

ITEM 4

RE-SUBMISSION OF CHE/21/00798/REM - PROPOSED DETACHED DWELLINGHOUSE, DRAINAGE PLANS SUBMITTED PROPOSING CONNECTION TO PRIVATE DRAINAGE SYSTEM SERVING POPLAR HEIGHTS AT LAND ADJ. FOUR POPLARS, RECTORY ROAD, DUCKMANTON, DERBYSHIRE, S44 5JS FOR MRS M WHEELWRIGHT

1.0 CONSULTATIONS

Ward Members	No comments received
Staveley Town Council	No comments received
Strategic Planning	Revised proposal does not appear to include details of landscaping or biodiversity net gain as required by conditions 13 and 16, and any measures to be incorporated on the building need to be shown on the submitted elevations and any new planting shown on the site plan. Improvements in design submission does not include information to enable assessment against policy requirements such as CLP20 and CLP22. The development would be CIL liable.
Environmental Health	No comments received
Design Services Drainage	No objections to the revised drainage proposal. Yorkshire Water will need to approve the revised drainage details and hydrobrake chamber
Lead Local Flood Authority	No comments on this minor application
Yorkshire Water	No objection to approval of reserved matters
Local Highway Authority	Resubmitted application includes 2 parking spaces as required in the previous Highway Authority comments. The submitted plans also indicate gates to be set back 5m from the back edge of the highway boundary. Conditions recommended in previous comments cover site

storage/compound details, visibility requirements, provision of parking, gates to be set back 5m and gradient of drive.

Conservation Officer No comments received

Civic Society No comments received

Derbyshire Wildlife Trust No comments to make

Tree Officer No objection, however details of landscaping or biodiversity net gain should be submitted as required by condition 13 on the outline permission (policy CLP16). Landscaping information should be submitted with proposed new planting and retained vegetation shown on a site plan.

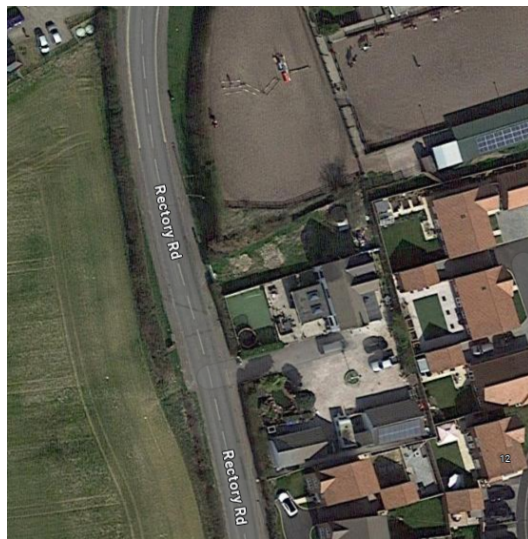
CIL Officer CIL paperwork provided

Representations 7 letters of representations received – see report

2.0 THE SITE

- 2.1 The site subject of this application is located on the east side of Rectory Road. The plot was formerly part of the curtilage of Four Poplars. The site has been separated from Four Poplars by a timber fence to the southern boundary. The site is broadly rectangular in shape, measuring approximately 33m in length and a maximum of 13m in width, extending to approximately 320m² in area (0.032 hectares) overall. An existing gate forms an access with dropped kerb onto Rectory Road to the western boundary.
- 2.2 The site is bound by Poplar Farm with Grade II Listed farm house to the north and a residential development of 33 residential dwellings to the east/south east (application reference CHE/18/00768/REM). The site is approximately 400m walking/cycling distance from the defined Duckmanton Local Service Centre.
- 2.3 The site is located in an area considered to be at low risk of flooding (as defined by the Environment Agency) and is considered to be in an area at low risk of coal mining legacy requiring standing advice for coal mining risk as opposed to requiring referral to The Coal Authority.

