

Case Officer: EC

File No: CHE/19/00747/FUL

Decision date 20<sup>th</sup> April 2020 (subject to Covid 19 revised procedure)

### **ITEM 3**

## **DEMOLITION OF EXISTING GARAGE AND ERECTION OF ONE DETACHED DWELLING ON LAND TO THE SIDE (REVISED DRAWINGS RECEIVED 31.01.2020, 02.03.2020 AND 30.03.2020) 3 QUARRY BANK ROAD, SPITAL, CHESTERFIELD, S41 0HH**

Local Plan: Unallocated

Ward: St Leonards

Plot No: 2/4769

### **1.0 CONSULTATIONS**

Ward Members	No comments received
Strategy/Forward Planning	Comments received – see report
Environmental Services	Comments received – see report
Design Services Drainage	Comments received – see report
Yorkshire Water Services	No comments received
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Neighbours and Site Notice	One letter of representation received – see report

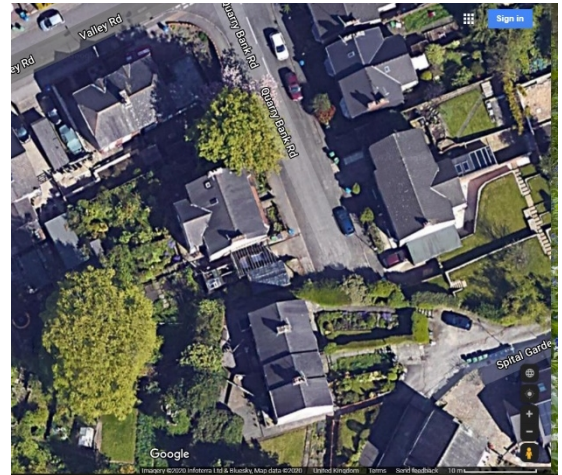
### **2.0 THE SITE**

2.1 The site subject of this application is located on the west side of Quarry Bank Road, a small residential cul-de-sac located within built form of Spital. The plot currently forms part of the curtilage of No 3 Quarry Bank Road and consists of a raised concrete driveway and detached garage to the south of the existing dwelling. The remaining plot to the west of the dwelling comprises of garden amenity space, largely laid to lawn with some soft planting.

2.2 The site measures 12.8m in length along the northern boundary, 4.8m in width on the Quarry Bank Road frontage and 5.6m in width at the western boundary. The site measures approximately 230m<sup>2</sup> in area (0.023 hectares) overall (see photos and location plan below)



Extract of submitted location plan



Aerial photo taken from Google ©



Photo taken from Quarry Bank Road facing south west



Photo taken from applications site facing north east

2.3 The surrounding streetscene is formed of residential dwellings. The architectural character of the immediate streetscene is characterised by two storey, semi-detached dwellings faced in brick which are varied in design.

2.4 Access to the site is gained by an adopted public highway which rises steeply from Valley Road highway to the north. There is no formal turning head at the end of the cul-de-sac. The cul-de-sac currently serves 7 dwellings. Due to the variation in land levels from Valley Road towards Spital Gardens to the south, Nos 11 and

10 Spital Gardens occupy an elevated position with respect to the application site.

- 2.5 The site is located in an area considered to be at low risk of flooding (as defined by the Environment Agency) and is considered to be at high risk of coal mining legacy (as defined by The Coal Authority). The site is approximately 800m/1000m (depending on the route taken) from Chesterfield Sub-Regional Town Centre.

### 3.0 **RELEVANT SITE PLANNING HISTORY**

- 3.1 None relevant

### 4.0 **THE PROPOSAL**

- 4.1 The application seeks consent for the demolition of the existing detached garage and the erection of one detached dwelling. Revised plans indicate a 2 storey, 2 bedroom dwelling measuring 68m<sup>2</sup> in footprint overall. The proposed dwelling is set back from the public highway and incorporates two off-street parking spaces, one serving the existing dwelling (No 3) and one serving the proposed dwelling (see site layout plan below).



Proposed Site Layout (Revision C)

- 4.2 The proposed dwelling is formed of a dual pitched roof measuring 5.7m to the eaves, taken from the principle (east) elevation. Due to the variation in levels across the site the dwelling measures 8.5m to the ridge (taken from south elevation) and 9.5m to the ridge (taken from the north elevation). The revised scheme includes

further details of boundary treatments and a section has been submitted to detail proposed levels across the site.



