

Item 3**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND AT 140 NEWBRIDGE LANE, OLD WHITTINGTON, CHESTERFIELD, S41 9JA FOR MR ASHLEY HOULTON**

Committee Date: 04.01.21

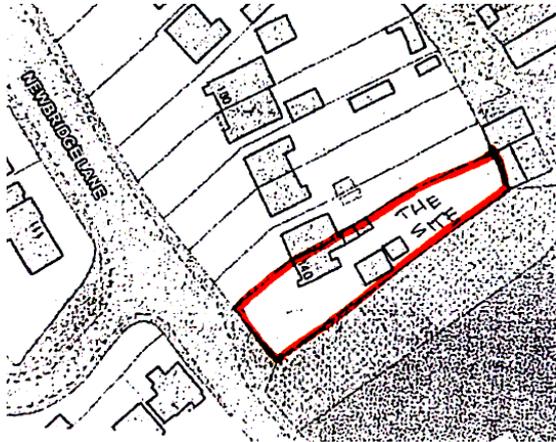
Ward: Old Whittington

1.0 CONSULTATION RESPONSES

Ward Members:	No comments received
Local Highway Authority:	Request for pre-commencement conditions including details of site storage/compound and vehicular access, further conditions requested regarding provision of parking, restrictions on gates, gradient of driveway and storage of bins/waste.
Strategic Planning:	On balance the site is considered to be sustainable location, within walking distance of local centres in the built up area therefore principle of residential development in this location is in accordance with the development plan - accord with CLP1, CLP2 and CLP3
Derbyshire Wildlife Trust:	Due to nature of site a detailed ecological assessment of the site is not required. Recommended conditions requiring details of biodiversity and ecological enhancement measures within 2 months of the commencement of development and recommended informatives
Design Services Drainage:	Site not at high risk of flooding, Submission of drainage details showing separate foul and surface water drainage
The Coal Authority:	The Coal Authority have withdrawn their objection subject to the imposition of a condition requiring intrusive site investigations be undertaken prior to the submission of the reserved matters with additional details required as part of the reserved matters application.
Environmental Health:	Comments received – electric charging provision, requested land contamination, hours of work restriction, lighting
Yorkshire Water	No comments received
CIL Officer	No comments received
<u>Representations:</u> A total of 7 representations have been received from 5 addresses – including 5 letters of objection and 2 letters of support.	

2.0 THE SITE

2.1 The site subject of this application is situated on the eastern side of Newbridge Lane. The application site forms the end of the row of residential properties and is bound by a small woodland and open fields to the south. The surrounding streetscene is predominately characterised by residential dwellings which are mixed in age and design.



2.2 The residential site is largely laid to lawn. The principle elevation of the host dwelling is set approximately 14m back from the pedestrian pavement and the property is elevated above the public highway, as a result the access drive and front garden have a gradual sloping gradient running towards the public highway.

2.3 The host dwelling is formed of a dual pitched slate roof with gable end to the east. The property is largely faced in brick with rendered extension to the rear (see site history section 3.0)

2.4 The dwelling is currently served by off-street driveway parking for four vehicles and a detached garage which has recently been demolished. Access to the site is taken from Newbridge Lane to the south west.



Photograph taken from Newbridge Lane facing north east



Photograph taken from the rear garden of the site facing south west

3.0 **SITE HISTORY**

3.1 CHE/0899/0458 - Weather protection corridor from kitchen door to garden shed –
CONDITIONAL PERMISSION (28.09.1999)

4.0 THE PROPOSAL

4.1 Outline planning permission is sought for residential development with all matters of detail reserved for subsequent consideration. The application seeks outline consent for the erection of one detached dwelling with all matters reserved. The initial application submission included indicative drawings showing two dwellings on the site with a shared access. The Case Officer considered the indicative plans for two dwellings to be unacceptable, resulting in overdevelopment of the plot contrary to the grain of the area with adverse impacts on the amenity of the surrounding neighbours and for future occupiers.

