

**ITEM 2****DETACHED 2 BEDROOM DWELLING ON LAND AT 43-45 WHITTINGTON HILL, OLD WHITTINGTON, CHESTERFIELD FOR MR M BOOT**

Local Plan: Unallocated, within the built up area

Ward: Whittington

**1.0 CONSULTATIONS**

Ward Members	No comments received
Local Highways Authority	No objections subject to conditions – see report
Strategic Planning	Would accord with the Local Plan spatial strategy and its location would be accessible to a range of key services
Coal Authority	Withdrew objection following submission of a Coal Mining Risk Assessment report – recommends conditions
Environmental Health	No adverse comments - asks that condition restricting hours of building work be imposed
Design Services Drainage	Site is not shown to be at risk of flooding. Should be developed using separate systems of foul and surface water drainage
Representations	2 objections received from residents; concerns raised regarding: highway safety and parking; design; loss of light/overshadowing; loss of privacy; loss of trees and habitat; noise and disturbance; question right to build on rear access – see report

**2.0 THE SITE**

- 2.1 The application site comprises part of the rear garden area of 43 & 45 Whittington Hill and part of an overgrown access track. The applicant has provided title documents to show they own this area of land. There is an area of hardstanding which is used for car parking for 43 & 45 Whittington Hill accessed from Holland Road. The site stands at a higher level than the properties on Whittington Hill.
- 2.2 The site is within a Coal Authority Development High Risk Area and Flood Zone 1.



Extract of submitted location plan ©

Aerial View



View looking towards rear of 43 & 45 Whittington Hill



View of rear access

### **3.0 SITE HISTORY**

3.1 CHE/0191/0033 Conversion of 45 Whittington Hill into 2 flats.  
Refused 15.04.1991.

### **4.0 THE PROPOSAL**

4.1 The application proposes a detached two storey dwelling. The overall gross internal floorspace of the proposed dwelling would be 80sqm. The internal layout comprises an open plan ground floor with porch with two first floor bedrooms and bathroom. There would

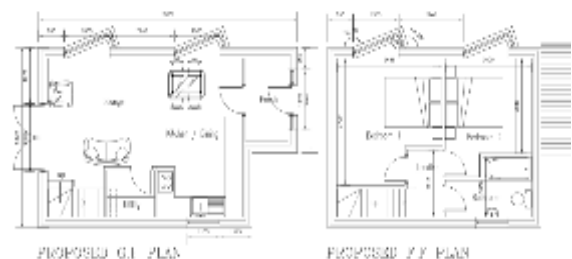
be no first floor windows to the east and west elevations with an obscure glazed bathroom window to the first floor elevation of the south elevation. To the north elevation fronting Holland Road would be splayed feature windows with a central mirrored panel.

4.2 The proposed materials are red brickwork to the ground floor with a white render finish to the first floor. The transition between the brick and render would be a 150mm deep reconstituted stone band. The porch wall finish would be dark grey embossed woodgrain WPC wall cladding. Blue/black Eternit Rivendale slates are proposed for the roof. Windows and doors would be anthracite grey upvc.

4.3 The main amenity area would be to the west of the proposed dwelling, which would be enclosed by a 1.8m high close boarded timber fence. It would have an area of around 75sqm. This would leave 43 Whittington Hill with around 88sqm of amenity space with around 54sqm for no.45. The existing brick wall to the Holland Road frontage would remain. The access and parking area would be to the east of the proposed dwelling. The limited depth of the site at around 8m means there would only be space to park one car.



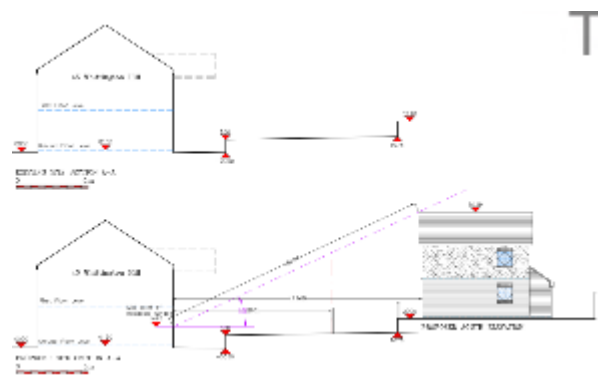
Proposed Elevations



Proposed Floor Plans



Proposed Block Plan



Existing & Proposed Site Sections

## 5.0 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

CLP11 Infrastructure Delivery

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**

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 11. Making effective use of land

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

## 6.0 **CONSIDERATION**

### 6.1 **Principle of Development**

6.1.1 The application site is unallocated and is positioned within the built-up area therefore policies CLP1 and CLP2 are of relevance.

