

Case Officer: Chris Wright
Tel. No: (01246) 959700

File No: CHE/19/00459/FUL
Plot No: 2/4744

ITEM 3

Demolition of existing former pharmacy building and erection of two 4 bedroom properties and conversion of former existing doctors surgery to separate dwellings at Avondale Surgery, 3-5 Avondale Road, Chesterfield, Derbyshire

1.0 **CONSULTATIONS**

| | |
|-----------------------------|---|
| DCC Highways | No objection subject to condition. |
| Strategy Planning Team | No objection |
| Urban Design Officer | No formal comments provided. |
| Environmental Services | No objection subject to hours of work and air quality conditions |
| Yorkshire Water Services | No objection subject to conditions. |
| Coal Authority | No objection, subject to pre-commencement conditions. |
| Tree Officer | No objection subject to condition. |
| Chesterfield Cycle Campaign | No comments provided. |
| Derbyshire Wildlife Trust | No objection |
| Design Services | No objection subject to the inclusion of pre-commencement conditions in relation to drainage. |
| Ward Members | No comments. |

Site Notice / Neighbours

7 comments provided, with one in support and 6 objecting although these are from the residents of 4 dwellings.

2.0 **THE SITE**

2.1 The application site is formed by the property and grounds of the former Avondale Surgery and Pharmacy site on Avondale Road which is currently unoccupied following their relocation to Ashgate Road. The buildings are centred on the former Edwardian pair of dwellings which were altered and extended over the years and a new 2 storey building was added to the side which was used as the pharmacy. The land to the north was used as a car park area. The site is accessed off Avondale Road which is a residential street of fine Victorian and Edwardian dwellings.

2.2 It is in a residential area and is surrounded by housing on all sides.

2.3 The predominant method for parking on the street is on-street parking, with the majority of this requiring a resident only parking permit.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/0490/0285 – Change of use of 3/5 Avondale Road to doctors surgery – Conditional Permission - 13/6/90. All works completed

3.2 CHE/0890/0614 – Extension of property – Conditional Permission - 16/10/90. All works completed

3.3 CHE/1093/0619 – Extension of property – Refused – 12/1/94

3.4 CHE/0194/0051 – Extension of property – Conditional Permission - 14/4/94. All works completed

3.5 CHE/0301/0125 – Extension for medical records – Refused 24/5/01

3.6 CHE/1201/0658 – Extension for medical records – Conditional Permission - 5/2/02. All works completed

- 3.7 CHE/15/00600/FUL - Conversion of surgery to 2 dwellings, pharmacy to 2 flats and erection of 2 new dwellings – Conditional Permission – 14/12/15
- 3.8 CHE/16/00714/DOC - Discharge of conditions 3, 4, 7 and 9 of CHE/15/00600/FUL – Partially discharged -12/07/17. Conditions 4 (coal mining) and 7 (highways) are not discharged.

4.0 **THE PROPOSAL**

- 4.1 The application submitted is a full application for the demolition of existing former pharmacy building and erection of two pairs of semi-detached dwellings and conversion of existing retained doctors surgery to become one pair of semi-detached dwellings.
- 4.2 The existing doctors surgery would be divided into 2 four bedroom dwellings (plots 3 and 4). Plots 1, 2, 5 and 6 would also be four bedroom dwellings and these also include some rooms that are defined studies but as some of these could be defined as bedrooms the larger rooms are to be considered as bedrooms for the sake of the application.
- 4.3 The works to the existing site include the demolition of the later additions of the extensions and pharmacy. The pharmacy building is a two storey building to the south of the site, with single storey additions to the rear of this and to the rear and northern side of the surgery.
- 4.4 The proposed dwellings will be of a comparable design to the existing main building, with bay windows and pitched roofed dormer roofs; they will look to copy the original building albeit with lower eaves and ridge height, reduced width and set back from the building line. It is proposed to use matching materials in terms of tiles, bricks, cills, mullions and the bay window facades.
- 4.5 The proposal includes parking for 8 vehicles on site, with 2 spaces per dwelling for plots 1, 2, 5 and 6. There are no spaces proposed for plots 3 and 4.
- 4.6 All six dwellings have patio areas and gardens to the rear. Plot 1 will have approximately 70 sqm of garden space, plot 2 approximately 80 sqm, plot 3 and 4 approximately 100 sqm, plot 5 approximately 88 sqm and plot 6 approximately 75 sqm.







