

ITEM 3

TWO STOREY DETACHED DOMESTIC DWELLING (REVISED PLANS RECEIVED 18.05.2021) AT LAND TO THE NORTH OF 8 HIGH STREET, NEW WHITTINGTON, DERBYSHIRE, S43 2DX FOR CATHERFIELD DEVELOPMENTS LTD

Local Plan: Unallocated

Ward: Barrow Hill and New Whittington

1.0 CONSULTATIONS

Ward Members No representations received

Strategic Planning The proposal is acceptable in principle subject to meeting the relevant policy criteria outlined above. Appropriate conditions should be attached to any approval, to cover: the water efficiency standard, the provision of an electric vehicle charging points and the provision of a measurable net gain for biodiversity.

Environmental Health No objection in principle subject to conditions covering hours of construction, lighting, electric charging provision and phase 1/2 land contamination study.

Design Services Drainage Regarding the application above; the site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. The site should be constructed using separate systems of foul and surface water drainage. If soakaways are to be used as a means of surface water disposal; infiltration tests should be carried out and calculations provided in accordance with BRE Digest 365 to ensure no flooding for a 1 in 30 year rainfall event and no flooding of properties for a 1 in 100 year event. Any connections to the public sewerage system must have prior approval from Yorkshire Water. Any amendments to existing drainage

on site may require approval from Building Control.

Yorkshire Water No comments received

The Coal Authority Site not in high risk area, no requirement for a Coal Mining Risk Assessment. If approved The Coal Authority's Standing Advice should be included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Local Highways Authority Raised concerns that the under provision of parking and manoeuvring space would be likely to lead to vehicles parking on a classified road (B road), or part on its footway, and reversing to/from High Street, situations considered against the best interests of the safe and efficient operation of the public highway. It should be noted that 2no. injury accidents have occurred on High Street (B6052) in close proximity to the development site access within the last 5 years recorded period. It's recommended that the applicant is given the opportunity to submit revised details demonstrating adequate parking and manoeuvring to serve proposed development on this site.

On receipt of revised plans and supporting information The Highway Authority expressed concerns that the internal dimensions of the garage are slightly below the measurements of 3m x 6m and that parking and manoeuvring to the front of the garage is tight. It should be ensured that access, parking and manoeuvring is still available for the existing dwelling. If you are minded to determine the application on the latest as submitted basis and subject to the above, it is recommended that the following conditions are included in any consent covering site storage, provision of parking prior to occupation, garage retained for parking, no gates/barriers, gradient of access

CIL officer CIL paperwork provided by applicant

Representations 2 representations received summarised in report
(see section 6.0)

2.0 THE SITE

2.1 The site subject is situated on the south side of High Street. The site is situated to the north of No 8 High Street and to the west of No 10 High Street. To the west of the site is a public footpath (Chesterfield FP 23) linking to Brearley Park recreation ground and providing vehicular access to No's 2, 4 and 8 High Street.

2.2 The site is broadly rectangular in shape with a stepped eastern boundary which tapers towards High Street to the north. The site is approximately 0.0351 hectares in area (351m²).

2.3 The surround streetscene is predominately residential formed of single storey and two storey dwellings which are mixed in age and character.

2.4 The site is in a sustainable location in walking distance (approximately 350m) to New Whittington Local Centre and (approximately 500m) from New Whittington Community Primary school and Whittington Green secondary school. The application site is not allocated for a specific use on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Aerial photograph of site from Google ©
site outlined in red for illustrative
purposes only (see location plan)



Extract of submitted
location and block
plan ©

2.4

The site is broadly rectangular in shape with a stepped eastern boundary which tapers towards High Street to the north. The site is approximately 0.0351 hectares in area (351m²). The site previously formed part of the residential garden of No 8 High Street with mature shrubs and trees. Boundary treatments comprise of hedgerow and stone walls.



Photograph taken from the public highway facing south



Photograph taken from entrance to site facing south



Photograph taken from site facing south east towards No 10 High Street



Photograph taken from site facing north towards No 17 High Street

2.5

A large mature copper beech forms a dominant feature on the site frontage. Previous inspection by the Council's Tree Officer as part of application CHE/18/00758/OUT found a large wound to the south side of the main stem. The tree was not found to be dangerous at time of inspection but due to the large wound was unsuitable for protection (comments received 11.12.2018)

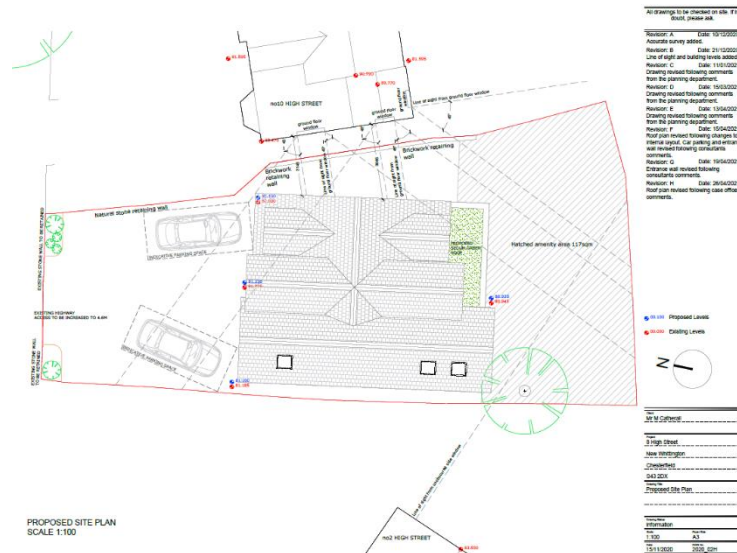
3.0 SITE HISTORY

3.1 CHE/18/00758/OUT - Outline application for one dwelling at 8 High Street – **CONDITIONAL PERMISSION (27.12.2018)**

4.0 THE PROPOSAL

4.1 The application proposes the erection of a detached two storey dwelling to the north of No 8 High Street. Access to the site is taken from High Street public highway and the existing private driveway serving No 8 High Street will be retained.

