

ITEM 1

Case Officer: CW

File No: CHE/22/00617/FUL

**PROPOSAL: NEW DWELLING TO REAR OF EXISTING DWELLING -
REVISED DRAWINGS AND DOCUMENTS RECEIVED
20.10.2022, 02.11.2022, 13.12.22, 13.02.23, 12.05.23, 30.05.23,
30.06.23 and 21.07.23**

**LOCATION: 82 WALTON ROAD, WALTON, CHESTERFIELD.
DERBYSHIRE, S40 3BY FOR Ms ANDREA COLLINS**

Local Plan: Unallocated

Ward: Walton

1.0 **CONSULTATIONS**

Local Highways Authority	No objection
Ward Members	1 comment received from 3 Ward Councillors, who object to the scheme.
Coal Authority	Material consideration, subject to conditions
Strategic Planning	No objection subject to conditions for water, biodiversity and EV charging
Derbyshire Wildlife Trust	No objections (to a previously submitted landscape plan)
Environment Health	No objection subject to conditions on noise, lighting, air quality and land contamination
Design Services	No objection, further information required regarding an easement and further information required on surface water drainage
Site Notice / Neighbours	15 objections received from the residents of 10 local dwellings.

2.0 **THE SITE**

2.1 The site the subject of the application currently forms part of the rear garden of No 82 Walton Road in Walton. The property is a detached two storey dwelling constructed of rendered brickwork and plain tiles with white windows. The property sits on the

southern corner plot with its northern boundary shared with Delves Close.

- 2.2 The site extent is approximately 12.5m deep, but this varies from 12.3m to 13m from one side of the site to the other. It sits adjacent to the neighbours' detached garage which is accessed off Delves Close. There was a mature boundary hedge growing along the length of the Delves Close which has been removed as shown in the photograph below and the other common boundaries (with No 84 Walton Road and No 1 Delves Close) comprise of a concrete post and timber panel fence with pockets of shrubbery planted intermittently. The site slopes gently down from west to east in accord with the general topography of the local area and as also shown in the photograph below.



Rear garden area after hedge removed.



Garage and rear garden of no.72 opposite.



Remaining hedge and pavement to side of site.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/20/00162/DOC - Discharge of condition 5 (site investigation) of CHE/17/00459/FUL - new dwelling on land adjacent to 82 Walton Road, including reconfiguring of boundary between 82 Walton Road and new dwelling along with new site crossover onto Delves Close – refused – 14/04/20

- 3.2 CHE/20/00020/MA - Material amendment to CHE/17/00459/FUL (Erection of a dwelling on land adjacent to 82 Walton Road including reconfigure boundary – Conditional permission – 30/03/20 - now lapsed).

The application sought a material amendment to the planning permission for the following changes to the previously approved scheme:

- a) increase glazed element of dormer windows
- b) increase size of ground floor windows facing Delves Close
- c) replace central ground floor window to Delves Close with door
- d) include chimney to north east elevation
- e) increase size of doors from kitchen to garden
- f) additional window to bathroom on first floor on south-east elevation (to be obscure glazing and fixed shut)
- g) upvc window / door frames to be grey colour
- i) replace facing brickwork with render finish
- j) raise height of side fence from 2.8m to 3.3m.
- k) add additional window to eastern elevation

- 3.3 CHE/17/00459/FUL – Re-submission of CHE/17/00135/FUL – New dwelling on land adjacent to 82 Walton Road including reconfiguring of boundary between no 82 and the new dwelling along with a new site crossover – Condition Approved - 08/08/17 but lapsed.

Planning permission was granted for a detached two bedroomed dormer bungalow with a new dropped crossing formed to Delves Close to provide driveway parking for 2 no. vehicles, with a 35 sqm sized rear garden.

- 3.4 CHE/17/00135/FUL - Erection of a single storey dwelling including reconfigure boundary between No.82 and new dwelling along with new site crossover onto Delves Close - Refused - 26/04/17.

Reasons for refusal:

1. The resulting relationship between the neighbouring properties of the site at No 82 and 84 Walton Road and the development proposals is not acceptable. Under the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted Supplementary Planning Document 'Successful Place' -

Housing Layout and Design and the wider National Planning Policy Framework the development will result in an intrusion of privacy and loss of amenity to the neighbours (particularly No 84 Walton Road) which is contrary to the aims and objectives of these policies. Furthermore the elevated position of these neighbouring properties will in turn result in an unacceptable overlooking intrusion to the development proposals, its private amenity space and windows which would harm the amenity of future occupants; contrary also to policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted Supplementary Planning Document 'Successful Place' - Housing Layout and Design and the wider National Planning Policy Framework.

