

PLANNING COMMITTEE – 19th March 2024

REFERENCE NUMBER: 23/00918/FL Application Expiry Date: 31 March 2024
Application Type: Full Planning Permission

Proposal Description: Proposed two-story detached dwelling and garage with creation of new access (Amended Plans)

At: Land North Of 14 And Between 10 And 18, Birkinstyle Lane, Shirland

For: Mr R Hartshorn
Third Party Reps: 8 **Parish:** Shirland and Higham
Ward Name: Shirland

Author of Report: Case Officer Alice Lockett **Date of Report:** 27/2/2024

MAIN RECOMMENDATION: CONDITIONALLY APPROVE

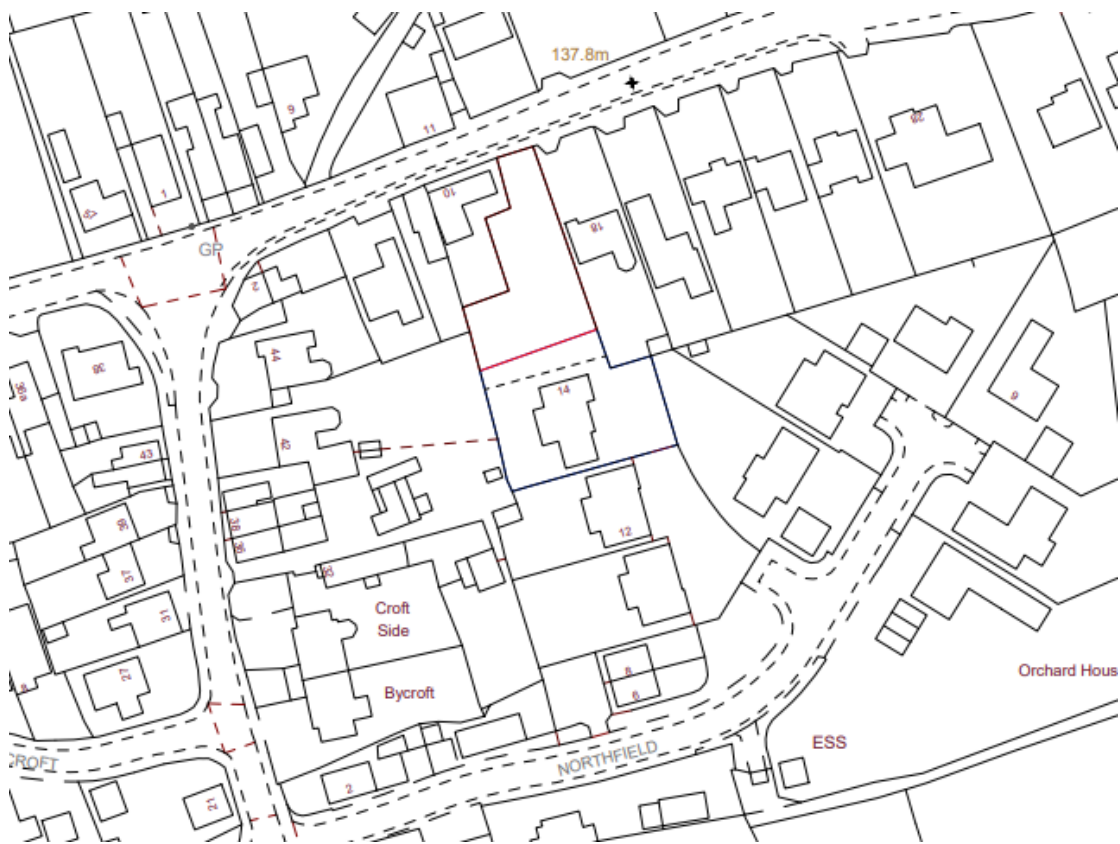


Figure 1 Location Plan (site edged in red)

1.0 REASON FOR THE REPORT

- 1.1 The application was called in for determination by Planning Committee by Cllr Roe due to the potential impact on highway safety.

2.0 PROPOSAL AND BACKGROUND

- 2.1 The application site is formed from land left over after the development behind the former Woolpack public house had taken place and previously, largely, had formed the garden of 14 Northfield, the development that replaced the former pub and its curtilage.
- 2.2 The site is approximately 600m² in area and generally flat and it would be accessed from between 10 and 18 Birkinstyle Lane.
- 2.3 The application seeks permission to construct a single two-storey, three/four bedroomed detached dwelling and a garage with the creation of a new access onto Birkinstyle Lane