4.2 Revised plans submitted on 27.04.2021 amended the site layout and design. The revised plans seek to mitigate the potential impact on the neighbours to the east by altering the massing and scale of the proposal.



Proposed layout Revision H ©



Proposed Elevations Revision E ©

- 4.3 The proposed dwelling is characterised by a hierarchy of intersecting gables and central ridge line. Dormer windows are proposed to the east to reduce the overall height and massing of the proposal adjacent to the boundary with No 10 High Street. The principle elevation of the proposal features contemporary glazing. The rear elevation incorporates large bi-fold doors at ground floor level and a large picture window to the main bedroom. A sedum roof is proposed to the rear. A single bathroom window is proposed to the side (west) elevation at first floor level.



Example indicative 3D visualisations ©

- 4.4 The proposed dwelling is broadly rectangular in footprint at ground floor measuring a maximum of 12.5m x 9.5m. The ground floor features a lounge, garage, utility, downstairs w.c and open plan kitchen/dining/living room. The first floor footprint is stepped and comprises of 4 bedrooms and 3 bathrooms.
- 4.5 The applicant confirmed by email the proposed materials see list below;
- Brickwork: Birkdale Blend (<https://traditionalbrickandstone.co.uk/product/birkdale-blend/>)
 - Flat roof copings: Red cast stone, flat profile (<https://www.forticrete.co.uk/media/1028/forticret-cast-stone-brochure.pdf>)

- Roof: Edgemere Anthracite tiles (<https://www.marley.co.uk/roof-tiles/concrete-roof-tiles/edgemere>)
- Windows: Black frame double glazed window units. Composite material
- Garage Door: Black light gauge metal powder coated roller shutter door.
- Dormer cheeks: Black upvc weatherboard.
- Guttering and downpipes: Black upvc half ogee guttering and square downpipes.
- Retaining wall: Birkdale Blend (<https://traditionalbrickandstone.co.uk/product/birkdale-blend/>)

4.6 The application is supported by the following documents/drawings and is determined on this basis;

- Application form
- Proposed Elevations, drawing number 2020_08 B
- Proposed Elevations, drawing number 2020_04 E
- Proposed Site Plan, drawing number 2020_02 H
- Proposed North Highway Elevation, drawing number 2020_05 D
- Proposed Ground and First Floor Plan, drawing number 2020_03 G
- Location Plan and Block Plan, drawing number 2020_01 B (dated 18.03.2021)

Supporting documents

- Coal Mining Risk Assessment, produced by Eastwood & Partners, reference PR/AJK/PR/AJK/45611-001 (dated 11.12.2020)
- Tree Schedule produced by Wharton, reference 201207 1174TS V1 (dated December 2020)
- Tree Constraints plan produced by Wharton, drawing number A001, 201207 1174 TCP V1 (dated December 2020)
- Design and access statement (not updated to reflect amended design)
- Geotechnical and Geo-environmental site investigation, produced by Eastwood & Partners, Job number 45611 (dated 29.04.2021)

Additional information provided 19.05.2021

- Materials by email (19.05.2021)
- Ecological mitigation – May 2021
- Ecological mitigation & outline of garden design, drawing number 9313-GA-01 (dated 19.05.2021)
- 3D visualisations drawing 02A and 04A

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
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- 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 **Principle of Development**

Relevant Policies

5.4.1 The application site is unallocated and is positioned within the built form of New Whittington therefore policies CLP1 and CLP2 are of relevance. Relevant policy extracts are provided below, for full wording of policies see the Chesterfield Borough Local Plan 2018 – 2035.

5.4.2 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.’*

5.4.3 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

- 5.4.4 The Planning Policy/Strategic Planning team reviewed the application and confirmed that the proposal is acceptable in principle subject to appropriate conditions and the development meeting policy criteria covering CLP20, CLP13, CLP16 and CLP22
- 5.4.5 The application site is located within walking and cycling distance of facilities located in the defined New Whittington Local Service Centre with some facilities and is in walking distance to New Whittington Primary School and Whittington Green secondary school.
- 5.4.6 The proposal would broadly accord with the criteria contained in local plan policy CLP2 a, d, e, f and h. It is acknowledged that the site is not within walking distance of a town centre, hospital or employment centre, the site is within the defined built up area (CLP3) with access to public transport connections for day to day needs.
- 5.4.7 Overall the proposal is considered to accord with the strategic requirements of Local Plan policies CLP1 and CLP2.