2. It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the Local Planning Authority that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guide section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment. It is therefore concluded that insufficient information has been provided to properly assess any potential risk posed by unrecorded coal mining legacy at the development site and therefore the proposed development does not accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS8 of the Chesterfield Local Plan: Core Strategy 2011-2031.

3.5 72 Walton Road (opposite the site)
CHE/20/00760/FUL - Conversion and extension of existing garage to form new dwelling – Condition Permission – 15/02/21. Works completed.

4.0 **THE PROPOSAL**

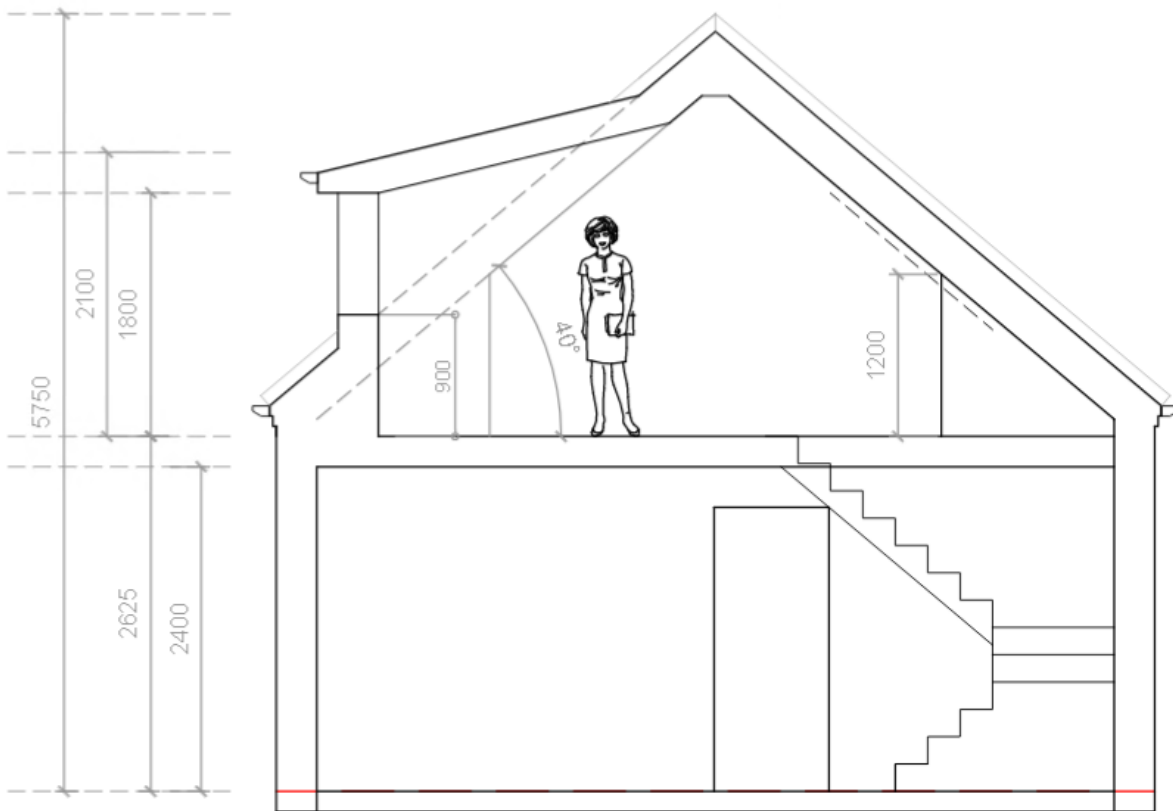
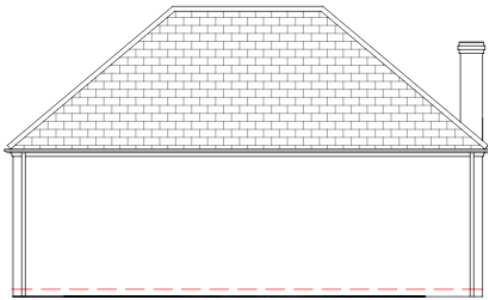
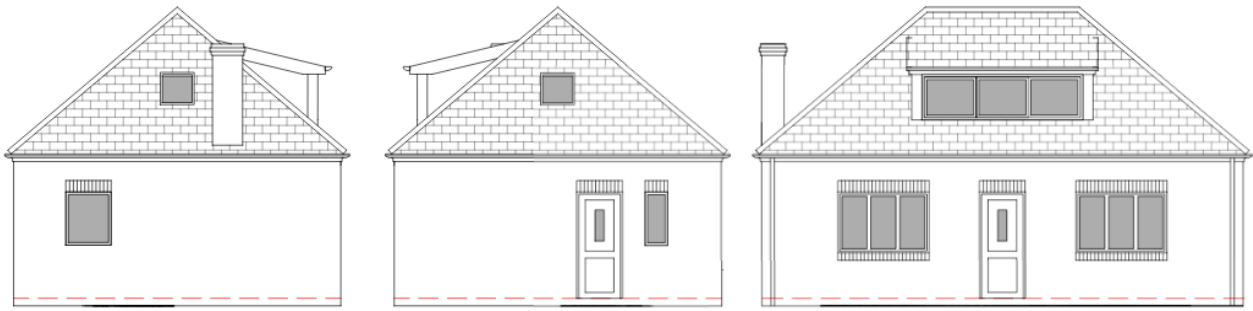
4.1 The proposal is for a dormer bungalow. The scheme has been amended through the application process on several occasions and is now proposed as follows. The dwelling would be 5.5m in height, 8.9m wide and 6m deep. It would be finished in red brick

