

ITEM 1**Erection of 9 affordable dwellings (updated description and plans dated 24.01.2023) at Numbers 1-8 and 10 Westwood Avenue, Staveley for Chesterfield Borough Council**

Local Plan: Not allocated

Ward: Middlecroft And Poolsbrook

Plot No:

Committee Date: 3rd April 2023**CONSULTATION SUMMARY:**

DCC Policy	Cllr Gayes, happy with the change to the scheme. The additional primary pupils can be accommodated. Mitigation is likely needed through CIL to accommodate the additional secondary pupils.
CBC Forward Planning	The development would accord with policy CLP1 and most of Policy CLP2 being close to local services. Due to the reduced number affordable housing no longer applies. The homes meet M4(2) accessibility.
Highway Authority	Comment made see report below
CBC Design Services Drainage	Drainage information can be conditioned.
Lead Local Flood Authority	As the development is no longer major development no comments to make
Coal Authority	No objection subject to conditions.
Derbyshire Constabulary Designing Out Crime Officer	The proposed gated access into the nature break out area which is within the private driveway for Plot 6 is problematic and likely to lead to disputes.
CBC Environmental Health	Refer to previous comment which noted: no objection subject to - hours of operation, lighting, EV charging, contamination conditions.
Yorkshire Water	Refer to previous comment which noted: no objection subject to condition.
Derbyshire Wildlife Trust	A Landscape Plan and a Biodiversity Enhancement Plan should be conditioned.
CBC Tree Officer	Landscaping condition recommended.

Representations	5 received from 4 neighbouring parties.
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2.0 THE SITE

2.1 The application site is a now vacant parcel of land accessed from the road leading from Edward Street and Westwood Avenue adjacent to the small parcel of open space. The land is relatively level but begins to incline to the north west. The site is surrounded by existing residential properties.

2.2 Images of the site:



3.0 SITE HISTORY

3.1 CHE/16/00335/DEM Demolition of houses - Prior Approval Not Required 24.06.2016

This application noted that the reason for the demolition was that the tilts to the building had exceeded safe limits.

4.0 THE PROPOSAL

4.1 The application has been substantially amended since the original submission of 13 dwellings to now be for 9 dwellings to replace the units previously on site, but demolished some years ago. The site pre demolition (google image):



4.2 The revised layout now shows a terraced row of three units to the site frontage adjacent to no. 15 with parking for two vehicles to each unit to the frontage of the site. This would involve the removal of the existing tree. There is then proposed three further pairs of semi-detached houses. Two adjacent to no. 12 with gardens backing onto the houses on Bond Street. A further pair of semi detached homes is then proposed to the far north of the site overlooking the adjacent vacant site and the proposed nature break which is intended to be accessed via Plot 6.



4.3 All of the proposed dwelling are 3 bedroom units with 2 parking spaces. The design of the proposed units has been altered to better reflect the surrounding housing in terms of hipped roof design, chimney details and window proportions:



4.4 There are a number of areas of the site where, due to constraints, there will be landscaped edges and areas. This is demonstrated on the proposed landscaping plan; there is the nature break area to the north west of the site and a large garden or open space area to the north. This shows replacement planting and opportunities for enhancing biodiversity.

5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP3 Flexibility in Delivery of Housing (Strategic Policy)
- CLP4 Range of Housing
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design

CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- Residential SPD

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on residential amenity
- Highway safety
- Biodiversity and trees
- Ground conditions
- Drainage

5.5 Principle of Development

- 5.5.1 The application site is an unallocated parcel of land where the dwellings previously on site were demolished due to structural concerns some years ago. The site is within the area noted to be the built-up area to which policies CLP1 and 2 relate.
- 5.5.2 Policies CLP1 and 2 direct new development to location within walking access to a range of key services. The application site is well related to existing development it is within suitable walking distance of the local centre, school and with public transport routes available. The site is easily accessible being within a sustainable location and therefore meets the requirements of policies CLP1 and 2.
- 5.5.3 As the site is now for 9 units there is no affordable housing requirement. However, the units themselves will be affordable rental units for CBC as registered social landlord.
- 5.5.4 Policy CLP4 also requires that: On sites totalling 10 or more dwellings (including phases of those sites) 25% of dwellings should be built to building regulations standard M4(2). Whilst this development is only for 9 units all of the units will meet the M4(2) standard, which is welcomed.