5.5 Design and Appearance of the Proposal

Relevant Policies

- 5.5.1 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. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

Considerations

- 5.5.2 Revised plans propose an amended layout to create opportunity for turning within the site to enable vehicles to leave in a forward gear and to address concerns raised by the Case Officer regarding amenity implications for the adjoining neighbours. The revised scheme is considered to fit comfortably within the plot at a density appropriate to the site context.
- 5.5.3 The proposed dwellings respond to the character and architectural style of the surrounding residential properties with contemporary feature glazing, intersecting gables with pitched roof forms and a central ridge line.
- 5.5.4 The proposed materials as detailed by email on 19.05.2021 comprising of Birkdale Blend bricks, Edgemere Anthracite tiles and black framed windows are considered to be acceptable.
- 5.5.5 The proposal will create a four bedroom dwelling which would 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 90sqm).
- 5.5.6 Full landscaping and ecological mitigation details were provided late in the application process, in order to ensure the mitigation measures are appropriate it is necessary to impose a condition to secure a mitigation strategy to be agreed with Derbyshire Wildlife Trust.
- 5.5.7 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.

5.6 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.6.1 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*'. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.
- 5.6.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*'. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

Considerations

- 5.6.3 The application has been revised following concerns raised by the Case Officer and the potential impact on the immediate neighbours to the east (No 10 High Street) and west (No 6 High Street)

Impact on No 10 High Street

- 5.6.4 No 10 High Street occupies an elevated position with respect to the application site and benefits from 5 windows in the side (west) elevation facing towards the proposed development.
- 5.6.5 The ground floor kitchen and living room are both dual aspect. The living room has two windows including a main bay window to the principle (north) elevation. It is noted the main living room window faces north therefore benefits from sunlight through the side (west) window. The kitchen also benefits from additional windows to the rear which face south over the rear garden.
- 5.6.6 Two of the first floor windows serve bedrooms which are also dual aspect in a similar arrangement to the ground floor. The bedroom to the front of the property has been extended by way of a side 'dormer' with an additional window in the side (west) elevation facing towards the application and the original window faces north. The bedroom at the rear features two windows including one in the south elevation facing over the rear garden. The third window at first floor level serves a non-habitable landing space.



Photo taken from rear garden of No 10 facing north



Photo taken from No 10 facing showing windows in side elevation



Principle elevation of No 10

- 5.6.7 The proposal has been amended to reduce the potential impact on the residential neighbours at No 10. The footprint of the proposal has been reduced, angled away from the shared boundary and the rearwards projection of the first floor footprint has been reduced, introducing dormer windows to the west to reduce the massing and scale of the proposal. It is considered that the amendments to the scheme are sufficient to overcome the concerns raised creating angled separation between the dwelling with the main height and mass of the structure adjacent to the eastern boundary. No windows are proposed in the side (east) elevation of the proposed dwelling and as a result potential adverse impacts of direct overlooking are considered to be minimal.

Impact on No 6 High Street

- 5.6.8 No 6 High Street is a detached bungalow situated to the west of the proposed dwelling. The principle elevation of the bungalow is at an angle to the public highway the site is separated from No 6 by an existing access track/public footpath. The property is served by

French/patio doors to the south east elevation. The revised scheme retains the angle of sight from the patio and the separation distance mitigates potential significant adverse impacts of overshadowing.

- 5.6.9 The application proposed one first floor bathroom window in the side (west) elevation facing towards No 6 it is recommended that a condition be imposed requiring the window be installed obscurely glazed to prevent overlooking/loss of privacy.
- 5.6.10 Overall, due to the siting and orientation of the revised proposal 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.
- 5.6.11 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.
- 5.6.12 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.

5.7 **Highways Safety, Parking Provision and Air Quality**

Relevant Policies

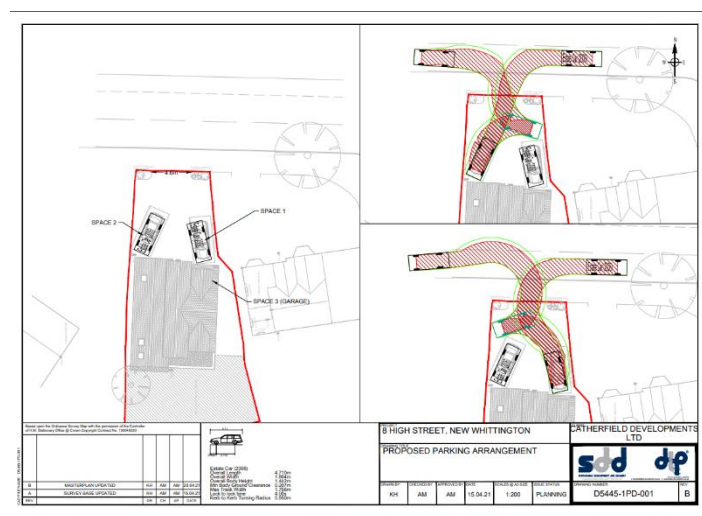
- 5.7.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking;*' and Local Plan policy CLP22 details the requirements for vehicle parking and seeks '*e) provision of opportunities for charging electric vehicles where appropriate.*' For full wording of policies see the Chesterfield Borough Local Plan 2018 – 2035.