5.4.2 Policy CLP1 sets out the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2.

- 5.4.3 Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council’s Spatial Strategy (policy CLP1);*
  - b) are on previously developed land that is not of high environmental value;*
  - c) deliver wider regeneration and sustainability benefits to the area;*
  - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
  - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
  - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
  - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
  - h) are not on the best and most versatile agricultural land;’*
- 5.4.4 The location is accessible to a range of key services and facilities by walking on adopted highways, and by cycling and bus. The site is located within a built-up area where new residential development would be considered acceptable in principle. As such, this proposed development site is considered sufficiently sustainable for a development of this nature and adheres to Local Plan policies CS1 and CS2. Other aspects of the scheme are considered below.

## **6.2 Design of the Proposal and impact on neighbours and future occupiers**

- 6.2.1 Local Plan policy CLP20 states 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’*
- 5.6.2 Local Plan policy CLP20 expects development to *‘k) have an acceptable impact on the amenity of users and neighbours’*
- 6.2.2 Local Plan policy CLP14 states *‘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’

- 6.2.3 The adopted ‘Successful Places’ SPD is a material consideration and covers design and amenity considerations. The document also details minimum requirements for private open space (excluding parking areas). Minimum requirements are outlined in table 4 (p78) and states that a 1/2 bedroom dwelling should have a minimum of 50sqm. The requirements for private amenity space would be met for the proposed dwelling plus the two existing dwellings at 43 and 45 Whittington Hill. The floorspace of the proposed dwelling also exceeds the minimum internal space standards set out in the Nationally Described Space Standards.
- 6.2.4 The key factors in this case are the level differences between the proposed dwelling and existing properties and whether given this adequate separation distances can be achieved.
- 6.2.5 The distance to the frontages of properties on the opposite side of Holland Road exceeds the 12m rule of thumb for front to front minimum separation distance set out on pages 76 of the Successful Places SPD.
- 6.2.6 With regard to levels from the section drawing included above it can be seen that due to the raised level of the application site compared to 45 Whittington Hill its ridge height would be higher than that property. Both 43 and 45 Whittington Hill have two storey rear elements with obscure glazed bathroom windows in the rear elevations. From the east facing ground floor windows of 43 and 45 Whittington Hill the proposed dwelling would be 17.369m away. A distance of 18.884m would be achieved from the midpoint of the window to the ridge of the proposed house. The angle of view clear of the ridge would be 25 degrees from the centre of the affected window, which would comply with the guidance on proximity set out on page 77 of the Successful Places SPD.
- 6.2.7 With no first floor windows proposed to the side elevations and only a bathroom window to the south elevation it is considered that this would avoid overlooking of neighbouring properties. The patio would be raised with steps down to the garden area, so a 1.8m boundary fence is adequate for the garden boundary but there is also a privacy screen shown for the patio area, which would reduce

the impact from the use of the patio and the patio doors in the west elevation.

- 6.2.8 With regard to the design of the proposed dwelling, there are a variety of house types in the vicinity and a range of materials which whilst mainly brick do also include render, including in close proximity to the site. Two storey houses are the predominant form and the design albeit of a more modern design is considered acceptable in this context.
- 6.2.9 It is therefore considered that the proposal is appropriate to its surroundings and 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.

