

Item 2

Case Officer: CW

File No: CHE/22/00852/FUL

PROPOSAL: ERECTION OF A DETACHED DWELLING WITH INTEGRAL GARAGE AT 366 BRIMINGTON ROAD, TAPTON, CHESTERFIELD FOR MR PETER LYTHGOE

1.0 **CONSULTATIONS**

Ward Members:	No comments received.
Local Highway Authority:	No objection, subject to condition
Chesterfield Design Services:	The site is at risk of surface water flooding and more information required about the use of soakaways, but no objection. Mitigation may be required.
Yorkshire Water Services:	No comment
Environmental Health:	No objection subject to conditions related working hours and air quality.
Derbyshire Wildlife Trust:	No objection subject to condition
Coal Authority:	Material Consideration, in low risk coal mining area.
Forward Planning:	No objection subject to condition in regards biodiversity, electric charging points and water standards.
Representations:	6 objections received from 4 local residents.

2.0 **THE SITE**

- 2.1 The application site presently forms part of the rear garden curtilage of no.366 Brimington Road, which is to the west side of the dwelling. The plot at No 366 is 58m long and 27m wide and includes a dormer bungalow to the front of the site and a detached single garage to the side/rear. There are a significant amount of mature trees, shrubs and landscaping to the site.
- 2.2 The site is in a residential area and has housing to all sides. There is an existing driveway and entrance to the southern side of the site. The land falls away slightly from east to west.



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/22/00581/OUT - Outline Application for Demolition of Existing Detached Garage and Erection of a 3/4 Bedroom Chalet Bungalow (1.5) Storey with Separate Detached Garage with All Matters Reserved – Conditional Permission – 31/10/22

3.2 CHE/23/00106/FUL - Two storey rear extension and erection of a single storey detached garage (description amended and revised drawings received 13/07/23) - Pending

4.0 **THE PROPOSAL**

4.1 Full planning approval is sought to erect a detached dormer bungalow with an integral garage to the rear of the site. The dwelling would be 18.5m wide, 8.3m deep and 6.5m high to the ridge, with a 10m depth when including the lounge gable fronted section. It would be a 3 bed dwelling, with 2 bedrooms, en-suite bathrooms and other storage rooms in the 1st floor and a kitchen/diner, study, bedroom, lounge, bathrooms and storage in the dwelling and an integral garage to the side. It would have a pitched roof with a projecting glazed gable to the centre front and two dormers either side of this. The building would have a brick plinth, with render above this and a slate roof.

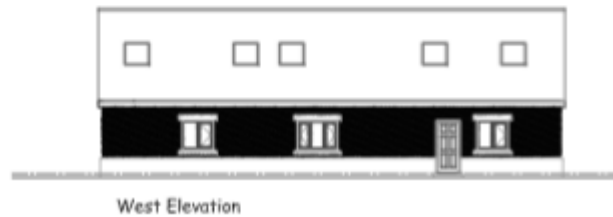
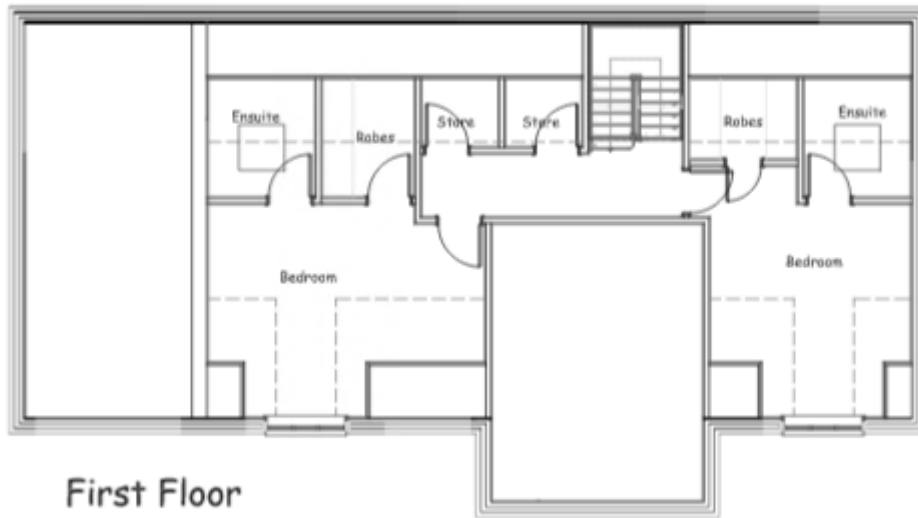
4.2 It is proposed to use the existing access for no.366, but to widen the driveway to facilitate parking for the residents of the existing dwelling. The existing garage would be demolished and a driveway created along the southern side of the site as well as hardstanding an area near the dwelling for manoeuvring.

