

Case Officer: Rob Forrester File No: CHE/19/00156/FUL  
 Tel. No: (01246) 345580 Plot No: 2/1605  
 Ctte Date: 22nd July 2019 U.P.R.N 000074077320

**ITEM 5**

**Construction of 9 new detached dwellings and access road. Noise Impact Assessment received 20.05.2019 - Coal Mining Report, Coal Mining Risk Assessment, Geo-technical & Geo Environmental Risk Assessment, Desk Top Study and Site Photographs received 03.06.19 and Revised Layout Plan received on 03.07.2019 on land at Land at Whitebank Close, Hasland, Derbyshire. S41 OTS**

Local Plan: Unallocated  
 Ward: St Leonards

1.0 **CONSULTATIONS**

|                                    |  |
|------------------------------------|--|
| <b>Local Highways Authority</b>    | Comments received 09/05/2019 – requires amendments to road width and bin-storage.            |
| <b>CBC Strategic Planning Team</b> | Comments received 19/06/2019<br>No objection in principle.                                   |
| <b>CBC Conservation Officer</b>    | Comments received 22/05/2019<br>No objection in principle.                                   |
| <b>Historic England</b>            | Comments received 20/05/2019<br>Do not wish to offer any comments.                           |
| <b>CBC Urban Design Officer</b>    | There are no urban design objections to the proposed development.                            |
| <b>Sport England</b>               | Comments received 31/05/2019<br>See report – no objection.                                   |
| <b>CBC Tree Officer</b>            | Comments received – see report.  |
| <b>Derbyshire Wildlife Trust</b>   | Comments received 01/05/2019<br>Ecology concerns unlikely -<br>Advises 1 condition           |
| <b>Yorkshire Water Authority</b>   | Comments received 13/06/2019<br>– advises 2 conditions                                       |
| <b>Coal Authority</b>              | Comments received 25/04/2019<br>– Fundamental concern at lack of mining report – comments on |

|  |  |
|--|--|
|  | submitted report – adequate rock-cover would ensure that any shallow workings would have no risks to surface development – objection withdrawn |
| <b>Crime Prevention Design Advisor</b> | Comments received 11/04/2019<br>No comments to make in respect of the current submission.  |
| <b>Environment Agency</b>              | Comments received 02/04/2019<br>No formal comment to make.   |
| <b>DCC Lead Flood Authority</b>        | Comments received on 23/04/2019 - as this is a minor dev – no formal comment   |
| <b>CBC Drainage</b>                    | Comments received 16/04/2019 – Site not at flood-risk. Drainage details required   |
| <b>CBC Environmental Health</b>        | Comments received 07/06/2019 – no adverse comments.  |
| <b>Ward Members</b>                    | No comments received   |
| <b>Site Notice / Neighbours</b>        | 1 representation received  |

## 2.0

### **THE SITE**

#### 2.1

The site consists of disused tennis courts, in use as a temporary car park associated with the neighbouring bowls club. The ground within the site is terraced to provide level surfaces, with steps and banks between. Most of the site is now overgrown and surfaces are perished. The highest ground is at the Southern corner, falling away to the North.

#### 2.2

The site, which is surrounded by mature trees, is within a residential area at the northern end of Hasland close to the junction with the A617, and is situated adjacent to the bowling greens and a substantial Listed Building (Bank Close House) which is a residential care home.



Photos showing existing site access drive and dwellings on Hasland Road



Photos showing the former tennis court/car-park and the bowling green and adjacent listed building

- 2.3 The site is accessed from the private drive serving the former tennis court and bowling green which is an extension of Whitebank Close. The bowling club lies to the west of the site, with the Listed Building (Bank Close House), to the north-west. An access track runs from the Whitebank Close turning head along the south east boundary of the site and which provides an access to the playing fields located to the south.
- 2.4 The surrounding land is in residential use with Hasland Road (B6039) being in close proximity to the east and north-east of the site.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 There is no relevant Planning History on the site, although being Council-owned land, a development brief has been prepared to inform the sale of the land (which suggested a development of 5 dwellings).
- 3.2 There is a permission for a single-storey dwelling adjacent to the access drive on its eastern side at 1a Whitebank Close - CHE/10/00230/EOT and on the land to the north (within the curtilage of the Listed Residential Home) has a resolution to grant permission for enabling development (outline for 14 dwellings - CHE/16/00229/OUT) subject to a Section 106 agreement, but this scheme remains un-determined.

