

ITEM 1**Construction of 13 dwellings with associated landscaping, a new private highway, and associated works at Garages site, Miller Avenue, Mastin Moor, Chesterfield for Chesterfield Borough Council**

Local Plan: Housing Site H6

Ward: Staveley North

Committee Date: 19th February 2024**CONSULTATIONS**

Ward Members	No comments received
Staveley Town Council	No comments received
Strategic Policy	In principle the proposed development in this location is acceptable, subject to the receipt of further information – see report
CBC Design Services	Concur with the comments of Yorkshire Water. Doesn't appear to be any information to show that the hierarchy of surface water disposal has been followed to exclude a watercourse or soakaways as options for surface water disposal
Highway Authority	No objections subject to conditions – see report
CBC Environmental Health	Confirm that in agreement with the recommendations of the submitted Phase II Site Investigation Report that: -a remediation statement will need to be prepared and -a standalone detailed gas protection design, installation and verification plan will be required to accompany the remediation statement
Yorkshire Water	Recommends conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure – see report
Lead Local Flood Authority	Ask for further explanation as to the consideration of SuDs and for a topographical survey
Derbyshire Wildlife Trust	Proposals in the submitted Biodiversity Net Gain Assessment are predicted to result in a net gain of +0.29 habitat units (+31.91%) and a net gain +0.12 hedgerow units (+20.33%). Request a post-development habitat map to enable full review of the calculations and proposals.

	Gain relies on the creation of 'other neutral grassland' in area of Public Open Space which appears reasonable. Details of habitat enhancement and creation should be incorporated fully into landscape plans. A condition is required for the submission of a Habitat Management and Monitoring Plan. Conditions are also recommended for sensitive site clearance to safeguard nesting birds, amphibians and hedgehogs and a Species Enhancement Plan to include boxes, hedgehog gaps etc.
CBC Tree Officer	No objections subject to tree protection and landscaping conditions – see report
Coal Authority	Ask for clarification/further information that the information from the two boreholes is sufficient to demonstrate that unrecorded shallow mine workings are not present beneath the site and do not pose a risk to the development and the Phase II report does not provide any conclusion, following the completion of the investigation works, as to whether or not the possible unrecorded opencast mining activity identified in the original Phase I report is considered to pose a risk to the proposed development
Derbyshire Swift Conservation Project	Request that the development is built with up to 13 internal nest bricks (i.e. 1 brick per dwelling) for swifts
Chesterfield Royal Hospital	S.106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £33K
NHS Derby & Derbyshire ICB	The development falls below the threshold for requesting a capital contribution.
Derbyshire Constabulary	No reasons why principle of residential development would not be acceptable. Makes comments regarding site access, boundary treatments, constrained public access link from Rose Crescent and road lighting scheme – see report
DCC Planning Policy	Education – there would be no need to mitigate the impact of the proposed development on school places. Broadband – advisory not should be attached to request developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. Waste – based on the capacity at Bolsover HWRC, a contribution from CIL may be requested to enable additional measures to increase capacity.

	<p>Adult Social Care & Health – appreciate general design principles being considered to create safe, inclusive and accessible places which promote health and well-being.</p> <p>Employment & Skills – DCC wishes to help facilitate stronger partnership working and driving more cohesive action on skills and employment across the county.</p>
Representations	Objections received from 4 local residents – see report

2.0 THE SITE

2.1 The application site is a disused garage site on a relatively narrow strip of land situated on the northern edge of Mastin Moor, bounded by open countryside to the north with predominantly two storey, semi-detached properties towards the south.

2.2 The application site is at a lower level than Miller Avenue with the existing access having a steep gradient. There is also a footpath link with steps from Rose Crescent.

2.3 The application site is located within the built-up area of the Local Plan and lies entirely within Flood Zone 1 which has a low probability of flooding.



Site Photographs



View A - Looking up the path to Rose Cres.



View B - Looking at land off Rose Cres.



View C - Looking East down the site



View D - Looking East from the entrance off Miller

3.0 SITE HISTORY

3.1 The only planning history relates to the erection of garages on the site.

4.0 THE PROPOSAL

4.1 This is a full application for the erection of 13 dwellings comprising 7 x 2 and 6 x 4 bed houses all for affordable rent, with associated landscaping, a new private highway and associated works. The proposed materials are a varied buff brick with dark grey tiles. The site would be accessed off Miller Road by a private road and footpath. The footpath to the west of the site connecting to Rose Crescent would be retained. A pumping station and attenuation tank would be sited on land at the northern end of Rose Crescent.