Proposed Streetscene (Revision B)

- 4.3 The proposal will provide private amenity space which significantly exceeds the minimum recommended requirement of 50sqm for a 2 bedroom property and will retain 70 sqm of amenity space of the existing dwelling (No 3).
- 4.5 Internally the ground floor of the proposed dwelling comprises of a lounge with separate kitchen/dining room with attached utility and downstairs w.c. The first floor of the proposal features two bedrooms and a bathroom. Overall, it is considered that the proposal will provide an acceptable provision of living accommodation.
- 4.6 The application submission is supported by the following plans / documents:
- Application form
  - Supporting planning statement
  - Proposed Dwelling Floor Plans & Elevations, drawing number QBR/PD/01C Revision C (dated 27.03.2020, received 30.03.2020)
  - Site Layout, drawing number JL/QBR/SL/01C Revision C (dated 27.03.2020, received 30.03.2020)
  - Quarry Bank Road Street Scenes, drawing number QBR/SS/01B Revision B (Dated 27.03.2020, received 30.03.2020)
  - Quarry Bank Road Sections, drawing number QBR/PS/01A Revision A (Dated 27.03.2020, received 30.03.2020)
  - Geotechnical, Geo-Environmental & Coal Mining Risk Assessment, produced by groundsmiths, project reference GUK-0519-04 prepared by A Spooner (dated 09.06.2019)

- Appendix A GeoInsight Report
- Appendix B EnvironInsight Report
- Appendix C Historical Ordnance Survey Plans
- Appendix D Coal Authority Consultants Report
- Appendix E Coal Authority 'Guidance for Developers'
- Plates

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy Background**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

### **5.2 Chesterfield Local Plan: Core Strategy 2011 – 2031 ('Core Strategy')**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS4 Infrastructure Delivery
- CS6 Sustainable Design
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity
- CS10 Flexibility in Delivery of Housing
- CS18 Design
- CS20 Influencing the Demand for Travel

### **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (February 2019)
- SPD 'Successful Places: A Guide to Sustainable Housing Layout and Design' (adopted July 2013)

## 5.4 Key Issues

- Principle of development (section 5.5)
- Design and appearance of the proposal (section 5.6)
- Impact on the amenity of adjoining neighbours and future occupants (section 5.7)
- Highways safety, parking provision and air quality (see section 5.8)
- Biodiversity (see section 5.9)
- Flood risk and drainage (see section 5.10)
- Environmental Quality and Land Stability (see section 5.11)
- Community Infrastructure Levy (CIL) (see section 5.12)
- Representations received (see section 6.0)

## 5.5 Principle of Development

### **Relevant Policies**

- 5.5.1 Policy CS1 states that *'The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.'*
- 5.5.2 Policy CS2 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.'*
- 5.5.3 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 if annual monitoring shows that there is less than a 5-year supply of deliverable sites and where:*

- a) they accord with the strategy of 'Concentration and Regeneration' as set out in policy CS1 and the criteria set out in policy CS2; or
- b) a specific housing need can be demonstrated that can only be met within a particular location'

### **Consultee comments**

5.5.4 To assess whether the principle of development accords with planning policy it was necessary to consult the **Strategy/Forward Planning Team**, the following comments were provided:

5.5.5 *'The proposal is for a single residential dwelling on an area of land adjacent to 3 Quarry Bank Road. The site comprises of an off-road car parking area, a garage and part of the garden associated with 3 Quarry Bank.*

*The site is within 800m of Chesterfield Town Centre and therefore is within reasonable walking distance of existing services, facilities, employment, public transport and public open space. Development in this location therefore meets the requirements of the council's Spatial Strategy (CS1) and all of the principles for Location of Development (CS2) with the exception of criterion b which favours proposals on previously developed land.*

*The application site includes part of a residential garden and therefore technically a greenfield site according to the definition of previously developed land in the NPPF. It is therefore contrary to Policy CS10, given the current position in relation to a 5-year supply of deliverable housing sites. However, given the site's location and broad accordance with the Principles for Location of Development, the principle of development is considered to be acceptable.*

### *Other Matters*

*Sustainability: Although the Code for Sustainable Homes is no longer applicable, the proposal should still seek to meet the requirements of Policy CS6 to 'contribute to the reduction of CO2 emissions and generation of renewable energy'.*