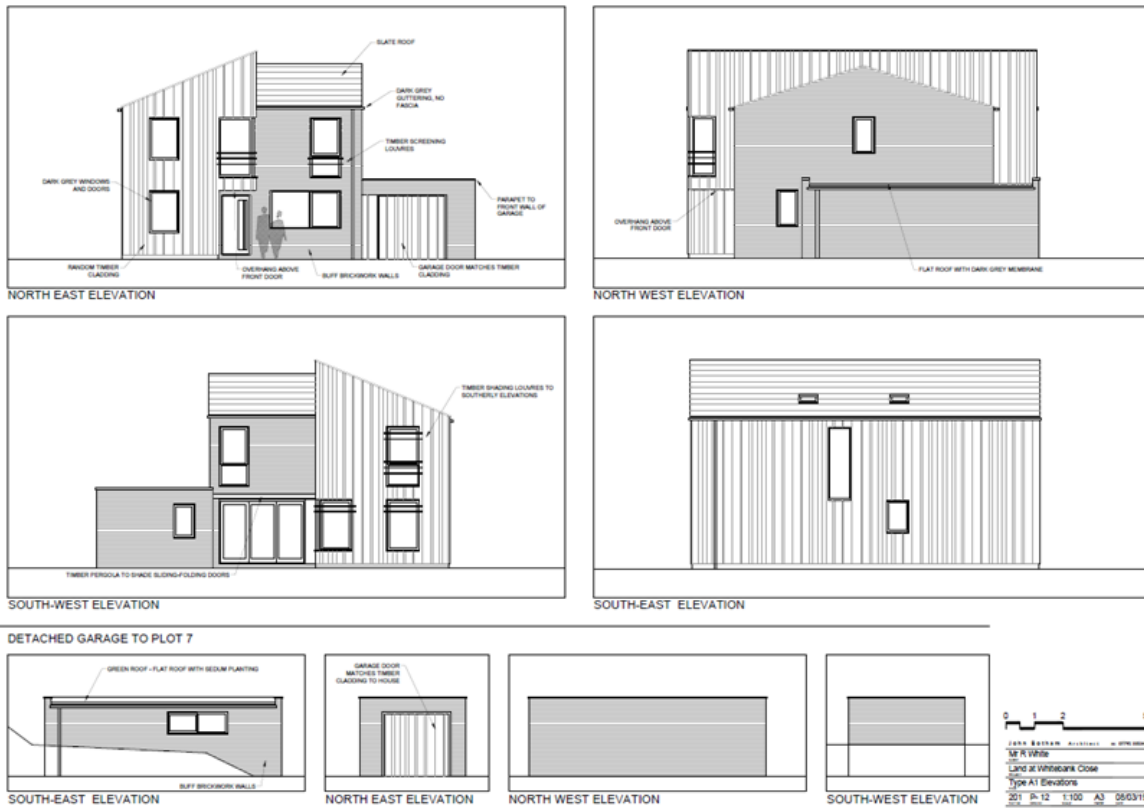
### 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the erection of 9 dwellings served from a private drive (which is to be upgraded with an enlarged turning head) which runs north from Whitebank Close. The turning head is suitable for a refuse vehicle, and the access drive also gives, access to a proposed new car-park for the bowling club and the football field.
- 4.2 The development will be served by a new drive from the turning head at the southern end of the site, and comprises 4 bungalows between the drive and Hasland Road, and 5 houses, between the access drive and the bowling club and Bank Close House and its extensive grounds.
- 4.3 The bungalows are 3 bedroomed units with integral garages and modest rear gardens, and the houses are of 4/5 bedrooms, with either an attached garage or detached garage. They have larger gardens, particularly plot 5, the unit closest to the Listed Building.
- 4.4 The dwellings are of a very modern contemporary design with mono-pitched slate roof/ timber cladding and unusual window fenestration.



The Proposed Site Layout is shown below





#### 4.5

The application submission is supported by a Design and Access Statement which concludes that:-

- The development is in a sustainable location close to services
- The site has considerable tree-cover around the boundaries, but open areas within the site
- It is separated from surrounding houses by the track to the bowling green which has a new panel-fence
- It is separated from the listed building by a landscaped bank and TPO trees
- The Development brief was for 5 units however a revised access drive is to be created that can support more units
- The development will have a minimal impact on the Listed Building and will retain most of the trees with a protection zone to the TPO trees
- The dwellings will have a simple cul-de-sac with the end left clear to give views of the trees
- The materials and design give a 'woodland' feel to the scheme and the garages have a flat sedum roof and the front gardens will be open with tree planting

- The site is readily suited to both houses and bungalows which continue the character of the Close
- The bungalows are suited for the elderly

4.6 In addition to the Design and Access statement, the application is accompanied by the following technical documents:-

- Coal Mining Report
- Contamination Report
- Noise Report

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated within St Leonards Ward within Hasland and is an area which is unallocated in the Local Plan and is predominantly residential in nature.

