

**ITEM 5**

**RESIDENTIAL DEVELOPMENT OF 2 THREE BEDROOM DORMER BUNGALOWS. REVISED DRAWINGS RECEIVED 21.09.2020. REVISED DRAWINGS RECEIVED 22.01.2021 AT 62 BELLHOUSE LANE, STAVELEY, S43 3UA FOR M D STAPLETON (DEVELOPMENTS) LTD**

Local Plan: Unallocated, within the built up area of Staveley

Ward: Lowgates And Woodthorpe

**1.0 CONSULTATIONS**

Ward Members	No comments received
Staveley Town Council	No comments received
The Coal Authority	No objection subject to a condition requiring intrusive site investigations, implementation of remediation and mitigation measures (if required) and the submission of signed statement or declaration by a suitably competent person confirming that the site has been made safe and stable for the approved development to be submitted to the Local Planning Authority for written approval.
Strategic Planning	The principle of residential development in this location is in accordance with the adopted Development Plan (Local Plan Policies CLP1 and CLP2 to a greater degree). The proposal is acceptable in principle subject to it meeting the relevant policy criteria including the requirement of an archaeological desk-based assessment of the site. If permission is granted conditions should be imposed covered water efficiency standards, electric charging provision and biodiversity enhancements.
Estates (Chesterfield)	No formal comments received

Borough Council)

Environmental Health No objection subject to conditions covering hours of construction, electric charging provision and requirement for a land contamination assessment with investigation and remediation (if required) and validation report for written agreement.

Design Services  
Drainage Site not at risk of flooding, presence of a public rising main within site which may require easement and consultation with Yorkshire Water. Connections to public sewerage network will also require prior approval from Yorkshire Water.

Yorkshire Water Request for conditions to be attached to the decision to protect local aquatic environment and Yorkshire Water infrastructure including; separate systems of drainage for foul and surface water on and off site and 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 information shall include evidence that other means of surface water drainage have been properly considered and why they have been discounted and the means of discharging to the public sewer network at a rate to be agreed.

Derbyshire Wildlife Trust There are no statutory or non-statutory sites within the boundary of the site. Norbriggs Flash Local Nature Reserve (also a designated Local Wildlife Site) lies around 30 to 40m to the east. We are also not aware of any protected species within the site or within 150m of the site. Overall we consider the likely impact on

biodiversity to be very low, but there could be a loss of trees and possible impacts on boundary features including hedgerows. The site plan has labelled the hedges as comprising laurel and Leylandii, but the eastern hedgerow appears to be more diverse than the northern or western hedgerows and may have other species in it. If the eastern hedgerow is to be affected by the development we would advise requesting a more detailed assessment. Equally if any buildings are to be demolished or renovated a preliminary bat roost assessment could be needed. We would advise that it may be possible to move the existing ornamental trees or if that is not possible that they should be replaced with new planting as a condition for planning consent. We would recommend that the existing boundary hedgerows and trees are retained.

CIL Officer

No comments received – CIL Form 1 provided

Chesterfield Canal Trust

No objections to the proposal and highlight that the site was formerly occupied by a gas works and may be impacted by land contamination. There was a canal basin immediately north of the site, and railway sidings to the east, it is possible that items of archaeological interest are present in the ground.

Local Highways Authority

Highlighted that an area of verge between the site boundary and paved margin does not form part of the existing highway nor is it demonstrated as being within the control of the applicant. On receipt of revised plans the Local Highways Authority confirmed that the dropped vehicular crossing will not need to be reinstated as footway as stated in the

original response. Conditions were requested covering the following; details of proposed access showing maximum achievable visibility splays in either direction, once agreed to be maintained throughout the life of the development free from obstruction, parking to be provided prior to occupation, details of site storage compound and parking during construction and a list of informative notes.

Derbyshire County  
Council Archaeology

Concerns raised initially regarding the lack of an archaeological desk-based assessment of the site. On receipt of the required assessment DCC Archaeology confirmed that there would be no objections subject to a condition requiring a post-consent programme of archaeological recording covering archaeological monitoring of groundworks with some additional research-led work to assess and record the canal remains (initially to assess preservation with subsequent work depending on depth and significance though potentially recording of a profile and a trenched sample). A pre-commencement condition requiring a written scheme of investigation for written approval, development to be undertaken in accordance with the written scheme of investigation and the development shall not be occupied until the programme set out in the archaeological Written Scheme of Investigation approved under condition and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Representations

8 letters of representations received – summarised in report (see section 6.0)

