

Case Officer: Joe Freegard
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Committee Date: 1st April 2019

File No: CHE/18/00642/FUL
Plot No: 2/2673

ITEM 1

**Erection of two dwellings - Proposal amended to one dwelling
20.11.18 - Residential Mining Report received 23.01.19,
Arboricultural Impact Assessment received 28.02.2019 at land to
rear of 36 Bellhouse Lane, Staveley, Derbyshire for Mr T Connor.**

Local Plan: Open Countryside & Other Open Land
Ward: Lowgates & Woodthorpe

1.0 CONSULTATIONS

Ward Members	No comments
Strategy Planning Team	Comments received – see report
Environmental Services	Comments received – see report
Design Services	No objections
Yorkshire Water Services	No comments
DCC Highways	No objections
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Neighbours/Site Notice	2 representations received – see report

2.0 THE SITE

- 2.1 The site to which this application relates is land to rear of 36 Bellhouse Lane off Lowgates in the Staveley area of Chesterfield. The site is roughly square-shaped in footprint, is overgrown with grass and vegetation, and comprises a detached garage that is positioned in the south western corner of the plot.
- 2.2 The land is residential curtilage in association with No.36 Bellhouse Lane. The site is situated on a relatively flat gradient, with timber fences forming the boundaries. A detached garage is situated to the North of the site, with open fields and a public footpath located beyond. The extended garden of 3 Victoria Avenue is situated to the East of the site, and the additional curtilage of 36 Bellhouse Lane is situated to the South of the site. The roadway of Bellhouse Lane is situated to the West of the site, with a grass verge located between the site and the road itself.
- 2.3 A tree subject to a Tree Preservation Order covers a Black Poplar which is situated just outside the site, to the North.





3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/07/00440/OUT – Outline application for demolition of existing dwelling and erection of four no. dwellings – Approved 2007.
- 3.2 CHE/08/00502/CLUD – Use of land as residential curtilage – Certificate of Lawful Use Granted 2008.
- 3.3 CHE/14/00674/OUT – Residential development at 36 Bellhouse Lane – Approved 2014.

4.0 **THE PROPOSAL**

- 4.1 The application started as a full application for the erection of two dwellings on the land however this was amended to one dwelling as a result of discussions with officers and the application has subsequently progressed on this basis.
- 4.2 The site layout indicates that the proposed new dwelling would measure approximately 5.4M in height, 5.1M in width and 4.9M in depth. The dwelling is proposed to be situated approximately 7.5M away from the boundary to the North of the site, 7M away from the boundary to the East of the site, 3M away from the boundary to the South of the site and 2M away from the boundary to the West of the site.
- 4.4 The new dwelling is proposed to comprise hallway, living room, WC, utility room, and kitchen at ground floor level, with three bedrooms and a bathroom at first floor level. The internal spaces appear to be appropriate and fit for purpose. Areas of garden are proposed to surround the property, with sizeable areas of garden to the North and East of the site. A driveway is proposed to the South West corner of the site, leading from Bellhouse Lane. The demolition of the existing garage on the site would be required to cater for the proposed development.
- 4.5 The amended plans indicate that the new dwelling would be constructed using red facing brick, with a pitched grey tiled roof and UPVC windows and doors. Casement style windows are proposed throughout, with a canopy porch to the front elevation and a set of bi-fold doors to the rear

elevation. Fenestration is proposed on both floors to all elevations except the Southern side. The application form indicates that 2M close boarded timber fences would form the boundaries to the site, although full details of landscaping and boundary treatments and bin storage have not been provided.

- 4.6 The application is assessed on the basis of the application form, Design and Access Statement, site location plan, plans and elevations, coal mining risk assessment and the arboricultural impact assessment.