Considerations

- 5.7.2 The Local Highways Authority were consulted on the scheme and initially raised concerns regarding '*Under provision of off-street parking and manoeuvring would be likely to lead to vehicles parking on a classified road (B road), or part on its footway, and reversing to/ from High Street, situations considered against the best interests of the safe and efficient operation of the public highway. It should be noted that*

2no. injury accidents have occurred on High Street (B6052) in close proximity to the development site access within the last 5 years recorded period, a situation further supporting the recommendation for on-site manoeuvring space clear of areas dedicated to parking. Therefore, it's recommended that the applicant is given the opportunity to submit revised details demonstrating adequate parking and manoeuvring to serve proposed development on this site.'

5.7.3 The applicant subsequently submitted revised plans with supporting statement/drawing produced by DLP to address the concerns raised. The supporting statement includes swept path analysis of the turning for vehicles within the site with space for 2 off-street parking spaces and an additional space within the garage



5.7.4 The Highway Authority were re-consulted and made the following comments *'The Highway Authority still has concerns that the internal dimensions of the garage are slightly below the measurements of 3m x 6m and that parking and manoeuvring to the front of the garage is tight. It should be ensured that access, parking and manoeuvring is still available for the existing dwelling. If you are minded to determine the application on the latest as submitted basis and subject to the above, it is recommended that the following conditions are included in any consent'*. Conditions recommended by the Highways Authority covered site operations/storage, parking provision laid out prior to occupation, garage retained for parking and removal of pd rights, no gates or barriers, gradient of driveway and list of informative notes.

5.7.5 The garage size has been amended to ensure the internal measurements are 3m x 6m, it is acknowledged that this is slightly smaller than the recommended garage size contained in the adopted SPD (3.3m x 6m) but would still be large enough to accommodate a

car. It is considered that on the basis of the information provided and proposed site layout that there is sufficient space within the site for vehicles to turn and leave in a forward gear.

- 5.7.6 It is also recommended that conditions requested by the Highways Authority covering site storage/compound during construction and parking provision laid out prior to occupation, garage retained for parking and removal of pd rights, no gates or barriers, gradient of driveway and list of informative notes be imposed on the decision to ensure the development complies with the requirements of CLP20 and CLP22.
- 5.7.7 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.*
- For full wording of policy CLP13 see the Chesterfield Borough Local Plan 2018 – 2035.
- 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. No comments were received from Yorkshire Water.
- 5.9.4 The Design Services (Drainage) Team reviewed the application and highlighted that *'The site should be constructed using separate systems of foul and surface water drainage. If soakaways are to be used as a means of surface water disposal; infiltration tests should be carried out and calculations provided in accordance with BRE Digest 365 to ensure no flooding for a 1 in 30 year rainfall event and no flooding of properties for a 1 in 100 year event. Any connections to the public sewerage system must have prior approval from Yorkshire Water. Any amendments to existing drainage on site may require approval from Building Control.'*
- 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.*

For full wording of policy CLP14 see the Chesterfield Borough Local Plan 2018 – 2035.

- 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 ‘low 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. The applicant subsequently submitted a Geotechnical and Geo-environmental site investigation report and at the time of writing this report no comments have been provided by Environmental Health confirming that the information contained in the report is sufficient to address the requested condition.
- 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 **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'*
- For full wording of policy CLP16 see the Chesterfield Borough Local Plan 2018 – 2035.
- 5.12.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

Considerations

- 5.12.3 The site largely consists of mix of soft landscaping, former vegetable garden, access track and hedgerow. The application is supported by a tree schedule and tree constraints plan. Ecological mitigation measures were provided by email on 19.05.2021, as detailed in paragraph 5.5.6 it is recommended that a detailed landscaping plan and biodiversity enhancement plan be controlled by condition. 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 medium CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
Development 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
Residential (C3)	186.5	0	0	£50.00	333	288	£4312.81

Calculation:

CIL Charge (E) is calculated as outlined below:

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

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

$$\frac{186.5 \times £50 \times 333}{288} = £4312.81$$

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters site notice. Neighbour were consulted on the original scheme on 22.01.2021 and re-consulted on the revised scheme on 28.04.2021. At the time of writing this report 1 representation has been received in respect of the original submission (dated 24.02.2021), no further comments have been received in respect of the revised plans. The comment below represent a summary of the main points raised within the representation, the full letter is available on our website to enable cross referencing with any figures referred to.

- Boundary line as indicated on initial submission is inaccurate and does not reflect legal/physical boundary and the proposed footprint will not fit within the plot and should not have been validated, details of legal boundaries provided.
- Site plan does not accurately depict the windows present on western elevation of adjoining dwelling which can be seen as part of a site inspection
- Daylight, sunlight and overshadowing impacts, loss of view which could be an important part of the residential amenity of the neighbouring property. The loss of existing views (and therefore the reduction in daylight and sunlight) from the Adjoining Dwelling will,

in addition to the issues associated with light and overshadowing, adversely affect the residential amenity of the neighbouring owners.