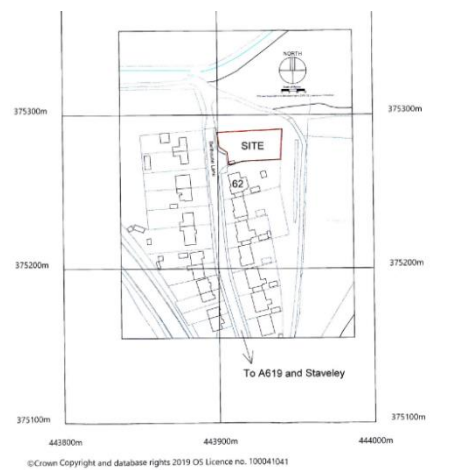
## 2.0

### THE SITE

- 2.1 The site subject is situated on the east side of Bellhouse Lane and comprises of a garden and driveway serving No 62 Bellhouse Lane. No 62 is a detached single storey dwelling, faced in brick with concrete pan roof tiles.
- 2.2 The site is bound by allotment gardens to the west which is adjacent to Norbriggs Flash Local Nature Reserve. A public footpath (Staveley FP71) is present to the north of the site and runs along the former canal which is pending restoration. To the west of the site on the opposite side of the public highway is a temporary works compound for the canal restoration project. The surround streetscene to the south and south west is residential in character formed of single storey and two storey dwellings.
- 2.3 The site is in a sustainable location in walking distance of Lowgates East Local Centre and approximately 900m from Staveley Town Centre. The application site is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Aerial photograph of application site taken from Google © site outlined in red for illustrative purposes only



Extract of submitted location plan ©

- 2.4 The site subject of the application is situated to the north of No 62 Bellhouse Lane. The plot is broadly rectangular in shape with a small step to the western boundary. The site is approximately 0.1544 hectares in area (1544m<sup>2</sup>).
- 2.5 The application site comprises of a landscaped amenity space serving No 62, the site is level and mainly laid to lawn with mature shrubs around the boundaries and small ornamental trees (see

photos below). The boundary treatments comprises of solid timber fencing, concrete panels and a stone wall.



Photograph taken from Bellhouse Lane public highway facing north east



Photograph taken from public footpath facing south east towards the northern boundary of the site

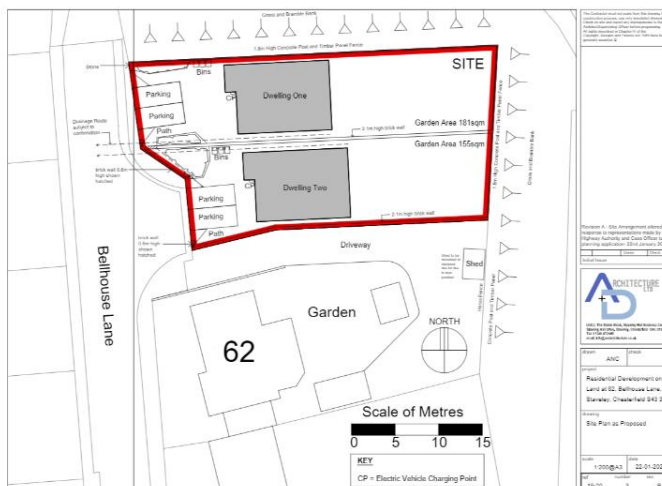
### 3.0 SITE HISTORY

3.1 CHE/1202/0734 - Conservatory to the rear at 62 Bellhouse Lane – **CONDITIONAL PERMISSION (09.01.2003)**

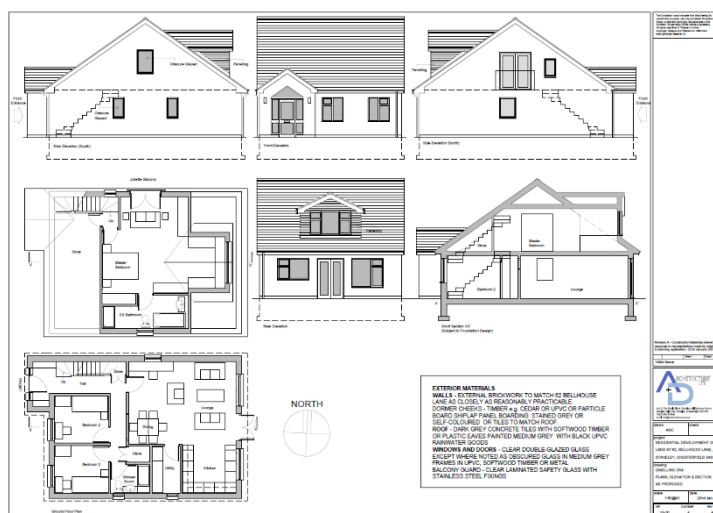
### 4.0 THE PROPOSAL

4.1 The application proposes the erection of two dormer bungalows to the north of No 62 Bellhouse Lane. Access to the site is taken from Bellhouse Lane public highway and the existing driveway serving No 62 will be retained.

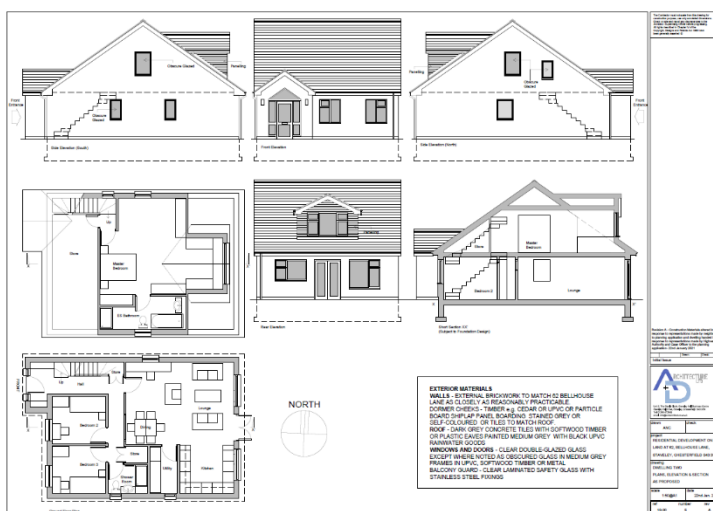
4.2 Revised plans submitted on 22.01.2021 propose an amended layout, moving the principle elevations of the proposed dwellings further west towards the public highway creating a staggered building line.