*Biodiversity: Policy CS9 seeks to achieve a net gain in biodiversity. To ensure a net gain of biodiversity, provision for bird and/or bat roosting should be installed and secured by condition. Vegetation should be retained and enhanced where possible.*

*Design: CS18 - The design of the development should be assessed against the criteria set out in the council's design policy, CS18, and the adopted Residential Design SPD 'Designing Great Places'. Policy CS18 states that all development should identify, respond and integrate with the character of the site and its surroundings.*

*The Highways Authority should be consulted to determine the appropriateness of the parking and access (CS18 g).*

*The scheme raises a number of issues relating to design and parking, notably the extent to which the proposal extends into the garden beyond the rear elevation of the adjacent property. If the case officer determines that the proposal does not satisfactorily meet all the criteria of CS18, it should be considered contrary to policy.*

*As the development is expected to provide off street parking for two properties, the provision of suitable infrastructure for electric vehicle charging should be secured by condition in accordance with policy CS20.*

*Community Infrastructure Levy (CIL) - The development would be CIL liable and falls within the 'medium' zone (charged at £50 per m<sup>2</sup>, Index linked) subject to any exemptions sought for affordable housing or custom/self-build.*

*Conclusions: The principle of development is acceptable given that it is in a location that accords with the CS in terms of the overall strategy of concentration and regeneration. Consideration should be given towards the extent to which the proposal meets the requirements of Policy CS18.'*

### **Considerations**

- 5.5.6 The application site is situated within the built settlement of Spital. The immediate streetscene is residential in character and the wider area features mixed use premises and employment sites. Policies CS1, CS2, and CS10 of the Core Strategy and the wider National Planning Policy Framework (NPPF) are therefore considered to apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.5.7 Core Strategy Policy CS1 seeks to concentrate new development within walking and cycling distances of centres. The site is within



approximately 800m/1000m (depending on the route taken) walking distance of the defined Chesterfield Sub-Regional centre and is therefore in proximity to a range of services, employment opportunities, public open space with access to cycling/walking routes and public transport connections. The site is therefore considered to be sustainably located and accords with the principles of CS1 with regards to the location of the development.

- 5.5.8 Core Strategy Policy CS2 sets out the principles for the location of the development. Part b) requires development to utilise previously developed land. The application site is the former garden of an existing dwelling and as such would not be classified as previously developed land. It is therefore acknowledged that the proposal does not fully meet the requirements of Core Strategy Policy CS2.
- 5.5.9 Core Strategy Policy CS10 refers to the development of unallocated 'greenfield land' as being inappropriate whilst the Council is able to demonstrate a deliverable 5 year supply of housing land. Domestic gardens are excluded for the definition of previously developed land and are therefore regarded as greenfield. CS10 indicates that planning permission should not be granted for the development of residential gardens, however it is accepted that infill plots within established residential areas which are sustainably located and meet the objectives of concentration of development should not necessarily resisted provided the development is at a scale and density appropriate to the area.
- 5.5.10 It is necessary to acknowledged that Policy CS10 will be replaced by emerging policy LP4, which will be more flexible in its wording on sites within the urban area, similar to this one. However as that policy is still the subject of outstanding objections that will need to be addressed through consultation on modifications, little weight can be afforded to the new policy at this stage of plan preparation, as per para 48b of the NPPF.
- 5.5.11 Policy CS10 must be read in combination with policy CS1 and CS2 which sets out that the overall approach to growth which is desirable will be to concentrate new development within walking and cycling distance of centres. The weight given to Core Strategy CS10 is therefore finely balanced and must be considered in the context of each individual application.
- 5.5.12 The opportunity to give more weight to Core Strategy policies CS1 and CS2 must therefore be determined on the basis that the

proposal would not adversely impact the amenity of the adjoining neighbours and would not result in any other issues such as highway safety. Indeed Core Strategy CS2 does require all development to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

- 5.5.13 On balance the proposal is considered to be acceptable in principle. Further detailed discussion of material considerations will be covered in the following sections including impact on the amenity of neighbour/future occupiers, highway safety and parking provision, biodiversity, flood risk and drainage, environmental quality and land stability (covering policies CS2, CS7, CS8, CS9, CS18 and CS20 and Council's adopted SPD 'Successful Places').

## **5.6 Design and Appearance of the Proposal**

### **Relevant Policies**

- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 5.6.2 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*
- 5.6.3 The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space and is a material consideration.