4.3 It is proposed to alter the existing boundaries on site also, with a 2.5m high fence along the southern boundary, 3m high boundary along the western boundary, a 2.4m high fence on the northern boundary and a 1.8 high fence on the eastern boundary.

4.4 The scheme is on a site with significant levels of vegetation including mature trees. The scheme includes the loss 3 Scots Pine and 2 apple trees as well as the relocation of several other trees/shrubs on site. It is proposed to plant several apple, cherry and other trees on site, although the exact number and type is unclear.

4.5 The original scheme at the outline stage included the dwelling to be sited close to the northern boundary, with the front of the dwelling facing the south and the garage to the east of the dwelling. The scheme was handed, with the garage on the other side and the dwelling's front to be east facing. It was also to have a hipped roof which has now been lowered in height and depth.





5.0 **CONSIDERATION**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant

Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

CLP1	Spatial Strategy (Strategic Policy)
CLP2	Principles for Location of Development (Strategic Policy)
CLP3	Flexibility in Delivery of Housing (Strategic Policy)
CLP13	Managing the Water Cycle
CLP14	A Healthy Environment
CLP16	Biodiversity, Geodiversity and the Ecological Network
CLP20	Design
CLP22	Influencing the Demand for Travel

5.3 **National Planning Policy Framework (2021)**

Part 2.	Achieving sustainable development
Part 4.	Decision-making
Part 5.	Delivering a sufficient supply of homes
Part 8.	Promoting healthy and safe communities
Part 9.	Promoting sustainable transport
Part 12.	Achieving well-designed places
Part 14.	Meeting the challenge of climate change, flooding and coastal change
Part 15.	Conserving and enhancing the natural environment

5.4 **Supplementary Planning Documents**

- Successful Places' Residential Design Guide

5.5 **Principle of Development**

5.5.1 The Council recently gave permission in outline for a dwelling to the rear garden area as referred to at paragraph 3.1 and this permission remains valid. Notwithstanding this the applicant has made a full application rather than reserved matters and so the principle of the proposed development has to be considered.

5.5.2 The comments of the Planning Policy Officer have been sought and which confirm that the principle of development should primarily be assessed through the application of policies CLP1 and CLP2. Primary amongst these considerations is that new

development should be directed to regeneration areas and those within walking distance of a range of key services. The council's Residential Design SPD sets out (on page 41) that a walkable neighbourhood is one with a local centre/shop within 600-800m and a primary school within 800-1000m, depending on the safety and convenience of the route.

- 5.5.3 The location of the proposed development is not fully compliant with policies CLP1 and CLP2. There is no GP within walking distance and the closest primary school (Christ Church) is 1.7 km away. The Sheffield Road Local Centre is the closest centre to the application site (at approximately 1.2 km), however there is a supermarket (with pharmacy) around 900m away via a safe pedestrian route. The Lockoford Amenity Greenspace and Play Area are located within 300m and there is a pub and bus stop within the indicated walkable catchments.
- 5.5.4 Policy CLP2 states that planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which they meet criteria a-h. The proposal would not be located on Previously Developed Land (criterion b), offers no wider regeneration or sustainability benefit of any significance (criterion c) and the site only performs moderately well against criterion (d), as services within a convenient walking distance are limited.
- 5.5.5 The site is however located within the built-up area (as defined on the Local Plan Policies Map – CLP3) and whilst it is not within walking distance of the full range of key services, the cycle and public transit links on Brimington Road would support access to a range of key services within the town centre (CLP2 criterion e). The route to the supermarket (with pharmacy) exceeds the walkable threshold by only a short distance and the route is considered to be of good quality. The proposal is for a single dwelling and so is unlikely to prejudice the Local Plan's aim to deliver development of housing on primarily brownfield sites.
- 5.5.6 The proposed development site is situated within walking distance from some key services and is located on land that is currently utilised as residential curtilage. The site is located within a built-up area (settlement boundary) where new housing development would be considered appropriate in principle. This was the conclusion reached by planning committee in October 2022 when

outline permission was granted for the development of the site. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and generally adheres to the policies CLP1 and CLP2.