### Extract of submitted layout plan ©



Proposed 'Dwelling One' Revision A ©



Proposed 'Dwelling Two' Revision A ©

4.3 The proposed dwellings are characterised by dual pitched roof forms with side gables and a single dormer window to the rear (east) elevation. The proposal measures 2.9m to the eaves and 6.7m to the ridge. The principle elevation features an intersecting dual pitched porch with feature glazing and two windows serving the ground floor bedrooms. Windows serving the shower room and ensuite bathroom of 'Dwelling Two' in the side (south) elevation facing towards No 62 Bellhouse Lane will be obscurely glazed. The east elevation features french doors and two windows serving the living space

4.4 The proposed dwellings are broadly rectangular in footprint with the same internal footprint. Each dwelling measures approximately

138sqm overall (including storage space in the eaves), the ground floor comprises of 2 bedrooms, with open plan kitchen/living space with a separate utility and downstairs w.c. The first floor features a main bedroom with en-suite bathroom served by a dormer window facing east towards the rear garden. 'Dwelling One' also benefits from a Juliette balcony within the north elevation facing towards the open space to the north.

- 4.5 The revised plans state that the dwellings will incorporate facing brick to match No 62 Bellhouse Lane with dark grey concrete roof tiles.
- 4.6 The application is supported by the following documents/drawings and is determined on this basis;
- Application form
  - Site Location Plan, drawing number 19-20 1 (dated 01.06.2020)
  - Site Plan as Proposed, drawing number 19-20 3 Revision B (dated 22.01.2021)
  - Dwelling One Plans, Elevation & Section as Proposed, drawing number 19-20 4 Revision A (dated 22.01.2021)
  - Dwelling Two Plans, Elevation & Section as Proposed, drawing number 19-20 5 Revision A (dated 22.01.2021)
  - Design and Access Statement produced by A&D Architecture, dated 02.06.2020, reference 19-20
  - Heritage Statement produced by Simon Johnson, dated March 2021, reference MCA 12-11-01/04
  - Coal Mining Risk Assessment produced by Terry Lee Associates Structure Engineering Consultants, dated 15<sup>th</sup> August 2020, reference TLA/2815
  - Preliminary Ecological Appraisal, produced by JJH Consulting, dated October 2020

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy**

- 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 Chesterfield Borough Local Plan 2018 – 2035.

## **5.2 Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP3 Flexibility in Delivery of Housing
- CLP4 Range of Housing
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

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

- National Planning Policy Framework (NPPF)
- ‘Successful Places’ Supplementary Planning Document

## **5.4 Key Issues**

- Principle of development
- Design and appearance of the proposal
- Impact on neighbouring residential amenity
- Highways safety, parking provision and air quality
- Flood Risk and drainage
- Ground conditions land contamination and stability
- Historic environment and archaeology
- Biodiversity including trees and landscaping
- Developer contributions and Community Infrastructure Levy
- Representations

## **5.5 Principle of Development**

### **Relevant Policies**

- 5.5.1 Policy CLP1 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 to focus on areas that*

*need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'*

- 5.5.2 Policy CLP2 states that when *'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 services 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 Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
  - h) are not on the best and most versatile agricultural land;'*

### **Considerations**

- 5.5.3 The application site is unallocated and is positioned within the built form of Staveley therefore policies CLP1 and CLP2 are of relevance. The Planning Policy/Strategic Planning team reviewed the application and confirmed that the proposal would not be a departure from the Local Plan and would accord with the broad principles of the Local Plan policies and the NPPF. The proposal will not adversely impact the restoration of the Chesterfield Canal and the Chesterfield Canal Trust raised no objections to the scheme
- 5.5.4 The application site is located within walking and cycling distance of key services located in the defined Staveley Town Centre with access to public transport therefore the proposal is considered to accord with the principles of CLP1. The proposal would accord with criteria a, d, e, f and h of CLP2, criteria b is not met as the site is not considered to be previously developed land (the NPPF definition of previously developed land excludes residential gardens within built up areas). The proposal would introduce additional housing within the existing built up area of Staveley and therefore meets the

strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

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

### **Relevant Policies**

- 5.6.1 Local Plan policy CLP20 states *‘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.’*

### **Considerations**

- 5.6.2 The application proposes the erection of two detached bungalows. Revised plans propose an amended layout bringing the principle elevation of the dwellings further west to create a staggered building line on the east side of Bellhouse Lane. The proposed dwellings fit comfortably within the plots at a density appropriate to the site context.
- 5.6.3 The proposed dwellings respond to the character and architectural style of the surrounding residential properties with dual pitched roof forms and a central ridge line. The proposal will introduce 1.5 storey dwellings which would successfully terminate the streetscene at the end of Bellhouse Lane.
- 5.6.4 Revised plans propose facing brick with dark grey concrete roof tiles. It is recommended that a condition be imposed requiring the submission of specific materials (roofing and walling) and windows prior to ordering.
- 5.6.5 The proposal will create a three bedroom dwellings which would each provide acceptable levels of living accommodation for future occupiers with a private amenity space which exceeds the minimum amenity space requirements as stipulated in the adopted Successful Places SPD (minimum requirement 70sqm). Full landscaping details have not been provided and therefore should be controlled by condition.
- 5.6.6 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause

adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21.