- Where a new development can block light to existing homes, daylight assessment for planning is usually based around the vertical sky component (VSC) within and without the new development. This being a measure of the amount of diffuse daylight reaching a window. Overshadowing, or loss of sunlight to existing premises, is analysed using annual probable sunlight hours (APSH). This is a measure of how much sunlight the window can receive with and without the new development. It is not clear that such measures have been considered or addressed in the Application and it is apparent that no measures have been taken to design a development to reduce or avoid loss of light/daylight and reduce overshadowing.
- There has been no attempt, it appears, to assess or address the level of sunlight and daylight currently enjoyed by the Adjoining Dwelling or the issue of Overshadowing. The Proposed Dwelling is poorly designed and sited, which will result in overshadowing that will adversely affect the amenities to the Adjoining Dwelling that will mean that main inhabited rooms of the Adjoining Dwelling are reduced to unacceptable levels of daylight and sunlight.
- The outlook from the entirety of the ground floor windows of the Adjoining Dwelling, and some 90% of the windows on the first floor will face immediately on to the brick façade of the Eastern elevation of the Proposed Dwelling. (see included figure within representation). In short, the Proposed Dwelling will result in a 6-metre-high brick wall being constructed within 2 metres of the Adjoining Dwelling. This is a wholly unreasonable and unsatisfactory proposition.
- Looking out of the five windows from within the Adjoining Dwelling will be akin to looking out of a prison cell, especially from the lower ground floor rooms.
- It is submitted that the Planning Authority should follow the BRE Guidelines and British Standard Code of Practice and apply the, “25-degree guide”, as it is undoubtedly the case that the Proposed Dwelling will severely impact the Adjoining Dwelling’s receipt of both daylight and sunlight. It is a common established principle that a planning application should not be approved by the local planning authority if the proposal has an adverse effect on day light and sunlight to neighbouring properties.
- The general principle being that if the proposed building falls above the 25-degree line in any way, it is likely that further tests will be required to establish the exact impact the proposed development

would have on daylight to the existing property. Without any objective empirical assessment of the impact on daylight and sunlight in accordance with the standards contained in the Building Research Establishment (BRE) Guidelines “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 1991”, it is difficult to understand how the permission can be granted.

- It is therefore necessary to consider the impact of the Proposed Dwelling on the Adjoining Dwelling in this context in respect of Windows 1, 2, 3, and 5 (with Window 4 being a landing window) and the habitable rooms that they serve. When doing so, it is important to note the basic principles that the sun rises in the East and sets in the West, the sun is due South at noon, the sun is also at its maximum height around noon, the sun is lower during winter months with shorter days, the sun is higher during the summer months, and direct sunlight is brighter than ambient daylight.
- It is worth adding however, that whilst Window 4 serves a landing, the internal layout of the Adjoining Dwelling is such that the landing has in close proximity, two very steep steps that lead onto the main stairway. Reducing the amount of light received via Window 4 on the landing would therefore represent a very real danger to the occupiers of the Adjoining Property
- The room served by Window 1 is a living/reception room. It is served by a further (bay) window. However, the bay window is on the Northern elevation of the Adjoining Dwelling. It does not receive sunlight and therefore, the majority of the light, and in fact all of the sunlight, entering this Living/reception room, is received from Window 1.
- As can be seen from the image at Fig.11, which was taken at shortly after midday, the daylight entering this window is limited. This is contrasted with the levels of sunlight and daylight that this living/reception room receives from Window 1, which is demonstrated by the image at Fig.12.
- In the event that the Proposed Development were to be granted permission and constructed as intended, the outlook from this living/reception room would be similar to that show in Fig.13. with a severely reduced amount of daylight being received by this room and no sunlight. The outlook would also be of that of a brick wall.
- The room served by Window 2 is the kitchen of the adjoining Dwelling. The kitchen is served by another window, which is south facing, but the kitchen is a large room with a large kitchen table and insufficient sunlight and daylight entering the kitchen from
- Window 2 would result in at least half of the kitchen being dimly lit by natural light. In front of Window 2 inside the kitchen is a baking

station used for baking which requires a certain amount of natural light. An image of the kitchen depicting Window 2 is at Fig.14.

- In the event that the Proposed Dwelling were to be granted permission and constructed as intended, the outlook from the kitchen would be similar to that shown in Fig.15. with a severely reduced amount of daylight being received by this room and no sunlight. The outlook would also be of that of a brick wall.
- The room served by Window 3 is a bedroom. The layout of this bedroom is important. A plan of the layout is at Fig.16. This bedroom is served by another window, which can be seen in the image at Fig.11. However, this window is on the Northern elevation of the Adjoining Dwelling and does not receive the benefit of any sunlight. The only sunlight that enters this bedroom enters via Window 3. Further, given the relatively small size of the additional Northern facing window in this bedroom and the layout of this bedroom, in the event that the Proposed Dwelling were to be constructed, this bedroom would receive very little, if any at all, sunlight and the natural daylight would be reduced significantly. The image at Fig.17 depicts the outlook of Window 3 from inside the bedroom.
- The image at Fig.18. shows the outlook from this bedroom via Window 3 in the event that the Proposed Dwelling were to be constructed. The occupier uses this bedroom in part as an archive room/office. Without sunlight and sufficient natural daylight entering the room from Window 3, the amenity of this bedroom would be severely impacted.
- Window 5 is a window of a further bedroom. An image depicting the outlook from Window 5 is at Fig.19. A further image at Fig.20. depicts the outlook from Window 5 should the Proposed Dwelling be constructed,
- All developments must comply with policy CLP20. Whilst this is a matter for the case officer, particular consideration should be given to the criteria from CLP20 in that development should: b) 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; k) have an acceptable impact on the amenity of users and neighbours. The siting of the Proposed Dwelling should strive for consistency with existing building lines and separation distances should be in line with the Council's SPD on Designing Successful Places. The Planning Authority and any planning committee should pay particular consideration to criteria b) as the scale, massing and height is not appropriate within the street scene or in the manner in which the Proposed Dwelling interacts with the Adjoining Dwelling.