- 2.4 Consent was granted in outline for the erection of a detached house (all matters reserved) in 2020 under CHE/20/00039/OUT. Consent was subsequently refused for reserved matters in 2022 under application CHE/21/00798/REM (see site history)



Aerial photograph of site and view of site from streetview taken from Google ©

3.0 **SITE HISTORY**

- 3.1 CHE/21/00798/REM - Reserved matters for the erection of a detached house – **REFUSED (07.02.2022)**

Reason for refusal;

The proposed development fails to adequately respond to the appearance and architectural style of the surrounding area taking into account the proximity to nearby listed building and forming part of its setting. The proposal includes incongruous side box dormers to each roof plane to provide additional floorspace but fail to provide a coherent and well considered proposal. The proposal therefore does not accord with Local Plan policies CLP20 and CLP21. The siting of the proposed dwelling and proximity to eastern boundary result in a scheme with inadequate separation distances from existing neighbouring properties, such that the development is likely to result in harmful amenity impacts upon existing and future residents. The proposal is therefore contrary to policy CLP20 and the adopted 'Successful Places' SPD, adversely impacts of the amenity of existing and future occupiers contrary to the requirements of policy CLP20 k), CLP14 and the Successful Places SPD.

- 3.2 CHE/20/00039/OUT - Outline application with all matters reserved for residential development of a detached house on land adjacent to Four

Poplars, Rectory Road, Duckmanton (revised site plan received 04.04.2020) – **CONDITIONAL PERMISSION (05.08.2020)**

- 3.3 CHE/19/00037/FUL - Two story rear extension, replacement and enlarged front conservatory, alterations and new roof to utility room to rear, juliet balcony to front bedroom at Four Poplars– **CONDITIONAL PERMISSION (13.03.2019)**
- 3.4 CHE/0902/0542 - Single storey side extension over existing ground floor room at Four Poplars – **CONDITIONAL PERMISSION (07.10.2002)**
- 3.5 CHE/0596/0280 - Single storey extension at Four Poplars - **CONDITIONAL PERMISSION (28.06.1996)**

RELEVANT SURROUNDING SITE HISTORY

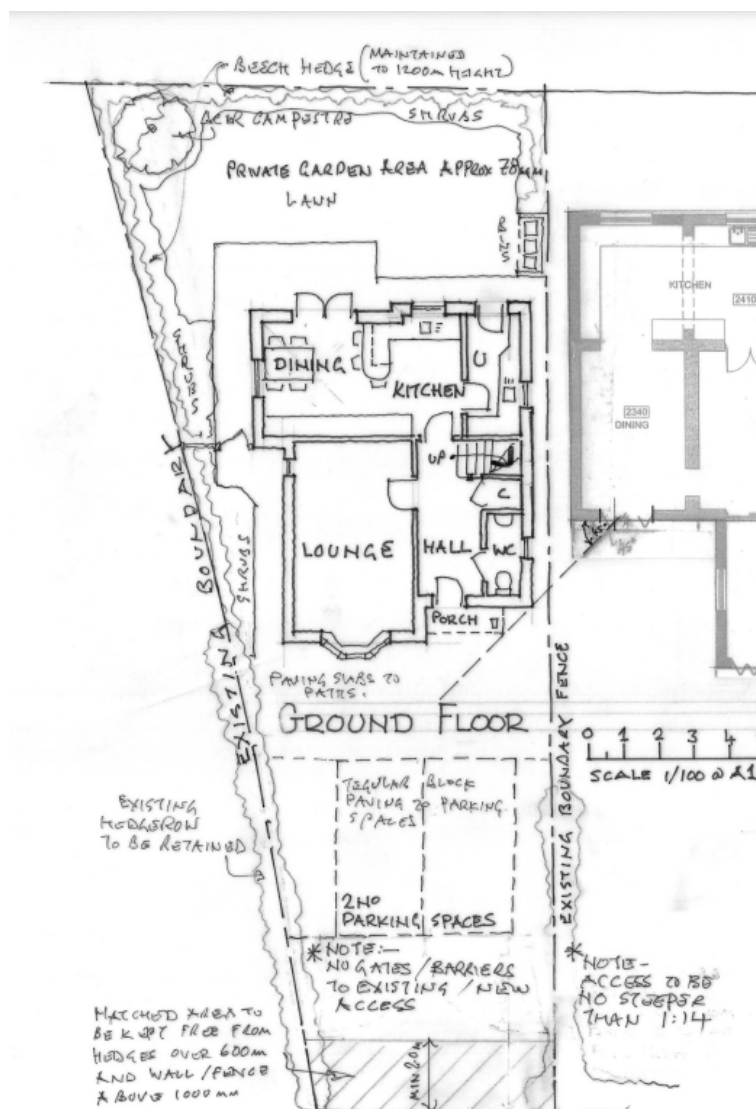
- 3.6 CHE/23/00066/DOC - Discharge of conditions 4 (Surface water drainage scheme),5 (Restriction of peak flow of surface water),6 (Sustainable drainage scheme details) and 17 (Disposal of surface water details) of application CHE/15/00085/OUT- Outline residential development on 1.38 hectares of land for up to 35 dwellings including means of access – **PENDING DETERMINATION**
- 3.7 CHE/18/00768/REM - Approval of reserved matters of CHE/15/00085/OUT - residential development of 33 dwellings - revised plans received 21/02/2019 – **CONDITIONAL PERMISSION (27.03.2019)**
- 3.7 CHE/15/00085/OUT - Outline residential development on 1.38 hectares of land for up to 35 dwellings including means of access – **CONDITIONAL PERMISSION (11.11.2015)**