## **5.7 Impact on Neighbouring Residential Amenity**

### **Relevant Policies**

- 5.7.1 Local Plan policy CLP14 states that '*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts*'
- 5.7.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*'

### **Considerations**

- 5.7.3 The proposal will retain an acceptable separation distance between the proposed dwelling and surrounding residential dwellings. The proposal would therefore not result in undue loss of light or privacy as a result. Overall, due to the siting and orientation of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the other boundary sharing neighbours.
- 5.7.4 Obscure glazing is indicated for first floor windows in the south (side) elevation of 'Dwelling One' and the north and south (side) elevations of 'Dwelling Two' to reduce potential adverse impacts of overlooking/loss of privacy.
- 5.7.5 The Council's Environmental Health Officer reviewed the scheme and recommended a working hours condition to protect the residential amenity of the surrounding neighbours. It is recommended this be imposed by condition.
- 5.7.6 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

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

## Relevant Policies

- 5.8.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking;*' and Local Plan policy CLP22 details the requirements for vehicle parking and seeks '*e) provision of opportunities for charging electric vehicles where appropriate.*'

## Considerations

- 5.8.2 The Local Highways Authority were consulted on the scheme and initially highlighted that that the area of verge between site boundary fence and paved margin across the frontage of Dwelling 2 does not form a part of the existing highway nor is it demonstrated as being within the control of the applicant. Revised plans were subsequently submitted with amended access points, the Local Highways Authority were re-consulted and raised no objection, however they requested conditions be imposed on the decision as outlined in the original comments, including details of visibility splays, provision and maintained of off-street parking prior to occupation and details of proposed site storage/accommodation during construction.
- 5.8.3 The comments from the Local Highways Authority have been noted and no objections have been raised. It is necessary to note that due to the nature of the western site boundary and turning head within the public highway visibility splays for 'Dwelling Two' would extend across third party land and would not be achievable. The presence of a turning head would allow occupants to egress to the public highway with enhanced visibility due to the width of the turning head. The Local Highways Authority also highlighted that a parcel of land on the site frontage is not within the existing highway or within the control of the applicant (third party land). The submitted plans include pedestrian intervisibility splays and due to the location of the site at the end of Bellhouse Lane. It is recommended that a condition be imposed requiring boundary treatments on the site frontage being retained less than 0.6m in height (including vegetation). It is also recommended that conditions covering site storage/compound during construction and parking provision be imposed on the decision to ensure the development complies with the requirements of CLP20 and CLP22.
- 5.8.4 The Council's Environmental Health Officer requested electric vehicle charging point be installed as part of the building phase in

accordance with policy. 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.

## **5.9 Flood risk, Drainage and Water Efficiency**

### **Relevant Policies**

- 5.9.1 Local Plan policy CLP13 states that *‘The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals and site allocations will:*
- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
  - b) be directed to locations with the lowest impact on water resources;*
  - c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- 5.9.2 Local Plan policy CLP13 states that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

### **Considerations**

- 5.9.3 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 CLP13 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
- 5.9.4 The Design Services (Drainage) Team reviewed the application and highlighted that a public rising main may be present or within close proximity to the site which may require easement and consultation with Yorkshire Water.
- 5.9.5 Yorkshire Water reviewed the application and raised no objections subject to a conditions requiring separate systems of drainage for foul and surface water on and off site and preventing 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 a public sewer is proposed the information submitted shall include but not be exclusive to evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning.

- 5.9.6 Yorkshire Water also highlighted that there is there is a 400 mm diameter public rising main to the north of the site, this infrastructure may need to be site surveyed for its exact position prior to works commencing.
- 5.9.7 It is recommended that conditions be imposed on the decision requiring further information on proposed drainage details prior to installation. Subject to the imposition of relevant conditions the proposal will accord with the provisions of CLP13 and the wider NPPF.

## **5.10 Ground Conditions Land contamination and Land Stability**

### **Relevant Policies**

- 5.10.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
  - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
  - c) a strategy for any necessary mitigation and/or remediation and final validation.*
- A programme of mitigation, 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.*
- 5.10.2 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.'*

### **Considerations**

- 5.10.3 The application site is located in an area considered to be at 'high risk' of former Coal Mining Legacy. Having regards to the provisions of CLP14 and the NPPF the application was referred to The Coal Authority and the Council's Environmental Health Officer for comments.
- 5.10.4 The Coal Authority reviewed the submitted Coal Mining Risk Assessment and raised no objections subject to the imposition of conditions requiring intrusive site investigations and appropriate remediation (if required).
- 5.10.5 The Environmental Health Officer highlighted that the site is in an area which could be affected by historical land contamination and recommended that a phase 1 land contamination study and if required a phase 2 intrusive site investigation with a remediation strategy and validation report.
- 5.10.6 Subject to the imposition of relevant conditions the proposal is considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