and would have a grey concrete tiled roof. It would have a lounge/kitchen/diner in approximately half of the ground floor and a bedroom and bathroom within the remaining ground floor area. To the first floor is a bedroom and bathroom. To the front (northern side) the dwelling has a dormer window with a sloping roof. The scheme includes two sets of windows to the front, a window to the eastern side, an entrance door and side window to the western side and velux windows in either sides of the and eastern and western roof planes.

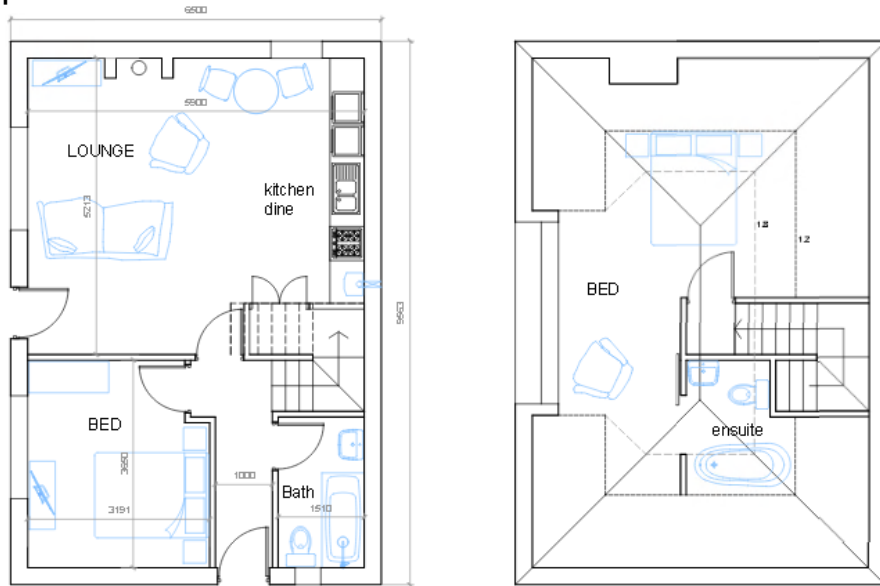
4.2 The area surrounding the dwelling includes hedges to all sides, with a mix of privet, hawthorn and lavender shrubs/hedges proposed and six crab apple trees in the rear garden. The private garden space is approximately 48 sqm in size, but when the proposed surrounding hedges are included this has the potential to drop to 38 sqm. The strip of land to the rear is 4.2m wide (from dwelling wall to fence) and 12.5m long.



