

ITEM 2

Re-submission of CHE/17/00225/OUT - Outline planning application for residential development of up to 6 dwellings with all matters reserved at Land to The East Of Troughbrook Road, Hollingwood for Chatsworth Settlement Trustees

Local Plan: Housing Site H5 (Part of)

Ward: Staveley South

Committee Date: 8th January 2024**CONSULTATIONS**

CBC Design Services	Comments from the previous scheme still apply, these were: no objection, the storage volume should be in accordance with the original FRA in attenuating up to 100 years plus climate change storm. A later consultation response notes the need to consult the LLFA – however this minor development does not meet their criteria for comment.
Highway Authority	No objection, comment made and conditions recommended see report
CBC Environmental Health	No objection, recommend construction hours and land contamination condition. A later comment recommends the above and a lighting conditions and EV charging point.
Yorkshire Water	Conditions recommended
Derbyshire Wildlife Trust	Following the submission of updated information including Biodiversity Metric 3.0 with off site provision proposed. Conditions recommended.
CBC Tree Officer	Following the submission of an updated Arboricultural Assessment, conditions recommended.
Archaeology	The comments on original application in 2017 still apply and therefore the same condition is recommended.
Cllr Bagshaw	Object, see detailed comments below.
Representations	Consultation and notification on the case including neighbour letters, site and press notices, has been undertaken twice, the last being in January 2022 due to the elongated time the application has been ongoing.

This resulted in 18 comments being received, these are summarised in the report below.

2.0 THE SITE

2.1 The application site is a green field area of land adjacent to Troughbrook Road. It is nestled between existing housing plots and is boarded by hedging. There are open fields to the east of the site. The area surrounding the site is largely residential. There is access to local services and facilities and bus routes nearby.

2.2 The application site slopes from the roadside down towards the Trough Brook to the east of the site. The application site lies entirely within flood zone 1 which has a low probability of flooding. The brook is prone to flooding at the bottom of the valley as can be seen from this flood map:





3.0 SITE HISTORY

- 3.1 CHE/17/00225/OUT Outline planning application for residential development of up to 6 dwellings with all matters reserved – Refused contrary to the officer recommendation 18.07.2017, for the following reason:

The application site is considered to be greenfield land which is protected from development by the allocation of policy EVR2 of 2006 Local Plan which was saved in the adoption of the 2013 Chesterfield Local Plan: Core Strategy 2011 - 2031.

In accordance with provisions of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 - 2031, the wider provisions of the National Planning Policy Framework and the fact the Local Planning Authority can currently demonstrate a 5 year supply of deliverable housing sites; the principle of residential development on this greenfield site is contrary to policy CS10 and is therefore considered to be unacceptable.

It was noted in the report to committee that the draft allocation (now adopted allocation H5) was in the early consultation stages and therefore carried little weight in the decision making process at that time.

4.0 THE PROPOSAL

- 4.1 This is an outline application for the erection of up to 6 dwellings with all matters; access, landscaping, layout, appearance and scale reserved for subsequent approval. An indicative plan has been submitted to support the application demonstrating that 6 units will fit on the site:



- 4.2 From the original submission in 2018 the application was updated in 2022 providing a new bat survey, biodiversity net gain assessment, habitat survey and planning statement.
- 4.3 The Bat survey identified constraints on the nearby site but not in regard to this application site. Hedges H1, 2 and 3 border the site and are noted as species poor un-managed hedgerows. The Habitat Survey identifies the site as species poor semi-improved grassland. The Badger report identifies the site as a possible foraging area.

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.

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP4 Range of Housing
CLP11 Infrastructure Delivery
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP17 Open Space, Play Provision, Sports Facilities and Allotments
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal;
- Heritage
- Impact on neighbouring residential amenity;
- Highway safety and parking provision;
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage
- CIL liability

5.5 Principle of Development

5.5.1 The application site is part of a larger site allocation H5 as defined by table 4 to Policy CLP3 of the Adopted Local Plan. The larger site allocation located to the south is pending consideration under application reference 18/00688/OUT. The allocation in total is for 23 dwellings to be sited on land of 1.06 Hectares. There are 6 dwellings proposed on this site which extends to 0.19 hectares. Therefore, the remaining 17 of the 23 are to come forward on the larger site located to the south considered under the remit of that application.