3.0 RELEVANT PLANNING HISTORY

- 3.1 21/00393/OL Application to remove condition 28 (Footpath Link) of planning application 12/00718/OL (Major Development) Approved S106 completed.
- 3.2 16/00524/RM Reserved matters application relating to outline permission 12/00718/OL for access appearance landscaping layout and scale for redevelopment of former Woolpack Public House and land adjacent to provide 14 dwellings (Major Development/Departure from Development Plan) Conditionally Approved
- 3.3 12/00718/OL Outline application (access submitted) for redevelopment of the former Woolpack Public House, Woolpack Croft and land adjacent to provide up to 14 dwellings including the conversion of the public house to two apartments (full details submitted) and partial demolition of the public house (Major Development) (Departure from Development Plan) (Amended Plans/Additional Information) (Additional Ecological Information) Approved S106 completed.
- 3.4 04/01152/OL Outline application for one dwelling (all matters reserved for future approval) Refused.
- 3.5 90/00913/OL Construction of one dwelling (outline application) land adjacent Conditionally Approved

- 3.6 80/01252/OL One detached dwelling (outline). Conditionally Approved
- 3.7 77/01027/OL One detached dwelling (outline). Conditionally Approved

4.0 CONSULTATION RESPONSE

- 4.1 Coal Authority (CA): The Coal Authority's Planning & Development Team concurs with the conclusions of the submitted Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Should planning permission be granted for the proposed development, the CA recommends that conditions are included to any decision.
- 4.2 DCC Highway Authority: The Highway Authority (HA) are in receipt of additional information in connection with the application.

Submitted drawing No. S.02 Rev A illustrates a new access is proposed via Birkinstyle Lane, which is an adopted road subject to a 30mph speed limit. An access width of 3.0m for at least 5m behind the highway boundary is to be provided, which is in general accordance with Delivering Streets and Places Design Guide.

The submitted plan details vehicle visibility splays of 2.4m x 43m in both directions. However, it is noted vehicle visibility splays are impeded by third party land on both sides.

Notwithstanding this, in line with Manual for Streets 2 'a minimum X distance of 2.0 may be considered in some slow speed situations and when flows on the minor arm low'. The HA are satisfied vehicle visibility splays of 2.0m x 43m are achievable and given there are similar access drives on Birkinstyle Lane, drivers tend to nudge forward in these circumstances, and pedestrian visibility splays of 2m x 2m have been provided. As such, the access proposed is considered acceptable in these site-specific circumstances.

Additionally, the HA are satisfied with the proposed parking provision given the quantum of development proposed. Therefore, subject to conditions, it is considered that this development would not lead to a severe or unacceptable highway impact in the context of the NPPF.

- 4.3 Derbyshire Wildlife Trust (DWT): No records of protected species are present on or adjacent to site. No notable habitats have been recorded to date on or adjacent to site. The site is not covered by a statutory or non-statutory nature conservation designation.

The site appears heavily disturbed, with potentially limited ecological value and so habitat surveys are not necessary or proportionate in this instance. The site appears to be immediately adjacent to a mature tree, and the LPA should assess if the tree will be impacted by proposed works.

DWT recommend that conditions are used to safeguard any nocturnal wildlife (If lighting is proposed) and to enhance the biodiversity value of the site.

4.4 Environmental Health Officer No objections subject to conditions.

4.5 Severn Trent Water: No comments received.

5.0 REPRESENTATIONS

5.1 Ward Member: Refers the application to Committee for the following reasons:

The only previously granted permission was for a bungalow only.

Residents were told there would be a path to allow safer passage through to the other side only then to have the new residents complain and get it closed.

The access/egress has no clear line of sight to oncoming vehicles in either direction which will lead to traffic issues.

5.2 Parish Council: No comments received.

5.3 11 letters were received from 8 objectors raising the following issues:

Lack of coal risk assessment (*Officer note: A CRA has since been submitted*).

Evidence for Biodiversity Net Gain (*Officer note: See conditions section*)

Access does not have visibility and will create another dangerous entrance onto Birkinstyle Lane which is very busy.

Cars park on both sides of Birkinstyle Lane blocking visibility and the parking layout is contrived with insufficient turning.

The development will affect roots of a tree.

The unattractive front elevation which will not enhance the street scene and the site is set back behind the building line.

There is insufficient private amenity space.

There is no regard to first floor rooms at 10 Birkinstyle Lane.

The master bedroom has no outlook.

Impacts 45° lines and will result in a loss of daylight to 10 and 18 Birkinstyle Lane.

The window of bedroom 4 will overlook the gardens of 8 and 10 Birkinstyle lane.

An application was refused in 2004.

Will impact light to garden on no 6 Birkinstyle Lane

Shirland does not have the capacity to support more houses.