4.0 THE PROPOSAL

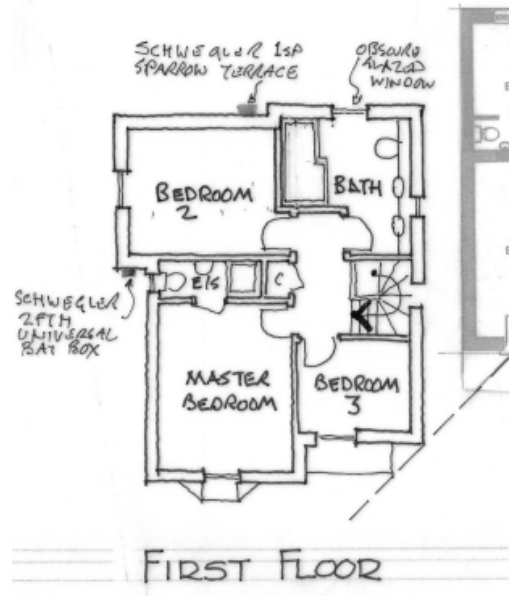
- 4.1 In line with the outline application, planning permission is now sought for the re-submission of detailed reserved matters for a detached dwelling. Under application CHE/20/00039/OUT all matters were reserved therefore the current submission covers appearance, means of access, landscaping, layout and scale.
- 4.2 The revised proposal is for a two storey detached dwelling, characterised by a dual pitched roof form with side gables and intersecting gables to the east and west elevations. The height and scale of the dwelling reflects the height of the ridge line at Four Poplars

- 4.3 The proposed dwelling features a lounge, open plan dining/kitchen and separate downstairs w.c, at ground floor with 3 bedrooms (one with en-suite) and shared bathroom at first floor. The gross internal footprint extends to 115sqm overall.
- 4.4 The property would be served by approximately 78sqm of private amenity space which exceeds the minimum recommended size for private amenity space for a 3 bed dwelling.