5.1.2 Having regard to the nature of the application proposals, the following Core Strategy Policies are applicable:- CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS18 (Design), CS19 Historic Environment, and CS20 (Demand for Travel) 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 **Principle of Development**

#### **Local Plan Spatial Strategy**

5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are considered to be in date and relevant to the proposal and paragraph 11c of the NPPF is engaged.

5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking

distance, the site is around 1000m to the south east of Chesterfield Town Centre and 1000m to the north west of the Hasland District Centre and is in close to a Primary school via a well-used and lit route. Given the distance and route, this is considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There are bus stops in close proximity and good cycle routes to the centres.

- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites. In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **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 site is predominantly a previously developed site due to the hardstanding/surfaced car park, and the Council is currently able to demonstrate a five year supply of deliverable housing sites, policy CS10 would indicate that planning permission should be granted for the development, and the NPPF also favours the development of previously developed sites.
- 5.2.5 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11d of the NPPF.
- 5.2.6 The site is an appropriate and logical one for housing development within Hasland.

### **Loss of Sports Facility**

- 5.2.7 The site is currently used as a car-park for the bowling and football club and their associated pitches/greens, although it was formerly



a series of tennis courts that were on several level terraces with steps between, although the facility has been declared redundant by the Council and has not been in use for many years, and is unsightly.

- 5.2.8 The loss of existing sports facilities to other uses is restricted by Paragraph 97 of the NPPF, and in such instances, Sport England are a statutory consultee, and their own playing fields policy states that “Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:
- all or any part of a playing field, or
  - land which has been used as a playing field and remains undeveloped, or
  - land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’
- 5.2.8 The current proposal will provide a new hard-surfaced access drive to the playing fields/greens (as the current access track is of poorly surfaced gravel) and an alternative parking facility for the bowling club is indicated on the submitted plans (although does not form part of this application) which is closer to the facility.
- 5.2.9 The Council has also been in discussions with the football club for the provision of additional meeting rooms although an application has yet to be submitted, however the Council are committed to a process of gradual improving of the sports facilities to be funded in-part from the sale of the application site.
- 5.2.10 The proposal involves redevelopment of part of a multi-sport site that currently includes football and bowls uses. The portion of the site identified for disposal and redevelopment predominantly comprises areas of hard standing that were formerly tennis courts but are now used as car parking for the Bowls Club. The Football Club has its own car parking elsewhere within the wider multi-sport site. The application area identified for redevelopment forms part of the overall playing field unit at the multi-sport site and is an ancillary function supporting its use.

5.2.11 The Forward Planning Section has commented as follows:-  
“Under policy CS9 of the Local Plan, development that would lead to the loss of sports facilities (including former sports facilities) will only be granted where:  
i. They are identified as surplus to demand; or  
ii. The development would result in alternative or improved provision;  
iii. And where the site is not needed for other open space, play provision or sports facilities.  
Last Updated June 2013, The Chesterfield Outdoor Sports and Playing Pitch Strategy Sept 2014, p.44 concludes that “Courts on other public sites that have fallen into disrepair should not be reinstated”. The site is not in an area that has been identified as being deficient in other forms of open space provision, including Community Parks and Play Areas. The tests set out in policy CS9 can therefore be met and the site is appropriate for redevelopment for other uses.

5.2.12 Sport England does not object to the proposals and state:-  
“Sport England provided pre-application comments on the principle of redevelopment of the area included within the current application site back in 2015, and advised that the land affected was judged to be surplus to requirements in terms of its former tennis use.  
It was further advised that subject to the implementation of measures to support the sustainability of the retained sports uses on the wider site (including lease arrangements, revised access, parking and other associated infrastructure works), the project overall could be considered to accord with Exception 1 of Sport England’s playing fields policy and Paragraph 74 (now 97) of the National Planning Policy Framework.  
No material changes in circumstances have been identified to justify taking an alternative position on the proposal, and Sport England has received up to date confirmation that within the sales contract for the application site there is to be a specified requirement for the delivery of replacement car parking on the retained Council owned multi-sports site (within 2 years and prior to the redevelopment of the former tennis courts). It has also been confirmed that there be a requirement to improve the access track serving the retained sports ground.  
Subject to the above legal arrangements being finalised and in place, then Sport England would not wish to raise an objection to the application.