Proposed Block Plan



Proposed 4 bed semi-detached house



Proposed 2 bed semi-detached house



Front Elevation 01



Side Elevation 03



Section AA



Rear Elevation 02



Side Elevation 04



Section BB

Proposed 2 bed detached house



Front Elevation 01



Side Elevation 03



Section AA



Rear Elevation 02



Side Elevation 04



Section BB

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP6 Economic Growth

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

CLP22 Influencing the Demand for Travel

RP1 Regeneration Priority Areas

5.3 National Planning Policy Framework

Part 2. Achieving sustainable development

Part 4. Decision-making

Part 5. Delivering a sufficient supply of homes

Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport

Part 11. Making effective use of land

Part 12. Achieving well-designed places

Part 14. Meeting the challenge of climate change, flooding and coastal change

Part 15. Conserving and enhancing the natural environment

5.4 Supplementary Planning Documents

Successful Places’ Residential Design Guide

6.0 CONSIDERATION

Key Issues

- Principle of development

- Design and appearance of the proposal
- Residential amenity
- Highway safety and parking provision
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage
- CIL liability

6.1 Principle of Development

6.1.1 The principle of residential development has been established through the allocation of Site H6 under Policy CLP3 of the Chesterfield Borough Local Plan 2018-2035. Policy CLP3 (Flexibility in the Delivery of Housing) indicates that planning permission will be granted for residential development on allocated sites, “*provided they accord with other relevant policies of the Local Plan*”. Whilst Policy RP1 i) sets ambitions for the delivery of up to 670 new homes within the Mastin Moor RPA, the number of homes proposed for this site corresponds roughly with the anticipated capacity for the allocation (14 dwellings) and is considered to be appropriate providing other criteria and policies are satisfied. More detailed matters pertaining to the development are considered below.

6.2 Range of Housing

6.2.1 Thirteen affordable homes are to be provided via a mix of two, and four bedroom dwellings through the scheme. The site falls within the low CIL charging zone for the purposes of determining the level of affordable housing to be provided which in this location is 5% of all new dwellings to normally be provided as affordable housing.

6.2.2 Policy CLP4 (Range of Housing) requires that the affordable provision is required on all majors over 10 units and should be split between 90% affordable rent and 10% affordable home ownership, secured through a Section 106 Planning Obligation. Local Plan Policy RP1 supports proposals that would extend the “*type, tenure and quality of housing*” (RP1a) within RPAs and where local evidence suggests a need for an alternate split affordable housing split, this would be supported.

6.2.3 The proposed split between affordable rent (100%) and affordable home ownership (0%) does not accord with the split set out within Policy CLP4, however, the Housing Delivery Manager has confirmed that the split would be appropriate as it would diversify the tenures available within the local area. The actual planning requirement for affordable housing is 5% of 13 units which equates to a total of 0.65 of a unit which is not capable of being delivered on site. In normal circumstances the Council would be securing the policy compliant part (0.65 of a unit) as a commuted sum through a s106 agreement however as the applicant is the Council it is not possible to have such an agreement with ourselves. The proposed 100% affordable housing scheme is considered to be appropriate as being delivered by the Council. There is no risk that the Council could decide to sell the site with the benefit of a planning permission because the appropriate Regulation procedures and process to allow such has not been followed. In the event that the permission is implemented it will need to be carried out as proposed by the Council.

6.3 Walking, Cycling and Public Transport Accessibility

- 6.3.1 Policies CLP1 and CLP2 of the Local Plan require that new development be directed to regeneration areas and those within walking distance of a range of key services. There is no local centre within Mastin Moor but the site is within close walking distance of the Premier convenience store on Renishaw Road and the Miner's Welfare bus stop on Edale Road. Other key services including GP's and schools which are within a 15-30 minute walk and would be more convenient by bus or via cycling.
- 6.3.2 The site is appropriate for residential development despite there being no local centre nearby and limited accessibility to services and facilities given that it is within a regeneration priority area and can deliver regeneration benefits through the re-use of underused land to enhance the range of homes to meet housing need in the Borough.
- 6.3.3 Local Plan policy CLP22 specifically requires improvements to walking and cycling facilities and public transport services that are sufficient to encourage sustainable modes of transport. Policy RP1 (Mastin Moor ii & iv) also require safe and convenient walking and cycling access to nearby services, employment opportunities and public rights of way.
- 6.3.4 The site does not adjoin any public rights of way as shown on the Derbyshire County Council Mapping Portal however there is an

existing footpath connecting the west of the site to Rose Crescent. The Proposed Site Plan (Highways) shows the retention of the footpath plus extension of the existing footway from Miller Avenue into the site. The provision of cycle storage within the rear gardens of the proposed houses can be secured through condition.

6.4 Design and Appearance of the Proposal

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

6.4.2 The design of the units reflects the semi-detached character of most of the housing within the vicinity of the site albeit with gable roof design rather than the prevailing nature of hipped roofs on the adjacent streets. Brick is proposed as opposed to rendered/pebble dashed properties in Miller Avenue and Rose Crescent but is considered to be an appropriate material. Final finished materials will be subject to a condition. The size and shape of the site plus constraints including levels, sewer positions and need for retaining structures largely dictates the proposed linear form of the development. Garden sizes are smaller than existing. However, it is considered that the proposed scheme would successfully relate the height, massing and scale of development to that nearby to create an appropriate relationship with adjoining areas.