5.5.2 Policy CLP 3 states in part that; Planning permission will be granted for residential development on the sites allocation on the Policies map as set out in Table 4 provided they accord with other relevant policies of the Local Plan. Therefore, in principle the development of this site for

housing is acceptable. more detailed matters pertaining to the development are considered below.

5.5.3 Concern has been raised in many of the submitted comments that planning permission for housing on the site was previously refused, this is correct as can be seen by the planning history above. However, since that time the site has been allocated in the Adopted Local Plan for housing, allocation H5 under policy CLP3. As 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 change in the allocation of the site under the Adopted Local Plan is a significant change in circumstances since the previous refusal.

5.5.4 It has been noted by the Strategic Planning Policy team that as the site is part of a larger allocation the requirement for affordable housing should be combined with the larger site. The comments state: “As the same planning policies apply it is considered appropriate to consider the two applications as the same site and consider the cumulative effect of their development when applying planning policy. In coming to this judgement the principles of the tripartite test established in R (Westminster City Council) v First Secretary of State and Brandlord Ltd [2013] have been applied:

1. whether the sites are in the same ownership;
2. whether they constitute a single site for planning purposes; and
3. whether the proposals could be deemed to constitute a single development.

With regard to the first two tests, the application form confirms that they are in the same ownership, and they are allocated in the Local Plan as a single site. With regard to the third criteria, there is no reason to think that this could not be developed as a single site – both sites are being considered at the same time and both are available for development in the same timeframe, - the applications having been submitted in outline concurrently and for the same use. I would also note that during the consultation on and examination of the Local Plan the applicant submitted representations but raised no objection or concern to the site being allocated as Last Updated September 2021 a single site, and that a number of the reports supporting the application (such as the Net Gain assessment) have been prepared on the basis of assessing both sited jointly.”

5.5.5 In terms of the above tests, there is no doubt that the sites are currently within the same ownership and it is feasible that once outline planning permissions are granted the sites could be brought forward as one entity. There is no confirmation of the applicant's intentions in this regard and in this context it is not unreasonable to conclude that both sites could come together as a single scheme and therefore it is considered reasonable given the joint allocation to include affordable housing provision for the developments together. ie tied into the associated larger development being considered under CHE/18/00688/OUT.

5.6 Design and Appearance of the Proposal

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

5.6.2 Concern has been raised that this proposal will have a harmful impact on the character and appearance of the area. In principle the development of the site is accepted through the Local Plan allocation and therefore there will be a change in the character of the area arising from the development. However, this change is not in itself considered sufficient to warrant refusal of the application given the allocation in the Local Plan. This application is outline only and therefore is not considering the detailed design at this stage. However, it should be noted that through the reserved matters it is considered feasible to secure an appropriate finished design of scheme and layout which compliments the existing development in the area. The layout whilst indicative shows a housing form that sits well in these surroundings and is not dissimilar to development either side.

5.6.3 Subject to the reserved matters submission which via condition should include details as to how the slope of the land will be accommodated, it is considered that a scheme can be suitably designed to meet the requirements of Policy CLP20.

5.7 Heritage

5.7.1 Policy CLP21 states in part in regard to designated and non-designated heritage assets: In order to ensure that new development conserves or

enhances the significance of designated and non-designated heritage assets and their settings, the council will:

d) identify and, where appropriate, protect important archaeological sites and historic environment features;

5.7.2 The Archaeologist has commented on the application:
My colleague provided comments on the original application in 2017. A conditioned scheme of archaeological work was recommended based on the observation that the historic mapping showed a farmstead on the site possibly representing squatter encroachment onto the edge of Hollingwood Common in the early post-medieval period. This was to comprise evaluation trenches to test archaeological preservation and significance, followed as appropriate by a scheme of mitigation excavation under NPPF para 199 (now para 204).
I advise that the same considerations apply to the current application, and that the same conditions should be applied.

5.7.3 Subject to the recommended conditions the proposal is considered to be acceptable in terms of impacts on possible below ground archaeology in line with CLP21. There are no other heritage impacts arising from this proposal.