## **5.11 Historic Environment and Archaeology**

### **Relevant Policies**

- 5.11.1 Chapter 16 of the NPPF paragraph 189 states 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'



Paragraph 199 requires 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

- 5.11.2 Local Plan Policy CLP21 requires '*d) identify and, where appropriate, protect important archaeological sites and historic environment features;*' and '*g) within the Town Centre Core and other areas of archaeological significance, require relevant development proposals to demonstrate appropriate consideration of archaeological impact*'
- 5.11.3 Derbyshire County Council Archaeology team were consulted on the proposal and initially raised concerns due to the lack of an archaeological desk-based assessment of the site, in line with NPPF para 189. The applicant subsequently commissioned an assessment and the County Council were re-consulted on the scheme.
- 5.11.4 The Derbyshire County Council Archaeology team reviewed the submission and confirmed that;
- The principal potential in terms of below-ground remains lies in the potential for remains of a side arm of Chesterfield Canal (Derbyshire HER MDR6152) dating from the late 18th century, and also of a 19th century gas works with parts of a gasholder and probable retort house falling within the site. The ensemble has potential to be regionally important depending on the levels of preservation, although the it is unlikely that housing redevelopment would impact the full depth of the likely canal remains.
  - There is consequently no objection to the proposals under the policies at NPPF chapter 16, but a post-consent programme of archaeological recording is needed to address the provisions of NPPF para 199 in relation to the known potential of the site. This should take the form of archaeological monitoring of groundworks with some additional research-led work to assess and record the canal remains (initially to assess preservation with subsequent work depending on depth and significance though potentially recording of a profile and a trenched sample).
  - The following conditions should therefore be attached to any planning consent:
    - a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted

to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- 1. The programme and methodology of site investigation and recording
- 2. The programme for post investigation assessment
- 3. Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

5.11.5 Subject to the imposition of the relevant condition requested above the proposal is considered to accord with the requirements of Local Plan policy CLP21 and the NPPF.

## **5.12 Biodiversity including Trees and Landscaping**

### **Relevant Policies**

5.12.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*

- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- *provide a net measurable gain in biodiversity'*

5.12.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

## Considerations

- 5.12.3 The site largely consists of soft landscaping with a mix of ornamental trees, shrubs and mature hedging. The Derbyshire Wildlife Trust were consulted on the application and made the following comments
- We have reviewed our records and are not aware of any features of nature conservation / biodiversity significance associated with this site. There are no statutory or non-statutory sites within the boundary of the site. Norbriggs Flash Local Nature Reserve (also a designated Local Wildlife Site) lies around 30 to 40m to the east. We are also not aware of any protected species within the site or within 150m of the site. A veteran black poplar tree is listed as present just north of the site along the lane.
  - Overall we consider the likely impact on biodiversity to be very low, but there could be a loss of trees and possible impacts on boundary features including hedgerows. The site plan has labelled the hedges as comprising laurel and Leylandii, but the eastern hedgerow appears to be more diverse than the northern or western hedgerows and may have other species in it.
  - If the eastern hedgerow is to be affected by the development we would advise requesting a more detailed assessment. Equally if any buildings are to be demolished or renovated a preliminary bat roost assessment could be needed. If buildings are to be demolished we would be happy to look at any photos to provide a view as to their suitability for bats.
  - We would advise that it may be possible to move the existing ornamental trees or if that is not possible that they should be replaced with new planting as a condition for planning consent. We would recommend that the existing boundary hedgerows and trees are retained.
- 5.12.4 A preliminary ecological appraisal was submitted to support the application with an assessment of the site, including assessment for protected species and recommendations for biodiversity enhancements as part of the development.
- 5.12.5 It is recommended that a detailed landscaping plan be submitted and with the retention of ornamental planting /relocation of trees where possible with additional measures to enhance biodiversity as detailed in the submitted appraisal. It is considered that there is scope for new planting within the site 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.

5.12.6 It is therefore recommended that a condition be imposed requiring the development to demonstrate a measurable net gain in biodiversity in accordance with the requirements of CLP16 and the NPPF.

### 5.13 Developer Contributions and Community Infrastructure Levy

5.13.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and is therefore CIL Liable.

5.13.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
Develop ment type	Proposed floor space (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 2020	CIL Charge
Residenti al (C3)	238	0	0	£20.00 (Low Zone)	333	288	£5504

#### Calculation:

CIL Charge (E) is calculated as outlined below:

$$\frac{\text{Net Area (A) x CIL Rate x BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of charging schedule) (D)}}$$

Therefore, the CIL charge liable for this application is as follows:

$$\frac{238 \times £20 \times 333}{288} = £5504$$

## 6.0 REPRESENTATIONS

## 6.1

The application has been publicised by neighbour notification letters site notice. 8 representations have been received and are summarised below:

- Addition of new dwellings would impact the turning head as cars currently use it for parking and would cause problems for road users
- Bungalows (Nos 56, 58, 60 and 62) were built with a linked sewerage system. If the builder seeks to link to the existing sewerage system it may overload the existing system capacity
- Proposed dwellings have a larger roof height which will look odd alongside other properties built with lower roof heights to avoid impeding the view
- 3 bedroom bungalow may have a family of 4 with 4 cars per bungalow
- Concern about impact of 6 additional vehicles using the street and parking on road will exacerbate existing parking issues
- Large farming vehicles use the street and will be impacted by 6 additional cars parked on road
- Use of turning head as driveway will impact turning for dustbin lorries and large delivery vans
- Proposal for two different buildings at the end of the street will look odd and will impact the valuation of my property
- Proposed materials are not like the existing properties on Bellhouse Lane. Residents use reclaimed materials for building work.
- Application site was purchased as farm land and has never been farm land
- Site previously had a gas house located on it in the late 1700s with a wall still existing at the end of road and the rest of the land was a railway shunting yard
- Wall that stands has a preservation order on it but is proposed to be removed to gain access to the end bungalow.
- The builder that built the existing bungalows stopped at number 62 due to the ground being unstable with also a very large high pressure water main running across the land. The water pumps at Hartington for the mine working under this land were turned off not so long ago and water began to rise from the floor in the field below the land. Movement can still be felt from the land settling to this day.
- The end of Bellhouse Lane becomes very narrow, especially opposite 21 Bellhouse Lane, where there is only just enough room for 2 vehicles to pass. The access for one the proposed

bungalows is almost directly opposite the driveway to 21 Bellhouse Lane. We feel that this will cause issues with parking for visitors to our 2 properties, and also as stated by our neighbours will cause issues for the larger vehicles which require access, such as the farmers and the dustbin lorries.

- We currently have a compound on the field adjacent to 21 Bellhouse Lane, which is used by the Canal Trust for storage of equipment needed throughout the reinstatement of the Chesterfield Canal, although this is only a temporary compound it has created a lot of extra traffic on the road and on the days they are working we can have anything from 3 cars to 12 cars parked around the compound area, which causes issues for other residents. If we were to have another building site just yards away from the compound the traffic and parking situation would be dire, and as the site will be quite small we are also worried about where the developers would store, machinery, tools and materials for the site.
- We feel that the whole design of the proposed dwellings are not in keeping with the area, all of the properties on Bellhouse Lane are brick built with red tiled roof tops, we fail to see how light coloured render and cladding with grey concrete roof tiles are in keeping with anything else on the street. We feel that it will be an eye sore on an otherwise beautiful Victorian built street.
- We would also like to bring to your attention a covenant on the land as outlined on the land registry documents DY282645 (documents attached) which states that “The Transferee hereby covenants with the transferor so as to bind that each and every part of the property not at anytime to build on change the use of or develop (here meaning any development as defined in paragraph 55 (1) of the Town and Country Planning Act 1990) the whole or any part of the property shown coloured blue on the plan annex here to.” (The land coloured blue referred to is tinted pink on the filed plan)
- We also have concerns regarding the stone wall, the developer describes the land as being bland and surrounded by Concrete and Heras Fencing panels, which leads you to believe that it is an eyesore, it is in fact mostly hedged and has a beautiful stone wall with ivy growing over it in parts, and the trees are well established blossom and acer trees (we have enclosed pictures of the site as taken from our upstairs windows to show this). There is also a water main which runs through the land. I have a plan from Yorkshire Water Services Ltd (Attached) clearly showing that the pipes do run through the proposed site.

- Overall we feel that this development will be a blight on what is a highly sought after beautiful area, which will only be enhanced further by the regeneration of the canal and all the nature and wildlife which will come with it.
- Photograph provided of site showing the road/hammerhead in place which I am led to believe that the road was not built on the property belonging to No 62. The old boundary is clearly visible on the picture and that doesn't include the road/turning point.
- The photos submitted earlier this week clearly show the hammer head of the road in place before the owner of the referenced property took ownership of the land from 2 different angles.
- Regarding the parking within the hammerhead, this is an issue compounded by the fact that an industrial / plant yard/reclamation yard at the end of the road worked by voluntary staff for the canal trust are constantly parking on the street which will get progressively worse now the weather is changing and their parking area at the end of the road is getting muddy.
- Rendered walls are still not deemed appropriate. The examples the applicant has used as an example of light-coloured render or both sides of the street are minimal and vastly exaggerated, we can only assume so they can build cheap. 2 houses have small areas between the downstairs and upstairs windows have been rendered and one house exemplified has a small rendered chimney stack. Extensions and additions are prolific on the street and in all cases a condition has been enforced that all materials are to be in keeping which has been adhered to at a substantial cost to the home owners. To allow rendered walls to be built on these 2 new properties undermines previous decisions and precedents set and is unfair. The house used as an example on Victoria avenue is approximately 300 meters away from the development site set back 30 meters from Bellhouse lane and should not be included in the application.
- In relation to Biodiversity, the site is currently planted with established plants and trees and is home to a variety of animals. However the site is developed, unless considerately, will have a substantial impact on local wildlife which has also been hit hard by the installation of the canal trust compound at the end of the road. it is home to a variety of birds, newts and other small mammals.
- Archaeology - due to the delicate nature of the items believed to be underneath the proposed development and the work that has gone into finding and recording previous findings, no developer on a project of this size will take the time and care needed to

preserve anything of historical value under the site and we fear this will be lost however we understand this is a matter for the relevant authority.