### **Officer Assessment and Considerations**

- 5.6.4 The surrounding streetscene shows some variation in architectural style and materials are predominately brick with slate. The proposed dwelling shows consideration to the scale, massing and architectural detailing of the surrounding properties. The application proposes a building faced in brick to match the surrounding dwellings with grey concrete interlocking slates and artstone headers, cills and corbels. The proposed materials are considered to be acceptable, however, it is recommended that formal

clarification of specific roofing and walling materials be controlled by condition requiring the submission of additional details prior to ordering.

- 5.6.5 The 'Successful Places' SPD indicates that a new two-bedroom dwelling would require a minimum of 50 square metres of outdoor amenity space. This level of provision would be comfortably accommodated on the site and is therefore considered to be acceptable and would provide 70sqm of amenity space for the existing dwelling (No 3). Internally the proposal would provide an acceptable standard of accommodation for future occupiers.
- 5.6.6 The scheme has been revised 3 times predominately to address concerns raised regarding overshadowing and overbearing impacts to No 3 including reducing the number of bedrooms in the property for 3 to 2. Further detailed consideration of the impacts on the amenity of the occupiers of No 3 will be covered in the following section.
- 5.6.7 Full details of all hard surfacing and soft landscaping on site have not been provided therefore, it is considered that a condition should be imposed requiring the submission of these details.
- 5.6.8 Having consideration for the observations above the proposal is considered to be acceptable with respect to layout and design and would not result in significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

## **5.7 Impact on the Amenity of Adjoining Neighbours and Future Occupants**

### **Relevant Policies**

- 5.7.1 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*
- 5.7.2 Core Strategy Policy CS18 states that development must *'(k) have an acceptable impact on the amenity of users and neighbours'*

5.7.3 The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space and is a material consideration.

### **Considerations**

5.7.4 The application site is bound by residential dwellings. Due to the siting and orientation of the proposal, potential impacts on the amenity of the immediate neighbours will be discussed below.

### **Impact on No 3 Quarry Bank Road**

5.7.5 Nos 3 Quarry Bank Road is a two storey semi-detached dwelling situated to the north of the proposed dwelling. The property is by habitable room facing east towards the rear garden (see photo below). Due to the variation in land levels across the site the proposed dwelling occupies an elevated position and is situated to the south of No 3 (see photo below).



Photos taken facing north east towards the rear elevation of No 3

5.7.6 To address concerns regarding potential overbearing and overshadowing impacts the rearwards projection of the proposed dwelling has been reduced. To reduce the height of the single storey ground floor structure an internal step has been introduced. To preserve the amenity of the adjoining occupiers solid screen fencing is indicated to provide privacy with a stepped rear terrace/garden to prevent appearing overbearing.

5.7.7 The submitted plans indicate that the first floor bathroom window in the north elevation will be obscurely glazed, it is therefore recommended that a condition be imposed requiring the window be installed with obscure glazing and retained as such.

5.7.8 It is acknowledged that the proposal will result in a degree of overshadowing to the rear windows of No 3, predominately at

ground floor level. The alterations made to the scheme are considered to mitigate potential impacts and on balance the proposal is considered to be acceptable. The existing dwelling will retain sufficient outdoor amenity space and will be served by one designated off-street parking space. On the basis of the revised plans potential adverse impacts on the amenity of the adjoining neighbour are therefore not considered to be sufficient to warrant a refusal.

### **Impact on No 11 Spital Gardens**

- 5.7.9 No 11 Spital Gardens is a two storey, end of terrace situated to the south of the application site. The property occupies an elevated position with respect of the application site (see photos below)



Photos taken from the application site facing east



Photos taken from the application site facing south

- 5.7.10 Due to the orientation of the application site with respect of No 11, potential adverse impacts of overshadowing are considered to be minimal. The proposed dwelling will be visible from the rear windows of No 11, however the property will be set down due to the variation in land levels, reducing potential overbearing impacts.
- 5.7.11 The submitted plans indicate that the landing window in the south elevation will be obscurely glazed, it is therefore recommended that a condition be imposed requiring the window be installed with obscure glazing and retained as such.