6.0 RELEVANT POLICY AND STRATEGIC CONTEXT

6.1 The Development Plan comprises the North East Derbyshire Local Plan (LP). The most relevant policies in this case are as follows:

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development

SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits

SDC2 Trees, Woodlands and Hedgerows

SDC11 Flood Risk and Drainage

SDC12 High Quality Design and Place Making

SDC14 Land potentially affected by Contamination or Instability

6.2 A Neighbourhood Plan (NP) is in the progress of being prepared for Shirland and Higham, an area which includes this site. The Plan has been written and submitted to the District Council. It is in an early stage of preparation and so carries only **limited weight** in the determination of this application. A key principle of the draft plan is to ensure new development reinforces local character.

Policy 1 of the Plan seeks specifically to secure new development that is of a scale, density, layout and design compatible with the part of the Parish in which it is located.

Policy 2 supports high quality residential development in infill sites providing it is in keeping with the character of the area.

Policy 4(a) seeks to protect and enhance the natural environment. Policy 4b seeks to protect and retain mature trees and hedgerows.

Policy 7 seeks to achieve high quality design.

Policy 9a seeks an appropriate housing mix and in Shirland specifically 2-3 bedroomed houses will be supported.

6.3 Other Policy

Successful Places Design Guidance.

7 PLANNING ISSUES

Planning policy background and the proposal

- 7.1 The application site is located within the settlement development limits for Shirland. Here LP policy SS7 supports development provided that it is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of a valued facility or service, is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies of the Plan.
- 7.2 Policy SDC12 of the LP states that all new development should be of high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they: Respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; Create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment, materials, streetscape, and rooflines which effectively integrate buildings into their local setting.
- 7.3 These policies are considered in accord with the NPPF and so carry full weight in determining this application. The relevant NP policies, whilst carrying limited weight, reinforce the relevant policies of the LP.
- 7.4 This application is for a new 2 storey dwelling on a vacant site further to the residential development of the land to the rear of the Woolpack Public House. It lies currently unused being originally proposed to be used to afford a footpath connecting the new development to Birkinstyle Lane.
- 7.5 Due to the site's unused nature and its location within the settlement it is considered that in principle the site can be redeveloped for a single dwelling unit, subject to the other policy tests as set out in the Development Plan, and specifically in respect of its design and the layout of the site.

Assessment on potential impact on the privacy and amenity of neighbours and future occupiers

- 7.6 The application site is narrow at the front (north) where it meets Birkinstyle Lane and it widens to the rear where it is behind the garden of 10 Birkinstyle Lane (see Figure 2 below).