- Due to the unstable nature of the ground following historic mining activity and the proximity to other houses( that have so far suffered little in the way of ground disturbance), we would ask that should anything occur during any building works, a condition out lining that compensation should be paid by the developer for any damaged caused to nearby properties whilst the new development takes place.
- The development is also raising concerns regarding the hazard caused to residents and visitors to the area once the ground is disturbed that can potentially contain harmful materials, and as the developer has already shown signs of cost cutting (by rendering block work) it is a worry that contaminated ground will not be disposed of correctly and should permission be granted, the disposal techniques including risk assessments, method statements and waste transfer notes should be evidenced and documented.
- Further to the changes made by the applicant, on 22.01.21, we would just like to reiterate the following objections. The end of Bellhouse Lane becomes very narrow, especially opposite 21 Bellhouse Lane, where there is only just enough room for 2 vehicles to pass. The access for one of the proposed bungalows is almost directly opposite the driveway to 21 Bellhouse Lane. We feel that this will cause issues with parking for visitors to our 2 properties, and also as stated by our neighbours will cause issues for the larger vehicles which require access, such as the farmers and the dustbin lorries. - There seems to have been no mention of this in the amendments, can the applicant address this issue.
- How would the site get materials delivered to them without causing the road to be blocked by the large vehicles? earlier in the application process, it was stated that all deliveries and site vehicles must be parked and deliveries made within the boundary of the site, if the current plans are approved there will not be enough room for this to take place
- The road (Bellhouse Lane) underneath the surface dressing is in poor condition, if this is affected by the construction traffic, will the applicant repair the road if required?
- The Junction of Bellhouse lane with the A619 is also very tight and given the nature of construction traffic has the applicant



addressed the need for potential traffic management and road cleaning requirements?

- The disturbance of the land is likely to have a negative impact on the neighbouring properties due to the age of the building and types of footings, if damage occurs, does the applicant have insurance to cover the repair required?
- It also seems that the Covenant which is on the land has been completely overlooked. It clearly states on the title deeds for the land, that the land cannot be used to build on change the use of or develop. I would like this matter to be addressed.
- We would also like to ask what will be done to the lovely stone wall that currently stands opposite the entrance to 21 Bellhouse Lane, as there is no mention of this in the plans.

### 6.3

Officer comments – the above comments have been noted

- Highway safety and impact on parking and use of turning head – the proposed development would provide 2 off-street parking spaces for each dwelling. Access to Dwelling Two would be taken from the turning head which would prevent parking within the turning head and would ensure the area is kept clear of vehicles to turn accordingly.
- Disturbance/impact during construction – Disturbance and disruption caused during the construction process is a consequence of all development in however this is a non-material planning consideration therefore little weight can be given to such concerns in the determination of a planning application. It recommended that a condition be imposed requiring the submission of site compound details within the site to ensure materials are stored appropriately.
- Drainage/sewerage system – Yorkshire Water were consulted on the proposal and raised no objection subject to further details of proposed foul and surface water drainage details for written agreement. Yorkshire Water have highlighted a public rising main and stated that further investigation will be required to ascertain the exact location
- Height/scale/design of development and impact on view and house value – loss of view and house value are non-material planning considerations which cannot be given weight in the determination of this application. The proposal seeks 1.5 storey dwellings which are not out of character for the area which is formed of a mix of 1 and 2 storey properties.

- Proposed materials – the applicant amended the proposed materials to be facing brick to match No 62 in response to concerns raised regarding the use of render.
- Historic use of site and preservation order on wall – the applicant has provided a heritage assessment and Derbyshire County Council Archeology team have requested conditions requiring further assessment of the archaeological potential of the site.
- Land contamination/stability – the applicant has submitted a coal mining risk assessment and The Coal Authority have requested intrusive site investigations with appropriate remediation and mitigation by condition. It is also recommended that a land contamination assessment and associated remediation strategy be imposed by condition.
- Covenant on land – is a private legal matter for the landowner and developer to address and this is separate to the process of applying for and granting planning permission.
- Impact on wildlife/biodiversity – the application is supported by a preliminary ecological appraisal and it is recommended that a condition be imposed requiring details of proposed biodiversity enhancements to demonstrate a net gain in biodiversity including the retention of landscaping where possible.

## **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 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.

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

8.1 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.

- 8.2 The Local Planning Authority have during 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.

## **9.0 CONCLUSION**

- 9.1 The proposal would introduce additional housing within the existing built up area of Staveley and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. Subject to conditions the proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21. Due to the siting and scale of the proposal the proposal is not considered to cause significant adverse impacts on the residential amenity of the adjoining neighbours and therefore accords with the amenity considerations of Local Plan policies CLP14 and CLP20. Subject to conditions no highways safety concerns arise and it is considered the site can accommodate sufficient off-street parking for the proposed dwellings. Subject to conditions the proposal therefore accords with the requirements of CLP20 and CLP22. Subject to the submission of further details controlled by condition covering archaeology, land contamination, drainage, biodiversity and intrusive site investigations (and remediation works if required) the proposal is considered to accord with the principles of CLP13, CLP14, CLP16 and the wider National Planning Policy Framework.