5.6 **Residential Impact**

- 5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.6.2 The scheme has been altered since the original drawings were submitted as part of this application. Initially several objections were received to the first plans, with several residential amenity concerns raised such as - loss of privacy from overlooking windows into gardens and dwellings, increased overshadowing into neighbouring gardens, overbearing impact into rear gardens and loss of view/outlook.
- 5.6.3 As part of the amended scheme the drawings have been clarified or have amended what is proposed in regards the boundary treatments, positioning of windows and the position of the dwelling in general.
- 5.6.4 The site currently includes significant levels of trees/shrubs that restrict overlooking into/out of it. The neighbouring dwelling at no.360 has mature coniferous trees on the adjoining northern side boundary and along the western boundary are numerous mature trees/shrubs (which adjoins the dwellings of 46-52 Malia Road). This ensures that these residents enjoy a reasonable level of privacy which remains in their control even though the northern side boundary with no.368 is more open.
- 5.6.5 There is a fall of levels along the street from south to north of approximately 0.5m per garden and the gardens for the adjoining dwellings on Malia Road are raised up over 1m above the height of the ground level of the site. As part of the amended scheme it is proposed to include boundary treatments to the south and west, which would be approximately 1.8-2m in height when viewed from the neighbouring gardens, but which would be higher on the site side.

- 5.6.6 In terms of overlooking the separation from rear of the new house to the rear no's 46, 48 and 52 Malia Road is 20m, with no.50 approximately 16.5m. The separation distance between the rear of the existing dwelling and the front of the new house is 21-22m when including the proposed rear extension. The windows for the proposed dwelling are:
- To the front/east – bi-folding windows into the lounge and kitchen, a full length glazed section in the projecting gable for the lounge and two dormer windows in the roof for bedrooms,
 - To the rear/west – a triple paned window for the study and 2 double paned windows for a W.C and utility room next to the garage and five velux windows for bathrooms, the garage and hallway on the first floor,
 - To the northern side – a bay window from a bedroom and window for a W.C.
 - To the southern side – a small window for the garage.
- 5.6.7 The amended scheme is not considered to lead to a significant impact in terms of overlooking to the residents of Brimington Road, due to the location and height of the boundary treatments, the use of velux windows in the roof and the distance from the dwellings at no's 360, 366 and 368. In terms of its relationship with dwellings on Malia Road it is proposed to add a new boundary treatment to the rear of the site, which would be 3m in height from the ground level at no.366 and approximately 2m to the rear of Malia Road (with a 1m difference in heights). There are no windows in the rear of the roof which are primary windows and the proposed boundary treatment ensures that there is no overlooking between the new dwelling and the residents on Malia Road, even though the separation distance is less than the recommended 21m. The rear velux windows would also be obscure glazed.
- 5.6.8 In terms of overshadowing, the dwelling is not sited close to other dwellings, such that it will not lead to any material increased levels of overshadowing or loss of light. The siting of fences on the boundaries are not in sensitive locations, due to the size of the gardens, and will not lead to significant loss of light/overshadowing.
- 5.6.9 In terms of massing, the dwelling has been moved on the site. It is now moved further away from the boundary of no.368 and is sited to the rear of the site (as viewed from the dwellings fronting

Brimington Road). In terms of massing, it is not considered to lead to any significant impact to surrounding residents. The loss of outlook/view from surrounding residents (in terms of the loss of the replacement of trees, shrubs and open garden with a dwelling) is not considered to be a planning matter, as the residents could alter their gardens at any time without the need for planning permission. Furthermore the granting of an outline permission for development of the site accepted that there would be changes including a change from landscaping to built form.

5.6.10 Both of the dwellings (existing and proposed) would have over 100 sqm of garden space to the rear and side of the dwellings.

5.6.11 The proposal includes reasonable levels of outlook and acceptable sized amenity spaces for the dwellings. A condition should be included to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

5.7 **Design and Visual Impact**

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

5.7.2 The proposed dwelling will be to the rear of the existing dwelling, and it is unlikely to be highly visible from the streetscene. The dwelling would be rendered with a slate roof.

5.7.3 It has been amended from the original scheme, with a change in the roof design, height and orientation on site. It is accepted that it would change the large open landscaped garden into a more urban feel but this has already been accepted. The dwelling would be visible from the rear and side of the surrounding dwellings, with several neighbour comments on the original scheme and the revised scheme, which commented that the proposal would be out of keeping with the character of the area, with an overbearing impact/massing into rear gardens, and a loss of view/outlook and design, with the proposal being out of scale for area.

- 5.7.4 The character of dwellings in the surrounding area is mixed, with a dominance of two storey detached dwellings on Brimington Road and semi-detached two storey dwellings on Malia Road; the two detached bungalows at no's 360 and 366 are outliers in this regard and are both on large sites with deep gardens. The design of the amended dwelling is considered to be more appropriate in terms of roof design and height, but it will still introduce a large structure into an existing non-built garden. It will be an anomaly in some respects but it is not considered to be designed in a manner that has a significant negative impact on the surrounding area in regard of what is reasonably expected on modern housing estates.
- 5.7.5 The proposed house will not be highly visible from Brimington Road and will add to the mix of dwelling types and styles in the 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.