### **Impact on Nos 10 and 12 Quarry Bank Road**

- 5.7.12 Nos 10 and 12 Quarry Bank Road are a pair of semi-detached dwellings situated to the east/north east of the application site. The proposed dwelling is set by 6m from the public highway therefore a

separation distance of approximately 21m exists between direct facing windows. The 'Successful Places' SPD details recommended separation distances between dwellings and facing windows based on the angle of vision. Good practice is 21m between direct facing windows and 12m between rear and side walls. These are accepted 'rules of thumb' and may be relaxed depending on site context. The proposal accords with the recommended separation distances therefore it is not considered that the proposal will result in significant adverse impacts of overlooking or overshadowing.

- 5.7.13 The **Environmental Health Officer** reviewed the proposal and requested 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 the operation of plant, machinery and equipment including 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.
- 5.7.14 The **Environmental Health Officer** also requested an additional condition regarding lighting, as no lighting details have been provided it is recommended that an informative note be included to highlight that any lighting should be installed in a manner as to control glare and prevent overspill in nearby residential properties.
- 5.7.15 Further consideration of potential land quality/contamination issues will be covered in section 5.11 Based on the observations listed above and subject to the inclusion of relevant conditions, the proposal is considered to accord with the provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

## **5.8 Highways Safety, Parking Provision and Air Quality**

### **Relevant Policies**

- 5.8.1 Core Strategy Policy CS18 states that development will be expected to part '*g) provide adequate and safe vehicle access and parking*'
- 5.8.2 Core Strategy Policy CS20 states that development proposals should demonstrate the following '*c) ... appropriate parking*

*provision in accordance with the guidance set out in Appendix G' and requires the installation of electric charging facilities (part e).*

- 5.8.3 *Core Strategy Policy CS2 states that 'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*

### **Consultee comments**

- 5.8.4 The **Local Highways Authority** Derbyshire County Council Highways were consulted on the scheme and initially objected to the original submission. A revised scheme was submitted and reviewed by the **Local Highways Authority** and the following revised comments were provided;

- 5.8.5 *'The application site currently provides off-street parking for the existing dwelling and although the application form indicates only one existing space, it is considered that two cars could be accommodated. Quarry Bank Road is steep, rising up from Valley Road and has no formal turning facility.*

*The proposal would provide one off-street parking space each for the existing and proposed dwelling and as you are no doubt aware, for two/three bedroom dwellings the Highway Authority would generally look for the provision of two off-street parking spaces. In addition, spaces should measure a minimum 2.4m x 5.5m and certainly the length would appear to be short of this although perhaps could be increased. Parking should be provided in line with your Authority's standards and no doubt you will consider the implications of a lack of or reduced level of parking especially at the end of the cul-de-sac where no formal turning facility exists.*

*Whilst not an ideal situation, should you be minded to grant planning permission then it is recommended that the following conditions are included in any consent.*

*1. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed*



*designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*

*2. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for the parking of a vehicle for the existing and proposed dwelling. Once provided, the spaces shall be maintained free from any impediment their designated use for the life of the development.*

*3. There shall be no gates or other barriers on the access/driveway.*

*4. The proposed access/driveway to Quarry Bank Road shall be no steeper than 1:12 over its entire length.*

*5. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.*

*In addition, the following notes shall be included for the benefit of the applicant.*

*1. 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.*

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



*3. Pursuant to 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.'*

- 5.8.6 The **Environmental Health Officer** reviewed the proposal and highlighted '*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), I ask that infrastructure for electric charging points be installed as part of the build phase.'*

### **Considerations**

- 5.8.7 The comments from the Local Highways Authority have been noted. The proposal will provide off-street parking for two vehicles, one space designated for the proposed dwelling and one designated space for the existing No 3 Quarry Bank Road to address the shortfall in off-street parking. Appendix G of the Core Strategy states that for a 2/3 bedroom dwelling a recommended maximum of 2 off-street parking spaces should be provided. It is therefore acknowledged that the proposal will provide less off-street parking than the recommended maximum, however, it is worth noting that this is a recommended 'maximum' and Appendix G continues to state that the level of parking provision should be appropriate based on the site context, availability of on-street parking and accessibility of the development.
- 5.8.8 Parking provision for surrounding properties is mixed and the cul-de-sac serves a limited number of properties. The proposal is located in a sustainable location in walking distance of the main regional centre. Quarry Bank highway is steep with no formal turning head. The provision of perpendicular parking to the highway would enable users to drive into the space and reverse outwards, whilst reversing onto the public highway would not usually be ideal the site is located at the end of a cul-de-sac and this parking arrangement would enable vehicles to turn. The street is relatively wide and it is considered that additional vehicles could park on the road if necessary.