5.0 **CONSIDERATIONS**

Local Plan Issues

- 5.1 The site is situated within the built settlement of Lowgates and Woodgate. This immediate area is predominantly residential in nature, although open countryside is situated to the North and East. The site is designated as open countryside and other open land, however it is situated in close proximity to Staveley centre and its services and facilities. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
 - b) are on previously developed land
 - c) are not on agricultural land
 - d) deliver wider regeneration and sustainability benefits
 - e) utilise existing capacity in social infrastructure
 - f) maximise walking / cycling and the use of public transport
 - g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

- 5.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.
- 5.4 In addition to the above, the NPPF places emphasis on the importance of good design stating:
'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'
- 5.5 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.6 In so far as the planning policy position the application site is a residential garden and is considered a greenfield site and would not meet the definition of previously developed land set out in the NPPF. The NPPF specifically excludes private residential gardens within built-up areas from the definition of previously developed land (annex 2: Glossary). The site is also shown on the Policies Map as being within Open Countryside and subject to saved policy EVR2. The Chesterfield Borough Core Strategy does not include specific policies on the development of residential gardens; instead the primary considerations are policies CS10 in terms of the principle of development, CS1 and CS2 in terms of the location and CS18 in terms of design and impact upon the environment and amenity.

- 5.7 Policy CS10 states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.” As the council is currently able to demonstrate a five year supply of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots. In addition, the site is subject to EVR2 which would not permit residential development. However the NPPF is also clear that “Local planning authorities should approach decision-taking in a positive and creative way to foster the delivery of sustainable development” (NPPF para 38). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals. Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. The site is approximately 800m from the nearest designated centre at Staveley. The site therefore meets the requirement of CS1.
- 5.8 Due to the continuing linear residential development in a northerly direction along Bellhouse Lane, development of the site would not have the appearance of encroaching into open countryside, despite being designated as such.
- 5.9 Whereas the proposal is contrary to CS10 and EVR2 the location of the site does accord with CS1, and it is considered there is scope to consider a sensitive, well designed development of one single storey dwelling on the site to the north of the existing original brick garage. The proposal is considered to be a logical infill plot which is partly previously developed and is also garden land. The proposed dwelling would follow the typical building line of development along Bellhouse Lane, and a garage already exists on the site, and it would be possible to construct outbuildings and extensions on this area of garden land without the need for planning permission. It is also worth highlighting that permission for residential development on the site was

granted in 2014, although this consent has now lapsed. On the basis of these matters, it is considered that the site is appropriate for a modest development of one house.

Design and Appearance (Including. Neighbour Effect)

- 5.10 It is considered that the design and materials of the proposed new property are of an appropriate quality that would complement the architecture of the surrounding locality. The plans indicate that the proposed new dwelling would be constructed using red brick with a pitched tiled roof to match other houses in the locality. It is considered that the design and materials of the proposed new dwelling are entirely appropriate to the locality. Details of the proposed materials have been provided as part of this application, so a condition requiring the submission of details of the material samples is not required.
- 5.11 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to 36 Bellhouse Lane. The new dwelling would be situated approximately 9M away from this house, so it is not considered that there would be any significant issues in terms of overshadowing or an overbearing impact. A first floor side window is proposed to the North elevation, so it is considered that a condition is required for this to be obscure glazed and non-opening to prevent any issues with overlooking. It is not considered that these plans would result in any issues with overlooking, overshadowing or an overbearing impact for other neighbouring properties, as there are no other properties located in close proximity. The new dwelling may result in some minor issues with overlooking onto the extended garden of 3 Victoria Avenue, however this appears to be a secondary garden area only. On this basis the plans are considered to be acceptable.
- 5.12 The 'Successful Places' SPD indicates that a new three bedroom dwelling would require a minimum of 70 Square Metres of outdoor amenity space. This level of provision would be comfortably accommodated on the site and is therefore considered to be acceptable. It is not considered that 2M close boarded timber fences would be appropriate in terms of boundary treatments, and full details of landscaping,

boundary treatments and bin storage have not been provided. As such, it is considered that a condition should be imposed requiring the submission of these details. The plans also indicate that at least two parking spaces can be accommodated on the site, which is considered to be an acceptable level of provision.