- Paragraph 3.11.3 (of the Supplementary Planning Document 2013 A guide to Sustainable Housing Layout and design) states that, “If amenity is not properly considered in the design process, this can detract from quality of life in terms of privacy, noise, light, outlook, or overbearing development. To ensure the occupants of existing or proposed housing have an acceptable level of amenity, proposals should demonstrate how they have responded to amenity considerations.”. Further, paragraph 3.11.4 explains that “Minimum separation distances have traditionally been used to ensure reasonable levels of privacy and daylight.”
- Paragraph 3.11.11 (of the Supplementary Planning Document 2013 A guide to Sustainable Housing Layout and design) addresses the issue of, “*Light and proximity*”, and states that proposals should not, “*cause a loss of daylight, overshadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity.*” Paragraph 3.11.12 says that, “*Reasonable levels of daylight and sunlight should be provided to interiors. The amount of natural light to internal spaces should be maximised where possible to create comfortable spaces and reduce reliance on artificial lighting. Layouts should normally seek to minimise loss of direct sunlight or overshadowing of new or existing homes.*” It is explained that the relationship between buildings in terms of their proximity should also be designed to avoid buildings that would be unduly imposing or appear overbearing to neighbouring occupiers. It is clear that the Application does not seek to address any of these design issues.
- The Council’s design guide is clear that successful places avoid relationships between buildings that result in excessive dominance or overshadowing of habitable spaces.
- Access for the Existing Dwelling is via the adjacent Public Right of Way, for which no doubt the Planning Authority will establish that there are full rights of access via this route and that adequate off-street parking and manoeuvring space to serve the Existing Dwelling will be maintained.
- It is the Council’s Highway Authority recommended policy that off-street parking be provided on the basis of 2no. or 3no. spaces per 2/3 or 4/4+ bedroom dwelling respectively, with each space being of 2.4m x 5.5m minimum dimensions and clear of adequate manoeuvring space to enable all vehicles to enter and exit the site in a forward gear. In paragraph 5.8.6 of the Case Officers Delegated Report, it was stated that, *‘it is considered that sufficient space is available on site to provide an adequate level of turning and off-street parking’*.

- This is not accepted as being correct. The Proposed Site Plan indicates that the proposal provides for the retention of the existing area of vegetation and the large tree that stands in close proximity to the highway boundary. It is also shown that only 2no indicative off street parking spaces are to be provided. This is below the currently recommended minimum dimensions and should be considered to be deficient in number to serve the 4 No. bedroom Proposed Dwelling.
- It is submitted that the impact of the Proposed Dwelling will be comfortably outwith the recommendations of the BRE Guidelines and it is therefore clear that the proposed development will have a material impact on the amenity of the Adjoining Dwelling and it should therefore follow that Council should decline the Application, as the same is clearly not compliant with its own adopted plan and guidance policies. It is submitted that any additional ADF test would also demonstrate that the internal lighting conditions within the Adjoining Dwelling ground floor rooms (and possibly the first-floor rooms) would will be well below the recommended target design standards within the British Standard Code of Practice for Daylighting which is the standard that should be applied to, “new-build” dwellings, as well as for assessing internal daylight quality to existing dwellings.
- In addition, the submitted layout clearly does not allow for on-site manoeuvring to enable both entry and exit in a forward gear. The owner of the Adjoining Property has resided in the Adjoining Property for some 44 years, and is therefore well placed to comment upon the conditions of the Highway, High Street, B6052. This is a road that is on an incline as it passes the Proposed Dwelling and the Adjoining Property. It is common therefore for vehicles to travel at speeds in excess of the set 30mph speed limit, particularly when travelling in Westerly direction away from New Whittington. It is also the case that the visibility of the highway, when looking Eastwards towards New Whittington, is limited due to the manner in which the highway turns to the left and as a consequence of the large wide based trunked tree that is situated on the pavement immediately adjacent to the Adjoining Dwelling. Further, it is usual to have cars parked on the opposite side of the highway parked outside of the row of semi-detached Victorian villa properties. This dictates that cars travelling in a Western direction towards New Whittington are forced over the centre line of the road, creating difficulty for any vehicles the are leaving the Adjoining Dwelling (and of course, any vehicles that would be leaving the Proposed Dwelling).