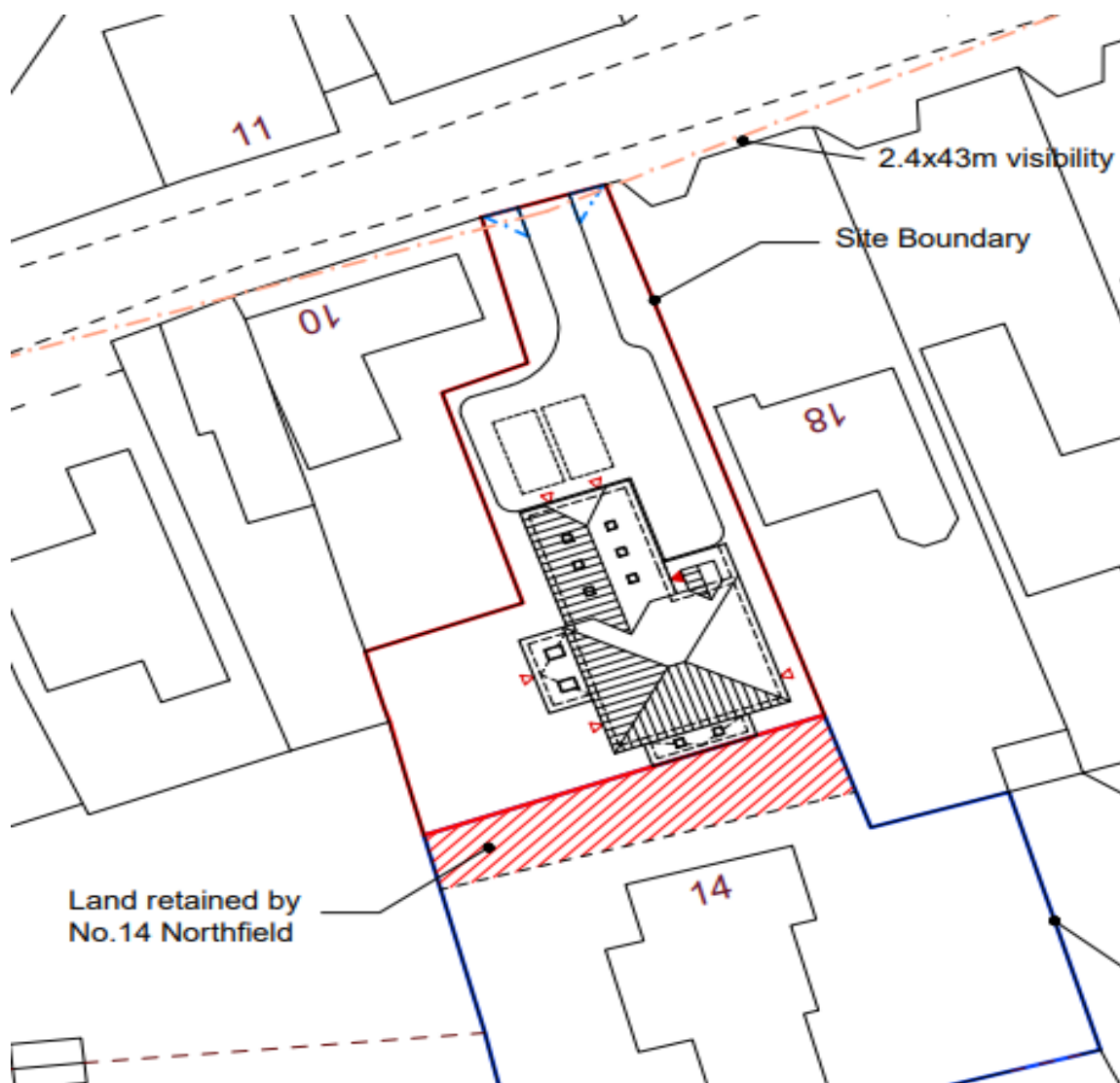


Figure 2 Proposed site plan.

7.7 The site is bounded by three properties, 18 Birkinstyle Lane to the east, 14 Northfield to the south and 10 Birkinstyle lane to the north west (see Figures 3, 5, 7 and 8 below).



Figure 3 View of site access from Birkinstyle Lane with No.10 to the right and No.18 to the left, part of the side elevation of 14 Northfield can be seen to the rear.

7.8 The dwelling has been designed such that it meets the requirements of Successful Places, the Council's Design Guidance with regard to the privacy and amenity of neighbours as follows:

18 Birkinstyle Lane (east)

7.9 The rear elevation of 18 Birkinstyle Lane comprises a conservatory, kitchen window and two smaller obscurely glazed windows which appear to serve storage areas (see Figure 4 below). The boundary between the application site and 18 is marked by a tall evergreen hedge (see Figure 5).

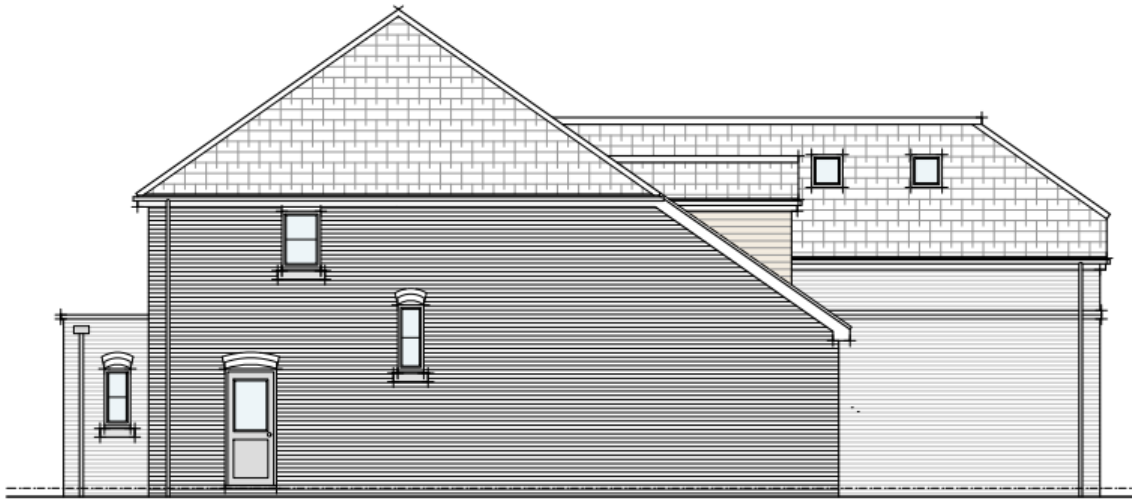


Figure 4 Rear elevation of 18 Birkinstyle Lane

7.10 The proposed dwelling will impact a 45° line drawn horizontally from the ground floor kitchen window. However, it will not impact a vertical line due to this distance from the boundary and the pitch of the proposed roof, and so it complies with the guidance set out in Successful Places. This and the fact that the nearest two windows are small and to storage areas leads Officers to conclude that the impact on the rear elevation of No.18 is acceptable.



