

Item 1

Case Officer: CW

Application No: CHE/23/00084/FUL

ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS WITH ASSOCIATED WORKS AND ACCESS FROM CENTRAL AVENUE ON LAND TO REAR OF 5-6 WALTON WALK, BOYTHORPE, CHESTERFIELD FOR MR REECE SMEDLEY.

Planning Committee Date: 04.12.2023

1.0 CONSULTATION RESPONSES

Ward Members:	No objection
Design Services Drainage	No objections, subject to conditions regarding drainage and surface water drainage
Coal Authority	No objection, subject to condition
Strategic Planning	No objection to principle, but request inclusion of conditions
Local Highways Authority	No objection, subject to condition.
Tree Officer	No objection, subject to conditions
Environmental Health	No objection, subject to conditions regarding noise, lighting, air quality and land contamination.
Representations	1 objection letter received signed by 11 residents from 5 properties raising issues concerning design, loss of natural light and loss of privacy.

2.0 THE SITE

2.1 The site the subject of this application is situated in the rear gardens of no's 5 and 6 Walton Walk, with the dwellings fronting and access onto Central Avenue. The site is on the edge of a residential area, with housing to the north, south and east, with an industrial unit to the west.

- 2.2 The rear garden of the existing dwellings is 40m long, but this has been separated, with fences positioned 10m from the rear of the dwellings leaving the application site at approximately 30m long and 11m wide.
- 2.3 A dwelling has been built at no.7 Walton Walk, which is of a similar design, plot size and relationship with the existing dwelling to this scheme.
- 2.4 A flat roofed garage was previously sited in the rear garden of no.5 Walton Walk as well as a mature evergreen tree, which has now been removed. There is a mature sycamore street tree to the front of the site, which is not part of the site.
- 2.5 The character of the area is dominated by semi-detached red brick dwellings and long rear gardens which include garages and car ports.
- 2.6 The land levels have a slight incline from south to north. The street is a two-way road, with restricted on-street parking, and which serves as a cut through for vehicles travelling from Chatsworth Road to Boythorpe Road.



3.0 SITE HISTORY

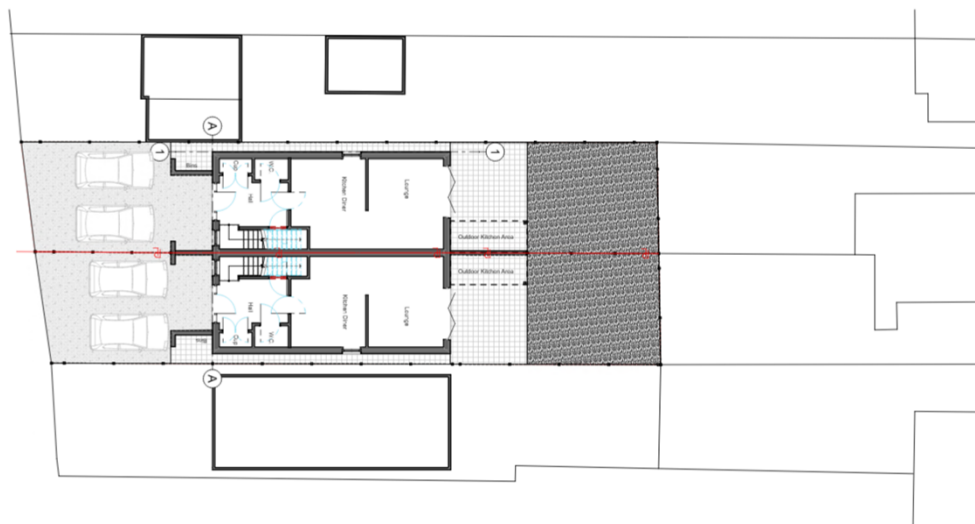
- 3.1 No.6 Walton Walk
CHE/21/00863/OUT - Outline application for a single detached 1.5 storey dwelling, with access off Central Avenue – Conditional Permission – 25/02/22
- 3.2 No.7 Walton Walk
CHE/22/00552/REM1 - Removal/variation of conditions 3 (Drainage details submitted before commencement) and 8 (External materials' details before commencement) of application CHE/15/00314/FUL – Application Withdrawn – 07/09/22
- 3.3 CHE/15/00314/FUL - Demolition of existing garage and erection of new 1.5 storey two bed dwelling with access from Central Avenue – Conditional Permission – 05/05/16