4.2 The scheme was therefore revised with the submission of an indicative layout provided for one detached dwelling to the south of the existing property. The proposal demonstrates development that extends the existing linear building line on the east side of Newbridge Lane and dividing the existing garden with a boundary running from the north east to the south west across the site. The indicative plans show off-street parking for two vehicles to serve the proposed dwelling and replacement off-street parking for two vehicles to serve No.140. The indicative plan includes indicative elevations and floor plans showing two bedrooms with bathroom at first floor level and a living room and kitchen at ground floor level. It is necessary to acknowledge that the drawings are poorly scanned and the elevational drawings are not clear.

4.3 The application submission is supported by the following plans/documents:

- application form
- Site Location plan, drawing number 01A (received 26.11.2020)
- Site location plan, drawing number 02A (received 26.11.2020)
- Coal Mining Report 'Con 29M', reference EVA003/P/ST, dated 04.08.2020 produced by The Coal Authority
- Geo Insight Groundsure Location Intelligence report, reference 140, dated 23.09.2020 produced by Groundsure

5.0 PLANNING POLICY

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

5.4 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP3 Flexibility in Delivery of Housing (Strategic Policy)
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

5.5 National Planning Policy Framework

Part 2. Achieving sustainable development
Part 5. Delivering a sufficient supply of homes
Part 8. Promoting healthy and safe communities
Part 9. Promoting sustainable transport
Part 11. Making effective use of land
Part 12. Achieving well-designed places
Part 15. Conserving and enhancing the natural environment

5.6 Supplementary Planning Documents

Successful Places' Residential Design Guide

6.0 CONSIDERATIONS

6.1 Principle of Development

- 6.1.1 The application site is not allocated for any specific use as defined by the adopted Local Plan policies map and therefore the principle of the development should be assessed against Local Plan policies CLP1, CLP2, CLP3.
- 6.1.2 Policy CLP1 Spatial Strategy states that '*The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2...*' and '*The council will make provision for the delivery of a minimum Objectively Assessed Need (OAN) of 240 new dwellings per year, (4,080 dwellings over the period 2018 to 2035). New housing development will be in line with the strategy of 'Concentration and Regeneration'*'
- 6.1.3 Policy CLP2 Principles for Location of Development states '*Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council's Spatial Strategy (policy CLP1);*
 - b) are on previously developed land that is not of high environmental value;*
 - c) deliver wider regeneration and sustainability benefits to the area;*
 - d) maximise opportunities through their location for walking access to a range of key services⁴ via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
 - g) ensure the long term protection of safeguarded Minerals Related*
 - h) Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*

i) are not on the best and most versatile agricultural land;

- 6.1.4 Policy CLP3 Flexibility in Delivery of Housing identifies clearly defined 'built-up areas' across the borough as set out on the Policies Map.
- 6.1.5 The Strategic Planning team were consulted on the proposal and a summary of the main points raised in respect of planning policy is provided in paragraphs 6.1.6 to 6.1.7 below.
- 6.1.6 The principle for the location of the development should be assessed against policy CLP1 and CLP2 considering walking distance to key services. 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 within walking distance of the Station Lane Local Service Centre and Whittington Medical Centre but approximately 100m beyond the recommended walking distance to Mary Swanwick Community Primary School. The site sits within the built-up area (as defined on the Local Plan Policies Map – CLP3) and is within a short walk of public transport connections and employment opportunities. On balance the application site is considered to be in a sustainable location with access to a range of services.
- 6.1.7 The proposal would not fully meet the criteria set out within CLP2, in particular criterion b), as the site is not on 'previously developed land'. The site is a residential garden and therefore does not fall within the definition of previously developed land (PDL) as set out in Annex 2 of the NPPF. No wider regeneration or sustainability benefit of any significance is likely (criterion c). However, the site does perform relatively well against criterion (e), i.e. within walking distance of the Station Lane centre and other key services. As such the proposal would appear to a greater degree to accord with policy CLP2. The principle of residential development in this location is therefore considered to be in accordance with the principles for the location of development as set out in policy CLP 2 of the adopted Development Plan.
- 6.1.8 Notwithstanding the above comments the development is required to comply with policy CLP20 with regards to design to ensure the development respects the character and form of the site and should provide a high standard of amenity for existing and future occupiers (CLP14 and CLP20). Consideration is also required in respect of external amenity space and the minimum standards recommended in the adopted Successful Places SPD.
- 6.1.9 Other matters for consideration include water efficiency standards (CLP13), measurable net gain in biodiversity (CLP16), electric vehicle charging (CLP22). If approved the development would be liable for the Community Infrastructure Levy (CLP11) with the site being located in the medium charging zone.
- 6.1.10 On balance the principle of development in respect of the location of the site is considered to be acceptable and broadly in accordance with policies CLP1, CLP2 and CLP3 of the adopted Local Plan, however matters of amenity, design and highway safety require further consideration and discussion in the following sections.