5.2.13 The loss of the former tennis courts is acceptable in Policy terms as part of a larger enhancement proposal for the existing sports facilities. As it is not possible to impose restrictions on the sale of the land through the planning process, it would be appropriate in planning terms to require the provision of the re-placement parking facility prior to commencement of the development as a condition, which coincides with the requirements of the sales particulars and the views of Sport England.

### 5.3 **Design and Appearance**

5.3.1 In respect of design and appearance matters the application, the site provides 3, 4 and 5-bedroomed family housing in a modern compact form to reflect the wooded nature of the site.

5.3.2 The dwellings follow the principles of the design-brief for the site, and as the site is well screened from public vantage points, the development is visually acceptable.

5.3.3 The design is considered to be appropriate in the street scene and the scale is appropriate, given the surroundings, the screened nature of the site and the high surrounding banking, which also has a screening effect.

5.3.4 There are no scale, visual or design matters related to the application which would materially affect crime, disorder or policing.

5.3.5 It is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, CS18 and CS19 of the Core Strategy.

### 5.4 **Impact on the Setting of the Listed Building and Mature Trees**

5.4.1 The site is not within a Conservation Area, however the site is closely related to, and has a joint boundary with the grounds of a Listed Building.

5.4.2 The Planning Committee has resolved to grant outline planning permission for 14 dwellings on the land to the front of the listed building next to the 'carriage-drive', whereas the current site is situated obliquely to the side, and is separated from the carriage-

drive by a steep bank, and an avenue of protected trees, and as a result, the development is not considered to impact on the setting of the listed building, although careful attention to boundary treatment and landscaping will be important.

- 5.4.3 Whilst the Conservation Officer had some initial concerns, the scheme has been amended to locate the dwelling unit closest to the boundary with the listed building further from the boundary, and the agent has specified natural materials (timber cladding and slate), screening to the concrete wall surrounding the bowling green (also close to the listed building) and boundary treatment. The Conservation Officer has no comments in relation to the amendments.
- 5.4.4 Following the relocation of dwelling 5 further from the listed building and protected trees and to their being no development within the root protection area, the Tree Officer raises no objection in relation to the impact on the protected trees, and whilst some poor quality trees (including some overly-mature Leylandii) would be felled, there would be no adverse impact on the protected trees.
- 5.4.5 The scheme would not therefore impact on the setting of the listed building or protected trees and therefore complies with Policies CS6, CS8, CS9, CC18 and CS19 of the Core Strategy.

## 5.5 **Highways Issues**

- 5.5.1 The proposed development is served from a new turning head designed to accommodate a refuse lorry turning and situated at the end of Whitebank Close (which will also serve the sports clubs and the proposed new car park) and Whitebank Close is to be widened by a metre in order to provide a new footpath to the eastern side. The applicant has acquired additional land from 1A Whitebank Close for the purpose. The improved access standard has allowed the number of units on the site to be increased from the 5 originally referred to in the Design Brief for the site.
- 5.5.2 The amended plans resolve the previous Local Highways Authority (LHA) concerns and provides improved distance between the garages and the new cul-de-sac. The amended scheme also shows the additional width required by the L.H.A and there would be a condition requiring the new bowling-green car-park be provided before development commences.

5.5.3 Whilst the final Highway Authority comments on the amended plans are awaited, the proposal is a very modest one, some distance from the public highway, and the scheme is considered to be acceptable in highway safety terms.

5.5.4 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.

## 5.6 **Flood Risk & Drainage**

5.6.1 In respect of matters of drainage and potential flood risk, the site does not fall within a flood-risk zone, and the run-off from the site during rainy conditions will be to the public surface water and the proposal will not impact on drainage or off-site flooding.

5.6.2 As the revised plan provides for the required separation distance to the sewer, Yorkshire Water have no objections and drainage can be subject to conditions, and the development complies with the provisions of policies CS2 and CS7 of the Core Strategy.

## 5.7 **Land Condition/Noise(Inc. Neighbouring Impact / Amenity)**

5.7.1 The site the subject of the application comprises the former tennis courts, and not considered to be 'at risk' from contamination, as demonstrated by the submitted report having regard to policy CS8 of the Core Strategy.