4.7 The scheme has been amended, with the plots 1, 2, 5 and 6 set back from the building line to include more parking on site. The original scheme had no parking spaces included.

4.8 The proposal has also had additional details provided for the landscaping, with the addition of 11 trees (as well as the retention of 1 existing tree), 8 shrubs per dwelling and a bird box per dwelling (sited to the rear of the sites on the fence).

5.0 **CONSIDERATION**

5.1 Having regard to the nature of the application proposal the Core Strategy policies were considered to be relevant/for discussion when the application was submitted however the newly adopted Local Plan is now the only development plan to be considered.

Chesterfield Borough Local Plan 2018 - 2035

- CLP1 (Spatial Strategy)
- CLP2 (Principles for Location of Development)
- CLP3 (Flexibility in Delivery of Housing)
- CPL10 (Social Infrastructure)

- CLP11 (Infrastructure delivery)
- CLP13 (Managing the Water Cycle)
- CLP14 (A Healthy Environment)
- CLP15 (Green Infrastructure)
- CLP16 (Biodiversity, Geodiversity and the Ecological Network)
- CLP20 (Design)
- CLP22 (Influencing the demand for travel)

5.3 The wider National Planning Policy Framework (NPPF 2019) also applies as well as the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' which are both a material consideration.

5.4 **Principle of Development**

5.4.1 *The strategic planning team commented that "The site is not allocated for any specific use on the adopted Local Plan policies map or the emerging policies map. The principle of development must therefore be assessed primarily through application of policies CS1 and CS2 (now CLP1 and CLP2). Primary amongst these considerations is that new development should be directed to locations within walking and cycling distance of centres. The council's Residential Design SPD sets out (on page 41) that a walkable neighbourhood is one with a local centre/shop within 600-800m and a primary school within 800-1000m. The site is 800m of the Newbold Road Local Centre, and a primary school. The site is also well served by public transport."*

5.4.2 In regards policies CLP1 and CLP2 of the Chesterfield Borough Local Plan proposals should be within walking distance of existing centres and this is considered to be the case. Other issues regarding amenity and other impacts of the scheme are considered below. The proposal is within walking distance to Chesterfield Town Centre and other local community uses. It has existing buildings on site which currently are not used. In respect of CLP10 (social infrastructure) the site was previously utilised as a doctors surgery but has been vacant for 6 years since 2014. There are 2 doctors surgeries within an 800m walking distance from the site (Ashgate Medical Practice and Avenue House Surgery), which provide local people with access to an alternative doctors surgery if

required and in this respect the proposal is considered to be compliant with policy CLP10.

5.4.3 The proposal will regenerate the site from a previous community use into dwellings within a residential area that is close to local amenities, Newbold Road Local Centre and the town centre and which is considered to be compliant in strategic policy terms. The site is considered to be a logical infill plot within the existing built up area. The issues such as design, amenity, highways safety and other relevant issues are assessed below.

5.5 **Residential Impact**

5.5.1 Local Plan policies CLP14 and CLP20 comment that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

5.5.2 Overlooking – The site is within a residential area and it looks to copy the general layout in terms of building line and orientation. The original building on site appears to have previously been a dwelling and this is similar in style to surrounding dwellings. In terms of overlooking to surrounding dwellings the proposal is not considered to have a significant negative impact in terms of the local character of the area. An objection has been received in relation to overlooking from the dormer windows, but as the existing main building was previously a dwelling and the new dwellings are set behind the existing building line this is not considered to be out of keeping for the character of the local area for dwellings on Avondale Road. There is also considered to be a reasonable gap between these dwellings facing one another across and on either side of this part of Avondale Road. The dwellings to the rear of the site on Hawksley Avenue and Cromwell Road are situated more than 21m from the rear of the proposed dwellings which ensures that any overlooking issues into primary rooms is not a significant issue. In terms of overlooking between the proposed dwellings the scheme includes 2m plus boundary fences, which will assist in preventing overlooking between ground floor windows and from within the public highway area.