5.8 Impact on Neighbouring Residential Amenity

5.8.1 Policy CLP14 requires 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.

5.8.2 The proposed development will impact on neighbouring residents through the loss of the open field and introduction of housing, the allocation of the land for housing accepts the principle of this change. However, the design of the finished development will be considered under the reserved matters and under consideration of that application details in terms of proximity of housing to existing boundaries, dwellings, and impacts such as overlooking and light will be considered. From consideration of the indicative plans it is considered feasible to consider a detailed scheme which results in acceptable impacts to accord with CLP14.

5.9 Highways Safety and Parking Provision

- 5.9.1 Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9.2 Concern has been raised through the application process that the proposal along with other planned development in the area will result in harm to highway safety. It should be noted that the Staveley Works development is reliant on significant new road infrastructure and therefore whilst it may result in additional traffic on Troughbrook Road, the new road infrastructure is intended to improved traffic impacts in the wider area. Such matters will be considered under the remit of the application for that site and therefore do not need to be considered in detail under this application.
- 5.9.3 The Highway Authority have commented on the scheme as follows:
As stated previously, Troughbrook Road is a Category III classified road subject to a 30 mph speed limit. It forms a part of a bus route and carries all manner of traffic (number highly likely to increase on redevelopment of the Staveley Works site). As an existing road, any new accesses should be provided with exit visibility splays commensurate with recorded 85th percentile vehicle approach speeds to the nearside carriageway channel in both directions. As a guide, based on the existing 30 mph speed limit and taking into consideration the nature of traffic on Troughbrook Road, it is suggested that sightlines in the region of 2.4m x 50m would be required. All areas in advance of the requisite sightlines should be over controlled land or existing highway and be secured to be maintained clear of any obstructions greater than 1.0m in height (0.6m in the case of vegetation) relative to the nearside carriageway channel level. It would appear that the proposed development site is afforded with adequate frontage to provided acceptable exit visibility.
Off-street parking should be provided on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling, each space being of 2.4m x 5.5m minimum dimensions (3.4m x 6.5m where located in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence etc. Given the classified nature of the fronting road, ideally, each dwelling should be provided with sufficient off-street manoeuvring space, clear of areas dedicated to parking, to enable all vehicles to enter and exit the site in a forward gear. However, when taking into consideration existing private driveway layouts in the vicinity, it is unlikely that an objection in this respect could be sustained.

A new 2.0m minimum width footway would be required across the entire site frontage linking with the existing facility to the north.

Areas clear of the highway for standing of waste bins on collection days should be identified and maintained clear of any obstruction.

From the information available on the Council's website, it would not appear that there is any additional information in terms of highway aspects. It would seem, therefore, that the previously recommended conditions and notes remain applicable.

- 5.9.4 Through the allocation of the site for housing consideration of the highway impacts were considered. The comments of the highway authority confirm that the proposed development subject to conditions to secure visibility splays and appropriate parking will be sufficient to ensure that the development does not result in severe harm to highway safety. Subject to conditions as recommended the proposal is considered to be acceptable in accordance with Policy CLP22.

5.10 Biodiversity and Impact on Protected Species

- 5.10.1 Policy CLP16 requires that; The council will expect development proposals to:

- protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
- avoid or minimise adverse impacts on biodiversity and geodiversity; and
- provide a net measurable gain in biodiversity.

- 5.10.2 The application includes ecological information to support the proposal. The Habitat Survey concludes:

The survey area supports a range of habitats of importance at the site to local level comprising traditional orchards, mature trees with potential for roosting bats and boundary hedgerows. The proposed development site comprises only the northern part of the wider survey area, i.e. a grass paddock located between existing housing developments. The only feature of ecological value that would be affected by the proposed development is hedgerow H1 located along the Troughbrook Road frontage.

To compensate for the loss of this hedgerow, new hedgerow planting would be provided along the front boundaries of future properties as well as within garden areas, to be agreed as part of reserved matters. It

is recommended that new hedgerow planting comprises a mix of native species including nectar and berry bearing species to benefit biodiversity.

Trough Brook is assessed as being of potential local value for otter and water vole particularly in the context of nearby records for both these species. Any works to the stream bank or within 10m of the stream should be reviewed by an Ecologist at the detailed design stage. An update survey of the stream is recommended before any such works occur.

There should be an avoidance of site clearance outside of the nesting bird season.

Site clearance should take account of the potential for grass snake and hedgehog to occasionally be present on site, and put in place suitable precautionary working method statements for site clearance where suitable habitat exists.