### **6.3 Highways Safety and Parking Provision**

- 6.3.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*
- 6.3.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.
- 6.3.2 The Local Highway Authority commented that the application proposes the use of the existing vehicular access off Holland Road, however, this access point appears to serve the rear of a number of dwellings from 43 to 65 Whittington Hill and possibly 1 to 11 Newbridge Street. The submitted plans indicate significant narrowing of the 'access road'. The proposed access itself does achieve appropriate emerging visibility splays in both directions and is of appropriate width at 3m. The existing vehicular crossing will need to be widened to serve the dwelling. The application proposes one parking space with no provision for replacement parking for 43 and 45 Whittington Hill. The increase in width of the parking space shown on the amended plan is acceptable. The loss of off-street parking provision for nos. 43 and 45 Whittington Hill is not ideal and is likely to lead to increased demand for roadside parking space in the vicinity of the application site: however, an objection on these grounds alone is not considered to be sustainable. It is noted that the site layout plan indicates a 1.8m fence to be erected on the eastern boundary of the site which will extend up to the highway boundary. This would restrict visibility for emerging vehicles onto Holland Road including pedestrian intervisibility. Therefore, the first



2m of the fence measured from the highway boundary i.e. back of footway should be no higher than 0.6m for the first 2m into the site to maintain pedestrian intervisibility at the access. The dropped footway crossing will require widening to reflect the width of the access. This will require permission under S184 of the Highways Act. Recommend conditions that the dwelling is not occupied until the access and parking facilities have been provided and the fence on the eastern site boundary shall not exceed 0.6m in height for the first 2m into the site.

- 6.3.3 The rear access is not in a state that it may be used by vehicles and does not provide vehicular access to properties on Whittington Hill. Whilst not desirable to loss off-street parking for 43 and 45 Whittington Hill, this would be no different to the majority of properties on this section of Whittington Hill. As can be seen from the above paragraph the County Highway Authority do not consider this to be sufficient grounds to justify refusal. One space would be provided or for the proposed dwelling, which does not conflict with the Successful Places guidance.

#### **6.4 Flood risk, Drainage and Water Efficiency**

- 6.4.1 Local Plan policy CLP13 states 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.*  
*Development proposals and site allocations will:*  
*a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*  
*b) be directed to locations with the lowest impact on water resources;*  
*c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- 6.4.2 Local Plan policy CLP13 states 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.'*
- 6.4.3 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider

NPPF the application was referred to the Council's Design Services (Drainage) Team for comments in respect of flood risk and drainage/wastewater.

5.8.4 The Design Services (Drainage) Team reviewed the application and noted that the site is not shown to be at risk of flooding according to the Environment Agency Flood Maps and should be developed using separate systems of foul and surface water drainage. Yorkshire Water will need to be contacted prior to any new connections to the public sewerage system.

6.4.5 Subject to the imposition of a relevant condition covering water efficiency standards the proposal will accord with the provisions of CLP13 and the wider NPPF.

## **6.5 Biodiversity**

6.5.1 Local Plan policy CLP16 and the NPPF require all development to provide a net gain in biodiversity. Whilst planning applications should be supported by information from which to assess baseline biodiversity and any potential gains, it is likely that the site has only a limited baseline of biodiversity if using the DEFRA Metric 3.1. Consequently, it would be disproportionate to require further information on biodiversity and there may be scope to achieve a net gain through relatively 'simple' measures such as providing bat roosting or bird nesting opportunities. Appropriate net gain measures should be provided on site, and this can be secured by the imposition of a condition.

6.5.2 The submitted Planning Statement states that the development will provide opportunities for biodiversity enhancements such as supplementary ecology rich planting (shrubs and trees) within the hedge and garden area, lawn, bird boxes etc.

6.5.3 The development would necessitate the loss of some trees, however this are not of a quality that would merit a preservation order and as such would not prevent the development of the site.

6.5.4 Subject to a condition as recommended above the development accords with the requirements of CLP16 and the NPPF.

## **6.6 Developer Contributions and Community Infrastructure Levy**

6.6.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwellings and is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
<b>Development type</b>	<b>Proposed floor space (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index permission</b>	<b>Index Charging schedule 2020</b>	<b>CIL Charge</b>
Residential (C3)	68		68	£50	355	288	£4191

## 6.7 Land Stability

6.7.1 The site is within a Coal Mining Risk ‘high risk’ zone. Local Plan policy CLP14 does not permit development on land where instability is suspected or present unless it is demonstrated that mitigation and/or remediation is feasible. The NPPF similar requires that planning decisions prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability.