- 5.13 Overall it is accepted that development will impose an impact upon boundary sharing neighbours however this impact would be minimal, due to the proposed design and the relationship between properties. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development can be designed to prevent any significant adverse impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours. As such, the development is considered to be acceptable in terms of these policies. Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

Environmental Services

- 5.14 Environmental Services has commented that to minimise noise impacts on the existing residential dwellings, that 'construction work' shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials. NB - The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.
- 5.15 In so far as Air Quality, as the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), Environmental Services ask that infrastructure for electric charging points be installed as part of the build phase.

5.16 Land contamination – Should planning permission be granted for this proposal, I would strongly recommend that the developer ensure the site is 'suitable for use' by completion of: -

- a) a Phase 1/desk study
- b) a Phase 2/intrusive site investigation
- c) a Remediation Strategy (if necessary) and
- d) a Validation report

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

5.17 All the Comments from Environmental Services are accepted and it is considered that the suggested conditions are required in the interests of noise, air quality and land contamination.

Drainage

5.18 Design Services and Yorkshire Water were consulted on this application and they raised no objections. It was commented that 'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. Any connections to the public sewerage network will require prior consent from Yorkshire Water'.

DCC Highways

5.19 DCC Highways was consulted on the original application and they confirmed no objections to the scheme. They commented that the site has been the subject of previous applications and has benefitted from an outline consent. The Highway Authority would point out that the application form indicates no new or altered vehicular or pedestrian access although clearly such will be required. There are no objections to the proposal subject to the following conditions being included in any consent.

1. Prior to occupation of the dwellings, new vehicular and pedestrian accesses shall be formed to Bellhouse Lane in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4 metres from the

carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines 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 adjoining nearside carriageway channel level.

2. Prior to occupation of the dwellings, a minimum 2m wide footway shall be constructed across the site frontage. Such works will be required to be the subject of an Agreement under Section 278 of the Highways Act 1980

3. The proposed dwellings shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Thereafter, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

4. There shall be no gates or other barriers on the accesses.

5. The proposed accesses/driveways to Bellhouse Lane shall be no steeper than 1:14 over their entire length.

5.20 The comments from the DCC Highways are accepted. It is considered that the suggested conditions are required in the interests of highway safety and parking.

Coal Authority

5.21 The Coal Authority has raised no objections to the proposal confirming that they concurs with the applicants agent that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. The results of such investigations should inform any remedial measures necessary to ensure the safety and stability of the proposed development. Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and
- * The implementation of those remedial works.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition to secure the above.

- 5.22 The conditions suggested are considered to be necessary in the interests of coal mining legacy and safety.

Tree Officer

- 5.23 The Tree Officer has commented that the revised site plan layout now locates the proposed dwelling and car parking outside the designated 18 metre root protection area (RPA) of T1 Poplar. An Arboricultural Impact Assessment by Jon Coe Tree Services Ltd reference JC/177/190218 and dated 18th February 2019 has also been submitted. The assessment goes into great detail regarding the tree and the tree protection measures to be implemented on the site before any construction commences and throughout the development and associated landscaping. The Tree Officer therefore confirms no objection to the application as long as the following conditions are attached for the protection of T1 Poplar:

1. Tree Protection Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work including land clearance), the scheme for the protection of T1 Poplar of Tree Preservation Order 96 as detailed in the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd reference JC/177/190218 and dated 18th February 2019 shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details within the Arboricultural Impact Assessment unless otherwise agreed in writing.

2. Landscaping Condition: Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of 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) Details of the landscaping methodology within the root protection area of T1 Poplar and as referred to in section 6.4 of the submitted Arboricultural Impact Assessment by Jon Coe Tree Services Ltd reference JC/177/190218 and dated 18th February 2019

b) a scaled plan showing vegetation to be retained and trees and plants to be planted:

c) proposed hardstanding and boundary treatment:

d) a schedule detailing sizes and numbers of all proposed trees/plants

e) Sufficient specification to ensure successful establishment and survival of new planting.