With the above recommendations in place, it is considered that the proposed development would not result in significant harm to ecology.

5.10.3 The Bat survey concludes:

The proposed development would not impact on any confirmed bat roosts associated with the farm buildings or trees T1, T3, T4, T11 and T12. The existing dwellings to the south of the proposed development site would provide an effective buffer against disturbance between the development site and the confirmed roost sites.

The proposed outfall to the Trough Brook is close to tree T10, classed as holding moderate potential for bat roosts. At present it appears that proposed works to the stream bank in this area would not directly impact upon T10 and that a suitable protection zone could be installed around the tree to avoid indirect impacts. This should be confirmed by a suitable qualified and experienced Ecologist as the detailed design develops. If impacts are identified at the detailed design stage, then additional surveys may be required. The hedgerow H1 running along the Troughbrook Road frontage would be lost, however, this is unlikely to be a particularly important bat commuting or foraging habitat given the availability of high quality foraging habitat elsewhere. Evidence from the bat survey suggests that bat foraging activity is focussed along the Troughbrook corridor to the east of the proposed development site and Trough Brook Wood LWS to the south. The loss of H1 is not, therefore, considered significant in terms of bat foraging/commuting and would, in any case, be compensated for through planting of new hedgerows along front boundaries of future properties as well as within garden areas, to be agreed as part of reserved matters. It is recommended that new hedgerow planting comprises a mix of native species including nectar

and berry bearing species to benefit biodiversity. With the above recommendations in place, it is considered that the proposed development would not result in significant harm to the local bat population.

5.10.4 The confidential Badger Report submitted to support the application concludes that the wider survey area is considered to provide foraging areas for badgers, the development site forms only a small part of this and is judged to be of low importance, mitigation will be required to maintain habitat connectivity.

The report advises mitigation measures:

- Retain boundary hedgerows with undisturbed zones (3-5m) to maintain connectivity for foraging.
- Incorporate area of grassland within the layout under a regular mowing regime to enhance earthwork population.
- All landscaping to comprise suitable native further and nut bearing shrubs to ensure a food supply over autumn and winter.

5.10.5 The submitted Biodiversity Net Gain Assessment notes a 22.41% (0.23 units on site and 0.31 off site) area unit gain in habitat from off-site habitat creation of 0.03ha of nature scrub planting. Along with an 85.34% (0.49 units on site) gain for hedgerows.



5.10.6 Derbyshire Wildlife Trust has commented on the application as follows: “The surveys and Biodiversity Metric assessment have been undertaken in accordance with best practice and represent updates from surveys carried out in 2015. Though the surveys were undertaken in 2020, they are considered to still be valid for the purposes of this application.

The development will result in the loss of 0.19 ha of species poor grassland currently and recently used as a horse paddock. A species poor hedgerow along the western edge of the development will also be impacted.

There are no statutory or non-statutory nature conservation designations directly associated with this plot of land. There are habitats of value close to the development site including trees, orchard, hedgerow, stream and further to the south an ancient semi-natural woodland. None of the habitats are considered likely to be directly impacted by the proposed development scheme.

Bats:

None of the bat roosts confirmed to be present in buildings (on the nearby site) or trees will be directly affected. There is a small possibility that tree T10 could be affected if drainage works were to affect the root system.

Other species:

Impacts on other protected species including mammals and reptiles are unlikely, but some precautionary works will be required. Breeding birds could be present, especially in hedgerows and trees.

The site has been assessed using Biodiversity Metric 3.0. This has been able to demonstrate a potential net gain for both habitats and hedgerows as part of the scheme. The proposed habitat creation is considered to be acceptable in principle. We note that the map included in the Biodiversity Net Gain Assessment shows a larger area of land to be used for mixed scrub and woodland creation. The area of land to be used needs to accord with the figures in the metric 0.03 ha of mixed scrub as well as the replacement hedgerows and this needs to be clearly presented on a new plan (via the condition for Biodiversity Enhancement).

There will need to be a precautionary working method for reptiles, mammals and birds. Tree T10 will need to be assessed and may require protective fencing to ensure it is not adversely impacted.

Badger:

The mitigation measures recommended in section 7.5 of the badger report are considered to be acceptable and provided the development proceeds in accordance with this mitigation impacts on badger are considered avoidable.