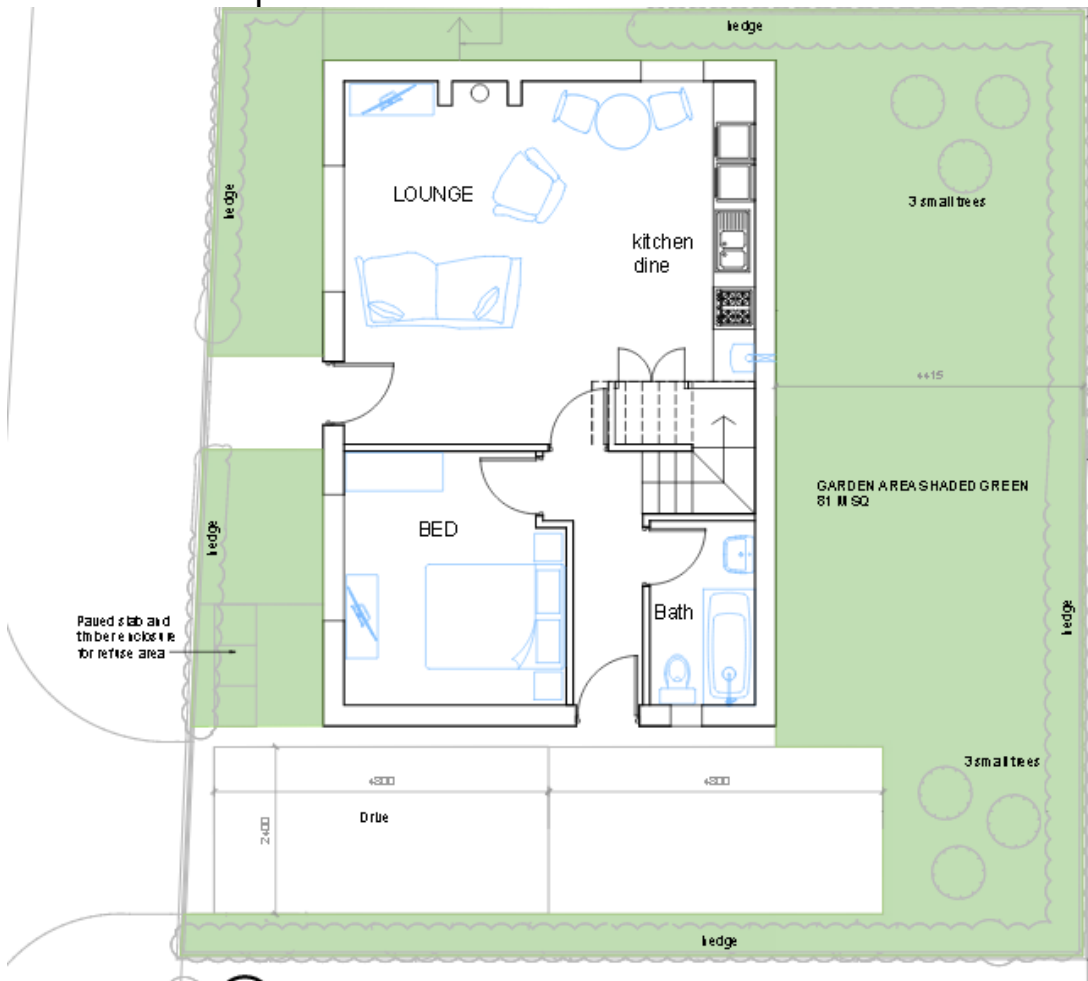
Proposed Elevations



Proposed Floor plans



Proposed Site Plan



- 4.3 The proposed western side boundary treatment would be no more than 1.8m in height in comparison to the altered ground level for the new dwelling. The existing boundary treatments on the southern and eastern boundaries are 1.8m high close boarded wooden fences. The boundary treatment in-between the new and existing dwelling at no.82 will appear as 1.4m high from the garden of the existing dwelling.
- 4.4 The alterations to the scheme include a re-configuration of the dwelling, reduction in height, width and depth, change to the roof design and the creation of a deeper garden space.

