14. A condition to ensure this proposed window is obscure glazed is considered necessary, to ensure the residential amenity between the two houses is safeguarded. The other issues raised were related to the original set of drawings and first set of revised drawings, which have both been superseded now, and do not required further consideration.
- 5.6.9 Overshadowing and loss of daylight/sunlight
The issues raised by the local objectors included:
- Overshadowing neighbouring residents.
 - Reducing daylight and sunlight to neighbouring houses.
- 5.6.10 The proposals include a two storey side extension and a single storey rear extension. The dwellings along this side of St Davids Rise are on the southern side of the street with rear south facing gardens. The two storey element would be to the western side of the dwelling and the rear extension along the southern side. As the proposal is a detached dwelling the permitted developments rights are a fallback position to consider, and in this regard a 4m deep single storey rear extension could be built along the rear of the house without any requirement for planning permission. The

dwelling to the east at no.10 is separated from this dwelling by over 2.5m and it is sited below the ground level of the application site and it is not considered that the rear extension leads to any significant increase in overshadowing or loss of daylight, and the proposal does not conflict with the “45 degree guidance” in relation no.10’s primary windows.(See plan above) It is also considered that this part of the proposal nearest No 10 is mostly permitted development (minus the section to the rear of the garage).

5.6.11 In relation to no.14, the rear extension also results in no significant reduction in daylight/sunlight. The side extension does not lead to a significant reduction in daylight/sunlight or increase overshadowing to primary windows. The main primary windows for this dwelling are to the front and rear of the property, with side windows being secondary. Some of the previous comments made were in relation to the larger two storey rear extension, but this proposal has now been removed from the scheme.

5.6.12 Overbearing/massing

The proposal’s main two impacts in this regard are the single storey rear extension to no.10 and the two storey side extension to no.14.



To the rear of no.10 their view to the western side of their plot includes a mature coniferous hedge and the glazed side of the existing conservatory (approx. 3m projection), with no gap between the two. Due to the step up in land levels of the application site the hedge is approx. 4m in height above their ground level. The proposal would replace the existing glazed side elevation of conservatory with a brick wall. The increase in projection of the extension (approx. 1 m) will mostly be behind the hedge (as viewed from the rear of no.10). Whilst it is accepted that it will increase the built form of development within sight of their rear patio area, it is set back from their house by over 2.5m and it is generally permitted development.



The proposed two storey side extension, including a front and rear dormer roof will also increase the built form of development within close vicinity to the side windows of no.14. It is considered that both side windows (kitchen and top of the stairs) are secondary windows, and that whilst the proposal does not directly impact a primary window or private amenity space that the proposal is not refusable in this regard.

The issue of outlook/view is also closely related to this, as the main view from no.14 is from the window at the top of the stairs. The

loss of the two storey rear extension ensures that the majority of the view/outlook from this location will still be possible. As this is not a primary window the control over an “outlook” is less stringent, and this could not be a reason for refusal alone.

- 5.6.13 Private amenity space – the scheme would include 100 sqm of amenity space to the rear of the dwelling. The Council’s Design SPD (2013) has guidance that a 4+ bedroom dwelling should have at least 90 sqm of space and the proposal is therefore acceptable in this regard.
- 5.6.14 The issue of noise from development has also been raised however it is unclear what this refers to, but is assumed to be noise from construction. A condition should be included in any permission to limit the working hours. Noise related to construction is considered to be an acceptable part of development, but it is accepted that this could have a temporary impact on the residential amenity of local residents.
- 5.6.15 On the basis of the above, the proposed development would be acceptable within the requirements of Policies CLP14 and CLP20 of the Local Plan and the advice contained within the 2021 NPPF (paragraph 127) which states that planning decisions should ensure that developments have a “high standard of amenity for all existing and future users” and chapter 3.11 (Amenity) of the Council’s SPD ‘Successful Places’.

5.7 **Design and Visual Impact**

- 5.7.1 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.
- 5.7.2 The proposal has been altered on several occasions, with alterations to the proposed parking to the front, the location of a two storey rear extension/dormer windows, changes in design of the porch and internal changes that have come about as a result of these changes. This includes a reduction in bedroom numbers from 6 to 4 to 3; one of the previous bedrooms on the ground floor is now proposed to be a “playroom” and there are 3 separate

bathrooms. It is considered that the internal layout could be altered post-application with rooms used for different purposes and that up to 5 bedrooms could be created. If a permission is granted there is limited control available to the local planning authority to be able to restrict such internal changes to dwellings.