Figure 5 boundary between 18 Birkinstyle Lane and the application site.



LEFT ELEVATION

Figure 6 The window on this elevation serve the stairs and a dressing room and will be obscurely glazed

7.11 There are two side facing windows proposed above ground floor level on the left elevation of the new dwelling which will overlook 18 (see Figure 6 above). These will serve the stairs and a dressing room and can be conditioned to be obscurely glazed and so avoid any impact on No.18.



Figure 7 Side facing window at no.18 Birkinstyle Lane

7.12 No.18 has one side facing first floor window (se Figure 7 above) which will overlook the drive to the front of the proposed dwelling. As this is to a more public area to the front of the new dwelling it is not considered to be harmful to the privacy and amenity of future occupiers of the new dwelling and as it is a side window is not considered to require protection from the new development.

10 Birkinstyle Lane (to north west)

7.13 No 10 Birkinstyle Lane is a 2 storey building with a single storey rear extension located directly on Birkinstyle Lane (see Figure 3 above). It has a bedroom over the car port as illustrated in figure 3 above but this does not have a rear facing window.



Figure 8 View from site towards rear elevation of no.10 Birkinstyle Lane

- 7.14 The proposed dwelling is designed so that views towards No.10 from the single front facing first floor window are screened by the garage projection to the front (see Figure 9 below). Officers consider this design solution is acceptable towards the offset rear windows to No. 10 such that that relationship is also acceptable.



FRONT ELEVATION

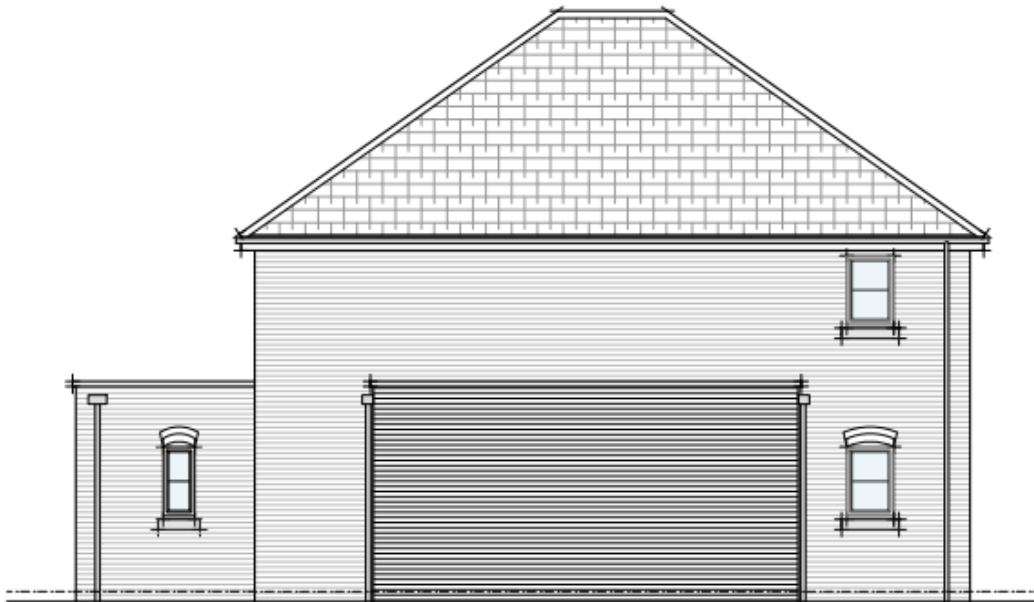
Figure 9 This elevation will face the rear of 10 Birkinstyle Lane, views towards the first floor windows at no.10 are screened by the forward projection.

14 Northfield (south)



Figure 10 View to the south from the plot showing the side elevation of 14 Northfield

- 7.15 Facing the rear of the plot is the side elevation of 14 Northfield (see Figure 10 above) and this has one first floor side window which serves a bathroom and is obscurely glazed.



REAR ELEVATION

Figure 11 This elevation will face 14 Northfield (1st floor window will be obscurely glazed)

7.16 The only first floor window proposed on the rear elevation will serve an ensuite bathroom (see Figure 11 above) and this can be condition to be obscurely glazed. Bearing in mind the current situation and what is proposed, again, Officers conclude the relationship would be acceptable.

Gardens to the west of the site



Figure 12 view from the middle of the site towards the western boundary.