Proposed Site Plan and Ground Floor Plan

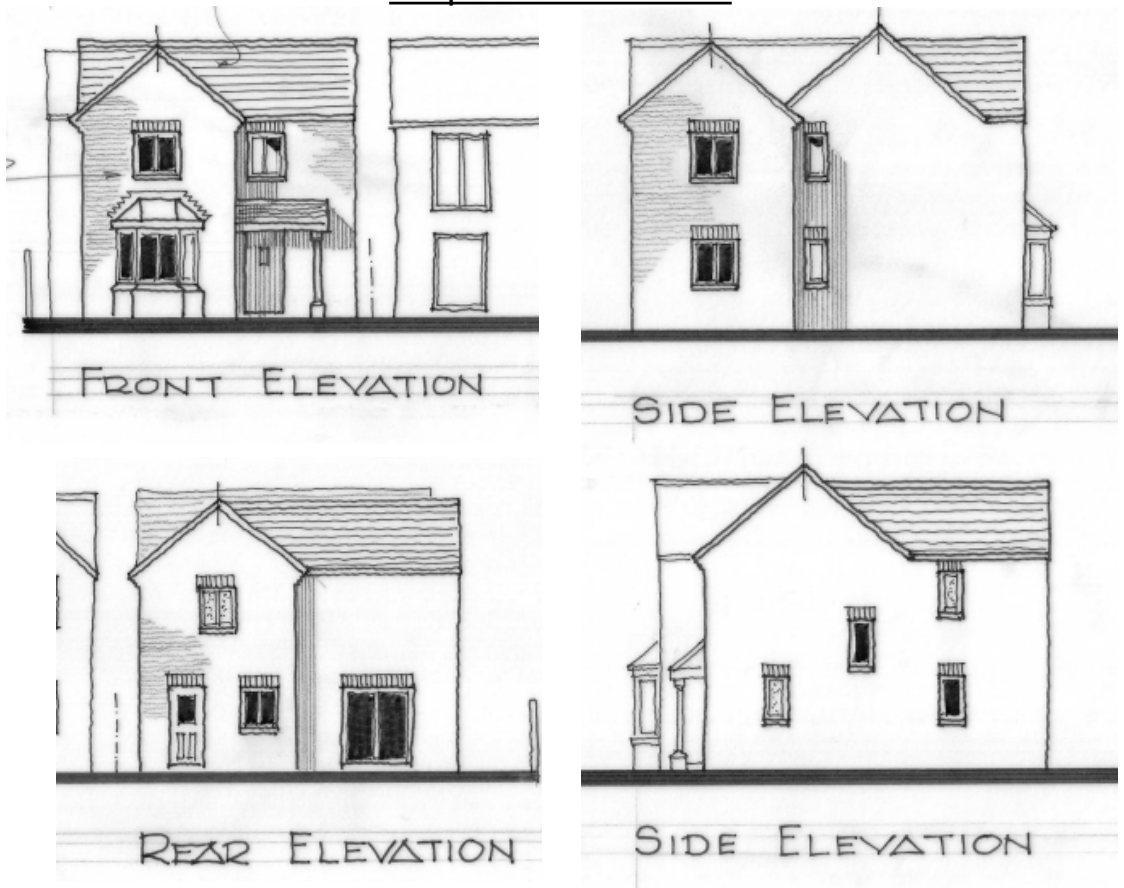


Proposed First Floor Plan



Proposed Elevations

5.0



CONSIDERATIONS

5.1

Planning Policy

5.1.1

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

otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP3 Flexibility in Delivery of Housing
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF) 2023
 - 5. Delivering a sufficient supply of homes
 - 8. Promoting healthy and safe communities
 - 9. Promoting sustainable transport
 - 12. Achieving well-designed places
 - 15. Conserving and enhancing the natural Environment
- 'Successful Places' Supplementary Planning Document

5.4 Principle of Development

5.4.1 The principle of development is established by the outline permission and this application considers the detailed reserved matters only.

5.4.2 In considering the case it is important to note some of the conditions of the outline remain relevant to the application:

Details to be submitted concurrent with reserved matters

- Condition 4 – confirmation that the site is suitable for use concurrent with submission of reserved matters – see section 5.9
- Condition 6 – details of proposed means of foul and surface water drainage to be submitted concurrent with submission of reserved matters – see section 5.8

- Condition 12 – details of precise specifications of materials to be used submitted concurrent with submission of reserved matters – see section 5.5
- Condition 13 – landscaping details including details of ecological enhancement to be submitted concurrent with submission of reserved matters – see section 5.10

Other relevant conditions

- Condition 5 – construction hours condition
- Condition 7 – access arrangements and visibility requirements
- Condition 8 – no gates or barriers
- Condition 9 – gradient of access
- Condition 10 – parking space provided for parking prior to occupation
- Condition 11 – electric vehicle charging provision

5.5 Design and Appearance of the Proposal and Heritage Impact

Relevant Policies

- 5.5.1 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. b) 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 and k) have an acceptable impact on the amenity of users and neighbours’*
- 5.5.2 Local Plan policy CLP21 states in part *‘In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible, b) b) protect the significance of designated heritage assets and their settings including Conservation Areas, Listed Buildings, Scheduled Monuments and Registered Parks and Gardens;’*

Considerations

- 5.5.3 The proposed dwelling is set back by approximately 12.8m from the back end of the footway. The siting of the dwelling responds to the stepped built form on Rectory Road creating a continuation of the existing building extending from the Poplar Heights development to the south. The site layout will provide two off-street parking spaces and will create a rear garden which exceeds the minimum recommendations for a three bedroom dwelling.