- 5.7.3 The proposed scheme includes a side extension to match the design and scale of the existing dwelling, with the works matching the eaves, ridge and materials of the existing unit. An additional dormer would also be added to the front and this matches the design of the existing front dormers.
- 5.7.4 Neighbours have commented that the proposed side extension isn't in keeping with the original dwelling, as it will lead to a large dwelling, that will be out of keeping with the character of surrounding dwellings and an overdevelopment of the plot. It was also considered that the addition of an extra parking space to the front, which includes the removal a section of dwarf wall and grass verge to the front of the dwelling, which is next to the existing parking space, is a negative aspect of the proposal.
- 5.7.5 The character of dwellings and their boundaries on the street includes 5 dormer bungalows, 4 bungalows and 8 two storey dwellings. There are many variations to these dwellings, including extensions built since their original completions and it is clear that there is much variety with little uniformity in its character. In design terms the proposal copies the existing dwelling. In regards the size of the proposal the proposal will lead to a larger dwelling on site taking up the majority of the width of plot, reducing the gaps in-between houses however this is not considered to be so critical to the character of the area that the scheme is not acceptable. Many other plots on the street have side extensions, which also take up more of the plot width in built development. Whilst it is recognised that there were certain design ideals in place when the street was originally developed, and the resident's outlooks, overshadowing etc were carefully considered, there are no policies in place to permanently restrict changes to dwellings on the street, and the approach to housing alterations has dramatically changed since then. There are also numerous examples on the street and in the surrounding area of significant changes to original dwellings.
- 5.7.6 The scheme also proposes to include a porch to the front, this would be flat roofed and have a rendered front and side, as well as

an entrance door and full length side windows either side. The proposal has a 1.5m projection and 3.1m width, and the roof aligns with the dwelling's existing eaves. The porch is considered to offer an additional architectural feature to the frontage, with a contemporary design in comparison to the original 1960s architecture. This is not considered to have a significant negative impact on the dwelling or streetscene.

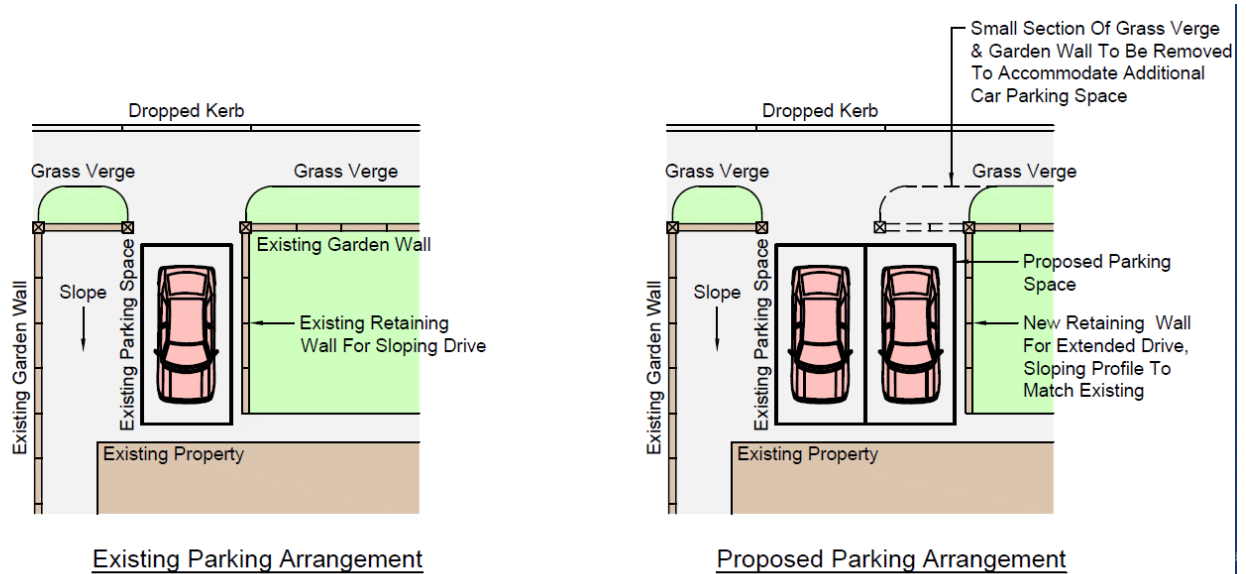
- 5.7.7 Accordingly the proposed scheme would be an acceptable addition to the street scene, and acceptable to visual amenity, which accords with the Council's Supplementary Planning Document 'Successful Places' (section 3.16 Building Design), Policy CLP20 of the Chesterfield Borough Local Plan and the revised National Planning Policy Framework.

5.8 **Highways Issues**

- 5.8.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. The Highways Authority has confirmed:

No highway safety objections in principle providing the extensions form private, domestic, ancillary living accommodation for the existing residential dwelling and subject to the proposed on-site parking arrangements being laid out and available prior to the extensions being brought into use.

- 5.8.2 The proposal includes space for 3 vehicles to park on site including 1 garage space and 2 spaces to the front. These parking spaces are considered to be of an acceptable size in comparison to the Council's Design SPD (2013), as they are at least 4.8m in length and 2.4m in width. The garage space is 3.5m wide and 6m in length internally, which adheres to the guidance recommended in the above document.



- 5.8.3 In regards the comments from local objectors, the issues were:
- The scheme has insufficient parking on site, and this will lead to increased on-road parking.
 - The existing road is narrow, and increased levels of on road parking could cause highway safety issues.
 - There is proposed to have more bedrooms in the dwelling than currently shown on the amended plans, this impact the demand for parking.
 - a longer dropped curb area to the front of the site will reduce the availability of safe on-street parking.