6.4.3 Subject to conditions the proposal is considered to accord with policy CLP20.

6.5 Residential Amenity

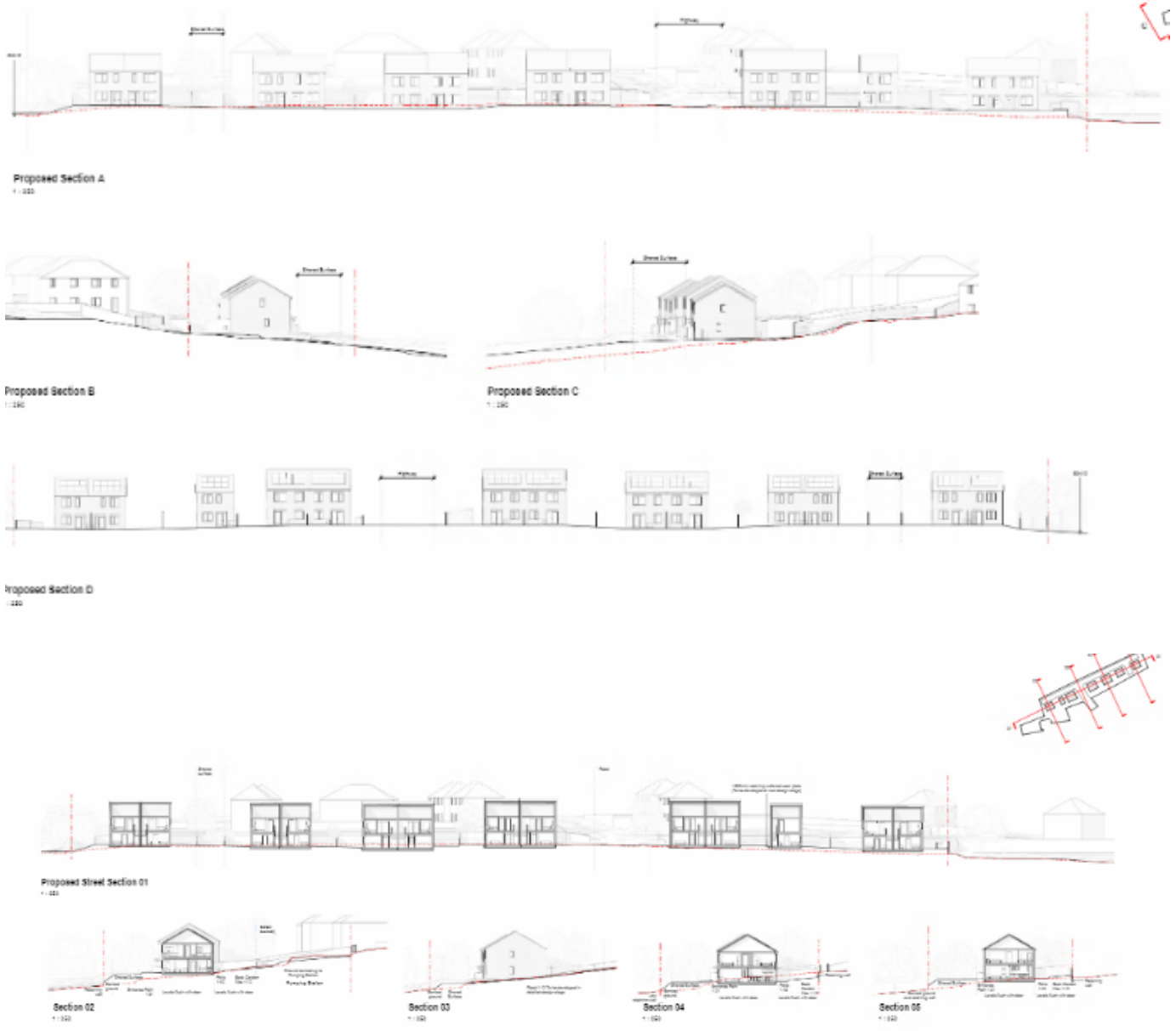
6.5.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.

6.5.2 Although the Council does not have adopted floorspace standards, the Nationally Described Space Standards are a material consideration, which can be given more weight following the amendment to the [Town and Country Planning \(General Permitted Development\) \(England\)](#)

[\(Amendment\) Regulations 2020](#) which require that all new homes in England delivered through permitted development rights will have to meet the Nationally Described Space Standard.