- 5.5.4 The application proposes the erection of a 2 storey building formed of a broadly rectangular footprint. The scheme will create a three bedroom dwelling which would provide acceptable levels of living accommodation for future occupiers. Landscaping details have been provided indicating areas of proposed planting, hard surfacing and boundary treatments.
- 5.5.5 The submission is traditional in architectural character and style reflecting the design of the surrounding residential housing estate at Poplar Heights. The scale and massing are considered to be acceptable within the site context.
- 5.5.6 The outline permission required details of materials to be submitted concurrent with the reserved matters (condition 12 – copied below).

Condition 12

‘Concurrent with the submission of a reserved matters application, 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’

- 5.5.7 Materials are indicated to be Weinerberger double pantile rustic and Weinerberger Abbey Blend facing bricks. The material palette reflects the new residential housing estate and is considered to be acceptable.
- 5.5.8 Having consideration for the observations above the proposal is considered to be appropriately designed, laid out and at a scale appropriate to the site context. The proposal would therefore not cause adverse impacts on the visual amenity and character of the area or setting of Grade II listed Poplar Farm. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20, CLP21 and the Council’s SPD

5.6 Residential Amenity

Relevant Policies

- 5.6.1 Local Plan policy CLP14 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;'*
- 5.6.3 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 3 bedroom dwelling should have a minimum of 70sqm of private outdoor amenity space.

Considerations

- 5.6.4 The site is bound by residential dwellings to the south and east with the riding school associated with Poplar Farm forming the northern boundary.
- 5.6.5 To mitigate adverse impacts on residential neighbours the revised scheme considered the placement of windows in the proposed dwelling. Revised plans removed first floor clear windows to the rear (east) elevation, with just one obscurely glazed bathroom window proposed facing towards 18 Poplar Heights. Due to the siting of the proposed development any windows in the south elevation face onto the blank side elevation of Four Poplars.
- 5.6.6 To protect the amenity of the neighbours and address the constraints of the site with limited amenity space, it is recommended that a condition be imposed restricting permitted development rights to limit further extensions resulting in overdevelopment and additional windows in the rear (east) facing elevation.
- 5.6.7 The footprint of the proposed development will be approximately 17m from the rear windows of the bungalow to the east of the site. The separation distance is less than the minimum recommendation of 21m between habitable rooms, however the scheme has been designed so there are no first floor habitable room windows in the rear elevation of the proposed dwelling. The scheme will therefore not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.
- 5.6.8 A condition restricting construction working hours was already imposed on the outline consent in the interests of the amenity of the surrounding occupants.
- 5.6.9 Having consideration for the observations above the proposal is considered to be appropriately designed and subject to conditions would not cause any significant injury to the residential amenity of the

other boundary sharing neighbours. The proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Highways Safety, Parking Provision and Air Quality

Relevant Policies

5.7.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking and h) provide safe, convenient and attractive environment for pedestrians and cyclists*'

5.7.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking

Considerations

5.7.3 The revised application includes a site plan demonstrating the provision of two off-street parking spaces. The Highways Authority reviewed the revised submission and raised no objections, noting that the plans also indicate the gates will be set back 5m from the back edge of the highway boundary. The Highways Officer requested the conditions imposed on the previous comments be imposed on this decision. Conditions recommended in previous comments cover site storage/compound details, visibility requirements, provision of parking, gates to be set back 5m and gradient of drive.

5.7.4 The outline consent included conditions surrounding access arrangements/visibility requirements, gates and barriers and parking spaces provided prior to occupation. The Highways Authority have therefore requested an additional condition covering site storage/compound details prior to the commencement of development. Given the constraints of the site and existing vehicular access point, it is considered that site facilities and storage of materials will be required to be contained within the site. It is recommended that the wording of the condition be amended to be compliance based.