Conclusions / Recommendations:

The development will result in a small loss of habitat and hedgerow, but provided the off-site proposals are implemented there should be a net gain for biodiversity overall. Further details will need to be provided showing the location of the scrub and woodland habitat and hedgerows. If the LPA is minded to approve the application we recommend conditions are attached.”

- 5.10.7 With the above recommended conditions in place, it is considered that the proposed development would not result in significant harm to ecology and a gain in biodiversity is achievable within the site and on adjacent owned land.
- 5.10.8 The application is accompanied by a Stage 1 Tree Survey and indicative Arboricultural Impact Assessment. In summary, three individual trees (Cherry and 2 Hawthorne), one group of trees (comprising three ash trees) and one hedgerow are present on the site boundaries. The Council’s Tree Officer has commented that; “the cherry was classified as a Category C2 tree, and all other trees and the hedgerow as Category C3. Whilst Category C2 and C3 trees do not merit retention, the scheme would retain the individual Cherry (T1) in the south east corner and an individual hawthorn (T3) in the north east corner of the site. The other individual trees and the hedgerow (T2, G1 and H1) are proposed for removal. To compensate for the loss of these, new hedgerow planting would be provided along the front boundaries of future properties as well as within garden areas, to be agreed as part of reserved matters. It is recommended that new hedgerow planting comprises a mix of native species including nectar and berry bearing species to benefit biodiversity. A Root Protection Area for the trees to be retained (T1 and T3) is defined in the Indicative Arboricultural Impact Assessment presented in Appendix 1. With the above measures in place, it is considered that the proposed development would not result in significant harm to arboricultural interests.”
- 5.10.9 Subject to conditions relating to the protection of the retained trees and appropriate Biodiversity planting on and off site, it is considered that the scheme is acceptable in terms of ecological and tree impacts.

5.11 Ground Conditions

- 5.11.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 5.11.2 The submitted Coal Mining Risk Assessment proposes the following mitigation strategy:
The information available to date indicates that there is a negligible risk to the site from unrecorded or recorded shallow coal workings at the site. Therefore, it is considered that no specific mitigation strategy is required for potential shallow coal workings.
Notwithstanding the above due to the conjectured presence of the 2nd Ell seam in close proximity to the site, it is considered that there is a low risk to the site from shallow crop workings within this seam.
There is also a residual risk to the proposed development from unrecorded mine entries at the site.
Therefore, it is considered that to mitigate the risks of unrecorded crop workings or unrecorded mine entries, that all foundation excavations during development works are inspected for evidence of mine entries and or deeper areas of made ground. If a mine entry/crop working is suspected, then works within the area should cease immediately and the area should be made safe. Further advice should be sought from a suitably experienced engineer.
- 5.11.3 The assessment concludes that; The risk assessment has identified that the risk to the site from the underlying Chavery and Sitwell coal seams is negligible. However, there is a low risk to the proposed development from crop workings in the 2nd Ell seam that is conjectured to be present 40m to the east of the site boundary. This low risk can be suitably mitigated via inspection of foundation excavations in the east of the site, for evidences of crop workings.
- 5.11.4 Despite this information the site is outside of the high risk area for former coal mining activity and therefore the Coal Authority have referred to standing advice for an informative to be added to any decision notice.
- 5.11.5 The Council's Environmental Health Officer has requested a series of conditions relating to working hours, lighting, EV charging and ground contamination. Other than the EV charging which would be provided under the Building Regulations and lighting which is not considered necessary for the scale of development, these conditions are included

within the recommendation and will appropriately secure mitigation of any ground condition matters.