- 5.8.9 The Local Highways Authority have not objected to the scheme and recommended that if approved 5 conditions be imposed. It is recommended that conditions 2, 3, 4 and 5 be imposed and the wording of condition 5 be amended as it is not considered that it is essential for this information to be submitted prior to commencement of the development. Condition 1 requires the submission of site compound details including storage of plant/materials and space of parking/manoeuvring of vehicles. Due to the constraints of the site there is limited space to accommodate the requested site compound/storage area it is unlikely that a compound area could be maintained throughout the construction period without fundamentally impacting the development of the site. It is therefore not considered necessary or reasonable to impose this as a condition. The recommended informative notes shall be included on the decision notice.
- 5.8.10. In so far as Air Quality, one electric charging point for the new dwelling should be installed as part of the build phase and controlled by condition.
- 5.8.11 Subject to the imposition of the conditions requested above the proposal is considered to accord with the provisions of CS2, CS18 and CS20 of the adopted Core Strategy.

## **5.9 Biodiversity**

### **Relevant Policies**

- 5.9.1 Core Strategy Policy CS9 Green Infrastructure and Biodiversity states that 'Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance' and the enhancement of the boroughs biodiversity (f).
- 5.9.2 The NPPF also requires net gains in biodiversity (see paragraph 170 d).

### **Considerations**

- 5.9.3 The site subject of the application currently comprises of concrete platform and detached garage and to the rear is existing garden space mainly laid to lawn with some soft landscaping. A large beech tree located in the neighbouring garden is a key and

dominant feature. The proposal is not considered to encroach on the root protection area of the tree.

- 5.9.4 It is considered that there is scope for new planting within the proposed garden area, including potential for wildlife friendly shrubs to create a similar habitat structure including a range of plants such as climbers/hedging to provide enhanced botanical diversity and food sources for wildlife. Additional biodiversity enhancements such as bat bricks/roosts built within the house and swift bricks to encourage nesting birds could be included. It is therefore recommended that a condition be imposed requiring the development to demonstrate a net gain in biodiversity in accordance with the requirements of CS9 and the NPPF.

## **5.10 Flood Risk and Drainage**

### **Relevant Policies**

- 5.10.1 Core Strategy Policy CS7 Managing the Water Cycles states that *'The council will require flood risk to be considered for all development commensurate with the scale and impact of the proposed development'* and *'Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance'*
- 5.10.2 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CS7 and the wider NPPF the application was referred to the Council's **Design Services (Drainage) Team** and **Yorkshire Water** for comments in respect of flood risk and drainage/waste water

### **Consultee Comments**

- 5.10.3 No comments were received from **Yorkshire Water**.
- 5.10.4 **Design Services (Drainage) Team** reviewed the application and provided the following comments; *'The site not shown to be at risk of flooding according to the environment agency flood maps. The site should be developed with separate foul and surface water*

*drainage systems. Any connections to the public sewerage network will require prior consent from Yorkshire Water.'*

## **Considerations**

- 5.10.5 The Planning Agent provided further comments with respect to surface water; *'The applicant has confirmed that his existing property is served by a combined surface water and foul sewer. Whilst it is understood that options for surface water drainage will need to be explored, and that separate systems will be required within the site, it may be necessary for the separate on-site systems to ultimately go to the combined sewer. We would be grateful if you could ensure that any planning conditions allow for all options to be explored and perhaps a note rather than a condition would be the most appropriate way to enable this to be explored and addressed at the Building Regs/construction design stage.'*
- 5.10.6 The above comments have been noted. Policy CS7 requires all development to consider sustainable drainage systems to deal with surface water arising as a result of the development, it is therefore recommended that a condition be imposed requiring the submission of proposed surface water drainage limitation measures be submitted to the LPA for written approval to accord with the provisions of CS7. An informative note should be imposed highlighting that the proposal should be developed with separate foul and surface water drainage were possible, and this would need agreement with Yorkshire Water.

## **5.11 Environmental Quality and Land Condition**

### **Relevant Policies**

- 5.11.1 Core Strategy Policy CS8 states that *'Unstable and Contaminated Land: Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable of remediation and fit for the proposed use and shall include:*
- a) a desk top survey with the planning application*
  - b) a phase II study and strategy for remediation and final validation where the desk top survey (a) indicates remediation may be necessary, on any full or reserved matters planning applications*

*A programme of remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.'*

- 5.11.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*
- 5.11.3 The planning application site lies in an area considered to be at high risk of former coal mining legacy, having regard to the requirements of the NPPF and policy CS8 of the Core Strategy the application was referred to **Environmental Health Team** and **The Coal Authority** for comments.