5.7.5 On the basis of the above it is considered that the development accords with CLP20 and CLP22.

5.8 Flood risk, Drainage and Water Efficiency

5.8.1 Relevant Policies

5.8.2 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.

- 5.8.3 Local Plan policy CLP13 goes on to note that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

Considerations

- 5.8.4 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. The revised scheme seeks to join the existing drainage system serving Poplar Heights therefore having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team, Yorkshire Water and the Lead Local Flood Authority for comments in respect of flood risk and drainage/waste water.

- 5.8.5 The outline consent included a condition requiring the submission of details to address foul and surface water drainage of the site (copied below)

Condition 6

‘Concurrent with a reserved matters application details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works shall be submitted to the Local Planning Authority for written approval. Only those details which have been approved in writing by The Local Planning Authority shall be installed on site.’

- 5.8.6 To support the application, detail of drainage have been provided including surface water calculations, inspection chamber construction details, drainage general arrangement, catchment areas, pipe construction details.
- 5.8.7 The Lead Local Flood Authority had no comments to make on this application.
- 5.8.8 Yorkshire Water reviewed the revised details and raised no objection to the approval of reserved matters.
- 5.8.9 The Council’s Design Services Drainage Team reviewed the scheme and raised no objections to the revised drainage proposal. Yorkshire Water will need to approved the revised drainage details and hydrobrake chamber.

5.8.10 It is necessary to highlight that the proposal seeks to connect to the existing drainage system serving Poplar Heights. Under application CHE/15/00085/OUT drainage details were required to be submitted prior to the commencement of the development. The developer however proceeded with the scheme without discharging the relevant conditions and all units have now been purchased and are now occupied. The outstanding drainage conditions are pending determination under application CHE/23/00066/DOC. There does not appear to be a management company covering the drainage system serving Poplar Heights. The developer Woodall Homes has indicated that there would be no objection to the new dwelling connecting to the existing drainage however there may be further legal matters to be resolved should the drainage be privately conveyed to the individual land owners. This would be a separate private civil matter for the applicant to address with the relevant parties and to gain appropriate agreements. For the development to connect to the existing drainage system the new dwelling would connect via Four Poplars and would not require any works either to the capacity of the existing drains or access to the properties at Poplar Heights. The granting of a planning permission does not give consent for a connection to the private drainage system and this must be addressed by the applicant through the appropriate legal channels. If agreement cannot be reached the applicant will need to re-apply for amended drainage details which would need to be agreed by the Local Planning Authority in accordance with the requirements of the original outline permission.

5.8.8 Subject to the imposition of relevant conditions covering water efficiency the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.9 Ground Conditions and contamination including air quality

Relevant Policies

5.9.1 Policy CLP14 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).'*

5.9.2 Policy CLP14 also requires consideration of unstable and contaminated land.

Considerations

5.9.3 The outline consent included a condition requiring the submission of details to address potential land contamination of the site (copied below)

Condition 4

'Concurrent with the submission of a reserved matters application, evidence that the site is suitable for use shall be submitted to the Local Planning Authority for consideration and written approval. The evidence shall include the completion of

- a. Phase 1/desk study report documenting the previous land use history of the site.*
- b. a Phase 2/intrusive site investigation 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.*
- c. a Remediation Strategy (if necessary) and d. a Validation report*

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

5.9.4 The application is supported by a Phase 1 Environmental Assessment for residential development site adjacent Rectory Road Duckmanton, produced by CoDa Structures, dated 22.10.2021 (report reference 7236)

5.9.5 The Council's Environmental Health Officer did not provide comments on the current submission however previously provided comments on application CHE/21/00798/REM *'I can see that this application is supported with a Phase 1/desk study (reference 7236). Section 9 of the report refers to a site investigation and I recommend that ground structure is investigated (i.e. to determine the presence of 'made ground'). The information ascertained from this investigation must be presented in writing to the Council for approval prior to commencement of development'*

5.9.6 It is considered that if approved matters surrounding land stability and contamination would be addressed through parts b through to c, required to be submitted through a discharge of condition application prior to commencement of development.

5.9.7 Given the outstanding condition there is no need to consider these matters further as part of this application. On this basis the proposal is considered to meet the requirements of policy CLP14 of the Local Plan.