5.12 Flood risk and drainage

- 5.12.1 Policy CLP13 requires 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 shall meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.
- 5.12.2 The application site is within flood zone 1 with an annual probability of fluvial flooding of less than 1 in 1000 (0.1%). The EA surface water flood maps show no surface water accumulations within the sites boundaries. Given the topography of the site overland flow within the site will always be directed downhill to the east towards Trough Brook. The report concludes: The site is located in Flood Zone 1. It is therefore not subject to an elevated risk of flooding and is a sequentially acceptable location for residential development. Foul drainage can be achieved by gravity connection to the existing public foul sewer located within Troughbrook Road. Surface water drainage can be provided by discharge to Trough Brook to the east, via a HydroBrake or similar device to attenuate peak flows. Development of the site would not lead to an increased risk of flooding off-site.
- 5.12.3 Yorkshire Water have recommended conditions and note that:
- 1) The flood risk and drainage statement (prepared by Consulting Development Engineers – Report 21730/01-17/4671 Rev A dated March 2018) is acceptable. In summary it states that the foul water will discharge to public foul sewer and as sub-soil conditions unlikely to support the use of soakaways, surface water will discharge to Trough Brook, via storage, with restricted discharge of 5 litres a second. As surface water from the site is not proposed to discharge to the public sewer, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.
 - 2) From the information supplied it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site or part of it will not drain by gravity then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer

network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 litres per second.

5.12.4 The Council's Design Services Drainage team have commented that the Lead Local Flood Authority should be consulted, however the LLFA will only make comment on major development schemes and therefore such a consultation is not appropriate in this case.

5.12.5 Ultimately the drainage matters will be considered by both the statutory undertaker Yorkshire Water and Building Regulations for this minor scale of development. Therefore, subject to the conditions recommended by Yorkshire Water and a condition relating to water efficiency, the proposal is considered to be appropriate in terms of drainage matters in line with policy CLP13.

5.13 Community Infrastructure Levy

5.13.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located part within the medium (£50) CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge will be calculated on the reserved matters submission.

6.0 REPRESENTATIONS

6.1 18 comments received from 13 households over the time of the application process and comments from former Cllr M Bagshaw as follows:

6.2 Highways:

- The proposal shows 6 houses fronting the road, with each household having two cars each this would lead to vehicles having to park on the road. Troughbrook Road cannot accommodate any more parking.
- The plans show garages but in reality very few people park in garages.
- This is a dangerous road without any traffic calming measures.
- Add this to the Staveley Works development and there will be traffic chaos on Troughbrook Road.
- Traversing to and from driveways is becoming very dangerous.
- The Road is already damaged in part due to sinking, this will worsen matters.

- This will result in disruption and inconvenience to residents which seems to have been overlooked. Where will construction traffic park?
- The development of this site and other areas will lead to traffic chaos on the area.
- Due to the lack of traffic calming measures the road a race track.
- Troughbrook Road is busy and narrow more dwellings will result in safety issues.
- Parking here is a safety issue for families.
- Troughbrook Road is a major road artery and is essential for emergency services.
- Troughbrook Road is without any traffic calming measures, will the speed bumps be removed from Private Drive to re-route emergency vehicles to compensate for the traffic impacts.
- A traffic speed analysis should be undertaken before any further housing is allowed.
- School buses often find the road difficult to navigate.
- Parked cars are often damaged by passing vehicles.
- The road is rarely gritted.
- Traffic would increase by 35% on an already busy road.
- This will result in a death trap junction.
- Traffic regularly queues due to congestion, this will get worse.
- Risk to children and adults trying to cross the road.
- Congestion will result in delays to emergency vehicles and their response times.

For highway matters please see section 5.9 above

6.3

Principle:

- No need for yet more housing.
- Hollingwood School cannot take more development.
- The application states the development will make efficient use of under utilised low quality pasture land, however the land has been used for horse grazing.
- No changes have been made to address the previous concerns raised.
- There is plenty of other 'waste' land that could be utilised for homes.
- This goes against the policy of not building on green field sites.
- Planning permission should only be given in exceptional circumstances.
- The development further along the road was a brownfield site.
- This land is paddock used for the centuries old farm adjacent.

- The submission notes the lack of housing being built in the Borough, large amounts of housing are proposed within half a mile.
- The existing rural enterprise will be lost, such rural heritage is increasingly threatened by these immensely lucrative green field sites acquisitions.
- This development through loss of land would pressurise the tenants to quit which would enable Chatsworth Settlement trustees to continue to develop farmland unopposed.

For the principle of development please see section 5.5 above

6.4 Affordable housing:

- The submission notes that there is not enough affordable housing being built – to who is this development affordable?
- There is no provision for social housing.