7.17 To the west of the site is part of the end of the garden serving 8 Birkinstyle Lane and the garden serving 42 Town End (see Figure 1 above). The rear elevation of No. 42 will be over 42m away from the side elevation of the proposed dwelling and so not impact directly although the west elevation of the proposed dwelling will have first floor windows overlooking the proposed garden to the side of the house (see Figure 13 below).



RIGHT ELEVATION

Figure 13 Proposed side (west) elevation

7.18 The distance to the site boundary from the first floor windows is 11m which exceeds the 10.5m minimum required by Successful Places. As the rear elevation of 43 Town End is another 30m away Officers conclude there will be no adverse impact on the privacy and amenity of those neighbours. The side elevation of the proposed dwelling lies at right angles to 8 Birkinstyle Lane and will only afford over looking of a small area of the least private area of the garden (at the southern end). Again, Officers conclude that the impact on the amenity of occupiers of No.8 is acceptable.

The privacy and light to windows and garden of 6 and 8 Birkinstyle Lane (north west)

7.19 The distance from the west side elevation of the proposed dwelling and the boundary with the garden of 6 Birkinstyle Lane is 16.7m which is in excess of the 10.5m normally required in respect of such relationships set out in Successful Places (see Figure 2 above). In addition, No.6 is separated from the site by the garden of No 8. As such, it is considered that the proposed building will not have a harmful impact on the light to, or the amenity of, the garden at no.6.

7.20 No.6 has a side facing first floor window which is shown as obscurely glazed on plans submitted in respect of a planning application in 1998. The centre of this window is approximately 8m from the front of the house such that it is 19m from the new building and at an angle to it. Taking all these factors into account and that the nearest window in the new dwelling would be an obscurely glazed bathroom window at 22m distance (see Figure 14 below) leads Officers to conclude this relationship is acceptable. There is a rear single storey rear addition to No.6 too. This window is not

breached by the 45° rule of thumb set out in Successful Places and it faces south. As such it is considered that the proposed dwelling will not impact light to the windows of No.6 Birkinstyle Lane.