5.10 Biodiversity including Trees and Landscaping

Relevant Policies

5.10.1 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”.

Considerations

5.10.2 The outline permission required details of landscaping and ecological enhancements in line with the NPPF to be submitted concurrent with the reserved matters (condition 13 – copied below).

Condition 13

‘Concurrent with the submission of landscaping details as part of a reserved matters application plans/drawings shall be submitted to the Local Planning Authority for written approval demonstrating the creation of suitable habitat which enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value and incorporation of bat and bird boxes into the new dwelling. The approved biodiversity enhancement shall be installed in accordance with the approved details in the first planting season after completion or first occupation of the development whichever is the sooner.’

5.10.4 The application is supported by a proposed landscaping and site boundary treatment plan however this does not go into extensive detail regarding the number of plants/species etc. It is noted that an Acer Campestre (field maple) is indicated in the rear garden, this is a large tree and would not be appropriate in this location. As part of a condition covering landscaping detail, this aspect of the scheme should be removed. The location and type of bird and bat boxes are indicated on the submitted plans. It is accepted that part of the hedgerow on the site frontage will be lost to accommodate a wider access, the landscaping

plan indicates that new replacement planting will be incorporated within the application site to provide habitat, food source and cover for wildlife.

5.10.5 It is therefore recommended that a condition be imposed requiring a detailed landscaping plan be submitted for approval in accordance with the requirements of CLP16 and the NPPF.

5.11 **Developer Contributions and Community Infrastructure Levy**

5.11.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the Medium CIL charging Zone as set out in the Council's Charging Schedule. The CIL charge is calculated as follows:

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

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	115	0	122	£50	355	288	£7087

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters and site notice and 7 letters of representation have been received. See summary of main points raised below.

- Privacy and outlook – the proposed development is 6.1m from the plots eastern boundary. The upstairs windows facing east must have obscure glass otherwise this window would provide a direct line of sight to habitable rooms of neighbouring bungalow. Assurance would be needed that no additional windows will be installed at first floor or the window is changed or altered which would impact neighbouring privacy.
- Shade/overshadowing impacts – proposal would result in considerable shadowing to the property to the east in autumn, winter and spring.
- Wildlife impact – large range of wildlife observed on the site including birds on the red list. Importance of habitat for the birds for cover and food sources, the birds would be impacted by the building work and any alteration to the hedgerow
- Drainage

- object to the connection of this property to the existing drainage system on the Poplar Heights estate in Duckmanton.
- There are already considerable drainage issues with this site, this development will only put more demand on a poor system.
- When purchasing the property on the Poplar Heights estate there was no mention of any shared drainage arrangement with the adjoining Four Poplars property and whether that property shares in the responsibility for the maintenance of the private drainage system within the Poplar Heights estate.
- Can the council provide any documentation to say that the addition of Four Poplars to the drainage system was approved and with what conditions.
- As Woodall Homes does not own the drainage system and the maintenance is the responsibility of the drainage system users I do not see how Woodall has the authority to give permission for that drainage system to be used by any further properties either now or in the future.
- Can the council please provide any information or permissions relevant to the additions to the usage of the drainage system and any consultation with those using and responsible for maintaining the drains
- Apart from the maintenance cost there is also the issue as to whether the drainage system was designed to cope with any additional properties. Can the council please provide the information to say what number of properties the drainage system was designed to be capable of supporting.
- I have looked through the latest documents on CBC planning website and cannot see anything that changes my position to object to the application. Yorkshire Water confirmed to me on 7 Feb that the entire drainage system on the estate was private. The main drainage down the road may at some point be adopted but until then the drainage maintenance is a private responsibility. The main drain then passes through my property which will not be adopted and remains the responsibility of the users.
- I had no knowledge of any connection of drains from 4 Poplars to the Poplar Heights estate prior to this planning application and with shared responsibility for Private Drains, I do not feel that planning agreement to this arrangement is appropriate. (I understand that NO drains on the estate have been adopted)
- Other matters – the property to the east of the plot should be shown on the site plan.