For the principle of development please see section 5.5 above

6.5 Flooding and drainage:

- The land becomes a lake during wet weather.
- The flood area on plan should be looked at in more detail. The flood plain here is more substantial than the plans indicate.
- Flooding will worsen with climate change.
- Existing sewers are already at capacity and subject to frequent blockages.
- There is a proposed pumping station so flooding must be a concern.
- Home owners would be mortgage prisoners unable to house insurance in a flooding area.
- Attenuation basin indicates flooding concerns.

For the drainage and flooding please see section 5.12 above

6.6 Appearance:

- We will lose our view.
- Views like this should be preserved.
- Loss of the green fields which I look over, these are the reason I chose to live here.
- Living opposite the farm is ideal as it feels like being in the countryside.
- This development will change the rural character of the road to continued urban sprawl.

- Removal of green spaces will adversely impact the residential amenity of the area.
- This land was previously a strategic gap, what has changed.
- The site has had a green field designation for 30 years.

For visual impact please see section 5.6 above

6.7 Disruption from other developments:

- We believe the HS2 line will also be near our homes which will cause disruption to the area without the added problem of additional housing, when several hundred houses are to be built down the road.

For impacts please see sections 5.5, 5.8 and 5.9 above

6.8 Wildlife and habitat:

- Harm to wildlife as their feeding areas will be restricted.
- There is a variety of wildlife present at this site.
- We should be protecting wildlife.
- The plan to lose the verge does not fit with the climate emergency.
- Destruction of trees and hedges.
- This is clearly money making what about the loss of green space, wildlife and woodland?

For ecological matters please see section 5.10 above.

6.9 Nuisance:

- Previous development which disturbed farm land resulted in an influx of mice and rats, this will get worse if the development goes ahead.

Officer response –

Unfortunately, there is little that can be done to mitigate against unexpected impacts from development such as mice and rats. Should such matters arise again I would advise speaking to the Council's Environmental Health Officers.

6.10 Comments from former Cllr M Bagshaw:

- This is green belt land
- Applications have been refused here before on several occasions
- Troughbrook Road is busy, fast and narrow and is already pushed to the limit with the adjacent Staveley Works proposal, which altogether would increase traffic movement by a minimum of 2500.

- Concerns about flooding
- Parking on this road is already stretched and additional parking and traffic could seriously delay our emergency services attending calls.
- There should be a site visit to consider these issues.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of

the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The application site is allocated in the Adopted Local Plan for the development of a minimum of 6 dwellings, this proposal aligns with that allocation and is therefore acceptable in principle. Having considered all material considerations relating to the case the proposal is considered to be acceptable subject to conditions as set out below.

10.0 RECOMMENDATION

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

S106 agreement

To secure 10% affordable housing at a split of 90/10 social rented and shared ownership in line with policy CLP4 and joined together with application CHE/18/00688/OUT. This can include an off site contribution for part of the provision.

Conditions

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
- a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - d) details of access arrangements;
 - e) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The development hereby approved shall only be carried out in accordance with the following approved plan:

Site location plan 15.060/09 received 16.07.2018

The following plans are illustrative or informative only and should be taken into consideration in any reserved matters application:

Illustrative layout plan 15.060/11 received 16.07.2018

Illustrative block plan 15.060/12 received 16.07.2018

Opportunities and constraints plan 15.060/10 received 16.07.2018

Reason: In order to clarify the extent of the planning permission.

4. 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.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

5. 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.

6. The reserved matters submission shall include existing and proposed site levels demonstrated through sectional plans.

Reason: To ensure that the development appropriately responds to the site topography in line with policy CLP20 of the Adopted Local Plan.

7.
 - a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
 - b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
 - c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
 - d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
 - e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
 - f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.

8.
 - a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: To ensure appropriate provision for potential below ground archaeology in line with policy CLP21 of the Adopted local Plan.

9. No removal of hedgerow, scrub or trees shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason: In order to ensure appropriate consideration of nesting birds in line with policy CLP16 of the Adopted Local Plan.

10. A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken prior to the commencement of any groundworks on the site. The survey shall then be submitted to and agreed in writing by the Local Planning Authority with any necessary mitigation measures all of which shall be undertaken in line with the agreed works and before the commencement of works on site.

Reason: To ensure appropriate consideration of badgers in accordance with policy CLP16 of the Adopted Local Plan.

11. Construction Environmental Management Plan (Biodiversity):
No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for badger and reptiles).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure appropriate consideration of ecology in line with policy CLP16 of the Adopted Local Plan.