5.5.3 Overshadowing – In relation to overshadowing the proposal is significantly separated from surrounding dwellings and does not

lead to overshadowing. No objections have been received from surrounding dwellings. In relation to the layout of the proposed site the amenity spaces and family rooms will be sited to the north of the dwellings, so the densely built dwellings will mean that there will be limited sunlight into these spaces (especially during the winter months). The scheme will not have a significant adverse impact to existing residents of surrounding dwellings in these terms.

- 5.5.4 Landscaping – The proposal has included an additional drawing to show more details with regards to the landscaping proposed. This includes two small gardens to the front of plots 3 and 4, block paving surrounding all the dwellings, a grassed/soft permeable area to the rear of the dwellings and then trees and shrubs to the rear of the site. This is considered to be an acceptable landscaping scheme for the site.
- 5.5.5 Amenity space – The proposal includes rear gardens that vary in size from 70-100 sqm in size. Within the Council's design guidance SPD the recommended minimum size for private amenity space for 4 bedroom dwellings is 100 sqm. Although the proposal does not fully meet these standards it is considered that the gardens will be of a comparable size to the gardens of dwellings within the local area and they are acceptable in these terms.
- 5.5.6 Overall the proposed development is considered to be appropriately designed to responds to the provisions of policies CLP14 and CLP20 of the Local Plan, NPPF and the wider SPD.

5.6 **Design and Visual Impact**

- 5.6.1 In accordance with Local Plan Policy CLP20 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale, massing, detailing, height and materials.
- 5.6.2 Scale and massing – The dwellings are considered to be designed to be in-keeping with the general scale of the surrounding dwellings, although there are variations in the size of the dwellings as the new buildings would be slimmer and lower than the retained

structure. The predominant character of the street is a mix of terraced dwellings and semi-detached houses, the proposal would be in-keeping with this character in terms of scale and massing.

- 5.6.3 Appearance – The proposal looks to demolish the existing pharmacy and to build four semi-detached dwellings on site that would be of a comparable style to the existing building on site, with the inclusion of bay windows, small dormer windows and several other architectural features. This is also sympathetically designed in relation to the character of the surrounding area.
- 5.6.4 There are several objections to the proposal in terms of the density of the scheme and that it is an overdevelopment of the site. The officers accepts that it will provide six 4 bedroom dwellings that will have an undersupply of parking and garden space. The existing site has the original building and its large two storey side extension and single storey rear extensions on site, with a car park to the side. The main change to the site will be the construction of a building in the car park area. In a densely built street with varying dwelling types and layouts the proposal is considered to be acceptable in terms of its impact on the streetscene. In terms of overdevelopment of the site the scheme is considered to be comparable to the character and density of surrounding dwellings within the vicinity with a similar grain, so even though it may be a dense development for the site, it is in-keeping with the surrounding area.
- 5.6.5 Within this context it is considered that the development will have an acceptable appearance in the local area and is acceptable in relation to policies CLP14 and CLP20.

5.7 **Highways Issues**

- 5.7.1 The **Local Highways Authority (LHA)** has commented that *The principle of residential development is considered to be established in view of a previous application although this was for a different combination of dwellings. The current proposal is for 6 No. four bedroom dwellings with no off-street parking provision which is certainly not regarded as an ideal situation especially considering that the surgery did have some parking provision. There are, however, parking restrictions in the immediate vicinity in terms of a residents parking scheme with a few limited time waiting*

places. On this basis and given the location of the site, it is considered that it would be difficult to sustain an objection based on lack of off-street parking. It is assumed potential residents will be aware of the situation.