5.0 **CONSIDERATIONS**

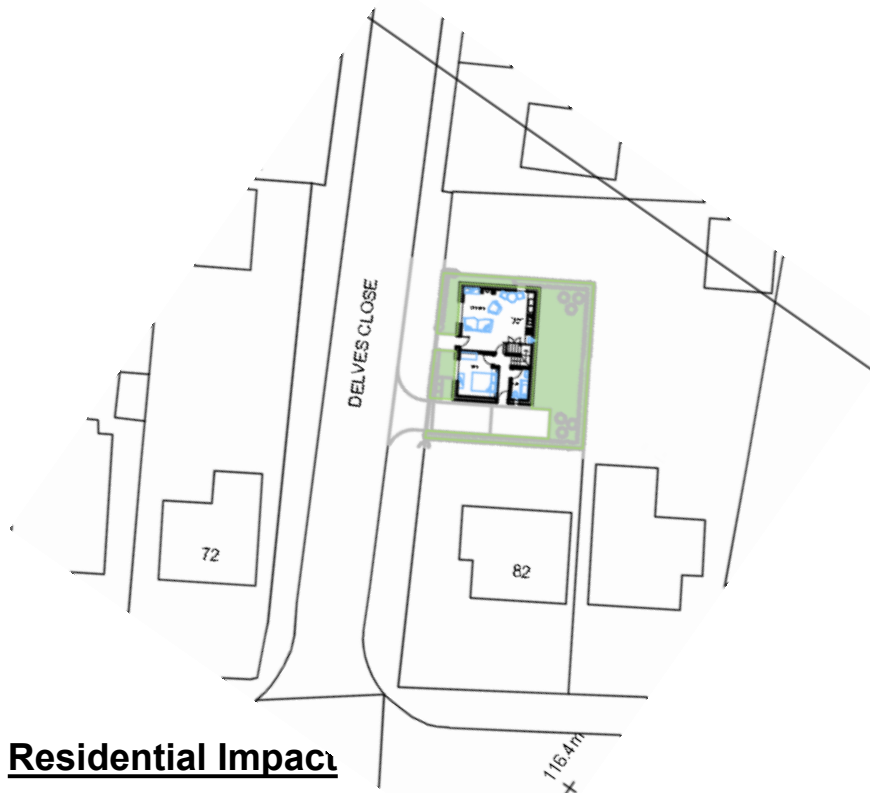
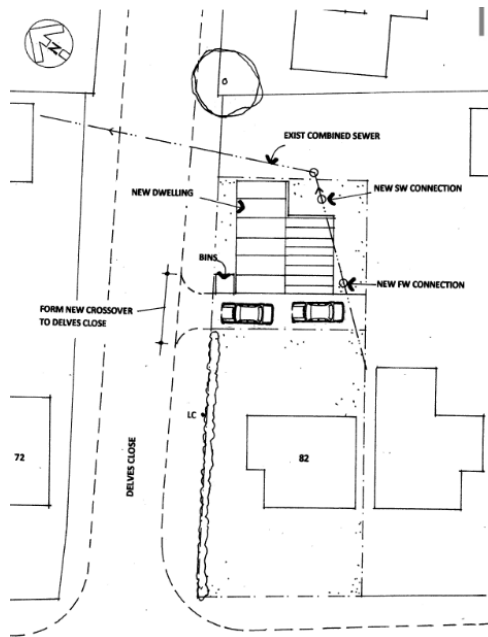
5.1 **Local Plan Issues**

- 5.1.1 Since the previous permission, now expired, was granted (CHE/17/00459/FUL), the council has adopted a new Local Plan. The site is within the built up area of Chesterfield. The key policies in determining the principle of development are policies CLP1 and CLP2.
- 5.1.2 Policies CLP1 and CLP2 emphasise the aim of locating new development where it is within walking distance of a range of key facilities. The location of the site is sustainable with access to public transport routes and nearby local centre. Therefore, the principle of the development in locational terms is acceptable in line with CLP1 and 2.

5.2 **Design and Appearance Considerations**

- 5.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 5.2.2 The scheme is for a dormer bungalow with red brick finish, a hipped roof and a monopitch roof-style dormer to the front of the dwelling, as set out above.

- 5.2.3 The character of the area in the location of Delves Close is dominated by a mix of two storey detached dwellings of around the 1970's era, with a mix of pitched and hipped roofs. The character of housing along Walton Road is more varied with those immediately adjacent to the site being of an arts and crafts form of architecture possibly from around the 1930's era. Dwellings in the area (other than no. 72) typically have standard sized suburban gardens with those along Walton Road often having larger than average sized garden areas.
- 5.2.4 As part of the previous applications it was concluded that a dwelling was acceptable on the proposed site and that principle, as set out above, remains. However the previous permission for development of the site has lapsed and a new local plan and NPPF has been adopted since, which is of relevance in terms of decision making.
- 5.2.5 As noted above, the submitted drawings for the application have undergone numerous changes, clarifications and revisions. The general design of the scheme was very similar to the previously submitted scheme however the most recent set of drawings are significantly different, with a smaller dwelling now proposed. The difference between the 2017 and current applications is shown in the comparison of the site plans below.
- 5.2.6 It is considered that the design of the dwelling is now acceptable in isolation. In the streetscene the reduced sized scheme is considered to be more sympathetic to the site's context than the previous iterations, and to appear more subservient to the existing dwelling. The hipped roof and reduced width and height have reduced the mass of the building and its impact on the wider area.
- 5.2.7 The proposed dwelling will add to the mix of dwelling types and styles in the area and does not lead to a significant negative impact on the wider area. Furthermore it reflects the dwelling agreed opposite to the rear of 72 Walton Road which is also of relevance to the character and appearance of the local area. It is therefore considered that the proposal would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20, subject to condition regarding materials and boundary treatments.