6.7.2 The Coal Authority initially objected to the application given that a Coal Mining Risk Assessment Report had not been submitted. Following the submission of a report the objection was removed with the Coal Authority concurring with the report’s conclusions that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Recommend the imposition of conditions for a scheme of intrusive investigations and implementation of any remediation works and/or mitigation measures.

6.7.3 Environmental Health made no comments in respect of contaminated land.

## 6.8 Climate Change

6.8.1 The proposal is for a minor development, so the requirement in Local Plan policy CLP20 for a statement on minimising carbon emissions

and maximising renewable energy is not applicable. Provision for one electric vehicle charging point should be secured in order to accord with Local Plan policy CLP22. The submitted Planning Statement states that an EV charging point will be provided.

## **7.0 REPRESENTATIONS**

7.1 The application has been publicised by neighbour notification letters and site notice. Two representations have been received (one on behalf of a group of 7 residents from Holland Road and Newbridge Street) and the other from a resident of Newbridge Street (who is also one of the group of 7 residents). The concerns raised are summarised as follows:

- Adequacy of parking/loading/turning –The location of the proposed development is on a narrow side road where there is not adequate room for parking, loading or turning of additional vehicles which will be required for building materials. In particular lorries, vans etc. There are even official signs on the road stating no access to such vehicles.
- Archaeology – This type of building work would cause concern during an archaeology assessment as there would be ground disturbance including digging, trenching, tunnelling, concrete cutting, and boring.
- Disabled access – there are individuals that live on this street with poor health and who suffer from disabilities; as such, any vehicles, roadwork signs, materials on the roadside, or anything blocking the pavements would be at a significant detriment of these individuals' access.
- Hazardous materials – building works inevitably bring hazardous materials which would be harmful to both the people living on the street and the wildlife located in the area. There are also small businesses in the area that this will affect such as local cafes or public houses. Hazardous materials such as dust, fumes, smoke, fibres etc. This is exacerbated by the location of the road being particularly small and narrow.
- Road safety - The road is very narrow, and it is already difficult to get 2 cars alongside each other on this road. Allowing large trucks or lorries on this road would result in the road becoming unsafe and would increase the risk of damage to the vehicles of the residents of this street. Several residents of that road park their vehicles along the road so there is limited room for additional vehicles to park meaning they would need to block the already narrow road.

- Loss of light/overshadowing – this proposed building would block out views from properties and also reduce natural lighting to existing properties as the building would be very close.
- Loss of privacy – this proposed property would mean a loss of privacy for several of the neighbouring houses as the house would be so close to the main road and would therefore have access to windows into people homes.
- Loss of trees – The area in which is being proposed for building works is currently home to many trees and in order to build in this area it would require the destruction of these trees without any room to plant new ones.
- Noise and disturbance – the road in which this building is proposed is very small and the noise that would come from this development would cause significant distress for the local residents. Some of which have small children whose learning or sleep schedules could be affected.
- Road access – the road is very small and narrow and it would be difficult for trucks and material lorries to access.
- Smells – As this is a small area toxic fumes and smells would be unavoidable. This time of year, during the summer when doors and windows would be open it would cause concern to the surrounding neighbouring village.
- Chesterfield BC have previously informed property owners that if any development was to take place along the back lane, consent would need to be granted by all residents who own a section of the Lane. No one has asked for permission.
- Proposed plans and material out of keeping with the area and Victorian terraced houses on Whittington Hill.
- Position of the house would cause overshadowing.
- Loss of habitat for birds and mammals.

## 7.2

### **Officer comments**

- **Several of the above points relate to disturbance during the construction phase, which is inevitable but of a temporary nature. The hours of working may be controlled by condition.**
- **The applicant was asked to clarify if they owned all the application site, including the access 'lane'. They provided title documents to show they did own all the site outlined in red. This is sufficient in planning terms and other rights would be a private civil matter.**
- **Issues regarding parking, design and impact upon residential amenity have been addressed with the body of the report above.**

***-A number of trees would need to be removed, but none are worthy of a preservation order and a condition would be imposed requiring landscaping and biodiversity measures.***

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 2023 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 considered this application in a positive and proactive way in order to achieve a positive outcome for the application.