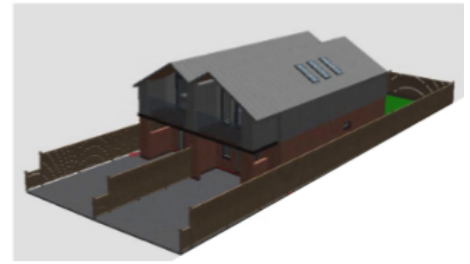
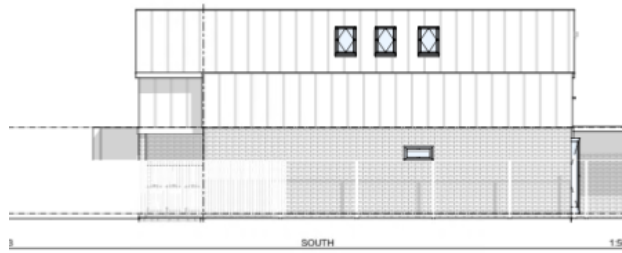
4.0 THE PROPOSAL

- 4.1 The application seeks consent for the erection of two semi-detached dwellings. This would include a pitched roof with a valley

in the middle. They would be constructed with brick on the ground floor and metal cladding on the first floor and roof.

- 4.2 The dwellings would have a lounge, kitchen/diner, hall, cupboard and W.C at ground floor level and 2 bedrooms and a bathroom at 1st floor. There would be a balcony to the front elevation and a canopy to the rear for outdoor dining.
- 4.3 The gardens for the proposed dwellings are 50 sqm in size. (10m in length, 5m in width). Each dwelling would have 2 parking spaces to the front.
- 4.4 To the rear of the dwellings they would have bi-folding doors at ground floor and a triple paned window to the 1st floor. To the front elevation there would be glazed doors and a side window at ground floor and large elements of glazing to the 1st floor. There would be 3 slim velux windows in the roof of each dwelling and a side window for the kitchens.
- 4.5 The garden would be paved to the rear, with a lawn and shrub planting beyond this.
- 4.6 The scheme has been altered during the application, with the roof altered from one roof pitch to two, the rear gardens split up into two separate gardens, the front elevation increased in glazing, the removal of the front gates and lowering of the fence heights.
- 4.7 The existing dwellings will be left with gardens of 50 sqm in size each.





5.0 **PLANNING POLICY**

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)
- 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 2023**

- Part 2. Achieving sustainable development

- Part 4. Decision-making
- 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 within the built-up area and within walking distance of a good range of key facilities. Although technically not previously developed land according to the NPPF definition (which excludes 'land in built-up areas such as residential gardens') the principle of residential development on this site would accord with policies CLP1 and CLP2.

6.1.2 Overall, the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up settlement area, therefore broadly accords with the strategy of 'concentration'. The proposal would be broadly consistent with the requirements of the NPPF. On this basis there is no objection in principle to this proposal, subject to conditions.

6.2 Design and Appearance of the Proposal

6.2.1 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.

6.2.2 The existing site is a residential garden space sited in-between a two storey detached building and a rear residential garden which includes several single storey outbuildings. Historically these were all part of residential gardens. The neighbouring dwelling at no.7 is of a comparable design to this proposal, with a brick ground floor and metal cladding for the 1st floor and roof. The positioning of the

dwellings, gardens and driveways are of a similar location and size to the approved and built scheme at no.7.

- 6.2.3 The character of the area is red brick older dwellings on Walton Walk to the east, a large metal-clad industrial building to the west and the recently-built brick and metal clad dwelling to the south of this site; the proposed scheme appears to be generally reflecting on this scheme.
- 6.2.4 This application has adopted a modern approach towards the design and materials of the new dwelling. The proposed design of the new dwelling contrasts significantly with the majority of the existing residential properties in the locality, however it draws inspiration from similar designed scheme to the south and nearby industrial buildings. It is considered that these new dwellings are of an interesting and appropriate design and make use of suitable materials. It is important to encourage appropriate, innovative approaches to architecture in the borough, and this proposal seeks to do so.
- 6.2.5 The proposal is considered to respect the character and setting of the site, although the precise materials will be conditioned to ensure they are acceptable. In this regard it is considered to have an acceptable impact on the character of the surrounding area. The proposal therefore does accord with the provisions of policy Local Plan policy CLP20 and should be approved in this regard, subject to condition.