5.3 **Residential Impact**

- 5.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.3.2 Overlooking - On the western side of the dwelling there would be obscure glazed windows for the bathrooms, there are no windows to the rear, and to the eastern side there is a small window in the

ground floor. To the front of the site there would be two windows to the front and the dormer window, with approximate 19m gap between this dwelling and the one opposite to the rear of no.72, 2A Delves Close. This dwelling includes a 1.8m high fence to the front of the site but is an open parking area in front of what is the entrance door and living room. Within the Council's Design SPD (2013) it states on page 76 that it is good practice to allow a 12m gap between the fronts of the dwellings and 21m to the rear. The new dwellings to the rear of no's 72 and 82 would both be fronting the highway. The dormer roof on the dwelling would be a 90-degree angle to the windows of no.72, which ensures that it would be difficult for residents in the dwellings to easily see into each other's properties. This ensures that this development is policy compliant in this regard.

- 5.3.3 Overshadowing and loss of daylight/sunlight – The scheme would be sited to the north-east of no's 82 and 84, and there is a driveway and road separating the dwellings to the north and east. The scheme is not considered to lead to material overshadowing or a loss of daylight/sunlight to neighbours.
- 5.3.4 Massing - The dwelling would be sited to the rear of no's 82 and 84, and it is considered to be a reasonably large building for its location, as it will be highly visible from the rear of both dwellings. The reduction in height and width and changed roof design have reduced its impact to surrounding residents in terms of massing. In this case it isn't considered to lead a significant negative impacts and is policy compliant in this regard.
- 5.3.5 Private amenity space – the existing dwelling would be left with a 78 sqm rear private garden as well as the side and front garden space.
- 5.3.6 The new dwelling's garden space is approximately 48 sqm in size, but will include proposed hedges which has the potential to drop the space to 38 sqm. The strip of land to the rear is 4.2m wide (from dwelling wall to fence) and 12.5m long, and will include 6 trees. The frontage, driveway and eastern side are not included as part of any calculations for useable private amenity space. The introduction of hedges to satisfy biodiversity leads to a development that will have a garden that will be below the recommended 50 sqm of private amenity space. The amended scheme has seen this space altered so it is now more useable,

with one 4.2m by 12.5m space. This garden is considered to be a much more acceptable layout than the previous iterations, and due to the size of the dwelling and site it is considered that this is an acceptable compromise for the site.

- 5.3.7 On the basis of the above, the erection of the proposed dwelling would be acceptable with 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’.

5.4 **Highways Issues**

- 5.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. The Highways Authority has commented to the scheme:

The proposal seeks the construction of a 2no bedroom dwelling with associated off-street parking and the creation of a new vehicular access to Delves Close.

The application site is located on Delves Close which is an unclassified road subject to a 30mph speed limit. The proposed vehicular access is in close proximity to the junction onto Walton Road likely resulting in suppressed vehicle speeds in the vicinity of the site, nonetheless, it is recommended that the proposed vehicular access is provided with maximum achievable visibility sightlines in either direction as measured from a point located centrally and set back 2.4m into the access.

The Proposed Site Plan demonstrates off-street parking for 2.no vehicles which is sufficient to serve the proposed dwelling. Whilst off-street parking bays should be demonstrated by dimensions, the proposed driveway is adequate for the parking of 2no vehicles subject to an increase in width to any side of the driveway bound by a physical barrier i.e., Each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. No details have been submitted regarding the storage of bins and collection of waste, an area for standing of waste bins on refuse collection days should be provided adjacent to, but not within, the public highway to serve the dwelling.

The Highway Authority has no objections to the proposal.

- 5.4.2 The previous approved applications for the site included a similar layout as the one proposed here. Under the provisions of the former planning permission a driveway and 2 no. parking spaces are proposed.
- 5.4.3 In respect of the proposed development it is considered that the creation of a new dropped crossing to Delves Close to serve the development would be acceptable in principle, albeit that the applicant will have to cover the expense of relocating the grit bin to facilitate this. The driveway shown to serve the development would provide off road parking for two vehicles, which is an acceptable level of provision although its use would be reliant upon vehicles either reversing into or out of the driveway onto the public highway. Notwithstanding this, Delves Close is a quiet residential cul-de sac and this operation would not be considered harmful to highway safety given the geometry of the road and likely vehicle speeds.
- 5.4.4 It is noted that the LHA previously suggested that the driveway be served by visibility splays measuring 2.4m x 43m in both directions, but it is not clear if they have measured these splays either on site or on the submitted site layout plan to confirm they are achievable. Based upon the site layout plan submitted and from measuring on site the footway measures 2.8m in width such that all the required visibility would be within highway limits. They have also previously commented that the grit bin should not impede visibility.
- 5.4.5 The other conditions previously requested by the LHA would appear reasonable and achievable. Gates would obstruct the use of the driveway given its limited dimensions and bins could be stored safely on site.
- 5.4.6 Overall therefore it is considered that the development proposed details an appropriate level of off-road parking provision (which would need to be conditioned for retention if approved) and the development can be served by the creation of a suitable driveway access. Accordingly in respect of highway safety the relative provisions of policies CLP20 and CLP22 of the Local Plan and the SPD are met.