- 6.5.3 In addition, paragraph 130 f) of the NPPF states that planning decisions should “*create places that... promote health and well-being, with a high standard of amenity for existing and future users*”, and policies CLP14 and CLP20 require all developments to have an acceptable impact on the amenity of users. It is therefore important for any future occupiers that the overall internal space and size of rooms are of a suitable standard.
- 6.5.4 The two bed units are 79.2sqm and the four beds approximately 109.2sqm. The two bed units meet the minimum standard for a two storey 4 person dwelling (79sqm) however the four bed units would fall short of the minimum standard for a two storey 7 person dwelling (115sqm). Given the relatively small shortfall (5.8 sqm) in terms of the size of the 4 bed dwellings this is not considered to represent a material deficiency against the standard and in relation to criteria k of Policy CLP20, which would merit refusal of the application.
- 6.5.5 The Councils adopted Successful Places SPD (Table 4) recommends that the following minimum outdoor amenity spaces are met:
-59sqm for 1 or 2 bed house;
-90sqm for 4+ bed house.
- 6.5.6 The proposed garden spaces for the 2 bed units at 50sqm is below the guidance but is considered acceptable, however the 70sqm proposed for the 4 bed units (as stated in the DAS) is some way below the recommended 90sqm. This limitation on outdoor amenity space is not ideal but the site is constrained and has the benefit of providing much needed affordable rented housing. Given this, the shortfall is not considered to be so significant so as to have such a detrimental impact on the amenity and wellbeing of occupiers as to merit refusal.
- 6.5.7 With regard to the relationship with existing residential development, the site would be accessed via Miller Avenue, a short residential street which currently contains dwellings (all semi-detached houses). The site sits at a lower level with the existing houses end on to the application site. The rear garden depths of the proposed houses would be in the region of 8m. With the difference in levels and set back of the existing dwellings from the boundary, this is considered an acceptable relationship and to accord generally with the guidance within the

sustainable places SPD. The relationship and difference in levels is demonstrated in the following sections through the site.



6.6 Sustainable Design

6.6.1 Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Applications for major development schemes are required to submit an energy statement setting out how they would achieve this in terms of the following:

- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of

renewable energy before efficiently using fossil fuels from clean technologies:

- ii. optimising the efficient use of natural resources;
- iii. reducing emissions through orientation and design

6.6.2 The Design and Access Statement describes measures to improve the sustainability of the development, including roof orientation, a fabric first approach to reduce heating load alongside photovoltaics and air source heat pumps to provide renewable alternatives. These measures are welcomed and should be secured via condition.

6.7 Public Open Space

6.7.1 National planning policy (NPPF paragraphs 98 and 99) and local plan policy (Policy CLP17) require adequate public open space provision for new development. The relevant calculations to demonstrate the minimum for new provision are set out in Table 1. These are based on the adopted Local Plan's Quantitative Standards (Appendix B) and the 2018 Open Space evidence which uses local analysis areas as a geography for assessing quantitative provision.

Table 1: Open Space requirement generated by development
(based on adopted local standards and an average occupancy rate of 2.3 persons per dwelling).

Site name	Total housing capacity	Population	Open Space Requirement (ha) per 1000 population				
			Parks 1.06	NSN 3.00	AGS 0.68	Allotment 0.39	Play 0.27
Miller Avenue	13	30	0.03	0.09	0.02	0.01	0.01

6.7.2 The open space requirement generated from the scheme does not exceed any of the thresholds for on-site provision in the recommended local standards for all typologies. The site layout contains incidental areas shown as open space however these are unlikely to be of a sufficient size to meet one of the typologies (e.g., amenity space) as set out in the Public Open Space Assessment and would not qualify for inclusion in a revised open space assessment.

6.7.3 It is necessary to look at how much of the open space requirement will be accommodated by any surplus of existing provision and also what

shortfalls will remain in the locality. Table 2 sets out the existing position for the Mastin Moor analysis area and remaining shortfalls when the proposal is taken into account:

Table 2: Requirements of growth against existing provision

	Parks	NSN	AGS	Allotment	Play
Current sufficiency/deficiency	-0.31	-3.00	-0.53	+0.38	-0.22
+ site requirement	-0.03	-0.09	-0.02	-0.01	-0.01
Surplus / shortfall	-0.34	-3.09	-0.55	+0.37	-0.23

- 6.7.4 The proposal would appear to exacerbate existing deficiencies in publicly accessible open space in the typologies of parks, natural and semi-natural open space, amenity greenspace and play provision.
- 6.7.5 In all but the case of Parks & Gardens and allotments there is already an evidenced deficiency above the trigger thresholds set out in Appendix B of the Local Plan. The development would increase the need for publicly accessible open space in quantitative terms and would also place increased demand on sites which have scope for improvements in quality.
- 6.7.6 The current approach of the Local Planning Authority is reliant on the CIL and not contributions in lieu secured by S106, to meet the requirements of housing growth and so should permission be granted there would be a case for CIL being allocated to nearby open space to enhance the quality of nearby open space and increase the quantity where possible (particularly in respect of natural and semi natural provision) to meet the development's needs.
- 6.8 Highways Safety and Parking Provision**
- 6.8.1 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.
- 6.8.2 Concern has been raised through the application process that the proposal will result in harm to highway safety through accessing the site from Miller Avenue.