6.2 Design of the Proposal and Impact on Residential Amenity

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials. All development should be at a density appropriate to the character of the area and to have an acceptable impact on the amenity of users and neighbours.
- 6.2.2 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 6.2.3 The adopted 'Successful Places' SPD is a material consideration and covers design and amenity considerations. The document also details minimum requirements for private open space (excluding parking areas). Minimum requirements are outlined in table 4 (p78) and states that a 1/2 bedroom dwelling should have a minimum of 50sqm of outdoor amenity space.
- 6.2.4 The application is submitted in outline with all matters reserved and is supported by indicative drawings. The revised indicative plans demonstrate how one dwelling can be accommodated on the site in a way which responds to the existing building line and prevailing character on the east side of Newbridge Lane. The proposal would provide acceptable levels of external private amenity space for the occupants of the proposed dwelling and existing property (No 140). It is considered that the application site could be divided to create space for one dwelling of acceptable size and scale without significant adverse impacts on the surrounding streetscene and the amenity of the residential neighbours.
- 6.2.5 The application is therefore considered to accord with policies of CLP20, CLP14 and the adopted 'Successful Places' SPD. Further detailed consideration of the design/appearance, scale, layout, landscaping and access would be dealt with at reserved matters stage.

6.3 Highway Safety

- 6.3.1 Whilst this is an outline application with all matters reserved it is nevertheless important to consider whether a safe access can be achieved to the site. Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 6.3.2 The Local Highways Authority were consulted on the proposal and a summary of the main points raised is provided in paragraphs 6.3.3 to 6.3.5 below.
- 6.3.3 Newbridge Lane is subject to a 30mph speed limit; therefore, the Highway Authority would suggest emerging visibility splays of 2.4m x 43m to be provided in both directions for any new vehicular accesses which are created from Newbridge Lane, with the appropriate kerbs being dropped. Vegetation located along New Bridge Lane in the South Eastern direction would require removal/clearing to allow emerging visibility from the new vehicular accesses. As the application site slopes

downward toward the public highway each access should also be provided with drainage to prevent the flow of surface water onto the adjacent highway.

- 6.3.4 The site location plan demonstrates sufficient levels of off-street parking to serve the proposed dwellings and replacement parking for the existing dwelling 140 Newbridge Lane. The Local Highways Authority request that each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. It is necessary to note that the adopted SPD requires parking spaces to be a minimum of 2.4m x 4.8m.
- 6.3.5 The Highway Authority has no objections to the proposal, and it is recommended that conditions are included in any permission to secure appropriate site construction storage and parking, visibility splays, parking and turning provision, restriction of gated enclosures and appropriate gradients.
- 6.3.6 The application is therefore considered to accord with the requirements of policies CLP20 and CLP22 in terms of highway safety and parking subject to conditions.