6.3 Residential Amenity

- 6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The dwellings would not lead to significant levels of overshadowing or massing issues to surrounding dwellings. In regards overlooking the dwelling has high level side windows and the windows to the rear are 19m and 20m from the rear of the new dwellings to the rear of no's 5 and 6 Walton Walk. Although the guidance for separation distance between rear windows for dwellings is 21m, this depends on the context of the scheme. As the scheme is acceptable in regards the other residential amenity considerations it is not considered to be refusable on this issue alone.

- 6.3.3 The existing dwellings at no's 5 and 6 will have 50 sqm rear gardens and the proposed new dwellings will have 50 sqm sized gardens and which accords with the Council's 2013 Design Guide the guidance which states that 2 bedroom dwellings should have a minimum of 50 sqm.
- 6.3.4 Due to the size of the plot, a condition will need to be included to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents.
- 6.3.5 The proposal includes reasonable levels of outlook and an acceptable sized amenity space for a dwelling of its size. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Flood Risk, Drainage and Stability of River Bank

- 6.4.1 The site is in a low risk area in relation to risk of flooding. CBC's drainage team have been consulted on the scheme. Any new connection will require prior approval from Yorkshire Water. The site should utilise separate systems of foul and surface water and further information is required in regards the proposed use of soakaways. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

6.5 Highways Safety

- 6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The highways authority has been consulted and did not object to the scheme, subject to condition.
- 6.5.2 The scheme has been amended, with the frontage altered to provide better manoeuvring on site and improved visibility when leaving the site. It is a for two 2 bedroom houses and includes 2 parking spaces per dwelling of an adequate size, with reasonable visibility to leave the site. In this regards the proposal is acceptable.
- 6.5.3 It is acknowledged that the construction phase of the development could cause some level of inconvenience and a construction management plan is being sought to help control issues such as construction worker parking and deliveries, as well as requesting details about materials and facilities on site.

6.5.4 The application will include off-street parking arrangements for four vehicles, which is considered to be sufficient for the development, therefore on this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan, subject to condition.

6.6 Biodiversity including trees and landscaping

6.6.1 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”.

6.6.2 Derbyshire Wildlife Trust was consulted on the proposal, but no comments have been received. The site is a residential garden with no significant planting on site, but there was a mature coniferous tree on site, which was removed prior to the submitting of the application.

6.6.3 It is proposed to plant shrubs and plants to the rear of the site, have a grassed lawn and to position wildlife tunnels and bird boxes to the rear of the dwelling. Further details are required for all these features, and this can be conditioned.

6.6.4 Further details have been sought regarding the street tree to the front of the site, with an arboricultural method statement requested and the council’s tree officer supporting its findings.

6.6.5 It is therefore considered reasonable and necessary to impose a condition for measures to secure further information on the biodiversity net gain, landscaping details and tree protection for the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 Environmental Health - Land Condition / Contamination

6.7.1 Land condition and contamination need to be considered having regard to policy CLP14 of the Core Strategy.

6.7.2 The Council’s Environmental Health team has reviewed the proposals and commented that they have no objections to the

plans. It has been considered that conditions should be imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties, as well as the inclusion of electric charging points, to reduce air pollution, lighting and land contamination.

6.7.3 In relation to noise from the construction of the proposed dwellings; the workers on site would be restricted with the working hours to be 8am-6pm Monday to Friday, 9am-5pm on Saturdays and no work on Sundays or Bank holidays. These restrictions will assist in limiting the noise from the site to normal working hours and reduce impacts in the interests of the amenity of local residents.

6.7.4 In respect of potential Coal Mining Risk, the site the subject of the application is situated within a high risk area. The Coal Authority was consulted on this application and they have raised no objection subject to a condition being included on the decision on this matter.

6.8 Community Infrastructure Levy

6.8.1 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.

6.8.2 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
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
Plots 1/2	222	0	222	£50	355	288	£13,682

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

222 x 50 x 355 = £13,682

288

7.0 REPRESENTATIONS

- 7.1 1 objection letter has been received from 25 Riber Terrace raising issues concerning
- Design – don't look like houses but more like warehouses or temporary business premises – they are ugly – spent a lot of money in choosing to live here;
 - Too high and intrusive resulting in loss of natural light and loss of privacy to homes and gardens.
 - Would only be happy with a ground floor single storey unit with low roof without roof windows

The letter is countersigned by 11 residents from 5 properties.