## **9.0 CONCLUSION**

- 9.1 The application site is located within the built-up area in a location which is within walking and cycling distances of key services and facilities, therefore the proposal is considered to accord with the principles of CLP1 and would largely accord with CLP2. The proposal is within the settlement boundary and would introduce additional housing within the existing built-up area. The scheme

therefore broadly meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. On balance the scheme will create a modest two storey dwelling in which the layout has been designed to respond to the constraints of the site. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20. Subject to conditions covering water efficiency and biodiversity enhancements the scheme will accord with the requirements of CLP13, CLP16 and the wider NPPF.

## **10.0 RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** 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 - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

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

- WAL-23-20-01 Site Location Plan
- WAL-23-20-02A Proposed Floor Plans
- WAL-23-20-03A Proposed Site Plan
- WAL-23-20-04 Proposed Elevations
- WAL-23-20-05 Existing and Proposed Site Sections
- WAL-23-20-06 Existing Site Plan
- WAL-23-20-07 Typical Fence Elevation

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

3. 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. The term 'construction work' shall include mobile and fixed

plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

4. No individual dwelling hereby approved shall 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 for that dwelling.

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

5. Prior to the occupation of the development details of a privacy screen for the western side of the patio area shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screen shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter be retained and maintained throughout the life of the development.

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

6. No development shall commence until:
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past 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 K guidance.

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



7. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

8. 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 in accordance with CLP13.

9. 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.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 2015 (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.

11. No development above floor-slab/D.P.C level shall take place until A landscape and biodiversity enhancement and management plan

(LBEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LBEMP should combine both the ecology and landscape disciplines and include the following:-

- a) Description and location of features to be created, planted, enhanced and managed.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.
- h) Details of internal bird and bat boxes.

The approved plan will be implemented in accordance with the approved details and maintained thereafter.

Reason: In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 190 of the National Planning Policy Framework

12. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason- To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

13. 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 as part of this development and shall seek written approval from the local planning authority prior to the installation of lighting on site.

Reason - To protect residential amenity through construction works in accordance with policy CLP14 of the Adopted Local Plan

14. Prior to the occupation of the development hereby approved, the access and parking facilities shown on drawing "WAL-23-20-03A" shall be provided and thereafter shall be retained permanently for domestic car parking unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with policy CLP22 of the Adopted Local Plan 2020.

15. The boundary fence treatment on the eastern site boundary shall not exceed 0.6m in height relative to the carriageway level for the first 2m into the site measured from the back of the footway/highway boundary.

Reason: In the interest of highway safety in accordance with policy CLP22 of the Adopted Local Plan 2020.

## **10.2**      **Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. 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). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

#### 4. Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb Coal Authority property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

#### 5. Shallow coal seams

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

6. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.

7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Place Department at County Hall, Matlock regarding access works within the highway. Information and relevant application forms, regarding the undertaking of access works within highways limits is available vis the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp). Email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.

8. 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.
9. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.
10. In accordance with condition 11 above appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
  - Bird/owl/bat boxes
    - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
    - You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
    - The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
    - Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
    - (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby

as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

Species	Potential Enhancement Measure	Notes
<b>Wildflowers</b>	<p><b>Native wildflower meadow areas:</b> as an alternative to amenity grassland.</p> <p><b>Wildflower verges.</b></p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes. Advice for creating and maintaining a wild patch is available on the <a href="#">Wildlife Trust website</a> and through <a href="#">Flora Locale</a>.</p>
<b>Birds</b>	<p><b>Bird Boxes and other nesting features:</b> (such as stone ledges and wooden cladding).</p> <p><b>Native species planting and boundary features:</b> Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: <a href="https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box">https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</a></p> <p>Generally, boxes should be sheltered from prevailing wind,</p>

	Dogwood, Guelder Rose Hawthorn and Spindle berry.	rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.
<b>Invertebrates</b>	<p><b>Bug hotels and log piles with stones:</b> particularly near ponds.</p> <p><b>South facing banks:</b> with some bare ground.</p> <p><b>Rough or natural stone walls with holes</b> for invertebrates to use.</p> <p><b>Brown roofs with a range of substrates</b> these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.</p>	<p>Examples of living roof projects are available on the Buglife web page:  <a href="https://www.buglife.org.uk/our-work/living-roof-projects/">https://www.buglife.org.uk/our-work/living-roof-projects/</a></p>