5.7.2 In respect of land condition the site lies within the Coal Authority's defined high-risk area and a mining report was requested. As a result of the submitted report and discussions with the Coal Authority, they have withdrawn their objection stating that there would be adequate rock-cover above any shallow workings such that risks to the surface would not arise, and it is considered that the development complies with the provisions of policies CS2 and CS8 of the Core Strategy.

5.7.3 The Council's **Environmental Health Officer** (EHO) raises no objection subject to a working-hours condition for the construction.

5.7.4 The position of the dwellings is such that no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy and no undue noise/disturbance would arise from the use of the access.

5.7.5 The submitted noise report indicates that the occupants of the dwellings would not be subject to excessive road noise.

5.7.6 Subject to the above controls identified above, the proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 of the Core Strategy.

## 5.8 Other Considerations

5.8.1 From an ecology perspective the only issue is the loss of some planting, although Derbyshire Wildlife Trust considers that ecology constraints are unlikely and that with the retention of the boundary trees and provision of bat and bird boxes within the development to improve bio-diversity/compensate for any habitat loss, the development is acceptable subject to conditions.

5.8.2 It is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

## 6.0 Community Infrastructure Levy (C.I.L)

6.1 Having regard to the nature of the application proposals the development comprises the creation of 9 no. new dwellings and the development is therefore CIL Liable.

6.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

|             |  | <b>A</b>                      | <b>B</b>          | <b>C</b>                  | <b>D</b>                         | <b>E</b>          |
|-------------|--|-------------------------------|-------------------|---------------------------|----------------------------------|-------------------|
| <b>Plot</b> | <b>Proposed Floorspace (GIA in Sq.m)</b> | <b>Net Area (GIA in Sq.m)</b> | <b>CIL Rate</b>   | <b>Index (permission)</b> | <b>Index (charging schedule)</b> | <b>CIL Charge</b> |
| 6,7,8,9     | 183 x 4                                  | 732                           | £50 (Medium Zone) | 307                       | 288                              | £39,014.58        |
| 5           | 222 x 1                                  | 222                           | £50               | 307                       | 288                              | £11,832.29        |

|       |         |     |     |     |     |            |
|-------|---------|-----|-----|-----|-----|------------|
| 2,3,4 | 139 x 3 | 417 | £50 | 307 | 288 | £22,225.52 |
| 1     | 134 x 1 | 134 | £50 | 307 | 288 | £7,142.01  |
| Total |         |     |     |     |     | £80,214.40 |

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

## 7.0 **REPRESENTATIONS**

7.1 The application has been publicised by means of a Press advertisement (publicity period expired 09/05); a site notice (publicity period expired 02/05) and neighbour letters (publicity period expired 29 April 2019).

7.2 As a result of the applications publicity, 1 letter of objection has been received from a resident of 50 Hasland Road which makes the following points:-

- Object to the loss of trees which we need more f, for conservation purposes, for pollution and as wildlife habitat (Owls, Woodpecker and other birds)
- Loss of soakaway – Horns Bridge already often floods in heavy rainfall and the sewer in Hasland Road can't cope and floods the houses with sewage
- The extra traffic on an already busy road will cause extra problems – we have trouble crossing the road to the bus-stop
- With climate change, we don't need building on soakaway land or the loss of trees, as this will not help in any way

## 8.0 **HUMAN RIGHTS ACT 1998**

8.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 noted above.

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 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

9.2 Following changes to the site layout as a result of pedestrian visibility concerns, and 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 web-site.

10.0 **CONCLUSION**

10.1 The proposed development is considered to be an appropriate and logical re-use of this site, and the development has been sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

10.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS2,



CS8, CS9, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

### **RECOMMENDATION**

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

#### **Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.

Drawing Number - 201 P01 - Location Plan;

Drawing Number - 201 P02 Rev C (Amended Plan received on 03.07.2019) – Proposed Block Plan;

Drawing Number - 201 P11 - Dwelling Type A1 and Garage - Proposed Plans;

Drawing Number - 201 P12 - Dwelling Type A1 and Garage - Proposed Elevations;

Drawing Number - 201 P13 - Dwelling Type A2 - Proposed Plans;

Drawing Number - 201 P14 - Dwelling Type A2 - Proposed Elevations;

Drawing Number - 201 P15 Rev A (Amended Plan received on 28.03.2019) - Dwelling Type D and Garage - Proposed Plans;

Drawing Number - 201 P16 Rev A - Dwelling Type D and Garage - Proposed Elevations; Drawing Number - 201 P17 - Dwelling Type F - Proposed Plans and Elevations;

Drawing Number - 201 P18 - Dwelling Type G - Proposed Plans and Elevations, and

Drawing Number - 201 P19 - Proposed Street Scene.