12. The reserved matters submission shall include:
- details of 6 integrated swift bricks bird boxes will be clearly shown on a plan (positions/specification/numbers).
 - hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
- These shall be installed prior to final occupation.

Reason: To further enhance biodiversity on site focussing on specific species matters in line with policy CLP16 of the Adopted Local Plan.

13. The reserved matters submission for landscaping shall include:
- 1) location, type and materials to be used for hard landscaping including specifications,

2) a schedule detailing sizes and numbers/densities of all proposed trees/plants, to include fruit trees to encourage foraging, all with the aim of enhancing biodiversity;

3) specifications for operations associated with plant establishment and maintenance that are compliant with best practise,

All in line with the Biodiversity Net Gain Assessment by Penny Anderson Assoc. Ltd dated May 2021 and the net gains identified therein.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

The site shall be landscaped strictly in accordance with the details approved under the reserved matters within the first planting season after completion or first occupation of the development, whichever is the sooner.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in line with Policies CLP16 and 20 of the Adopted Local Plan.

14. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats within the red and blue edged land, as identified in the Biodiversity Net Gain Assessment by Penny Anderson Assoc. Ltd dated May 2021 to meet the percentage and numerical unit habitat gains set out therein and the landscaping of the site agreed under condition 13 as part of the reserved matters submission for landscaping.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures,

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure the long term management of the site including highways and open spaces and the protection of wildlife and habitat objectives, to secure opportunities for enhancing the site's biodiversity value in the long term in accordance policy CLP16 of the Adopted Local Plan

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

Reason: In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in line with policy CLP13 of the Adopted Local Plan.

17. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved, in writing, by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed, in writing, by the Local Planning Authority, free from any impediment to its designated use.

18. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 15 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: To avoid impact on the public highway in the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

19. The reserved matters submission shall include a detailed scheme of highway improvement works for the provision of vehicular access(es) with visibility splays of 2.4m x 50m and a footway across the entire site frontage with Troughbrook Road, together with a programme for the implementation and completion of the works, to be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the required highway improvement works have been constructed in accordance with the approved details.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

20. The land in advance of the approved exit visibility sightlines from the new vehicular access(es) with Troughbrook Road, the subject of Condition 3 above, shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to nearside carriageway channel level.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

21. No dwelling shall be occupied until space has been laid out within the site curtilage for the parking/manoeuvring of residents/visitors vehicles, located, designed, laid out and constructed all as agreed with the Local Planning Authority through the reserved matters submission, and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification), there shall be no gates or other barriers within 6.0m of the nearside highway boundary.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

23. The proposed access(es)/driveway(s) to Troughbrook Road shall be no steeper than 1 in 14 for the first 6.0m from the nearside highway boundary and 1 in 10 thereafter.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

Informative Notes

1. The decision notice shall be read in conjunction with the signed S106 agreement dated....

2. Highways:
For the avoidance of doubt, the developer will be required to enter into an Agreement under Section 278 of the Highways Act 1980 with the Highway Authority in order to comply with the requirements of condition 19.

1.The Highway Authority recommends that the first 6m of the proposed access(es)/driveway(s) shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

2.Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

3.Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director, Economy, Transport and Environment Department, County Hall, Matlock (Mr K Barton – telephone 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

4. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure a minimum 2.4m x 5.5m (with an additional 0.5m of width to any side adjacent to a physical barrier) with adequate space behind each space for manoeuvring.

5. Under the provisions of the New Roads and Streetworks Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and/or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Streetworks. Works that involve road closures and/or are for a duration of more than 11 days require a three month notice. Developer's works will generally require a three months' notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the co-ordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's highways hub at the earliest stage possible and this includes prior to final planning consents.

2. 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).
3. 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.

4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on

0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

5. Appropriate ecological/biodiversity enhancement measures shall include (but not limited to) the following;
 - bird/owl/bat boxes and details submitted shall include the number of units proposed, the location proposed, and a timescale for implementation
 - biodiverse planting and landscaping including trees, hedges and native species and a programme of implementation and maintenance
 - wildflower planting and nectar rich planting for bees and night scented flowers for bats including a programme of implementation and maintenance
 - 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 to move across the site
 - bee brick
6. The buildings have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
7. 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 Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
8. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.