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

Derbyshire Wildlife Trust

5.24

Derbyshire Wildlife Trust has confirmed that they have no objections on the basis of the suggested Root Protection Area of 15 m which would be sufficient to protect the black poplar tree. Providing that the RPA is sufficient and is adequately protected with fencing during construction, and

providing that no direct works are required to the tree e.g. pruning, then the Wildlife Trust do not require any further ecological survey. Should any pruning be required, this should be undertaken outside the bird breeding season which falls between March and August inclusive or be preceded by a nesting bird check. The rot cavity in the trunk should also be avoided. If works are required to this feature, an inspection for roosting bats should be undertaken by an ecologist.

6.0 Community Infrastructure Levy (CIL)

- 6.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and the development is therefore CIL Liable.
- 6.2 The site the subject of the application lies within the low CIL zone (£20/sqm index linked) and therefore the CIL Liability would be calculated using the gross internal floor space of 83 square metres on this basis.

7.0 REPRESENTATIONS

- 7.1 As a result of neighbour notification, representations have been received from 2 neighbours. A letter of comment has been received from the occupant of 35 Wharf Lane in relation to the protected Black Poplar tree, and a number of letters of objection have been received from the occupants of Bell House.
- 7.2 The representations raise concerns with regards to the impact of the proposal on the following issues
- protected tree including the safety of the tree;
 - coal mining risk;
 - covenants on the land;
 - concerns that the land may be used as a traveller site;
 - personal issues with the applicant;
 - that the land is open countryside/that the land is green belt;
 - that the local authority has a 5 year housing supply;
 - loss of property values;
 - timber fences as boundary treatments;
 - impact on wildlife;

- that the application is contrary to policy;
- that the design does not fit in with Bell House;
- overshadowing;
- legal matters;
- noise and disturbance;
- parking;
- impact on drainage and
- disruption during construction.

7.3 *With regards to the impact on the protected tree and the safety of the tree, there have been no objections from the Tree Officer to these amended plans following the submission of an arboricultural impact assessment and the tree is not considered to be unsafe at present. With regards to coal mining risk, a coal mining assessment has also been submitted and there have been no objections from the Coal Authority to the amended plans. Any covenants on the site, impact on property values, legal issues or personal issues would be civil matters rather than material planning considerations.*

7.4 *There is no indication that the land would be used as a traveller site and this is not what has been applied for. It is acknowledged that that the land is classed as open countryside and that the local authority has a 5 year housing supply and that the application is technically contrary to policy. In this instance, it is considered that an exception can be made as the site is a logical infill plot, is partly previously developed and is also garden land that could potentially be developed using permitted development rights. It is acknowledged that the use of timber fences as boundary treatments would be inappropriate, and as such a condition can be imposed requiring the submission of boundary treatment details.*

7.5 *In terms of the impact on wildlife, Derbyshire Wildlife Trust was consulted on this application and they raised no objections to the revised plans subject to the imposition of conditions. It is accepted that the proposed design does not necessarily reflect that of Bell House, however there are several similar examples within the streetscene. It is not considered that there*

would be any issues with overshadowing, due to the level of separation between the proposed new property and Bell House. Ample parking would be provided on site, and there have been no objections from DCC Highways to these plans. With regards to the impact on drainage, here have been no objections to these plans from Drainage or Yorkshire Water.

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.

8.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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 2012 in respect of decision making in line with paragraphs 186 and 187 of the 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. Pre application advice was provided.