- 7.2 Comment – The issues raised have been considered in the above report and are not sufficient to justify a refusal of permission.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 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
- 8.2 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.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 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.

- 9.2 The Local Planning Authority have during 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.

10.0 CONCLUSION

- 10.1 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.

11.0 RECOMMENDATION

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

11.2 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 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).
 - Site Location Plan and Layout Plan (drawing no. A1.1 Rev B submitted 24/03/23)
 - Proposed Ground Floor plans (drawing no. A2.1 Rev A submitted 21/03/23)
 - Roof Plan (drawing no. A2.3 Rev A submitted 21/03/23)
 - Architectural Site Plan (drawing no. A1.2 Rev B submitted 24/03/23)
 - Proposed First Floor Plan (drawing no. A2.2 Rev B submitted 18/05/23)
 - Proposed elevations (drawings no's A3.1 Rev C, A3.2 Rev C, submitted 18/05/23)
 - Landscape plan (drawing no. L2, submitted 20/04/23)
 - Arboricultural Method Statement submitted 31/10/23

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. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. (The agent for the scheme stated that 1 bat box and 2 bird boxes; this is not considered satisfactory for the scheme, with replacement tree and shrub planting required on site, additional details shall include:
 - a) a scaled plan showing the trees and plants to be planted:
 - b) a scaled plan showing the trees and plants to be removed:
 - c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
 - d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
 - e) Sufficient specification to ensure successful establishment and survival of new planting.
 - f) Details of the types of bird boxes, bat boxes and bee bricks that are proposed.

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

The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

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 175 of the National Planning Policy Framework

4. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of residential amenity and CLP14

5. A residential charging point shall be provided for each dwelling with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. 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 air pollution and policy CLP14.

6. 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 153 of the National Planning Policy Framework.

7. Before 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.

Reason: In regards visual amenity and policy CLP20.

8. At 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, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period

in accordance with the approved designs free from any impediment to its designated use.

Reason: In regards highway safety and policies CLP20 and CLP22.

9. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of resident's vehicles (each space measuring a minimum of 2.4m x 5.5m), 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.

Reason: In regards highway safety and policies CLP20 and CLP22.

10. 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 amenity of occupants of adjoining dwellings, CLP14 and CLP20

11. 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 in accordance with Policy CLP13 of the Adopted Local Plan.

12. The development shall include a scheme for the provision of surface water run-off on site, either via the use of a SUDs channel or permeable block paving. If this is not possible the applicant is required to contact the Local Planning Authority to discuss alternative options; and then not complete works until an alternative solution has been agreed in writing by the LPA. The scheme shall incorporate sustainable drainage principles and shall be implemented in full. The submitted information shall include full details of the infiltration results and proposed location of the soakaway on site.

Reason: To prevent the increased risk of flooding, in relation to policy CLP13.

13. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

Reason: in the interests of highway safety and policies CLP20 and CLP22

14. The proposed dwellings shall not be occupied until space has been laid out within the site for the parking of two vehicles per dwelling to the front of the premises, such space to measure a minimum of 5.0m width and 5.5m length per dwelling. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

Reason: in the interests of highway safety and policies CLP20 and CLP22

15. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no gates or other barriers on the access/driveway at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason: in the interests of highway safety and policies CLP20 and CLP22

16. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and

approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

Reason: To protect the amenity of neighbouring residents and policy CLP14.

17. A. Development shall not commence until details as specified in this condition 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.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard, in relation to policy CLP14.

18. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site, in relation to policy CLP14.

19. 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, in relation to policy CLP14.

20. 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, which shall be completed in accordance with BRE Digest 365, to ensure no flooding for a 1 in 30 year rainfall event and no flooding of properties for a 1 in 100 year event.

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

21. The development shall be completed in accordance with the conclusions of the submitted Arboricultural Method Statement (submitted 31/10/23) including the tree protection measures.

Reason: To protect existing mature street trees and policy CLP16.

11.3 Informative 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. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - bird/owl/bat boxes

(Locating your nest box: 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 nest boxes 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 nest box close to a bird table 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
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. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of 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 Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

5. 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 Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs.aspx>
E-mail highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.
6. The Highway Authority recommends that the first 5m of the proposed 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 householder.
7. 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.
8. 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.