6.8.3

The Highway Authority has commented on the scheme as follows:
“The revised proposed site plan demonstrates the provision of tactile crossing points at the junction into the development, and a tactile crossing facility at the point where the proposed footway connects with the existing on Miller Avenue which is an improvement on the original site plan, providing betterment for pedestrian accessibility.

The distance between the junction and parking bays for plots 5 & 6 has been increased slightly with a clearance in the region of 6.5m – 7m, on the basis that the development will remain private this is acceptable.

The Refuse Collection Swept Path Analysis confirms that the proposed layout is adequate for a standard refuse vehicle to enter, manoeuvre and exit the site in a forward gear. A bin store has been provided for Plots 1, 2 & 3 adjacent to Plot 3 in line with previous comments, which will minimise the distance a refuse vehicle is required to reverse when collecting refuse for Plots 1,2 and 3.

The proposal includes the provision of a pump station / attenuation tank located off the cul-de-sac of Rose Crescent, due to the pump station location being segregated from the proposed dwellings the applicant should be aware that a separate construction compound will likely be required.

On the basis of the pump station’s location on a cul-de-sac (Rose Crescent) and the likely sporadic nature of vehicles visiting the site, the proposed vehicular access is considered to be acceptable. The formation of an access in this location will require a section 184 licence. Additionally, It is recommended a temporary construction access is provided for the construction phase of the pump station in order to mitigate any potential damage to the associated kerbs / footways.

It is recommended the site frontage of Plot 5 to the development access road is clear of any obstruction exceeding 1m in height (0.6m in the case of vegetation) in order to maximise visibility for drivers emerging onto the highway.

As the footway fronting plot 6 will be the main route for pedestrians to the development, the vehicular access to Plot 6 should be provided with pedestrian visibility splays of 2m x 2m measured perpendicularly

back, from the back of the fronting footway at both sides of the access, in the interests of pedestrian safety.

The proposed level of off-street parking provision is adequate to serve each dwelling, and there is space within the site for manoeuvring so that resident's vehicles can both enter and exit in a forward gear.

The applicant should be aware any street lighting columns affected by the proposal may require relocation and any costs incurred in this will be at the applicant's expense.

Based on the scale of the development it is not considered that the level of traffic generated by the site would result in an unacceptable impact on highway safety, furthermore, the scale of the development is in line with your own Authorities Local Planning Housing Allocation for the development site (Reference: H6).

Therefore, the Highway Authority has no objections to the proposal" subject to conditions.

6.8.4 Off-street parking is proposed with 2 spaces for the two bed units and 3 for the four beds. Due to the constraints of the site this would be tandem parking for 4 of the four bed units. Whilst not ideal this is not considered sufficient a reason to reject the application.

6.8.5 Through the allocation of the site for housing the highway impacts were considered. The comments of the highway authority confirm that the proposed development subject to conditions to secure visibility splays, appropriate parking, gradient of access road, construction management plan, access to pumping station and bin storage 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.

6.9 Biodiversity Net Gain, Trees and Landscaping

6.9.1 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.

6.9.2 The submitted Biodiversity Net Gain Assessment notes there would be a 31.91% increase in habitat units and 20.33% increase in hedgerow units and trading rules are satisfied. A post-development habitat plan has not been submitted, however it is considered that this matter could be dealt with by the imposition of an appropriately worded condition.

6.9.3 Derbyshire Wildlife Trust has commented that the submitted metric appears acceptable and detailed landscape specifications should be provided on the landscape plans to achieve the desired habitats specified in the metric, either at this stage or required as a condition.

6.9.4 Derbyshire Swift Conservation Project have request that the development is built with up to 13 internal nest bricks (i.e. 1 brick per dwelling) for swifts. A condition is recommended to this effect.

6.9.4 With the above recommended conditions in place, it is considered that the proposed development would not result in significant harm to ecology and would secure a gain in biodiversity is achievable within the site.

6.9.5 Policy RP1 e) specifies a requirement to increase trees and tree groups to enhance landscape character and Policy CLP15 also requires an increase in tree cover in suitable locations.

6.9.6 The application is accompanied by an Arboricultural Report, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). The Council's Tree Officer has commented that; *"The survey recorded 20 individual trees, 9 tree groups, 1 woodland and 4 hedgerows of predominantly semi native mixed deciduous species in overall fair condition. No trees within the site boundary are protected by a Tree Preservation Order (TPO) and the site is not located within a Conservation Area.*

The proposal will require the removal of 9 trees, 5 groups and 2 hedges to facilitate the development and may also have an impact on the roots, stems and canopies of retained trees unless suitable

protection measures are put in place as shown on the Tree Impacts Plan at appendix 3, figure 4 of the report.