- The Adjoining Dwelling owners ensure therefore that they, any visitors leaving the drive of the Adjoining Dwelling, do so in a forward gear. It is not practicably possible to enter the drive serving the Adjoining Dwelling other than in forward gear and therefore, it is imperative that there is room to manoeuvre any vehicle into a position so that it can leave the Adjoining Dwelling in a forward gear.
- As are result of the issues referred to at paragraph 52 above, there have been many accidents on the highway in the area where it passes the Adjoining Dwelling and the Proposed Dwelling. A Crashmap image showing the location of, “recorded”, incidents is at Fig.21. This shows no fewer than 5 injury accidents have occurred on the highway in close proximity to the development site. However, it must be remembered that these only represent those incidents that are recorded because a personal injury occurred. The occupiers are aware of further incidents and accidents that have taken place on the Highway outside the Adjoining Dwelling and the Development site which would not be recorded in such data.
- The proposed design would likely to lead to vehicles parking on a relatively dangerous classified road (B road), or part on its footway, and reversing to/ from High Street, situations considered against the best interests of the safe and efficient operation of the public highway. This would frankly be dangerous to both the driver of the vehicle and other road users and pedestrians. This is not a manoeuvre that the occupiers of the Adjoining Dwelling would undertake. This further supports the need for on-site manoeuvring space clear of areas dedicated to parking. The scale and massing of the Proposed Dwelling within the development plot can clearly not support a parking scheme that is compliant with the Council’s Policy requirements in terms of parking and Highways.
- The Applicant has not demonstrated adequate parking and manoeuvring to serve a Proposed Development on this site. In the event that the Applicant persist with its design and is allowed the opportunity to submit a revised parking scheme, which it is submitted it should not (within the scope of this Application), it is further submitted that providing 3no parking spaces, whilst removing the area currently reserved for planting would still not provide the Proposed Dwelling with adequate parking space or manoeuvrability, that would allow any of the 3 no vehicles to be turned, so as to ensure that any of the 3no vehicles are able to leave the Proposed Dwelling in a forward gear.
- The amenity space provided for at the rear of the Proposed Dwelling measures some 26 sqm. It is plainly inadequate. It is inadequate to the untrained eye as it would be to someone with

specialised knowledge of planning law and planning requirements. It is yet another example of how the scale and massing of the Proposed Dwelling within the development plot has been advanced at the detriment of a significant development and design issue. The Proposed Dwelling can clearly not support an amenity space of some 90sqm that ought to be provided and the proposed scheme as regards amenity is not compliant with the Council's Policy requirements and the Application ought to be declined for this reason alone. The Applicant is clearly seeking to advance a design that amounts to an over development of the development plot.

- The effect of the development on the character of a neighbourhood has always been, and remains, a factor which should lead to the refusal of planning permission, in the event that the proposed building design in relation to issues of density and possible over-development of the site, as well as the adverse impact which the proposed development might have on the character of the neighbourhood or on the residential amenity of neighbours, and is in breach of the adopted Policy. It is essential that an applicant looks at and understands the place where they are proposing to build. It is clear that the applicant has failed to do this. The Planning Authority will be aware, as referred to above, that the properties situated opposite High Street are Victorian semi-detached villa style properties.
- Design (including bulk and massing, detailing and materials) is an important factor in the acceptability of a development proposal. It is clear from the Design and Access Statement submitted by the applicant and the Proposed layout plan that the Proposed Dwelling is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity. The visual impact of the style of the Proposed Dwelling would have a negative impact on the local area and the character of the neighbourhood. The modern design proposed is more suited to a self-build standalone plot in a more secluded development plot (as opposed to a "garden-grabbing" development plot"), not immediately adjacent to a highway that has opposite it a row of Victorian villa style semi-detached properties. The design proposed is not in keeping with the character of the Adjoining Property, the adjacent properties of other adjoining properties.
- It is stated in the Council's Supplementary Planning Document 2013 A guide to Sustainable Housing Layout and Design, that, "Successful places", respect the continuity of the building line, use simple designs similar to local buildings in respect of their forms, heights, widths, scale and proportions, are built from or in harmony with local building materials and that designs that depart from the

prevailing pattern of development will only be acceptable where these can be explained and justified by complementing or enhancing their setting. The Applicant has failed to establish that the design proposed is acceptable and should justify a departure from the prevailing pattern of development.

- The proposed development is, as stated above, an example of over development of the plot and as such does not justify the Proposed Dwelling's failure to respect the building line. As can be seen in Fig.23, the Proposed Dwelling would be visible from the bay window of the Adjoining Dwelling, which is unjustified. Further, at the rear of the Proposed Dwelling, the Applicant has endeavoured to demonstrate that the line of site from the Adjoining Dwelling would be unimpeded by the proposed reduction in the height of the Proposed Dwelling where it would extend beyond the rear of the Adjoining Dwelling. As referred to above, this drawing is (as with others) inaccurate.
- As can be seen on Fig.23. the line of site from the Adjoining Dwelling will be severely impacted by the height and massing of the Proposed Dwelling. This appears to have been conveniently omitted from the Application.
- The Applicant appears to acknowledge in its Design and Access Statement that the design of the Proposed Dwelling is not in keeping with the local environment or that the design complements the character and appearance of its surroundings. The Applicant merely states that the contemporary style is, "*at this time not reflected in the surrounding area*". However, the Applicant does not specify when it believes that the contemporary style will be reflected in the surrounding area. The use of the words "at this time", would seem to indicate that the Applicant believes that this style might at some stage in the future complement the surrounding styles, but provides no evidence for such supposition and, with respect, this is not the relevant test. The relevant policy test is as referred to above and whether the design complements the character and appearance of its surroundings. It clearly does not.
- It is accepted that although the principle of development has been established in the granting of the previous permission for a dwelling on the development site (in CHE/18/00758/OUT), the proposal needs to be considered in light of the policies in the new Local Plan for the reasons referred to above. It is clear to the owner/occupiers of the Adjoining Dwelling that the Application ought to be declined. The owner/occupiers of the Adjoining Dwelling would submit that many of the issues that have been raised by way of substantial objections in this submission could be mitigated by a more amenable proposal in terms of massing, height and scaling, by the

proposal of a property, such as a bungalow, that could be sited on the development plot with sufficient distance being provided for between the Adjoining Dwelling and any proposed development, so as to not restrict the sunlight and daylight being received by the Adjoining Dwelling and not cause overshadowing. A property, such as a 2no bedroom property, would ensure that sufficient amenity space could be provided on the development plot with adequate parking facilities that would enable manoeuvring on site.