### **Consultee Comments**

- 5.11.4 The **Environmental Health Officer** reviewed the application and raised no concerns regarding contaminated land. Consideration of air quality and electric charging provision are detailed in section 5.8,
- 5.11.5 **The Coal Authority** reviewed the application and provided the following comments; *'The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth.*
- The application is accompanied by a Geotechnical, Geo-Environmental & Coal Mining Risk Assessment (9 June 2019, prepared by Groundsmiths (UK) Ltd). Based on a review of*

*appropriate sources of coal mining and geological information, the submitted report concludes that possible historic unrecorded coal and/or ironstone mining legacy poses a low to moderate risk to the proposed development.*

*Accordingly, the report makes appropriate recommendations for the carrying out of intrusive ground investigations, in the form of boreholes, in order to further assess the risk posed by shallow mining legacy and to inform any necessary mitigatory measures.*

*The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of their permit application.*

*The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.*

*The submitted report advises that, should mine workings be proven during ground investigations, it would be prudent to adopt gas protection measures in lieu of undertaking ground gas monitoring.*

### **The Coal Authority Recommendation to the LPA**

*The Coal Authority concurs with the recommendations of the Geotechnical, Geo- Environmental & Coal Mining Risk Assessment; 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 and to 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 has **no objection** to the proposed development **subject to the imposition of a condition to secure the above.***

*The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.'*

### **Considerations**

5.11.6 Based on the comments listed above, subject to the imposition of a condition requiring intrusive site investigation and the submission of findings and proposed remedial/mitigation works for formal approval the proposal is considered to accord with the principles of CS8 and paragraph 178 of the NPPF.

### **5.12 Community Infrastructure Levy (CIL)**

5.12.1 The application proposes the creation of new dwellings and the development is therefore CIL Liable.

5.11.2 The site the subject of the application lies within the medium CIL zone (£50/sqm) and therefore the CIL Liability would be based on the calculations of gross internal floor space of the development.

			<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
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Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	68	35.5 (36)	32.5 (33)	£50	334	288	£1971

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

BCIS Tender Price Index (at date of Charging Schedule) (D)

$$\frac{33 \times 50 \times 344}{288} = \text{£1971 (rounded up)}$$

## 6.0 REPRESENTATIONS RECEIVED

6.1 The application has been publicised by neighbour notification letters sent on 06.12.2019 and 12.03.2020. A site notice was also displayed on 30.12.2029. As a result of the neighbour notification process 1 letter of representation has been received.

6.2 Neighbour (16.03.2020) – not specified

- *The proposed dwelling seems unnecessarily high – it doesn't appear to be proportionally stepped down in line with properties to the left and right. This will have a direct impact on the views straight into our property from the upper storey windows.*
- *The roof also seems to be particularly high, and we can't see how there is any benefit to having such a high roof. There are no plans for a loft in the floor plan/elevation, and we understand newly built properties don't often have such high rooves so this also seems unnecessary.*
- *We would ask that every effort is made to make the roof/whole dwelling as low as possible as this has a direct impact on light we get in the evening (which is when we spent the majority of our time in our property).*

6.3 **Officer comments – the above comments have been noted**

- **The proposed dwelling has been designed to respond to the constraints of the site and the surrounding streetscene.**



**The ridge line is stepped above No 3 Quarry Bank Road and is set below No 11 Spital Gardens, this reflects the character of the surrounding properties and is considered to be acceptable**

- **See section 5.7 for further consideration on separation distances and overshadowing impacts on neighbouring properties**

## **7.0 HUMAN RIGHTS ACT 1998**

7.1 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

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

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

7.4 Whilst, in the opinion of the objector, the development has the potential to affect 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

## **8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

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

line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

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

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

## **9.0 CONCLUSION**

9.1 Overall the proposal is considered to be acceptable in design and appearance terms. The proposed dwelling is considered to be in keeping with the character of the surrounding area. The location of the proposed development site is relatively sustainable with access to a range of local services. It is not considered that that the proposal would result in significant impact on the residential amenity of the neighbouring properties subject to the imposition of conditions outlined within the report. The proposal would provide adequate parking arrangements and would not result in highway safety concerns. Therefore, subject to conditions the proposal is considered to accord with policy CS1, CS2, CS4, CS7, CS8, CS9, CS15, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031, adopted 'Successful Places' SPD and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy.