The report identifies at Section 3.2.3 the most significant trees recorded within the main area of the site which are to be retained in the scheme and were the category 'B' semi mature woodland group W034 situated in neighbouring land to the north-east corner of the site along with early mature sycamore T033 which is to be removed to facilitate the new roadway situated just outside the southern woodland edge. Overall, they provided a visual contribution to the wider locality, and it is recommended that they would provide significant contribution to any new development. The Sycamore, a multi stemmed tree which is covered in Ivy does provide some visual amenity, but its retention is not possible due to the location of the proposed new roadway. In mitigation for its removal new tree planting along the boundary edge adjacent to the new roadway would be required.

Other significant trees which are to be retained were identified at sections 3.2.4 & 3.2.5 consisting of Purple Plum T001, Field Maple T006 and Lawson Cypress T007 situated along the southeast corner of the site providing a partial visual buffer to and from the neighbouring properties to the south and an early mature Hornbeam T016 and semi mature Hornbeam group G018 situated in the smaller parcel of land, off Rose Crescent to the west providing some visual contribution to the site whilst forming a naturalised field line boundary edge.

The remaining majority of the trees were of low value, retention category C, as stated at section 3.2.6 of the report and should not pose a significant constraint on the development potential of the site. However, these trees provide some moderate collective amenity value. Large scale tree removals should therefore be avoided where trees are not in conflict with design proposals.

Notable amongst these are a mixed species group G002 along with early mature common ash trees T004 and T005 situated along the eastern boundary of the site and adjacent to Renishaw Road (B6419) These trees provide a beneficial visual buffer to and from the site whilst being part of a larger connected network of hedge, shrub and tree line extending north. Their removals should be avoided due to their material conservation they provide to the site and wider locality and protected throughout the development as shown on the Tree Protection Plan at appendix 3, figure 5.

Tree protection measures

The retained trees will need protecting from development operations to ensure that they are not negatively impacted by development operations. Details of the tree protection measures are provided as part of the Arboricultural Method Statement (AMS) at Appendix 3 figure 5.

These measures aim to prevent accidental damage and other adverse effects on the health of retained trees and are in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Landscaping

No details of the proposed landscaping on the site have been provided and planting opportunities are limited due to the number of dwellings and drainage works and sewer easement. A detailed landscaping scheme should be provided and conditioned if consent is granted to the application. The planting should include a native hedgerow which could be planted along the north boundary with the field to provide a natural field boundary and increase biodiversity on the site. Individual trees should also be planted within the hedgerow with species such as crab apple, hawthorn, Oak and Rowan.

Recommendations

There are no objections to the scheme and if consent is granted to the application” subject to tree protection and landscaping conditions.

- 6.9.7 Subject to conditions relating to the protection of the retained trees and appropriate Biodiversity planting onsite, it is considered that the scheme is acceptable in terms of ecological and tree impact terms.

6.10 Ground Conditions

- 6.10.1 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.
- 6.10.2 The submitted Phase II Site Investigation Report recommends that:
-a remediation statement will need to be prepared and

-a standalone detailed gas protection design, installation and verification plan will be required to accompany the remediation statement.

The Environmental Health Officer agrees with these findings and a condition to this effect is recommended.

- 6.10.3 The submitted Coal Mining Risk Assessment notes that there are probable unrecorded shallow coal workings across the site. Based on this, it is determined that the risk posed to the site as a result of migration of crown holes towards the surface due to shallow depth coal mining is high and an intrusive coal mining investigation is required prior to development commencing.
- 6.10.4 The Coal Authority has asked for clarification/further information that the information from the two boreholes is sufficient to demonstrate that unrecorded shallow mine workings are not present beneath the site and do not pose a risk to the development and the Phase II report does not provide any conclusion, following the completion of the investigation works, as to whether or not the possible unrecorded opencast mining activity identified in the original Phase I report is considered to pose a risk to the proposed development.
- 6.10.5 Given this is an allocated housing site it is considered that the concerns of the Coal Authority may be dealt with through the imposition of a pre-commencement condition.

6.11 Flood risk and drainage

- 6.11.1 The 'Flood Map for Planning; shows the site to be located in Flood Zone 1 with 'very low' risk of surface water flooding. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) and Policy CLP13 requires that SuDS and clear arrangements for their ongoing maintenance over the lifetime of the development are incorporated into major development schemes unless it can be demonstrated through submitted evidence that this is not appropriate in a specific location. Further information regarding drainage has been submitted and this demonstrates that the ground conditions are such that SuDs are not an appropriate solution for this site, despite the comments of the Lead Local Flood Authority.
- 6.11.2 Yorkshire Water recommend conditions including that the means of draining surface water from the development be restricted to not exceed a maximum of 3.5 litres per second.