5.8 **Highways Issues**

- 5.8.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.8.2 The proposal would include access from Brimington Road and would provide parking and manoeuvring for over 2 vehicles on site.
- 5.8.3 In response to the revised drawing the Highways Authority commented that *"It is now considered that adequate manoeuvring space is available adjacent to the proposed dwelling allowing vehicles to enter and exit the site in forward gear. Also, the applicant has made it clear that there is no intention to segregate the proposed and existing accesses for the most part, therefore, it is considered that there will be adequate space available behind the proposed parking spaces fronting the existing dwelling to allow access to and from those spaces. Based on the above comments, there are no highway objections to the application subject to the following conditions being included in any consent granted"* (conditions not shown here).

- 5.8.4 The comments include conditions regarding an unsegregated driveway, provision of spaces and storage of bins. In regard bins, the site is over 45m from the roadside and it is unclear at present where bins would be located on bin collection days without impacting the access for the two dwellings; this detail could be conditioned. The retention of the driveway to remain open would ensure that parking and manoeuvring is more realistic for the existing dwelling also.
- 5.8.5 The proposed parking provision for the existing and proposed dwelling are considered to be acceptable for the scale of the scheme. The proposal is therefore acceptable within the requirements of Policy CLP20 of the Local Plan which seeks the provision of adequate and safe vehicle access and parking (criteria g) and a safe, convenient and attractive environment for pedestrians and cyclists (criteria h), as well as CLP22.
- 5.8.6 The Planning Policy Officer refers to the need for any off-street parking spaces to incorporate at least one Electric Vehicle Charging point to meet the requirements of policy CLP22 and this can be secured as part of any consent granted.

5.9 **Biodiversity**

- 5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF (para. 170) requires plans and planning decisions to contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.9.2 Derbyshire Wildlife Trust has commented on the scheme:
We have checked our Biological Records Database and can confirm the following:
- No notable habitats have been recorded to date on or adjacent to site
- The site is not covered by a statutory or non-statutory nature conservation designation

- No records of protected species on or adjacent to site, with the exception of a song thrush record adjacent (active nests protected under The Wildlife and Countryside Act, 1981).

The application is currently not accompanied by any ecological information. Satellite imagery of the site evidences that the development will result in the loss of amenity grassland within an existing garden, as well as some potential impacts to trees and shrubbery. We suggest that an Arboricultural Impact Assessment may be required prior to determination of this application and efforts should be made to retain established trees and shrubs, where practicable, or else provide replacement planting.

Recommendations

Biodiversity Enhancement Plan

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 to achieve a net gain in biodiversity in accordance with the NPPF 2021. Measures shall include (but are not limited to) the following:

- 1x General Purpose Nest Box*
- 1x Integrated Bat Brick*
- Hedgehog gaps in fencing (130 mm x 130 mm).*
- Native and wildlife attracting planting i.e., shrubs and / or herbaceous perennials.*

Such approved measures shall be implemented in full and maintained thereafter.

Breeding Birds

No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

5.9.3

No small sites biodiversity survey has been completed of the site. On site the existing rear garden included a mix of mature trees and shrubs of varying quality. It has 21 trees as well as groupings of shrubs, unidentified trees and other plants. The tree types include Scots pine, apple, pear, cherry, cedar, birch, holly, plum and oak. It is proposed to remove 3 mature Scots Pine trees and 2 mature apples trees, to relocate a pear tree and the hydrangeas and to plant 10 apple, cherry and other trees on site. A biodiversity

statement has also been submitted as part of the application and this also included additional biodiversity measures such as bird boxes, bug hotels, hedgehog holes and other shrubs. No details have been provided about tree planting methods, tree sizes etc; this can be conditioned.

5.9.4 The biodiversity features such as trees, shrubs and other plants are not protected, and these could all be completely removed at any time without the need for planning permission. The positive role that these features play in local wildlife is also not protected in anyway, and it is entirely voluntary for residents to maintain and retain their private gardens how they choose.

5.9.5 The site is heavily landscaped at present, and the majority of the features on site will be retained. It is considered that sufficient effort has been made to retain the existing trees and shrubs, and that the additional planting and other biodiversity features on site will provide an acceptable level of biodiversity gain on site. A condition should be required to seek further details of these.