6.4 Biodiversity including trees and landscaping

- 6.4.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.4.2 The application site comprises of a residential garden with areas of hardstanding, and is mainly laid to lawn. The site is located next to an area of woodland, public open space and fields. The Derbyshire Wildlife Trust were therefore consulted on the proposal and raised no objections to the development, highlighting that there are no features of nature conservation value including protected species and habitats recorded directly within this plot of land and that the site is not adjacent to any designated sites or to any notable habitats. The double garage (now demolished) has a flat roof, but it is was considered unlikely to support bats. The Trust did not consider a detailed ecological assessment of the site to be necessary. The Trust recommended an informative be attached to the decision advising the applicant that in the event that any signs of protected species are seen they should cease work and contact a professional ecologist for further advice. The Trust also advised that the applicants keep the lawn closely mown prior to commencement of any development to deter any use by reptiles and other wildlife more generally.
- 6.4.3 To address biodiversity net gain the Derbyshire Wildlife Trust recommended a condition be imposed requiring the application to provide biodiversity enhancement requiring the submission of a scheme for biodiversity and ecological enhancement measures to be installed/integrated into the development and appropriately retained.

Appropriate measures in this case could include the following:-

- Provision of an integrated swift bird box and/or a sparrow terrace
- Planting of native shrubs and trees such as rowan, bird cherry, birch, guelder rose, dogwood, hazel, goat willow, alder buckthorn or fruit trees such as apple and pear (all of these are beneficial for wildlife).

6.4.5 On the basis of the above comments a detailed ecological assessment was not required and it is considered that landscaping could be provided as part of a reserved matter submission to address the loss of biodiversity and additional ecological enhancement measures such as integrated swift bird box and/or a sparrow terrace, bee bricks, bat/bird boxes and biodiverse native plants and enhanced landscaping. It is therefore considered that subject to a condition the proposal would meet the requirements of local plan policy CLP16.

6.5 Ground conditions and contamination including air quality

6.5.1 Local Plan policy CLP14 requires consideration of air quality and unstable and contaminated land.

6.5.2 The application site is located in an area considered to be at high risk of former coal mining legacy and The Coal Authority were consulted. Concerns were raised initially by The Coal Authority and the applicant submitted a CON29M coal mining report and supporting email.

6.5.3 The Coal Authority reviewed the mining report and provided the following comments;

'As you are aware, the Coal Authority objected to this planning application, in our previous letter to you dated 20 October 2020 due to the lack of a Coal Mining Risk Assessment to identify and mitigate the risk to the proposed development from former coal mining activity. We note that the applicant has submitted a CON29M coal mining report, dated 04 August 2020 and an email from Mr Andy Pearson MCAIT, advising to drill the site at the location of any proposed dwelling (30m depth in the centre of the property and 10m drill depth on each corner to determine if the ground is affected by underground workings. However, there is no mention of any investigations to confirm the presence or otherwise of the offsite mine entry – CA ref: 438374-023 or the ground conditions from surface mining operations.

Whilst we consider it is unlikely that former opencast mining has taken place beneath this particular site, due to the source plans used to plot the position of the recorded mine entry, there could be some deviation by several metres from its current plotted position. This could result in the mine entry being present within the site, which would significantly affect the risk to the proposed development.

When one of the mining risks affecting a site is the presence of a recorded mine entry, we would expect where possible that the exact location / condition of the mine entry is confirmed in order to inform the layout of the development. Whilst we acknowledge that this planning application is for outline consent only, from the indicative plan (Drawing 02), Plot 1 is likely to be over, or at least within influencing distance of the mine entry. In the event that the mine entry were to collapse in the future, this would have significant implications for this plot and the Coal Authority would object to the above layout. Any form of development over or

within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. However, as Mr Pearson has informed that site investigations are required and the findings are to be considered by a geotechnical engineer, we would expect the ground investigations to include the investigation of the mine entry. This will enable the applicant's geotechnical engineers to undertake a detailed assessment of all coal mining legacy impacting this site and confirm the extent any remedial and / or mitigation measures required, including the calculated zone of influence of the mine entry (in the event of a collapse). Should this zone of influence extend into the site, (if the mine entry is not found present within the site) the applicant should be required to identify a "no build" zone and/or mitigatory measures to be incorporated into the development to ensure stability of the development as a whole (e.g. foundation solutions for buildings / geogrid for garden areas) to address the risk posed by an off-site mine entry collapse. This information should be used to inform the detailed site layout.

The Coal Authority considers that as the site is affected by both recorded shallow workings and the presence of a recorded mine entry, due consideration should also be afforded to the risk from mine gas.