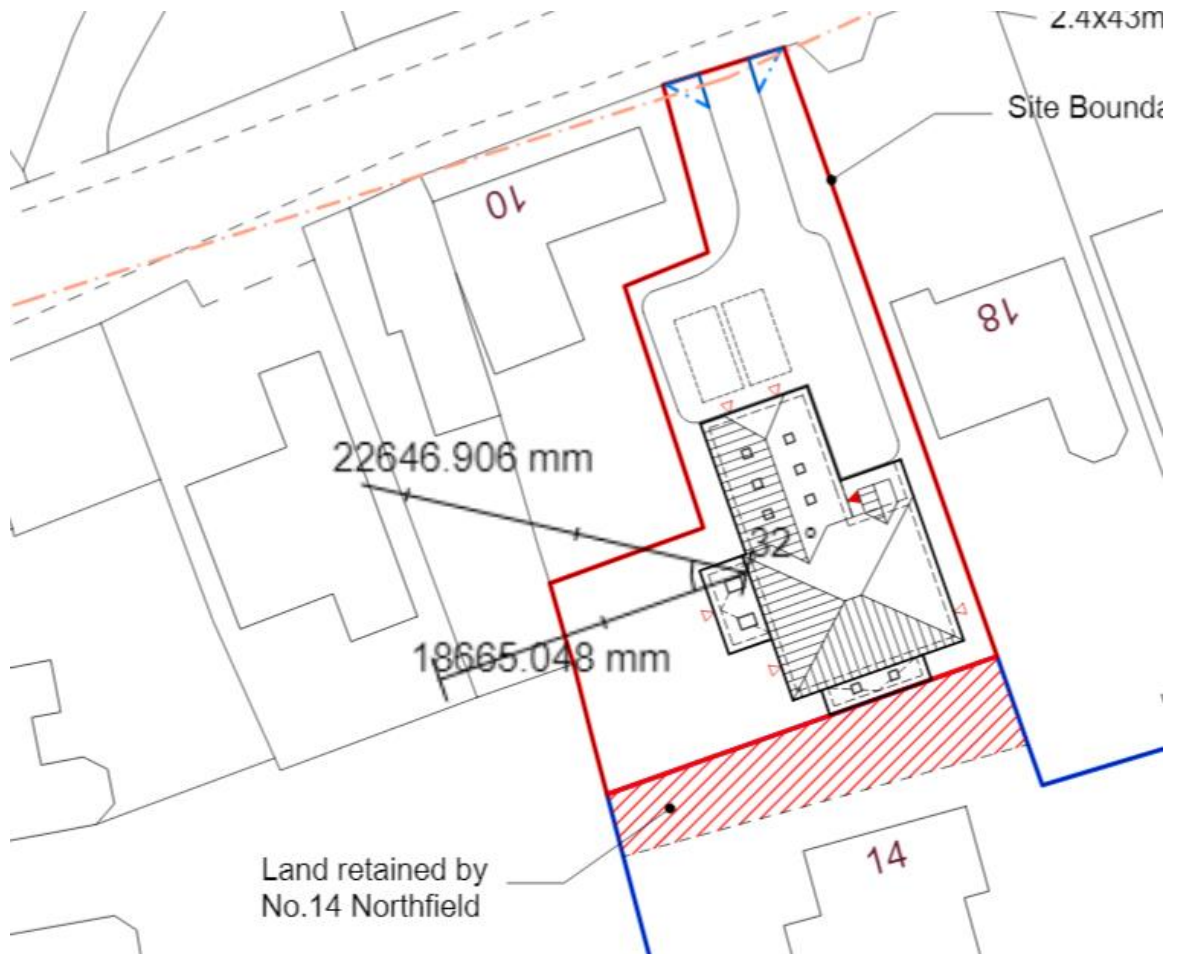


Figure 14: Distances between first floor windows of No6 Birkinstyle Lane and the application property

- 7.21 The dwelling does look towards the far end of the garden to No. 8 Birkinstyle Lane. As set out above, the rear garden depth proposed exceeds 10.5 metres, only the furthest part of the garden of No.8 would be impacted (i.e. its least private area and an area already subject of overlooking from neighbouring properties) and the closest window would be to a bathroom and obscurely glazed. As such, this relationship too is considered acceptable.
- 7.22 Overall, and taking all these factors into account, Officers conclude that the new dwelling has been designed such that it would have an acceptable impact on the existing dwellings, and their occupiers, that surround the site.

Amenity of future occupiers

- 7.23 The garden proposed for the new dwelling would be 119m² in area which exceeds the 90m² minimum required by Successful Places for this form of development. The garden would experience some overlooking from the rear of 10 Birkinstyle Lane but is over 19m from the first floor windows of that property and as such the impact of any overlooking would be limited and considered acceptable.
- 7.24 The site has space to park 4 cars within it and there is space to turn on site and leave in a forward direction.
- 7.25 As such, the proposal meets the requirements of Successful Places in respect to the privacy and amenity of both neighbours and the privacy and amenity of future occupiers. It is, however, recommended that further permitted development rights are removed to allow the Council to control future development due to the site's constraints and limitations as discussed above.

Design and impact on the street scene



FRONT ELEVATION

Figure 15: Proposed front elevation

7.26 As outlined above, there are a number of constraints to the site in the form of overlooking from and to neighbouring properties and protecting the amenity afforded the existing windows of the neighbouring properties. As a consequence the design of the proposed dwelling has been largely contrived to create this level of impact by a lack of windows in certain elevations, the building roof and eaves heights etc. As a consequence, it is considered that the building is of a bespoke design that cannot be described as achieving the high quality of design expected by both Successful Places and policy SDC12 of the LP.



Figure 16: The site is located within a mixed street scene

7.27 However, the street scene and character of the area in this locality is mixed with a number of different roof styles, building heights, ages and materials. In particular, No. 10 Birkinstyle Lane (see Figure 16 above) stands out as a tile clad Mansard roofed dwelling with dormer windows which is in contrast to the mostly brick built, pitched roof dwellings in the rest of the area.

7.28 In addition, the proposed building would be set back from the street and so only be seen in limited views from the street when approaching the site from the east and be largely screened from the west by No.10, Birkinstyle Lane.

- 7.29 As a consequence, Officers conclude the new dwelling would not be prominent in this mixed street scene and so, despite its unusual design, not adversely impact the mix and character of the street.

Highways

- 7.30 The submitted plans detail visibility splays of 2.4m x 43m in both directions. However, further to the advice of the HA it is considered that these visibility splays are impeded by third part land on both sides.
- 7.31 Notwithstanding this, based on the advice of the statutory highway consultee and in line with Manual for Streets 2 it is noted that a minimum X distance (depth into the site) of 2.0m may be considered acceptable in some slow speed situations and when traffic flows are low. The HA conclude that visibility splays of 2.0m x 43m are achievable and acceptable in this case and compatible with similar access points on Birkinstyle Lane and that pedestrian visibility splays of 2m x 2m have been provided. As such, in this case, the access to be provided is considered acceptable and that it would not have an unacceptable impact on highway safety.
- 7.32 It is noted that the site has a mixed history with outline permission for a detached dwelling being approved in the 1980s. Following this, outline permission for one dwelling was refused in 2004 on the grounds that the creation of the access in that case would lead to danger and inconvenience for users of the access and for drivers and pedestrians on the highway.
- 7.33 However, since 2004 the NPPF has been introduced and at paragraph 115 it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.34 The HA are satisfied that this development would not lead to a severe or unacceptable highway impact in the context of the NPPF and so consider the development acceptable. Therefore, notwithstanding the site history, Officers concur with the Highway Authority and consider the application acceptable in its current context.