- 5.5.5 In regard to climate change Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy.
- 5.5.6 Whilst this development does not constitute major development the submission refers to climate matters noting: *whilst the buildings will be traditional construction, many elements will be constructed in a factory and pre finished then transported to site, reducing waste and improving air tightness in the units. The homes will have a minimum of 10% energy efficiency above Part L of the building regulations.*
- 5.5.7 There is no information within the submission regarding how emission will be reduced through construction, operation or through the use of renewables. It is therefore reasonable to impose a condition for a statement to be submitted regarding these matters.
- 5.5.8 Subject to more detailed consideration the principle of the development is in line with Adopted Local Plan policy.

5.6 Design and Appearance

- 5.6.1 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.
- 5.6.2 The design of the units have been amended through the application process to better reflect the design of the surrounding development. The revised design in form and style reflects upon the surrounding housing. A condition will be required to ensure the final finished materials are appropriate to the context.
- 5.6.3 The layout has been amended to reduce the number of units overall which has improved the development in terms of appearance but also in terms of neighbouring impacts, whilst still allowing access to the third-party land to remain accessible in the north western corner.
- 5.6.4 Landscaping of the site including the nature break and verge areas will be required in an appropriate manner to ensure the development assimilates well within its setting. The area of soft planting shown on the

submitted landscaping plan are considered to be acceptable providing additional planting to property boundaries, which will also address the boundary concerns raised. A condition to an appropriate landscaping scheme will be required, refer to Section 5.9 of the report below.

5.6.5 Subject to conditions the proposal is considered to be in line with policy CLP20.

5.7 Impact on Residential Amenity

5.7.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.

5.7.2 It should be noted that the site formerly contained 9 dwellings and that these were placed in similar positions to the proposed development. The SPD advises that: "To reduce the effect of direct overlooking from new houses, first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5m to the boundary of an adjoining residential garden. However, not all circumstances are the same and some flexibility should be applied with regard to the extent of overlooking and the relationship between houses and gardens (similar to that outlined in Table 3 with respect to overlooking between windows)." The document goes on to note that; 12m is required for rear to side wall and 21m rear to rear.

5.7.3 Bearing the above in mind it is important to consider the separation distances achieved in the amended scheme. Plots 1 to 3 show separation of approximately 14 to 15m between the rear walls and the boundary of the garden to plot 4. Plots 4 and 5 have approximately 10m separation from the rear elevation to the garden boundary with existing no.15. From the gable of Plot 5 there is approximately 15m to the adjacent dwelling at 215 / 217 The Bagallows. The separation between plots 6 to 9 and the neighbouring dwellings on Bond Street are well beyond the minimum separation at approximately 38m. Where the distances are at the lower end this is mitigated by being to the end of the adjacent garden which will therefore have minimal impact on the amenity of existing residents. From considering these separation distances along with the former development, it is considered that the development is within and in some cases exceeding acceptable limits and therefore meets the requirements of Policy CLP14.

- 5.7.4 Concerns have been raised by neighbouring residents regarding the retention of existing boundary treatments. Whilst the details of the boundary treatments proposed are unknown at this time it is not considered there would be any need to remove fences that exist. However, the siting of boundary lines and responsibility for boundary treatments is a private matter to be considered between the landowners and / or tenants and is not a matter to be resolved by the Local Planning Authority. Notwithstanding this a condition can be imposed for the boundary treatments to be agreed, as noted in para 5.6.4 above the proposed soft landscaping will also help to assimilate and soften the development.
- 5.7.5 The Designing Out Crime Officer has noted that there is a potential conflict issue with access being gained from the driveway of plot 6 to the adjacent nature break area. It is assumed that the land owner CBC, will merely wish to retain access rights to this area and that this will not become a publicly accessible area which would defeat the purpose of the nature break. However, it is considered that the access requires further thought and therefore a condition will be imposed to seek clarification as to the boundary treatment here and clarification of access and management.
- 5.7.6 The Council's Environmental Health Officer has noted requirements for a lighting condition, construction hours condition and EV charging condition. It is noted that EV charging is now required as mandatory under the Building Regulations and therefore there is no need to impose this as a planning condition. The other matters are considered reasonable conditions and are included in the recommendation. The construction hours will relate to normal working hours and therefore there will be some disruption to those on shift work who may live nearby. However, the conditional approach will seek to have quieter hours when usually expected during the evening, night and early morning, which is considered to be a reasonable approach.
- 5.7.6 Subject to conditions it is considered that the proposal is acceptable in terms of amenity impacts in line with policy CLP14 of the Adopted Local Plan.