Whilst The Coal Authority acknowledge the level of site investigations identified by Mr Pearson, we would advise the applicant that intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development. The findings should inform any remedial / mitigation measures that may be necessary.

In light of the above, the Coal Authority considers that in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is safe, stable and suitable for the development proposed (NPPF paras. 178 and 179) The Coal Authority have no objection subject to a condition being imposed to secure further investigations to inform the reserved matters submission and any mitigation measures.

- 6.5.3 The Council's Environmental Health Officer was consulted on the proposal and provided comments on potential land contamination, air quality, noise and lighting. The application was supported by a Groundsure report which estimated potential levels of contaminations in the soil but does not provide a clear conclusion as to whether a site investigation is necessary and therefore requests a pre-commencement condition requiring a desk top study, site investigations, remediation strategy (if necessary) and a validation report to ensure the site is safe and suitable.. The Environmental Health Officer requested a condition restricting hours of work to protect the amenity of the residential neighbours and requested that all lighting be design to control glare and overspill.
- 6.5.4 To meet the air quality the requirements of CLP14 all new residential dwellings are required to provide electric vehicle charging provision as part of the build phase to be retained for the life of the development (see section 6.3)
- 6.5.5 Subject to the imposition of pre-commencement conditions for ground investigations the proposal would meet the requirements of CLP14.

6.6 Flooding and drainage

- 6.6.1 Local Plan Policy CLP13 requires consideration of flood risk for all development and seeks to direct development towards locations with the lowest probability of flooding.
- 6.6.2 The Council's Design Services Drainage team reviewed the application and raised no concerns about the proposal with respect of flood risk and highlighted that any connections to the public sewerage network will require prior approval from Yorkshire Water and amendments to existing drainage may require Building Control consent.
- 6.6.3 The site is located in area considered to be at low risk of flooding based on the Environment Agency Flood Maps. The proposal would therefore meet the requirements of Local Plan Policy CLP13 subject to a condition relating to water efficiency.

6.7 Developer contributions

- 6.7.1 The application proposes the creation of a new residential dwelling and therefore would be liable for the Community Infrastructure Levy (CIL). The application site is situated within the Medium CIL charging zone where residential development would be subject to a charge of £50 per m² (index linked). CIL exemptions can be applied for in relation to self-build (which must be applied for prior to commencement of any development). If approved, the applicant would be required to submit information at the reserved matters stage.

7.0 REPRESENTATIONS

- 7.1 7 letters of representation have been received from neighbours. 5 letters of objection (136 and 138 Newbridge Lane (2 each) and 27 Bowness Road) raise the following concerns:

- Noise, light and air pollution
- Visual impact
- Loss of privacy
- Adverse impact on building line
- Concerns about height of bungalow
- Loss of privacy
- Scale of proposed development
- Fencing will impact view and light
- Impact on road safety
- Access required to shared drains resulting in disruption
- Extension at No 140 is built on neighbouring land and development would need to take into account the legal boundary
- Similar permission has been turned down
- Impact on wildlife including bats and hedgehogs

The 2 letters of support (108 Brearley Avenue and 95 Newbridge Lane) raise the following:

- Great project which would benefit and regenerate the area
- Proposal will transform a run-down house and garden

7.2 The concerns raised regarding the legal boundaries and encroachment of existing structures are non-material planning considerations and cannot be given weight in the determination of the planning application. Comments regarding the design/height of the proposed dwelling cannot also be addressed at this stage as the application is in outline with all matters reserved, further details of the proposed dwelling would therefore be dealt with at reserved matters stage.

8.0 HUMAN RIGHTS ACT 1998

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

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

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.2 The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

10.0 CONCLUSION

10.1 The proposal is in outline form only with all matters reserved. The proposed development is considered to be acceptable in principle and the site is of an appropriate size and shape to accommodate one new dwelling without detriment to the street scene or the amenity of nearby properties. As such, the proposal accords with the requirements of Policies CLP1, CLP2, CLP3, CLP13, CLP14, CLP16, CLP20 and CLP22 of the adopted Local Plan and the National Planning Policy Framework subject to the imposition of relevant conditions.