6.2

Officer comments – the above comments have been noted

- Privacy and outlook – see section 5.6
- Shade/overshadowing impacts – see section 5.6

- Wildlife impact – see section 5.10
- Drainage – see section 5.8
- Other matters – noted, the revised plans include the dwellings to the rear of the site on the site plan. The Case Officer visited the property to the rear of the proposal to assess the impact.

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 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 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.

9.0 CONCLUSION

- 9.1 The reserved matters application is considered to accord with the requirements of the Local Plan as set out in the report above.

10.0 RECOMMENDATION

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

Conditions

Approved plans and documents

1. 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).
 - Plans as Proposed, drawing number 22-875-01 Revision A

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

Pre-commencement construction management plan

2. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Arrangements for turning vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason – *In the interests of highway safety in accordance with Local Plan policies CLP20 and CLP22.*

Landscaping

3. Prior to the development hereby permitted commencing above foundation level a landscaping scheme shall be submitted to the Local Planning Authority for the treatment of all parts on the site not covered by buildings to be 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. Details shall include:
 - a. a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include details of

ecologically beneficial landscaping to provide a biodiversity enhancement.

- b. a schedule detailing sizes and numbers of all proposed trees/plants, sufficient specification to ensure successful establishment and survival of new planting.

Reason - *In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance it in accordance with policies CLP16 and CLP20 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 174 of the National Planning Policy Framework.*

Biodiversity enhancement scheme

4. Prior to the occupation of the development the bird and bat boxes shown on the approved plans set out in condition 1 shall be installed on site, in addition with a scheme of ecologically beneficial landscaping to provide a biodiversity enhancement as required in condition 3. The enhancements 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 174 of the National Planning Policy Framework.*

Landscaping maintained for 5 years

5. 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*

Drainage

6. The development hereby approved shall only be undertaken in accordance with the submitted drainage details shown on the attached drawings
- DRAINAGE GENERAL ARRANGEMENT, drawing number MP-1693-01-DR-001
 - CATCHMENT AREAS, drawing number MP-1693-01-DR-002
 - PIPE CONSTRUCTION DETAILS, drawing number MP-1693-01-DR-003
 - INSPECTION CHAMBER CONSTRUCTION DETAILS, drawing number MP-1693-01-DR-004

Reason – In the interests of achieving acceptable foul and surface water drainage in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan

Water efficiency

7. The 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.

Window to be installed obscurely glazed

8. Prior to the development hereby permitted being occupied/brought into use the first floor window in the east (rear) elevation shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

Reason - To protect the amenity of the residential neighbours in accordance with Local Plan policies CLP14 and CLP20

Permitted development rights removed – extensions/additional windows

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without modification) no buildings, structures, extensions or new window shall be installed or erected to the dwelling subject of this application without the prior written approval of the Local Planning Authority upon an application submitted to it

Reason - *To protect the amenity of the surrounding occupiers and prevent overdevelopment of the site in accordance with Local Plan policies CLP14 and CLP20*

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. 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).
4. 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 website..
5. 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.
6. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to 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 dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

7. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. If construction works are likely to require Traffic Management, advice regarding procedures should be sought from the County Council Traffic Management Team and all road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
9. 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/government/organisations/the-coal-authority

10. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
11. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the relevant legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
12. In accordance with the landscaping and biodiversity enhancement conditions 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
Wildflowers	Native wildflower meadow areas: as an alternative to amenity grassland.	Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens

	Wildflower verges.	or as part of wider landscaping schemes. Advice for creating and maintaining a wild patch is available on the Wildlife Trust website and through Flora Locale .
Birds	<p>Bird Boxes and other nesting features: (such as stone ledges and wooden cladding).</p> <p>Native species planting and boundary features: Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.</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: https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</p> <p>Generally, boxes should be sheltered from prevailing wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.</p>
Invertebrates	<p>Bug hotels and log piles with stones: particularly near ponds.</p> <p>South facing banks: with some bare ground.</p> <p>Rough or natural stone walls with holes for invertebrates to use.</p> <p>Brown roofs with a range of substrates these are particularly recommended on brownfield sites where open mosaic habitat</p>	<p>Examples of living roof projects are available on the Buglife web page: https://www.buglife.org.uk/our-work/living-roof-projects/</p>

	may have been lost. The substrate does not have to cover the entire roof.	
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