- 5.7.2 The proposal now includes 8 spaces on site, with 2 spaces each for 4 dwellings and no spaces for the existing (retained) building on site (which will become 2 dwellings). There is also the availability of parking bays on the street which require parking permits for resident parking. It is accepted that two on-road spaces would be lost to accommodate the off-road parking spaces.
- 5.7.3 The guidance for a four-bedroom dwelling is 3 parking spaces per house, which would mean that 18 spaces would be required for this scheme to be acceptable. It is considered that the number of spaces can be reduced given the context of the local area including the availability for safe on-road parking and the distance/availability to public transport and local centres and amenities.
- 5.7.4 Several local residents have objected to the scheme in relation to its impacts on highway safety. They have stated that the scheme does not have enough parking spaces for the number of dwellings and the existing situation on the street is already busy.
- 5.7.5 It is considered that the scheme does provide less than the guidance level of parking for the site. As referred to above it is also accepted that the scheme is likely to reduce the level of on-street parking by 2. Four dwellings will have 2 spaces each and two dwellings will have no off-street parking whatsoever, as these are the 2 dwellings related to the existing buildings on site.
- 5.7.6 The current scheme is designed around the existing layout of the street, with 6 dwellings lined up parallel to the road. This makes it difficult to achieve additional parking however it is accepted that fewer dwellings with driveways between would increase the parking ratio. The new buildings have already been stepped back in comparison to the original design to fit in 2 spaces to their fronts.
- 5.7.7 The general parking guidance (2 spaces per 3 bedroom dwelling and 3 spaces per 4 bedroom dwelling) is considered in the context of the local area and the potential for on-street parking in the vicinity. It is also considered in the context of the distance of the

site to local centres and public transport. This site is within walking distance of Newbold Local Centre and Chesterfield Town Centre, as well as a regular local bus route on Newbold Road. The character of the local area is predominantly for on-road parking and the options for long-stay parking are limited to parking permit bays, such that residents or visitors can only park in locations assessed to be safe in terms of highways safety.

5.7.8 It is also appropriate to consider the fall back position since the last use of the site was as a fully operational doctors surgery and pharmacy and such a use could be re-established at the site without the need for planning permission. When the site was last occupied for this purpose there were numerous parking issues and local residents often raised issues concerning parking associated with the site and which ultimately led to the relocation of the practice to Ashgate Road.

5.7.8 It is considered that on balance the proposal provides an adequate level of parking for its location in the context of the character of the local area as well as the easy access to local centres.

5.8 **Coal Mining/Land contamination**

5.8.1 A revised Coal Mining Risk Assessment has been provided for the scheme and the Coal Authority has not object to the amended scheme.

5.8.2 The Coal Authority require any works to be pre-commencement (not including demolition works), and they have provided this rationale why this is required:
“The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.”

5.8.3 Due to the location of a mine shaft on site the Coal Authority has also requested that permitted development rights are removed from the site in regards the future building of extensions to ensure that the mine shaft isn't built over in the future.

- 5.8.4 They require detailed further site investigations to discover what the ground conditions are and this can be dealt with via condition to ensure that the proposal is acceptable in relation to policy CLP14.
- 5.8.5 The Council's Environmental Health Team was consulted on the proposal and they confirm no objection to the scheme in relation to land contamination, but requested conditions to be included in relation to hours of work and electric charging points. Such conditions can be included in any permission granted.

5.9 **Drainage and flooding**

- 5.9.1 The Council's Design Services and Yorkshire Water have been requested to comment. Yorkshire Water requested the inclusion of conditions in relation to separate systems of drainage for foul and surface water, as well as a condition for surface water drainage. The Council's drainage team commented that the scheme is not at high risk of flooding and had no objection to the proposal. It is considered that the scheme is acceptable in relation to CLP13.

5.10 **Biodiversity**

- 5.10.1 Local Plan policy CLP16 requires all development to provide a net measurable gain in biodiversity. The agent for the scheme has submitted more information regarding the biodiversity measures which can be included in the scheme. The scheme now includes the addition of 11 trees (as well as the retention of 1 existing large mature tree), 8 shrubs per dwelling and a bird box per dwelling (sited to the rear of the site on the fence).
- 5.10.2 The Council's Biodiversity Officer (the Derbyshire Wildlife Trust) and the Council's tree officer have been asked to comment on the scheme. The Biodiversity Officer has not objected to the proposal, but requested changes to the location of the bird boxes. The Council's Tree Officer has also not objected to the proposal but has requested that the proposed trees are moved away from the rear boundary to avoid future damage and competing with neighbouring plants. Both also considered that there was scope on site for additional planting to the front of the site through the inclusion of yew hedges to divide the properties.