11.0 RECOMMENDATION

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

Conditions

Reserved matters submission

1. Approval of the details of the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).

Time frame for reserved matters submission

2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

Time frame for commencement

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

Land Stability/Coal Mining Legacy

4. Prior to the submission of the reserved matters intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity (shallow coal workings / mine entry / opencast workings);

Reason - To protect the environment and ensure the stability of the site in accordance with CLP14.

5. The reserved matters application shall include:
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a layout plan which identifies the location of the mine entry, if found present within the site, together with the calculated zones of influence of the mine entry to define a suitable 'no-build' exclusion zone;

- The submission of a scheme of remedial works / mitigation measures for the shallow coal workings and mine entry if found present within the site for approval

Reason - To protect the environment and ensure the stability of the site in accordance with CLP14.

6. Prior to the commencement of development the scheme of remedial works / mitigation measures outlined in condition 5 shall be undertaken in full.

Reason - To protect the environment and ensure the stability of the site in accordance with CLP14.

Land contamination

7. Concurrent with the submission of a reserved matters application, evidence that the site is suitable for use shall be submitted to the Local Planning Authority for consideration and written approval. The evidence shall include the completion of
 - a. *Phase 1/desk study* report documenting the previous land use history of the site.
 - b. *a Phase 2/intrusive site investigation* where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - c. *a Remediation Strategy (if necessary) and*
 - d. *a Validation report*

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

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with CLP14.

8. If any part of the site is to be raised or filled using materials brought from outside the application site, the developer must provide documentary evidence that all such materials are free from levels of contamination that would be in excess of appropriate standards. In the event that no such evidence is available, the materials must be subjected to adequate chemical testing to demonstrate that the materials are suitable for their intended final use. All documentary evidence and/or sampling methodology and testing results shall be submitted to and agreed in writing by the Local Planning Authority prior to any material being brought onto site. No such materials shall be imported without prior approval.

Reason - In the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with the advice contained in the National Planning Policy Framework and in accordance with policy

Hours of construction

9. 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.

Highways – details of site storage/compound

10. Prior to the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason - In the interests of highway safety and CLP22

Highways – submission of visibility splays

11. The reserved matters submission shall include detail showing the new vehicular access to Newbridge Lane provided with 2.4m x 43m visibility splays in either direction, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason - In the interests of highway safety and CLP22

Highways – no gates or barriers

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) there shall be no gates or other barriers on the existing or new access.

Reason - In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

Highways – gradient of access

13. The reserved matters submission shall demonstrate an access driveway to Newbridge Lane that shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.

Reason -

Reason - In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

Highways – parking provision provided prior to occupation

14. The reserved matters submission shall include parking provision for the existing dwelling (2 spaces) and the proposed dwelling (2 spaces).

Reason -

Reason - In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

Electric charging provision

15. 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

Biodiversity enhancement

16. Concurrent with the submission of landscaping details as part of a reserved matters application plans/drawings shall be submitted to the Local Planning Authority for written approval demonstrating the creation of suitable habitat which enhances the ecological interest of the site with a maintenance plan, in line with guidance within Paragraph 175d of the NPPF.
(This shall include the planting of native shrubs and trees such as rowan, bird cherry, birch, guelder rose, dogwood, hazel, goat willow, alder buckthorn or fruit trees such as apple and pear (all of these are beneficial for wildlife).
The incorporation of integrated swift bird box or sparrow terrace into the new dwelling, hedgehog highways linking to wider sites).

Reason - In the interests of ecology and policy CS7.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and

will require the submission of a further application for planning permission in full.

3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.
5. 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.
6. 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.
7. 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.
8. Car parking provision for the existing and proposed dwelling should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each space should have minimum dimensions of 2.4m x 4.8m (See adopted Successful Places SPD for guidance)

9. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
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.
12. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
13. In the event that any signs of protected species are seen they should cease work and contact a professional ecologist for further advice.
14. The lawn should be kept closely mown prior to commencement of any development to deter any use by reptiles and other wildlife more generally.