6.11.3 Policy CLP13 also requires development proposals to demonstrate that water is available to support the proposed development and that it will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day. The usual practice is to impose a condition to this effect.

6.13 Local Labour Agreement

6.13.1 Policy CLP6 requires a Local Labour Agreement for major development schemes in order to contribute to the sustainability of the borough and the surrounding area, both during construction and on a long-term basis. Being located within the Mastin Moor Regeneration Priority Area, the applicant will need to give priority to training and employment opportunities for existing residents of the Mastin Moor RPA (as per Policy RP1: d).

6.13.2 The Local Labour Agreement condition will need to specify the requirement to provide opportunities for existing RPA residents. This may be secured through the imposition of a planning condition.

6.14 Social Infrastructure

6.14.1 Policy RP1 requires applications in the Mastin Moor RPA to provide a new Local Centre with additional community facilities and the opportunity for provision of health facilities (RP1 c). This development is not of sufficient size to provide on-site facilities. Any requirement should be linked to a specific infrastructure project which is designed to expand capacity to accommodate new patients generated by the development proposal, at identified practices. Education infrastructure should be addressed through Community Infrastructure Levy.

6.15 Community Infrastructure Levy

6.15.1 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 low CIL charging Zone as set out in the Council’s [CIL Charging Schedule](#). This is currently charged at a rate of £26.46 per square metre of gross internal floorspace.

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Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
2 bed	79.2	0	X7= 554.4	£20	381	288	£14,668.50
4 bed	109.2	0	X6= 655.2	£20	381	288	£17,335.50
Total							£32,004.00

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

$$\frac{1209.68 \times 20 \times 381}{288} = \text{£32,004.00}$$

7.0 REPRESENTATIONS

- 7.1 Objections received from 4 local residents summarised as follows:
- Access road, Miller Avenue, has a gradient on 12% which is why there is a salt/grit box there, because access in winter is difficult due to snow and ice and becomes impassable;
 - Residents park on Miller Avenue on either side of the road causing narrow access for new traffic and requiring cars to enter the garage site to turn;
 - There are bat roosts in existing garages and trees, and therefore a survey is needed to establish whether the development will adversely affect the bat roosts;
 - There has been a history of land slippage and subsidence on the proposed site;
 - Would not be safe for children to play if small cul de sac became a through road;

7.1.2 ***Officer response – there are no highway objections to the proposal and ground conditions have been addressed in the***

report. The Preliminary Ecological Appraisal noted there was moderate suitability for bat species more tolerant of artificial lighting to use the site for foraging and commuting, however, the site was considered negligible value for roosting bats. Recommended bat roosting boxes be included.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 8.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 8.3 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.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 9.1 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 2015 in respect of decision making in line with paragraph 38 of 2023 National Planning Policy Framework (NPPF).
- 9.2 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.

9.3 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.

10.0 **CONCLUSION**

10.1 The application site is allocated in the Adopted Local Plan for the development of 14 dwellings, this proposal generally 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.

11.0 **RECOMMENDATION**

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

Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans/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).

- MMHD01-PKA-MA-XX-DR-A-PL01 REV P2 Site Location Plan
- MMHD01-PKA-MA-XX-DR-A-PL02 REV P2 Existing Site Plan
- MMHD01-PKA-MA-XX-DR-A-PL03 REV P2 Existing Sections
- MMHD01-PKA-MA-XX-DR-A-PL12 REV P2 Proposed Site Plan – Levels
- MMHD01-PKA-MA-XX-DR-A-PL13 REV P2 Proposed Site Sections 01
- MMHD01-PKA-MA-XX-DR-A-PL14 REV P2 Proposed Site Sections 02
- Attenuation Tank Indicative Sections

- MMHD01-PKA-MA-XX-DR-A-PL20 REV P2 Proposed House Type - 2B4P Detached
- MMHD01-PKA-MA-XX-DR-A-PL21 REV P2 Proposed House Type - 2B4P Semi detached
- MMHD01-PKA-MA-XX-DR-A-PL22 REV P2 Proposed House Type – 4B7P
- YWS-DS-SD-WW-003 YW Standard Pump Station GA Plan
- MMHD01-DCA-MA-XX-DR-C-190-P01 Refuse Collection Vehicle Swept Path Analysis
- MMHD01-PKA-MA-XX-DR-A_9000 REV P3 Proposed Site Plan
- Aboricultural Report, Impact Assessment and Method Statement prepared by Ecus dated January 2023
- Phase I Desk Study Report Ref: P22-00751-Met-RP-GE-001 Rev 1 prepared by Met Engineers dated 02.12.2022
- Phase II Site Investigation Report Ref: P22-00751-Met-RP-GE-003 Rev 2 prepared by Met Engineers dated 14.04.2023
- Preliminary Ecological Appraisal prepared by Ecus dated January 2023
- Biodiversity Net Gain Assessment prepared by Ecus dated November 2023
- BNG Calculation dated January 2024
- MMHD01-DCE-MA-XX-DR-C-100 -P01 Drainage Strategy
- Drainage Strategy & Calculations Report Ref: CALC01(-) prepared by Dudleys Consulting Engineers dated October 2023