- Leaving aside any specific planning policies and tests, it is submitted that, “common sense”, should prevail. Within the development plot, the planned design just appears misconceived and badly designed and thought out. The construction of the Proposed Dwelling as planned would cause significant harm to local area and would cause unrepairable harm and damage to the well being and amenity of the Adjoining Dwelling and its occupiers. The Applicant must take the Adjoining Dwelling as it finds it and not be allowed to seek to create an overshadowing and overbearing property that would cause irreparable damage to the Adjoining Dwelling and those occupying it. Properties are homes, and good design allows homes to be enjoyed and they should be pleasant environments to live in. Allowing the Proposed Dwelling to be constructed as applied for would drive a coach and horses through such principles and the Application should be declined. It is clear that the Applicant has given scant regard to the Local Authority’s Local Plan.

6.3

Officer comments – the above comments have been noted

- An amended red line plan was submitted with the revised and a full re-consultation took place. Revised plans were submitted seeking to address concerns regarding the design, impact on neighbours, overdevelopment of the plot, lack of amenity space and parking and turning within the site.
- The original submission did not fully take into account the windows serving No 10 and this was addressed in subsequent revisions
- Revised plans altered the layout and design of the proposal to address concerns raised regarding amenity impacts on the adjacent neighbour. The footprint of the dwelling has been angled away from the side elevation of No 10 and the overall height and scale has been reduced close to the boundary.
- Revised plans submitted seek to address concerns surrounding the design, creating a proposal which better reflect the character of the area.

- Revised plans and supporting information provided to create larger turning area on site frontage to enable cars to leave the site in forwards gear.
- Revised plans propose private amenity space of over 100sqm which exceeds the minimum recommendation set out in the SPD

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. 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 Overall subject to conditions the proposal complies with Local Plan policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20 and CLP22 and the 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).
 - Proposed Elevations, drawing number 2020_08 B
 - Proposed Elevations, drawing number 2020_04 E
 - Proposed Site Plan, drawing number 2020_02 H
 - Proposed North Highway Elevation, drawing number 2020_05 D
 - Proposed Ground and First Floor Plan, drawing number 2020_03 G
 - Location Plan and Block Plan, drawing number 2020_01 BSupporting documents
 - Coal Mining Risk Assessment, produced by Eastwood & Partners, reference PR/AJK/PR/AJK/45611-001 (dated 11.12.2020)
 - Tree Schedule produced by Wharton, reference 201207 1174TS V1 (dated December 2020)
 - Tree Constraints plan produced by Wharton, drawing number A001, 201207 1174 TCP V1 (dated December 2020)Additional information provided 19.05.2021
 - Materials by email (19.05.2021)
 - 3D visualisations drawing 02A and 04A

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 – Land contamination

3. 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*

Structural details

4. No development shall take place until details of the retaining wall structure between the boundary of the application site and No 8 High Street (including siting, dimensions, materials and levels) have been submitted to and approved in writing by the Local Planning Authority. Only those details which have received written approval from the Local Planning Authority shall be implemented on site and shall be retained as such thereafter.

Reason – *In the interests of residential amenity and structural integrity.*

Highways – Site Storage/Compound

5. 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

6. 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

7. 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

8. 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*

Biodiversity

9. 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 western boundary 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

10. 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

11. 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

12. 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

13. The proposed dwelling shall be not be occupied until space has been laid out within the site in accordance with the application drawings for 3 No. cars to be parked and for vehicles to turn so that

they may enter and leave the site in a forward gear. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

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

Use of garage for car parking

14. 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) the garage hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the prior written approval of the Local Planning Authority upon an application submitted to it.

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

No gates/barriers

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

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

Gradient of access

16. The proposed access/driveway to High Street shall be no steeper than 1:20 for the first 5m from the nearside highway boundary and 1:14 thereafter.

Reason – *In the interests of highway safety*

Electric charging

17. A residential charging point shall be provided for the 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 first floor window in the side (west) elevation facing towards No 6 High Street 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.
- 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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: 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. 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
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. 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.
9. There is a Public Right of Way (Footpath 23 on the Derbyshire Definitive Map) adjacent to the site. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.
 - Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a right of way is required to be permanently diverted, then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
10. 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.
11. 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.

12. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.
13. In accordance with **condition 9 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
Wildflowers	<p>Native wildflower meadow areas: as an alternative to amenity grassland.</p> <p>Wildflower verges.</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 Wildlife Trust website and through Flora Locale.</p>
Birds	<p>Bird Boxes and other nesting features: (such as stone ledges and wooden cladding).</p> <p>Native species planting and boundary features: 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: https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</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>Invertebrates</p>	<p>Bug hotels and log piles with stones: particularly near ponds. South facing banks: with some bare ground. Rough or natural stone walls with holes for invertebrates to use. Brown roofs with a range of substrates 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>	<p>Examples of living roof projects are available on the Buglife web page: https://www.buglife.org.uk/our-work/living-roof-projects/</p>
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