## **10.0 RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

### **Conditions**

#### **Standard time frame**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason** - *This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.*

Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (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).
  - Site Location Plan, drawing number 19-20 1 (dated 01.06.2020)
  - Site Plan as Proposed, drawing number 19-20 3 Revision B (dated 22.01.2021)
  - Dwelling One Plans, Elevation & Section as Proposed, drawing number 19-20 4 Revision A (dated 22.01.2021)
  - Dwelling Two Plans, Elevation & Section as Proposed, drawing number 19-20 5 Revision A (dated 22.01.2021)
  - Design and Access Statement produced by A&D Architecture, dated 02.06.2020, reference 19-20
  - Heritage Statement produced by Simon Johnson, dated March 2021, reference MCA 12-11-01/04
  - Coal Mining Risk Assessment produced by Terry Lee Associates Structure Engineering Consultants, dated 15<sup>th</sup> August 2020, reference TLA/2815
  - Preliminary Ecological Appraisal, produced by JJH Consulting, dated October 2020

**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.*

Pre-commencement – intrusive site investigations

3. 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 CLP14 and the NPPF.

Pre-commencement – remediation

4. Where the findings of the intrusive site investigations (required by condition 3 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability 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 – In accordance with the requirements of CLP14 and the NPPF.***

Pre-commencement – archaeology

5. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
  - The programme and methodology of site investigation and recording
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason** – in accordance with CLP21 and the NPPF.

Pre-commencement – Land contamination

6. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

**Reason** - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with CLP14

### Highways – Site Storage/Compound

7. At 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, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

***Reason*** – *To ensure adequate space is retained for site storage during the construction period in accordance with CLP22.*

### Hours of construction

8. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time 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*** - *To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14*

### Drainage - surface water

9. 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 of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

**Reason** - *To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with CLP13.*

Drainage – separate foul and surface

10. 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 and in accordance with CLP13*

Approval of Materials

11. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

**Reason** - *To ensure a satisfactory external appearance of the development in accordance with CLP20 and CLP22 of the Local Plan*

Biodiversity

12. A scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall include the retention of existing boundary hedgerows and trees to the eastern boundary and for the retention where possible of existing shrubs/plants to the northern boundary and for the re-location of existing ornamental trees where possible.  
The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

**Reason:** *In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.*

Landscaping



13. 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 including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development;
  - b) proposed hardstanding surfacing materials and boundary treatments
  - c) a schedule detailing sizes and numbers of all proposed trees/plants
  - d) Sufficient specification to ensure successful establishment and survival of new planting.

***Reason*** - *In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality.*

Retention of soft landscaping

14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

***Reason-*** *To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16*

#### Water efficiency

15. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

**Reason** - *To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.*

#### Parking provision

16. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

**Reason** - *In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22.*

#### Electric charging

17. A residential charging point shall be provided for each new 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 Policy CLP22 of the Adopted Local Plan 2020.*

#### Pd rights removal for walls, gates and enclosures

18. 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) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

**Reason** - To ensure appropriate visibility is retained with low level boundary treatments across the site frontage in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Obscure glazing

19. a) Prior to the development hereby permitted being occupied/brought into use the windows listed below shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product.
- Dwelling One first floor en-suite bathroom in the south elevation,
  - Dwelling Two first floor en-suite bathroom in the south elevation
  - Dwelling Two first floor bedroom windows and landing window in the north elevation
- b) Once installed the glazing shall be retained as such thereafter.

**Reason** - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP14 and CLP20 of the of the adopted Chesterfield Borough Local Plan

**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. 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. Yorkshire Water highlighted that there is a 400 mm diameter public rising main to the north of the site, this infrastructure may need to be site surveyed for its exact position prior to works commencing
7. 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](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) , e-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190
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. It appears that the site shown on your planning application submission may be close to or affected by the initial preferred route of the Birmingham to Leeds section of HS2. Further

information may be obtained from the Department of Transport's website: <https://www.gov.uk/hs2-phase-two-initial-preferred-route-plan-and-profilemaps>

10. 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.
11. The buildings and landscaping 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.
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. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
13. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.
14. In accordance with **condition 12 above** appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
  - Bird/owl/bat boxes
    - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing

somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

- You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
- The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
- Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
- (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

Species	Potential Enhancement Measure	Notes
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<p><b>Wildflowers</b></p>	<p><b>Native wildflower meadow areas:</b> as an alternative to amenity grassland.</p> <p><b>Wildflower verges.</b></p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes.</p> <p>Advice for creating and maintaining a wild patch is available on the <a href="#">Wildlife Trust website</a> and through <a href="#">Flora Locale</a>.</p>
<p><b>Birds</b></p>	<p><b>Bird Boxes and other nesting features:</b> (such as stone ledges and wooden cladding).</p> <p><b>Native species planting and boundary features:</b> Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: <a href="https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box">https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</a></p> <p>Generally, boxes should be sheltered from prevailing wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.</p>
<p><b>Invertebrates</b></p>	<p><b>Bug hotels and log piles with stones:</b> particularly near ponds.</p> <p><b>South facing banks:</b> with some bare ground.</p> <p><b>Rough or natural stone walls with holes</b> for invertebrates to</p>	<p>Examples of living roof projects are available on the Buglife web page: <a href="https://www.buglife.org.uk/our-work/living-roof-projects/">https://www.buglife.org.uk/our-work/living-roof-projects/</a></p>



	<p>use.</p> <p><b>Brown roofs with a range of substrates</b> these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.</p>	
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