5.5 Biodiversity Net Gain

- 5.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 5.5.2 The site is a residential garden for no.82 and the area was grassed with a mature hedge along the northern boundary. This hedge was removed prior to the submission of this application.
- 5.5.3 The proposed scheme includes hedges to all sides, with a mix of privet, hawthorn and lavender shrubs/hedges proposed and six crab apple trees in the south-eastern and south-western corners of the site, as well as grassed areas surrounding the dwelling.
- 5.5.4 The Council has consulted with Derbyshire Wildlife Trust, who comment on biodiversity issues and they have reviewed the scheme and do not object to the scheme. They have requested further information regarding the implementing and maintaining of the soft landscaping.
- 5.5.5 The scheme is a minor development and the owners of no.82 could remove the hedge on site at any time, without the need for planning permission (as they have done). The hedge was previously a well maintained and mature boundary treatment, and its removal is regrettable, but on smaller sites like this the LPA cannot seek a full review into biodiversity net gain. The submitted drawings propose the planting of hedges, trees and grass on site, which is considered to be sufficient for a site of this size, but it is also unclear how realistic the planting is (in comparison the restricted size of the site) over the longer term, in particular the location and number of trees planted on site. In this case it is not considered that the scheme could be refused on the grounds of any biodiversity net loss, and the proposed landscaping scheme is considered to be reasonable/adequate for a scheme of this scale.

5.6 Coal mining and land contamination

- 5.6.1 The application site is within the High Risk Area in respect of former coal mining activity. The application is supported by a Coal Mining Risk Assessment which has been considered by the Coal Authority. The Coal Authority did not object to the scheme subject to conditions and notes.
- 5.6.2 The Council's Environmental Health team has been consulted on the proposal and they have concluded that the site is within an area of potential land contamination, and they require a condition to be included to consider this further.
- 5.6.3 On this basis the proposal is considered to meet the requirements of policy CLP14, subject to condition.

5.7 Flood Risk and Drainage

- 5.7.1 The site is in a low risk area in relation to risk of flooding. CBC's drainage team has been consulted on the scheme, and they have requested that the proposed dwelling would be constructed over a public combined sewer, and that the developer may need to liaise with Yorkshire Water to discuss a Building Over Agreement or easement.
- 5.7.2 Further information is also required regarding soakaways, as this is a preferred method for route for surface water, this would be dealt with via condition. Due to the small size of the site and limitations regarding the location of soakaways from dwellings it is unclear where this could be positioned on site.
- 5.7.3 There is a public combined sewer crossing the site, and a building over agreement or easement would be required with Yorkshire Water to deal with this issue satisfactorily. This issue would have been dealt with via a note, as this would be dealt with via building regulations.
- 5.7.4 Conditions will be included in a condition to ensure these issues are considered further prior to any future works. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

5.8 Lighting, noise and air pollution issues

5.8.1 The Council’s environmental health team has commented that several conditions are required to ensure that the proposal doesn’t lead to a negative impact in terms of an increase in lighting, noise pollution from construction and air pollution from increased traffic. They have requested a restriction on unacceptable lighting to surrounding areas, the workings hours for construction and the inclusion of electric charging points into the scheme.

5.8.2 The requested conditions would have all been included to ensure that it is compliant with CLP14 of the Local Plan.

5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.

5.9.2 The site the subject of the application lies within the high CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked).

	A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
68	68	£80 (High Zone)	355	288	£6,705

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters.

6.2 As a result of the applications publicity there have been 15 representations received from the residents of 10 local dwellings; all of the comments are objections. A joint objection has also been

received from 3 local councillors. Their reasons for objecting include:

- Impact on local wildlife and biodiversity,
- Questioned what the parking arrangements are for future residents of the existing dwelling and new dwelling,
- Privacy,
- Residential amenity,
- Overlooking/separation distances,
- Highway safety from increased parking in area caused by new dwelling.
- Drainage/easement on site.
- Poor design, not in keeping with local area.
- Loss of amenity and privacy for no.84 Walton Road.
- Unauthorised works on site.
- Previous incorrect answers on application form.
- Overdevelopment of Delves Close.
- Impact/loss of Local wildlife,
- Impact of construction on local area from deliveries and machinery,
- Highways impact will impact commercial delivery and emergency vehicles.
- Location of grit bin on street.
- The use of soakaways when this goes against the conclusions of their own report.
- No site notice displayed locally.
- Negative impact on visual amenity of area
- Future maintenance of proposed BNG/landscaping on site
- no information about bin storage
- boundary information not accurate
- further information requested about drainage on site
- Overlooking into rear gardens of no's 72 and 2a Delves Close and into dwelling of no.72.