5.8 Highway Safety and Parking Provision

- 5.8.1 Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe. In terms of parking the policy goes on to note that; The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:

- i. The size of any dwellings proposed.
- ii. The type, mix and use of the development.
- iii. The proximity of facilities such as schools, shops or employment
- iv. The availability of and capacity for safe on-street and public car parking in the area.
- v. Proximity to and availability of public transport and other sustainable transport options.
- vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.
- vii. Local car ownership levels.

5.8.2 The highway arrangement is very similar to what was present on site prior to demolition. Each of the proposed units will have 2 parking space.

The Highway Authority have noted;

“From a highways aspect the drawings are now considered acceptable in principle although it should be noted that in order to implement the scheme a separate construction approval process with the Highway Authority will need to be progressed – this scrutinises the access construction details and will be necessary in order for the Highway Authority to enter into a Section 184 Agreement for any works.

The LPA will be well aware that future adoption of the estate streets is purely a voluntary act between the developer and the Highway Authority and any planning permission granted is for the land and not the land owner, so should the land be sold off after planning permission is granted, the future owner must be aware that the proposed site access road will remain private and before any recommended Highway Conditions can be supported by the County Council for Discharge, the land owner must apply for a Stopping Up of the existing HM@PE under the relevant Section of the Town and Country Planning Act to enable its removal from the County Council HM@PE register.

However, the highway Authority will still need to ensure the street is appropriately constructed and maintained to a satisfactory standard to protect future residents and to ensure they have a satisfactory access to their properties.

The Highway Authority would need to approve an appropriate construction for the private streets and would look for a Management Company to be set up to take on the future maintenance requirements

for the private street(s). The developer should also be aware of the requirements of the Advance Payments Code part of the Highways Act 1980 and the obligations to secure the streets financially, where an adoption Agreement is not entered into. The construction of the works will inevitably lead to considerable disruption in the area which will affect a number of existing dwellings, so a construction management plan will therefore be an essential element, to be secured by condition. Therefore, it is considered that the remaining issues may be addressed by appropriate conditions appended to the consent issued for this development.”

- 5.8.3 Given that; the site has been previously developed for housing, that there are 2 parking spaces for each dwelling proposed within the layout and that the very similar layout of the road to the previous development, it is considered that the proposal will not result in harm to highway safety subject to conditions. The proposal is therefore in accordance with policies CLP20 and 22 of the Adopted Local Plan. It should be noted that of the planning conditions recommended by the Highway Authority only those which meet the NPPF tests for planning conditions are recommended to be imposed in any permission.

5.9 Biodiversity and Trees

- 5.9.1 Policy CLP16 requires that; The council will expect development proposals to:
- protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
 - avoid or minimise adverse impacts on biodiversity and geodiversity; and
 - provide a net measurable gain in biodiversity.
- 5.9.2 The site has been vacant since 2016 when the approval was given to demolish the houses with the intention to replace the housing. The site therefore has no designation in terms of habitat. The proposed scheme is now minor development where a metric for biodiversity would not normally be required. However, in terms of Policy CLP16 a gain in biodiversity needs to be met.
- 5.9.3 The Council’s Tree Officer has noted; “New landscaping is proposed as shown on the Landscaping drawing reference 7560 07 which includes

35 new trees consisting of 3 species of tree, Ash, Horsechestnut and Silver Birch. No specific species of Ash tree or Horsechestnut have been provided so it is assumed that these are *Fraxinus excelsior* (Ash) and *Aesculus hippocastanum* (Horsechestnut). Due to Ash dieback and bleed canker of Horsechestnut it is advised that the proposed tree species are removed from the scheme and alternative species selected with more variety to enhance the development site so that they can grow to maturity. The trees planting specifications are also required.

It is also proposed to plant native hedges, shrubs beds and a wildflower mix which is acceptable. Further details are required of the ground preparation, cultivation and a maintenance schedule for the whole site. There are no objections to the application, however a landscaping condition should be attached if consent is granted to the scheme.”

5.9.4 Derbyshire Wildlife Trust have considered the case and noted that; “A Landscape Plan should be conditioned, as per the comments from the Tree Officer. We also advise that a Biodiversity Enhancement Plan is conditioned.”

5.9.5 The proposed development will lead to the loss of a tree to the site frontage and greenery to the whole site. Additional landscaping is proposed which is considered to provide appropriate compensation for this loss, albeit the planting suggested needs to be amended to address the Tree Officer comments in terms of species. Therefore, subject to a landscaping and biodiversity condition the proposal is considered to be appropriate in terms of ecological impacts in accordance with Policy CLP16 of the Adopted Local Plan.