5.10.3 A preliminary bat survey was completed for the site and the biodiversity officer has agreed with its findings that bats are unlikely to be using any of the buildings.

5.10.4 The officer considers that the general concept of the soft landscaping put forward by the agent is acceptable, but minor amendments are requested to ensure they are improved and in this respect it is considered that a condition is required to allow consideration of this issue further. The proposed measures are considered to be acceptable for the new dwellings. Due to the scale and nature of the application the proposals are considered to be acceptable and reasonable to comply with the requirements of Local Plan policy CLP16 and the wider NPPF.

5.11 **Community Infrastructure Levy (CIL)**

5.11.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

5.11.2 The site the subject of the application includes existing buildings on site, with the main section of the building to be utilised as part of this development and the side and rear sections demolished to make way for this scheme. These buildings have not been in use since 2014 such that the existing floorspace is not removed from the calculations. The site lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

| | | A | B | C | D | E |
|------------------|------------------------------------|------------------------|----------|------------------|-------------------------|------------|
| Development Type | Proposed Floor space (GIA in Sq.m) | Net Area (GIA in Sq.m) | CIL Rate | Index permission | Index charging schedule | CIL Charge |
| Residential | 1005 | 1005 | £50 | 334 | 288 | £58,276.04 |

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of

$$\underline{1005 \times 50 \times 334} = \underline{\underline{£58,276.04}}$$

288

6.0 REPRESENTATIONS

- 6.1 The application has been publicised via neighbour letters and a site notice and 7 replies have been received from the residents of 5 dwellings in the surround area and elsewhere in the district. 1 reply supported the scheme whilst the other 6 replies objected to the scheme on the grounds of parking and design, overlooking, scale and dominance, density, residential amenity and overdevelopment. Some comments relate to the initial proposed scheme, whilst others were received after the scheme was amended to include more off-street parking and to move the dwellings back.
- 6.2 The resident of 18a Avondale Road object to the scheme on the grounds of residential amenity and traffic or highways. They object to the dormer windows on plots 5 and 6 and the increase of demand of 12 cars parking in the area.
- 6.3 The resident of 3 Cromwell Road has commented twice. In the original comment they objected to the proposal on the grounds of:
- the impact of being overlooked/loss of privacy from the rear dormer windows, and also the height of the buildings.
 - Scale and dominance – collective size of buildings and encroachment of rear building lines to the west especially in relation to plots 5 and 6.
 - Layout and density – increase on site of number of properties from 2 to 6.
 - Highways – object to more car parking on site.
- The second comment reiterates the original comments.
- 6.4 The resident of 18 Avondale Road objects on the grounds of residential amenity and traffic or highways. They object to the lack of parking on site and consider that the density of the scheme is too great.
- 6.5 The resident of 24 Avondale Road has commented twice. Their objections included these comments:

- parking standards are for 3 spaces per 4 bedroom dwelling and this should be adhered to. Also, there isn't enough on street parking available for the new dwellings.

- an overdevelopment of the plot

They do consider the scheme to be well designed and in-keeping with the architecture of the local area and the amended scheme is much better in relation to parking.

6.6 The resident of an unknown address commented that they liked the traditional design and considered that it was in-keeping with the local area.

6.7 ***comment – The issues related to design, residential impact and highways are considered in the relevant section above.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme.

7.3 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application.

7.4 The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary.

7.5 The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

7.6 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest. The applicant has a right of appeal against any condition imposed.

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

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

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

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 **CONCLUSION**

9.1 The Council has considered the proposals the subject of the application against all up to date development plan policies. The development of the site can be accepted given the sustainable location close to centres and the facilities provided. The development is appropriately designed and with acceptable siting, scale and appearance in so far as the character of the area and the impact on the neighbours' amenities. The main issues concern parking levels, however given the sustainable location and the availability of resident-only parking on the street it is considered on balance that the impacts are unlikely to be sufficient to justify refusal of the proposals.