## **10.0 RECOMMENDATION**

10.1 That a CIL Liability Notice be served in line with paragraph 5.12 above.

10.2 That the application be **GRANTED** subject to the following conditions and notes:

### **Conditions**

#### Time scale

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.*

Approved plans

2. 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. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
  - Application form
  - Supporting planning statement
  - Proposed Dwelling Floor Plans & Elevations, drawing number QBR/PD/01C Revision C (dated 27.03.2020, received 30.03.2020)
  - Site Layout, drawing number JL/QBR/SL/01C Revision C (dated 27.03.2020, received 30.03.2020)
  - Quarry Bank Road Street Scenes, drawing number QBR/SS/01B Revision B (Dated 27.03.2020, received 30.03.2020)
  - Quarry Bank Road Sections, drawing number QBR/PS/01A Revision A (Dated 27.03.2020, received 30.03.2020)
  - Geotechnical, Geo-Environmental & Coal Mining Risk Assessment, produced by groundsmiths, project reference GUK-0519-04 prepared by A Spooner (dated 09.06.2019)
    - Appendix A GeoInsight Report
    - Appendix B EnvironInsight Report
    - Appendix C Historical Ordnance Survey Plans
    - Appendix D Coal Authority Consultants Report
    - Appendix E Coal Authority 'Guidance for Developers'
    - Plates

*Reason - 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.*

Hours of operation

3. 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

*Reason - In the interests of residential amenities.*

Land stability/Coal Mining Legacy

4. Development shall not commence until 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 has been submitted to the Local Planning Authority for written approval. The submission shall include a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works/mitigation measures required to ensure the stability of the site. Only those remedial works/mitigation measures which receive the written approval of the Local Planning Authority shall be implemented on site

*Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with the requirements of CS8 and the NPPF.*

Highways

5. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing 'Site Layout, drawing number JL/QBR/SL/01C Revision C (dated 27.03.2020, received 30.03.2020)' for both the parking of a vehicle for the existing and proposed dwelling. Once provided, the spaces shall be maintained free from any impediment their designated use for the life of the development.

*Reason – in the interests of providing sufficient off-street parking and in the interests of highway safety in accordance with policies CS2 and CS20.*

6. There shall be no gates or other barriers on the access/driveway.

*Reason – in the interests of highway safety in accordance with policies CS2 and CS20.*

7. The proposed access/driveway to Quarry Bank Road shall be no steeper than 1:12 over its entire length

*Reason – in the interests of highway safety in accordance with policies CS2 and CS20.*

8. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The 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.

*Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.*

#### Materials

9. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

*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.*

#### No extensions/additional windows

10. 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.

*Reason - In the interests of the amenities of occupants of adjoining dwellings and to prevent additional development which would adversely impact the amenity of the adjoining occupiers.*

#### Drainage/surface water

- 11.** 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.

*Reason - To ensure that no drainage discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.*

- 12.** The site shall be developed with separate systems of drainage for foul and surface water on and off site.

*Reason - In the interest of satisfactory and sustainable drainage.*

- 13.** 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 by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

*Reason - To ensure that no drainage discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.*

Landscaping – hard/soft

- 14.** 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 including measures to prevent surface water discharge to the highway:
- 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.

*Reason - 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.*

Biodiversity/ecology

- 15.** As part of the landscaping condition referred to above, suitable habitat shall be created that enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwellings.

*Reason - In the interests of ecology.*

Windows

- 16.** Notwithstanding the details shown on the approved plan Plans and Elevations, the windows listed below shall be installed as detailed and retained as such in perpetuity;
- The first floor bathroom window within the north elevation shall be installed obscurely glazed with a minimum of level 4 obscurity and shall only be fitted with an opening above 1.7m high (measured internally)
  - The first floor landing window within the south elevation shall be installed obscurely glazed with a minimum of level 4 obscurity and shall only be fitted with an opening above 1.7m high (measured internally)

*Reason – to protect the amenity of the adjoining neighbours*

**Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).



4. 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](http://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](http://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](http://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. The developer should refer to the Council's 'Minimum Standards for Drainage' guidance in preparing any drainage proposals for submission /consideration.
7. 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.
8. 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.
9. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

10. The buildings have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
11. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.