5.10 Ground conditions

5.10.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.

5.10.2 The site is in the high risk area for former coal mining activity and it is assumed that the earlier demolition due to structural issues was in connection with this. The Coal Authority have commented on the submission noting:

The submitted report notes the need for remedial works to stabilise the shallow workings and that further investigations should be carried out. A permit is likely required from the CA. The CA records indicate that surface coal resource is present on the site, although this should not be

taken to imply that mineral extraction would be acceptable. Conditions are recommended.

- 5.10.3 Therefore subject to the recommended conditions which will secure appropriate investigative and remedial works, the proposal is considered to be acceptable in terms of ground conditions in relation to former mining activity.
- 5.10.4 With regard to contamination the Council's Environmental Health Officer noted that: Whilst it appears soil sampling has taken place the rationale behind this is unknown and no desk top study has been provided. Therefore, a full contamination condition is needed for a desk study, intrusive investigation if needed and remediation and validation. Subject to this condition the proposal is considered to have appropriately considered potential contamination of the site.
- 5.10.5 On this basis the proposal is considered to meet the requirements of Policy CLP14 to ensure the land is fit for the proposed use.

5.11 Drainage

- 5.11.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. The Policy goes on to note that; Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.
- 5.11.2 To achieve the water efficiency a condition is imposed which links to Building Regulations to secure the efficiency required by the policy.
- 5.11.3 The Councils;' Design Services team have commented on the proposal: "Regarding the application above; the site is not shown to be at risk of flooding according to the Environment Agency Flood Maps. We would like to see drainage details, prior to full approval, of how the developer intends to dispose of surface water and foul drainage from the proposed site. With this being a greenfield site, the surface water discharge should be restricted to greenfield run-off rates. The site should also be developed with separate foul and surface water drainage systems. It is noted that soakaways may be used as a method of surface water disposal. Infiltration tests of the subsoils must first be carried out

and sizing calculations provided to prove that soakaways are a suitable means of disposal. These should be designed in accordance with BRE Digest 365 to ensure no flooding occurs during a 30 year design storm as a minimum.”

5.11.4 As the required information has not been submitted further discussion led to the agreement that the required information can be submitted via a condition. This is in line with the advice from Yorkshire Water where they raised no objection subject to conditions relating to separate systems of foul and surface water and details of drainage works including the discharge rate.

5.11.5 Subject to the recommended conditions drainage matters have been appropriately addressed in line with policy CLP13 of the Adopted Local Plan.

5.12 Development Contributions and CIL Liability.

5.12.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for, such as for affordable housing. The site is located within the low CIL charging Zone as set out in the Council’s Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge is calculated as follows:

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

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	810	0	810	£20 (Low)	355	288	£19,968

6.0 REPRESENTATIONS

- 6.1 In response to the original and amended scheme there have been 5 representations received from 4 neighbouring parties, these are summarised:
- 6.2 With the development backing onto my garden would my fence be ripped out or build adjacent to the fence? Is the fence mine or the Council's?
- 6.3 When will work start and for how long? This will be disruptive for those working night shifts. Will the houses be sold or Council housing? My fence will remain. Will the vehicles on my driveway be safe and undamaged?
- 6.4 As my land will remain vacant after the development, I wish to ensure that access to my land will not be compromised by the development. The fencing erected by the Council does not following the true boundary which I haven't insisted on this being corrected. The Council has removed the padlock to the gate on my boundary rendering me unable to access my land.
Second comment: I will require access to my land to be maintained during construction, reiterated the comment regarding the line of the boundary fence. The true boundaries should be agreed and clearly marked prior to development.
- 6.5 Contrary to the information on the application form there are numerous trees including a very large Ash tree and numerous hedges at the site.

6.6 **Officer response:**
These matters are addressed in the report above.
The matter regarding access to the adjacent land has been passed onto the Council's Estates and housing teams for resolution.

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 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2021 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

9.1 The proposed development is considered to have addressed appropriately or via conditions matters of design, amenity, highway safety, biodiversity, ground conditions and drainage. As such the proposal is considered to be appropriate meeting the requirements of the relevant planning policies set out above.