6.3 The response received from local councillors Kellman, Redihough and Snowdon objected on the grounds of:

- Hedge removed on site in bird nesting season,
- loss of garden space which should be protected to safeguard biodiversity and climate change issues,
- application form incorrect, as it states that work has not commenced,
- presence of coal mining in the area,
- size of property is excessive for the plot,
- residential impact to neighbouring dwelling at 84,

- increased negative highways impact with additional parking on the cul de sac.
- Overdevelopment of the site.

6.4 ***Officer response: The above issues are considered within this 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 It is considered that the recommendation is objective and in accordance with clearly established law.

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 2015 in respect of decision making in line with paragraph 38 of the 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

9.0 **CONCLUSION**

9.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan, subject to relevant conditions.

10.0 **RECOMMENDATION**

10.1 That the application be **APPROVED** on the basis of the following reasons:

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,
- Site plan, Floor plans, elevations (as provided 21st July 2023)
- Notwithstanding the dwelling elevations and footprint, the site section and boundary treatment details. (as provided 30th June 2023)

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. Prior to the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site

accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors' vehicles and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason - In the interests of highway safety and CLP22

5. A residential charging point shall be provided for the proposed dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with policies CLP14.

6. No development above floor-slab/D.P.C level shall take place until details for the 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 scaled plan showing plants and trees to be planted:
 - proposed hardstanding and boundary treatment:
 - a schedule detailing sizes and numbers of all proposed plants and trees:
 - Sufficient specification to ensure successful establishment and survival of new planting.

Any new plant(s) and 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 shall be replaced.

Replacement planting shall be in accordance with the approved details.

Reason – In the interests of biodiversity and ecology, and relevant to policies CLP16 and CLP20.

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

Reason - *In the interest of satisfactory and sustainable drainage and inline with CLP13.*

8. 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, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a maximum rate of 3.5 litres per second.

Reason - *To ensure that no surface water discharges take place until proper provision has been made for its disposal.*

9. The dwelling hereby approved shall not be occupied until the 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 149 of the National Planning Policy Framework.*

10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site generally in accordance with the application drawings for the parking of resident's vehicles, laid out, surfaced and

maintained throughout the life of the development free from any impediment to its designated use.

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

11. The scheme shall be laid out as presented in the revised site plan including the arrangements for storage of bins and collection of waste. The facilities shall be retained for their designated purposes at all times thereafter.

Reason: *In the interests of residential amenity and highway safety in regards CLP14 and CLP20.*

12. Before any other operations are commenced (excluding Condition 4 above), a new vehicular access shall be formed to Delves Close in accordance with the application drawings and provided with maximum visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, in either direction. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway level.

Reason - *In the interests of highway safety and CLP22*

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

Reason - *In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20*

14. Obscure glazing to a Pilkington Scale level 4 shall be utilised in the eastern and western side velux windows of the proposed dwelling. These windows, shall be installed and retained obscurely glazed thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20

15. Before the 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 unless otherwise agreed by the Local Planning Authority in writing.

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, and policy CLP20.

16. The development shall not commence above floor-slab/D.P.C level until details of a sustainable drainage scheme have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority. This shall any include the calculations of soakaway rates on site, and it should be designed to be in accordance with BRE Digest 365 and to not flood during a 1 in 30 year rainfall event or allow flooding of properties during a 1 in 100 year rainfall event, including an allowance for climate change.

Reason – To ensure that the proposed drainage method is realistic on site and acceptable in relation to CLP13.

17. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only on site hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of highway safety and CLP22

18. No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past 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

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site and policy CLP14.

19. 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 coal mining activity.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site and policy CLP14.

20. To ensure the site is 'suitable for use' the below is required:-
- a) a Phase 1/desk study, and then, if necessary,
 - b) a Phase 2/intrusive site investigation, and then, if necessary,
 - c) a Remediation Strategy and the, if necessary,
 - d) a Validation report.

All the reports a) to d) shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the development commencing.

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.

21. All lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties. The applicant shall submit details of all the lights they intend to use to the Council and approved in writing by the Local Planning Authority prior to the occupation of the dwelling.

Reason – In regards the residential amenity of surrounding residents and policy CLP14.

Informatives

1. 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.

2. 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.

3. 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.

4. The Highway Authority recommends that the first 5m of the modified access / driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.

5. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

6. It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

7. It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

8. A public combined sewer is shown to cross part of the development site. The applicant should liaise with Yorkshire

Water as to its proximity as a Building Over Agreement or easement may be required.