Trees

- 7.35 The neighbouring occupants have expressed concern about the impact of the proposal on the tree in their garden. This tree is not protected by a TPO and so has no formal protection. The applicants commissioned a tree survey which concluded that the tree is of such a condition it should not be

allowed to constrain any development proposal and that it also has little, if any, public visual amenity. The tree is shown in Figure 17 below.



Figure 15 Tree in neighbouring garden

7.36 Officers are of the view that the tree is not of a quality which would warrant formal protection under a TPO and in any case falls outside the application site. The impact of development on the tree would therefore be a wholly private matter and Officers do not consider it is an issue that impacts on the planning issues otherwise raised by the application and it is not an issue that the Local Planning Authority should become involved in as it lies outside the public interest in this instance.

8 SUMMARY AND CONCLUSIONS

8.1 Local and national planning policy aims to support sustainable development within settlements. In this case a new dwelling is proposed on a vacant site within the Settlement Development Limits for Shirland and so this weighs heavily in favour of the development.

8.2 The proposed dwelling has been designed such that it meets the minimum requirements of Successful Places with regards to the privacy and amenity of both existing and future occupants and so this weighs on balance in favour of the scheme. The design of the dwelling is unusual but is considered compatible with a mixed street scene such that it would not adversely impact the character of the area due to its set back and the screening provided by adjoining units. This is therefore considered neutral in the planning balance.

- 8.3 The Highway Authority have confirmed the access is acceptable in these circumstances and no different than other existing accesses on Birkinstyle Lane and the proposal will not represent a severe impact on highway safety.
- 8.4 As a consequence of the above Officers are of the view that the scheme is acceptable and when taken as a whole meets the requirements of policy SS7 of the North East Derbyshire Local Plan.

9 RECOMMENDATION

- 9.1 **GRANT** Planning Permission subject to the following conditions, the final wording of which is delegated to the Planning Manager (DM/Development Management):

1. (Full Condition)

The development hereby permitted shall be started within three years from the date of this permission.

T1R Reason - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. (Submitted Plans)

The development hereby approved shall be carried out in accordance with the details shown on drawing numbers:

P.01 Proposed Floor Plan
P.02 Proposed Elevations
P.03 Proposed indicative Section
Received 25th October 2023
S.02 rev A Proposed Site Plan
S.03 rev A Proposed Block Plan
Received 21st December 2024;

T5R Reason- For clarity and the avoidance of doubt.

3. Before the commencement of the development hereby approved:

- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:

- the likely presence of potentially hazardous gas,
- their likely nature, extent and scale,
- whether or not they originated from the site,
- a conceptual model of pollutant-receptor linkages,
- an assessment of the potential risks to human health, property (existing or proposed) including buildings,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant ground gas sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

4. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

5. No dwellings hereby approved shall be occupied until:

- a) The approved remediation works required by 4 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been

identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 3b to 4 above and satisfy 5a above.

- c) Upon completion of the remediation works required by 4 and 5a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

6. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

Reason: To protect the amenity of neighbours in accordance with policy SDC13 of the North East Derbyshire Local Plan

7. No development shall commence until:
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
8. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for

the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

9. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (delete as appropriate) (Part 1 Class A), dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), swimming pool (Part 1 Class E) shall be erected/constructed without first obtaining planning permission.

Reason – To prevent the over intensive development of the site and to protect the privacy and amenity of neighbours in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.

10. Before development starts, details of the existing ground levels, proposed finished floor levels of the dwelling and the proposed finished ground levels of the site, relative to an off site datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

Reason - In the interests of the appearance of the area and to protect the amenity of neighbouring users and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan

11. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing S.02 Rev A.

Reason: To ensure conformity with submitted details.

12. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

13. The development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage)

15. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network)

16. Before first occupation of the dwelling hereby approved, the above ground floor windows on the rear (south) and left (east) elevations shall be fitted with obscure glazing along with the window to the bathroom in the west elevation. The obscure glazing shall be of an obscurity equivalent to at least Level 3 or 4 of the Pilkington obscure glazing range. The windows shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window

is installed. The windows and glazing shall then be retained as such thereafter at all times.

Reason: to protect the privacy of neighbours in accordance with policies SS7 and SDC12 of the North East Derbyshire Local Plan.

Informatives/Notes:

NMA/DISCON

HIGHWAYS

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehic le-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk before commencing any works on the highway

COAL

Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. 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 permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.