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

3. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

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

4. 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 neighboring properties during construction).
- Locations for loading/unloading and storage of plant, waste and construction materials.
- Method of preventing mud and dust being carried onto the highway.
- Arrangements for turning vehicles.
- Methods of communicating the Construction Management Plan to staff, visitors and neighboring residents and businesses.

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

5. The Development hereby approved shall not be occupied until the works comprising - The private road / shared access driveway, associated footways and tactile crossing points shown on drawing: MMHD01-PKA-MA-XX-DR-A-9000 have been constructed and completed.

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

6. No development of the pump station shall commence 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 free from any impediment to its designated use.

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

7. Prior to the pump station being taken into use, a new vehicular access shall be formed to Rose Crescent in accordance with the application drawing: MMHD01-DCE-MA-XX-DR-C-100 -P01.

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

8. Plot 5 and 6's frontage to the development access road (Miller Avenue) shall be clear of any obstruction exceeding 1m in height (0.6m in the case of vegetation) for a distance of 2m into the site from

the carriageway edge, in order to maximise visibility for drivers emerging onto the highway.

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

9. The vehicular access to Plot 6 shall be provided with pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 1m (0.6m in the case of vegetation) in height above the adjoining ground level.

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

10. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing: MMHD01-PKA-MA-XX-DR-A-9000 Rev P3.

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

11. The gradient of the private access road shall not exceed 1:12 for its entire length.

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

12. 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.

13. No development shall commence until:
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative K guidance.

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

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

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

15. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) a schedule detailing sizes and numbers of all proposed trees/plants
- c) Sufficient specification to ensure successful establishment and survival of new planting.

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

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with policy CLP15 and to accord with the NPPF.

16. 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 edged land, as identified in the Biodiversity Net Gain Assessment by Ecus to meet the percentage and numerical unit habitat gains set out therein and the landscaping of the site agreed under condition 15.

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 organisation 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.

17. Before the ordering of external materials takes place, a schedule of external materials of construction of buildings and hard surfaced

areas shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

Reason: The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality, and policy CLP20.

18. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2023). Such approved measures will be implemented in full. The lighting design should avoid introduced lighting to boundary and adjacent habitats and any new bat/bird enhancement features provided as part of the enhancement of the site.

Reason: To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of residential amenity in accordance with Policy CLP14 of the Chesterfield Local Plan and to protect nocturnal wildlife in accordance with Policy CLP16 of the adopted Chesterfield Borough Local Plan

19. Prior to development commencing, an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason: To secure opportunities for local employment, training and procurement through the development to benefit the local economy and supply chain in accord with policy CLP6.

20. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details

and the facilities retained for the designated purposes at all times thereafter.

Reason: In order to ensure adequate bin storage for the new and existing dwelling in accordance with CLP20.

21. No development above floor-slab/D.P.C level shall take place until a species enhancement plan has been submitted to and agreed in writing by the Local Planning Authority. It is advised the submitted plan includes:

- 1 x integral Universal Bird Brick to each dwelling at eaves level (avoiding southern elevations)
- a minimum of 4 bat boxes or bricks
- the inclusion of hedgehog gaps in boundary fencing.

The development shall be carried out in accordance with the agreed species enhancement plan.

Reason: In the interests of ecology and biodiversity in accordance with policy CLP16 and the NPPF.

22. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times. In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

23. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to not exceed 3.5 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal. In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

24. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 (four point seven five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal. In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

25. No dwelling shall be occupied until provision for a secure, covered, convenient space to store at least two bicycles has been provided in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority. The approved bicycle storage shall thereafter be retained.

Reason: To ensure that adequate secure facilities are provided for cyclists. This condition is imposed in accordance with policy CLP22 of the Adopted Local Plan.

26. The development hereby permitted shall not be commenced until a Phase III remediation statement detailing all remedial measures for the site as well as detailed guidance on the verification of the measures employed, and a standalone detailed gas protection design, installation and verification plan shall be submitted to and approved in writing by the local Planning Authority.

No deviation shall be made from the approved details without the express written agreement of the Local Planning Authority. If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work should be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To address any pollution to ensure a satisfactory development. This condition is imposed in accordance with policy CLP14 of the Adopted Local Plan.

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). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
4. 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. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.

6. 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.

7. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

8. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at Development.Implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

9. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access

works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

10. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

11. The Highway Authority recommends that the first 5m of the proposed private access road should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.