10.0 RECOMMENDATION

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

Conditions

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

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

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

Site location plan (only) plan 05 Rev B received 24.01.2023

Proposed plan 04 Rev D received 16.03.2023

Proposed layout plan 03 Rev D received 16.03.2023

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

3. The site shall be developed with separate system of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

4. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, this information shall include, but not be exclusive to: -
 - a) Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) Evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, base don existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges takes place until proper provision has been made for its disposal and in the interests of sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

5. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.

6. No development shall commence until;
 - a) Further intrusive investigations have been carried out on site to establish the risks posed to the development by past coal mining activity and;
 - b) The remedial works and any mitigation measures necessary to address and instability arising from coal mining legacy 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.

Reason: To ensure the site is safe from former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

7. Prior to the occupation of the development 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 mining activity.

Reason: To ensure the site is safe from former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

8. Details, including samples where necessary, of all materials to be used in the construction of the external surfaces of the proposed development, including eaves and fascia, chimneys, window and doors, shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development In accordance with policy CLP20 of the Adopted Local Plan.

9. Prior to the development commencing above slab level details of the boundary treatment, pedestrian access arrangements and management of the area adjacent to Plot 6 noted as 'nature break' on plan 03 Rev D, shall be submitted to and agreed in writing by the local planning authority. Works shall be completed in accordance with the agreed details and managed as agreed thereafter.

Reason: For clarification and to ensure appropriate and secure pedestrian access via Plot 6 and management of the space in accordance with Policy CLP14 and 16 of the Adopted Local Plan.

10. Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting scheme. All works shall be fully implemented in accordance with the approved scheme prior to occupation of each unit.

Reason - To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of amenity/biodiversity/habitats in accordance with policies CLP14 and 16 of the Adopted Local Plan.

11. Prior to works on the hereby approved building(s) and land being commenced a scheme detailing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to on and off site datum point and their relationship to existing neighbouring buildings and land shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels. Works shall be completed in accordance with the approved details.

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

12. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

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

13. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
 - integrated bat boxes.
 - insect bricks.
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Reason: To enhance biodiversity on site in accordance with Policy CLP16 of the Adopted Local Plan.

14. Notwithstanding the submitted landscaping plan and prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) a schedule detailing sizes and numbers of all proposed trees/plants
- c) Sufficient specification to ensure successful establishment and survival of new planting.
- d) all hard surfacing materials
- e) all boundary treatments

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate

15. Prior to the development progressing above slab level a sustainability statement shall be submitted detailing; consideration of climate change in design and construction, use of renewable technologies, a statement on how emissions will be reduced through the construction process, and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

16. Notwithstanding any information submitted, no development shall take place, with the exception of the site clearance, until construction details of the turning head and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

17. The carriageways and footways shall be constructed in accordance with the details approved under condition (16) above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing/proposed public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

18. The dwellings, the subject of the application, shall not be occupied until the site has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority in writing. In the case where interim turning arrangements are constructed these must remain available until any permanent turning head is available, in accordance with the approved designs.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

19. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, all to be laid out, constructed and approved in writing by the Local Planning Authority.

The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

20. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

21. The dwellings hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 153 of the National Planning Policy Framework.

Informatives:

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to design and layout in order to achieve a positive outcome for the application.
2. The letter from Yorkshire water dated 18.03.2021 contains detailed drainage information, please make note of this.
3. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991) he should contact our developer services team (phone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with e the WRc publication 'Sewers for Adoption – a design and

construction guide for developers 6th Edition' as supplemented by Yorkshire waters requirements.

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

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

5. Highway footnotes:

Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, Email - ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This normally takes the form of a cash deposit equal to the calculated construction costs of the street and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where the developer wishes for the development to remain private it is expected that the streets are constructed to an acceptable standard and a management company set up, by the developer, to take on the future maintenance responsibilities for the estate streets on the development.

Pursuant to the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section). vii. Construction works will require Temporary Traffic Management and possibly road closures/diversions. Advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.

Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

The applicant is advised to obtain a technical approval for all drainage with the turning head by obtaining details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition 18 of this consent.

Any affected Highway Maintainable at Public Expense (HM@PE) on the Derbyshire Definitive Map) must remain unobstructed on its legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Please note that the granting of planning permission is not consent to divert or obstruct the HM@PE. If it is necessary to temporarily obstruct the HM@PE to undertake development works then a temporary closure/diversion is obtainable from the County Council. If the HM@PE is required to be permanently diverted then

the Council that determines the planning application (The Local Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a HM@PE must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the HM@PE to facilitate public safety during the works may then be granted by the County Council.