9.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

10.0 CONCLUSION

10.1 The proposals are considered to be appropriate in terms of scale, form and materials, and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is sufficiently sustainable, is in a largely built up area and is adequately served by public transport and amenities. Although the land in question is open countryside, it is considered that an exception can be made as the site is a logical infill plot, is partly previously developed and is also garden land that could potentially be developed using Permitted Development rights

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance in respect of Highways, design, landscaping, tree protection ecology and coal mining legacy. This application would be liable for payment of the Community Infrastructure Levy.

11.0 RECOMMENDATION

11.1 That a CIL Liability notice be issued as per section 6.0 above.

- 11.2 That the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved amended plans with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
5. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
6. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.
7. No development shall take place until site investigation works have been undertaken in order to establish the exact

situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works

8. Details of the proposed site cross sections showing existing and proposed land levels and the proposed finished floor level of the dwelling shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
10. Prior to occupation of the development hereby approved the first floor window in the North elevation shall be non-opening and obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. The obscured glazing shall be maintained as such thereafter.
11. Infrastructure for electric charging points shall be installed as part of the build phase of this development.
12. No development shall take place until a land contamination assessment is submitted to and approved in writing by the

Local Planning Authority. The assessment shall include the following;

- a) a Phase 1/desk study
- b) a Phase 2/intrusive site investigation
- c) a Remediation Strategy (if necessary) and
- d) a Validation report

13. Prior to occupation of the dwelling, new vehicular and pedestrian accesses shall be formed to Bellhouse Lane in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines 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 adjoining nearside carriageway channel level.
14. Prior to occupation of the dwelling, a minimum 2m wide footway shall be constructed across the site frontage. Such works will be required to be the subject of an Agreement under Section 278 of the Highways Act 1980
15. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Thereafter, such spaces shall be maintained free from any impediment to their designated use for the life of the development.
16. There shall be no gates or other barriers on the accesses.
17. The proposed accesses/driveways to Bellhouse Lane shall be no steeper than 1:14 over their entire length.
18. Prior to the commencement of the development hereby approved (including demolition and all preparatory work including land clearance), the scheme for the protection of T1 Poplar of Tree Preservation Order 96 as detailed in the Arboricultural Impact Assessment by Jon Coe Tree Services

Ltd reference JC/177/190218 and dated 18th February 2019 shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details within the Arboricultural Impact Assessment unless otherwise agreed in writing.

19. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of 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) Details of the landscaping methodology within the root protection area of T1 Poplar and as referred to in section 6.4 of the submitted Arboricultural Impact Assessment by Jon Coe Tree Services Ltd reference JC/177/190218 and dated 18th February 2019
- b) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- c) proposed hardstanding and boundary treatment:
- d) a schedule detailing sizes and numbers of all proposed trees/plants
- e) Sufficient specification to ensure successful establishment and survival of new planting.

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

20. Should any pruning be required, this should be undertaken outside the bird breeding season which falls between March and August inclusive or be preceded by a nesting bird check. The rot cavity in the trunk should also be avoided. If works are required to this feature, an inspection for roosting bats should be undertaken by an ecologist.

Reasons

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
3. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
4. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
5. In the interests of residential amenities.
6. In the interests of the amenities of occupants of adjoining dwellings.
7. In the interests of coal mining legacy and safety
8. In the interests of residential amenities.
9. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
10. To safeguard the privacy of adjoining residents

11. In the interests of air quality.
12. In the interests of land contamination.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. In the interests of tree protection.
19. 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
20. In the interests of ecology.

Notes

01. 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.
02. 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.

03. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
04. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
05. The application site is affected by a Public Right of Way (Footpath 24 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.
- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 - Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.

06. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
07. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
08. The applicant should be aware that the proposed route of HS2 passes within 200m of the site and should contact the relevant Authority if further information is required.

E-mail HS2enquiries@hs2.org.uk
Telephone the Help Desk on 02079444908 or write to
High Speed Two (HS2) Ltd
Two Snow Hill
Queensway
Birmingham B4 6GA

09. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
10. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website

(<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from www.planningportal.gov.uk/cil) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.