03. The development hereby approved shall not be commenced until such time as the replacement car-parking facilities for the Bowling Club have been provided to the satisfaction of the Local Planning Authority.

04. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
05. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 5.00pm on a Saturday and at no time on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
06. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.
- Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
  - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
  - c) Details of construction within the RPA or that may impact on the retained trees.
  - d) a full specification for the installation of boundary treatment works.
  - e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  - f) a specification for scaffolding and ground protection within tree protection zones.
  - g) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - h) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
  - i) Boundary treatments within the RPA
  - j) Methodology and detailed assessment of root pruning
  - k) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

07. 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 trees and plants to be planted:
  - b) proposed hardstanding and boundary treatment:
  - c) a schedule detailing sizes and numbers of all proposed trees/plants
  - d) 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.
08. No development shall occur above floor-slab/D.P.C level until details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved have been submitted to, and approved in writing by the Local Planning Authority. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved.
09. A residential charging point shall be provided for each proposed dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. Each socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
11. 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:
  - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - b) evidence of existing positive drainage to public sewer and the current points of connection;
  - and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change. If an existing connection for surface water drainage to public sewer cannot be evidentially proven, surface water discharge to public sewer shall be restricted to a maximum of 3.5 litres a second.
12. No development above floor-slab/D.P.C level 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. These details shall conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.
13. Prior to building works commencing above foundation level, a Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full prior to occupation of any dwelling, and maintained thereafter for the life of the development.

Measures shall include (but are not limited to):

- three woodcrete (or similar) bird boxes shall be installed within the scheme, with positions/specification/numbers clearly shown on a plan.
- three integrated bat boxes shall be installed within the scheme, with positions/specification/numbers clearly shown on a plan.

- small fencing gaps (130 mm x 130 mm) in boundary treatments will be clearly shown on a plan to maintain hedgehog connectivity.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and/or re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse.
15. No dwelling shall be occupied until such time as the turning head and works to Whitebank Close have been carried out as shown on the submitted plan No 201-P02 Rev C, and the access drive and the areas shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles have be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
16. There shall be no gates or other barriers within 5m of the nearside highway boundary at the vehicular access and all gates shall open inwards only. Prior to their installation, full details of the entrance gate feature shown on Plan No 210-P-02 Rev C shall be submitted to and approved in writing by the Local Planning Authority. The entrance gates shall be constructed in accordance with the approved scheme, and thereafter retained in the agreed form.
17. Notwithstanding the provision of the Town and Country Planning (General Permitted)(England) Development Order 2015 (as amended) there shall be no extensions outbuildings or garages constructed (other than those shown on the submitted plans) to the side or rear of the dwellings on plots 4 or 5, or to the rear of dwellings on plots 1-3, without the prior written agreement of the Local Planning Authority.

#### Reasons for Conditions

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. 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.

03. In order to ensure that adequate facilities remain for the existing sports facility as the loss of the existing parking could jeopardise the public access to, and enjoyment of the sports facility. This condition needs to be a pre-commencement condition as the development is only acceptable when alternative facilities are provided, as required by Policy CS9 of the Adopted Chesterfield Borough Council Local Plan:Core Strategy 2011-2031.
04. 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 in the interest of visual amenity.
05. In the interests of residential amenities.
06. In order to ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and pursuant to section 197 of the Town and Country Planning Act 1990. The submission of the details prior to commencement of development is necessary in order to satisfy the Local Planning Authority that their statutory duty to protect trees is maintained.
07. In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality.
08. In the interests of residential amenities.
09. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.
10. In the interest of satisfactory and sustainable drainage.
11. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
12. To ensure that the development can be properly drained.
13. In the interests of ecology.

14. In order to ensure that the passage of hedgehogs is not restricted and the setting of the nearby listed building is preserved.
15. In the interest of Highway safety
16. In order to ensure adequate parking in the interest of free-flow of traffic and highway safety.
17. In order to protect the setting of the nearby listed building and to allow maintenance of the public surface water sewer.

#### 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.