5.8.4 The proposal has been amended, and it now shows that it will have 3 bedrooms. As previously mentioned, the officer considers that there is adequate space in the internal layout of the dwelling to accommodate 4 to 5 bedrooms however the scheme can provide 3 off-road parking spaces and this is considered to be acceptable in relation to the policy CLP20. A condition can be attached to an approval to ensure that the garage is retained for the parking of vehicles.

5.8.5 The increase in the dropped curb area by approximately 2m is not considered to lead to a significant reduction in parking on the street in general with reasonable levels of on-street parking maintained on the street. This is in conjunction with the loss of highway verge and a small section of wall to the front of the site. As this is only a small section of the existing wall and verge, this change is not

considered to have a significant impact on the character of the street in this regard.

- 5.8.6 The proposal therefore is acceptable with the requirements of Policy CLP20 of the Local Plan which seeks the provision of adequate and safe vehicle access and parking (criteria g) and a safe, convenient and attractive environment for pedestrians and cyclists (criteria h), as well as CLP22.

5.9 **Biodiversity**

- 5.9.1 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”.

- 5.9.2 With the application no information has been provided in relation to biodiversity measures on site. The proposed development 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 the agreed biodiversity net gain measures, as a result of the proposed development. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

5.10 **Coal mining risk and ground contamination**

- 5.10.1 Several comments from local residents have mentioned the potential risk of developing the site, due to historical coal mining issues in the locality. The officer doesn't have any specific knowledge of this particular site in regards coal mining risk, but the application site is within the High Risk Area in respect of former coal mining activity. As this proposal is a householder application a coal mining risk assessment is not required as part of the works, but it is considered that the Coal Authority may still be required to

be consulted during any future construction to ensure it is completed safely. Any damage to neighbouring sites is a non-planning matter.

5.10.2 On this basis the proposal is considered to meet the requirements of policy CLP14, subject to conditions.

6.0 **REPRESENTATIONS**

6.1 The application has been advertised via letters sent to surrounding local residents; these comments have been received.

6.2 23 comments received from the residents of 8 dwellings, although one has not provided an address. 6 of these comments have been received in regards after the 21st December revised drawings were submitted. All comments received are objections, on the grounds of:

- Converting a 2/3 bungalow into a large family house.
- Highway safety/parking on street and whether parking proposal is acceptable.
- Overlooking to neighbours' gardens and houses.
- Overshadowing neighbouring residents.
- Reducing daylight and sunlight to neighbouring houses.
- Overbearing to neighbouring residents.
- Proposal not clear, as non-bedrooms could be easily converted into bedrooms in the future.
- An overdevelopment of the plot.
- Out of keeping with character of street
- Outlook/view
- Coal mining issues on site from foundations.
- Noise
- Removal of front wall and grass verge will have a negative impact on street, and would go against local covenant.
- Potential damage to neighbouring dwelling at no.14 from the groundworks.
- Overlooking from the window at the side of the gym.

6.3 ***Officer comment – The above issues have been dealt with in the above report.***

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 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.
- 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 the 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 has during and prior to 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 proposed development is considered to sufficiently reflect the architectural characteristics and form of the existing dwelling and surrounding development. Furthermore, it is not considered that the development would result in significant injury to the amenity of nearby residential properties or lead to a negative impact upon highway safety. As such, this application is considered to comply with the requirements of policies CLP2, CLP14, CLP16, CLP20

and CLP22 of the Chesterfield Borough Local Plan 2018-2035 and Chapter 12 of the revised National Planning Policy Framework.

10.0 **RECOMMENDATION**

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

Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans:
 - Site Location Plan;
 - Block Plan (submitted 21/12/21)
 - Proposed and Existing Elevations and Floor plans (drawing no. 68/21/Y17-01G, as submitted 21/12/21)with the exception of any approved non-material amendment.

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. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out 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 - In the interests of residential amenities.

4. 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) there shall be no new gates or other barriers on the existing or new access.

Reason - In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

5. Prior to commencement of the development hereby permitted, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

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 170 the National Planning Policy Framework.

6. Obscure glazing to a Pilkington Scale level 4 shall be utilised on the proposed ground floor window on the western side elevation of the gym, as shown on drawing no.68/21/Y17-01G. The window installed shall be retained with the agreed obscurely glazing thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of residential amenity and policy CLP14.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be made available prior to occupation of the side extension and retained as such and shall not be used for any purpose other than the parking or private motor vehicles associated with the residential occupation of the properties without the grant of further specific planning permission from the Local Planning Authority.

Reason – In the interests of highway safety and residential amenity, in relation to policies CLP16 and CLP20.

8. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the

walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings and future residents of this dwelling, in relation to policy CLP16.

Informatives

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street Works Act 1990 before any works are commenced to construct a dropped crossover of a footway or verge a licence will be required from Derbyshire County Council. Details can be obtained from the Council's website or Highways Hub (highways.hub@derbyshire.gov.uk) and the applicant is advised to allow at least 6 weeks in any programme of works to obtain the necessary permission to undertake the works.
2. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.
3. Planning permission does not give you approval to work on the public highway. To carry works associated with this

planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

4. 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.

5. In accordance with condition 5, 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

6. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. 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 Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com