5.9.6 The proposed development is considered to retain the majority of the existing biodiversity features on site and offers a reasonable landscaping proposal in the future. The development is not objected to by the consultees. This ensures that the proposal is acceptable in relation to policy CLP16 of the Local Plan and the NPPF, subject to condition.

5.10 **Developer Contributions**

5.10.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

5.10.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

			A	B	C	D	E
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Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Plot 1	215 (officer)	0	215	£50	355	288	£13,251

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index = CIL Charge (E)

BCIS Tender Price Index (at date of Charging Schedule) (D)

$$\frac{145 \times 50 \times 355}{288} = \text{£13,251}$$

288

5.11 Coal mining risk and ground contamination

- 5.11.1 The application site is within a Low Risk Area in respect of former coal mining activity and on this basis the Coal Authority has recommended informative notes to be included in a decision.
- 5.11.2 The Council's Environmental Health team has been consulted on the proposal and they have concluded that the site is not within an area of potential land contamination and they have no objections.
- 5.11.3 On this basis the proposal is considered to meet the requirements of policy CLP14.

5.12 Flood Risk

- 5.12.1 The site is shown to be at risk of surface water flooding but in a low/medium area in relation to risk of flooding. CBC's drainage team have been consulted on the scheme. CBC's drainage team requested that the applicant is made aware of the surface water flooding issue and that this should be considered in the design of the dwelling through a further application.
- 5.12.2 Conditions can be included in a permission 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.

5.13 **Lighting, noise and air pollution issues**

5.13.1 The Council's Environmental Health team has commented that several conditions are required to ensure that the proposal doesn't lead a negative impact in terms of an increase in noise pollution from construction and air pollution from increased traffic. They have requested a restriction on workings hours for construction and the inclusion of electric charging points into the scheme.

5.13.2 The requested conditions have all been included in this decision, to ensure that it is compliant with CLP14 of the Local Plan.

6.0 **REPRESENTATIONS**

6.1 The application has been advertised via letters sent to surrounding local residents and 6 comments have been received from 4 neighbours regarding the proposal. The local residents have objected on the grounds of:

- Out of keeping with the character of the area,
- Loss of privacy from overlooking windows into gardens and dwellings,
- Loss of vegetation including mature trees,
- Impacting wildlife in local area,
- Increased overshadowing into neighbouring gardens,
- Overbearing impact into rear gardens,
- Loss of view/outlook,
- Design – out of scale for area,
- Construction impacting foundations to existing boundary wall,
- Impacting a freshwater culvert.

6.2 ***Comment***

The majority of the above issues are considered in the above report. In regard the construction impacting an existing wall, the amended scheme is considered to be far enough away from the surrounding walls to ensure it won't impact the wall's foundations. The freshwater culvert on site could be impacted by the development, but as this is not a manmade drain on site and surface water drainage is considered as part of this application.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.
- 8.2 The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 **CONCLUSION**

- 9.1 The proposed development is considered to sufficiently reflect the architectural characteristics and form of the existing site and surrounding area. Furthermore, it is not considered that the development would result in significant injury to the amenity of nearby residents. It is not considered to lead to a negative impact upon highway safety of the local area. As such, this application is

considered to comply with the requirements of policies CLP2, CLP14, CLP16, CLP20 and CLP22 of the Chesterfield Borough Local Plan 2018-2035 and Chapter 12 of the revised National Planning Policy Framework, subject to condition.

10.0 **RECOMMENDATION**

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

Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans:
 - Site Location Plan,
 - Proposed Site Plan (submitted 13/07/23),
 - Proposed Ground Floor Plan (submitted 13/07/23),
 - Proposed First Floor Plan (submitted 13/07/23),
 - Proposed Elevations (submitted 14/07/23),
 - Existing Tree and Vegetation plan (submitted 29/03/23);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.
 - Details of bird boxes, bug hotels, hedgehog holes and other planting as detailed in the biodiversity statement, including the relocating of plant on site.

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 site curtilage for the parking and manoeuvring of residents and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. Existing off-street parking levels for No 366 Brimington Road shall be maintained, any displaced off-street parking shall be replaced accordingly.

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

11. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities 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. The proposed and existing drives serving the proposed and existing dwellings shall remain unsegregated for at least the first 20m into the site measured from the highway boundary.

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

13. Before any other operations are commenced a new vehicular access shall be created to Brimington Road in accordance with the application drawings and shall be laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

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

14. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored

until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason - In regard policy CLP16 and the protection of biodiversity on site.

15. 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

16. Obscure glazing to a Pilkington Scale level 4 shall be utilised in the rear 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

17. 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.

18. 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.

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. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.

4. 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.

5. 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.

6. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority

7. 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).