9.2 On balance of all material planning considerations the development is considered to be acceptable 'sustainable development' and there is a presumption on the LPA to seek to approve the application. Conditions are required to ensure the scheme is acceptable in relation to the materials, ecology, biodiversity, coal mining, hours of work, trees, drainage, soakaways and soft landscaping.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability Notice be issued in line with paragraph 5.11 above.

10.2 That the application be approved subject to the following conditions:

01. 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 Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans; 30 revC; 40 revA; 41; 42 revA; 43; 44; 45 revA; 46; 50; KBH/51 and KBH/52 (dated 26.02.20)

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.

03. There shall be no gates within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason – In the interests of highway safety.

04. 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. The existing mature tree to the south-west of the site shall be protected during demolition and construction phases, this shall include the use of protective fencing to safeguard this tree during land stripping and construction phases. No materials and/or equipment, fuels or waste shall be placed within its root protection area. Once implemented the facilities shall be retained free from any impediment to their designed use throughout the construction period.

Reason – in the interests of highway safety and biodiversity, and policies CLP16 and CLP22. This is required to satisfy the Local Planning Authority that the tree 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.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the properties without the grant of further specific planning permission from the Local Planning Authority.

Reason – in the interests of highway safety

06. The premises, the subject of the application, shall not be occupied until the on-site parking spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

Reason – in the interests of highway safety

07. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason - In the interests of residential amenities and policy CLP14

08. 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, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings (policies CLP14 and CLP20) and in the interests of land stability in relation to coal mining legacy on site (policy CLP14).

09. 1 residential charging point shall be provided for each dwelling which has off-road parking spaces (plots 1,2, 5 and 6) and this shall be completed with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should 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 CLP14 of the Core Strategy.

10. The development shall include a scheme for the provision of surface water run-off on site, either via the use of a SUDs channel or permeable block paving. If this is not possible the applicant is required to contact the Local Planning Authority to discuss alternative options; and then not complete works until an

alternative solution has been agreed in writing by the LPA. The scheme shall incorporate sustainable drainage principles and shall be implemented in full.

Reason – In the interests of preventing surface water entering the highway.

11. Prior to occupation a scheme of separate foul and surface water drainage which demonstrates that sustainable techniques have been used where feasible and viable shall be submitted to and approved in writing to the Local Planning Authority. This shall include precise details of the soakaway infiltration rates if soakaways are intended to be used. The development shall be carried out in accordance with the approved scheme.

Reason - In the interest of satisfactory and sustainable drainage and policy CLP13.

12. No development shall commence (excluding the demolition of existing structures) until a detailed remediation scheme to protect the development from the effects of coal mining legacy related land instability (shallow mine workings and mine shaft) has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

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

13. Before the ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used on the dwelling and garage 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.

Reason - In the interests of visual amenity and policy CLP20.

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

Reason – In the interests of local wildlife and policy CLP16.

15. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the concept of the previously submitted landscaping drawing, but including the moving of the bird boxes and trees to the rear, as well as the inclusion of hedging to the front, if possible. 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) Location and design of bird/bat boxes

e) 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 the interests of biodiversity and ecology and policies CLP16.

16. 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.

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

17. No development shall take place including any works of demolition until a construction management plan or construction method statement including a demolition method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition and construction periods.

The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc.
- Hours of operation
- Method of prevention of debris being carried onto highway

- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles
- Dust suppression to neighbouring residents
- Limiting impact of noise surrounding dwellings
- Any other issue related to the safe demolition of the existing buildings

Reason: In the interests of residential amenity and highway safety and policies CLP14 and CLP22.

18. Details of ecological enhancement measures to be implemented at the site to provide a measurable biodiversity net gain shall be submitted to the Local Planning Authority for consideration. Only the ecological enhancement measures agreed in writing shall be implemented on site prior to the development hereby approved being first occupied and the ecological enhancement measures shall thereafter remain in perpetuity.

Reason - In the interests of ecology and biodiversity in accordance with policy CLP16 of the Chesterfield Local Plan 2013-31 and the NPPF.

Informatives

1. 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.

2. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice

regarding the technical, legal, administrative and financial processes involved in

Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

3. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

4. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

5. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public *surface water* sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation.

On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.