

ITEM 1

Residential development (1 dwelling) - Outline with some matters reserved at Land Between 16-18 Eyre Street East, Hasland, S41 0PQ for Mr P Rhodes

Local Plan: No allocation

Ward: Hasland

Plot No:

Committee Date: 21st June 2021

CONSULTATIONS

Ward Members	No representations received
Local Highways Authority	Comments made – see report
CBC Design Services	The site is not at risk of flooding. There is a combined sewer to the south western corner of the site and an easement may be required by Yorkshire Water.
Yorkshire Water	No objection subject to condition and notes.
The Coal Authority	No objection subject to conditions
Neighbours and Site Notice	Four comments of objection received which are summarised below.

2.0 THE SITE

2.1 The application site is located in the built-up area of Hasland off Storforth Lane. The site is largely hard-surfaced area with a row of flat roof garages to the rear of the site. There is a brick wall to the site frontage. The area around the site is predominantly terraced housing, there is a takeaway to the corner of Eyre Street and York Street. To the rear the site abuts the rear gardens of the dwellings fronting York Street.

2.2

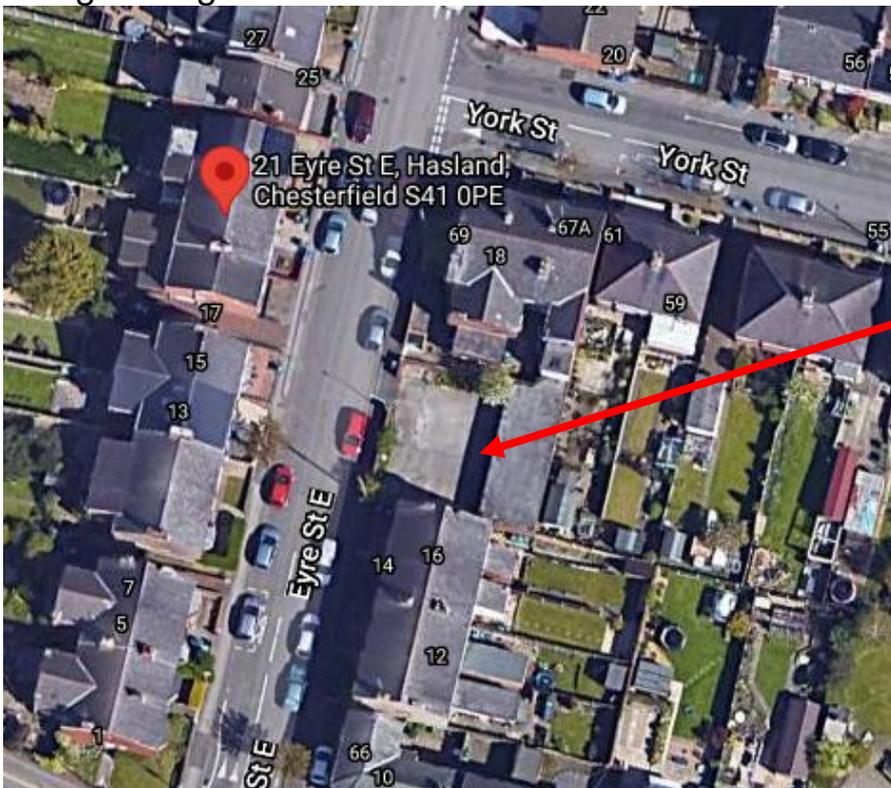
View from Eyre Street East:



2.3 Google street view:



2.4 Google image



3.0 SITE HISTORY

- 3.1 CHE/18/00793/REM1 Removal of condition 9 (car parking spaces) of CHE/16/00721/OUT - Residential development of one detached house -Refused 10.01.2019

3.2 CHE/16/00721/OUT Residential development of one detached house, amended description and plan received 10th January 2017 – Conditional Permission 23.02.2017

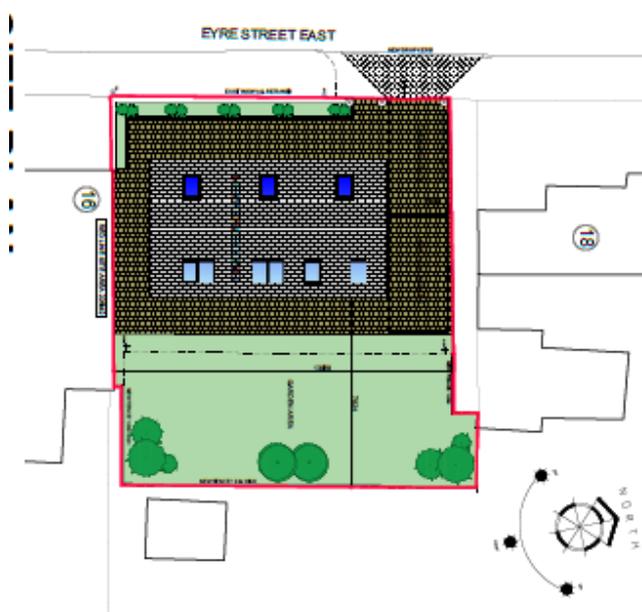
3.3 CHE/07/00709/FUL Detached dormer bungalow – Refused 15.11.2007

3.4 CHE/07/00218/FUL 2 no. houses (semi-detached) – Refused 30.05.2007

4.0 **THE PROPOSAL**

4.1 Outline Planning permission is sought to erect a single dwelling on the site with access from Eyre Street East. Initially the application was submitted as an Outline with all matters reserved. However, given the constraints of the site further information was requested and submitted to consider matters of layout and scale at the outline stage. This leaves the matters of access, appearance and landscaping to be reserved for future consideration.

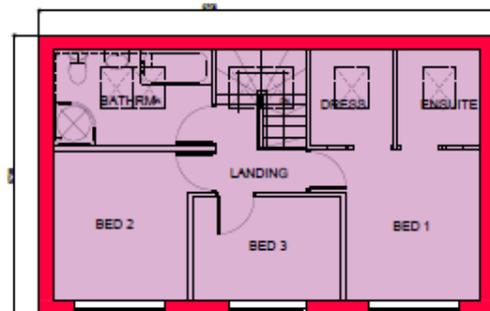
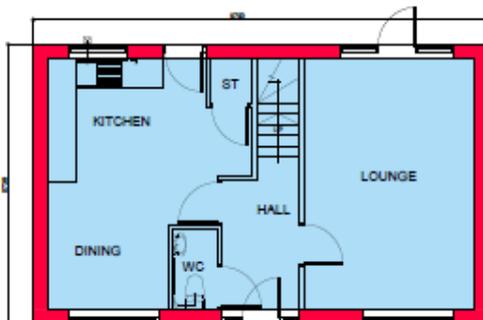
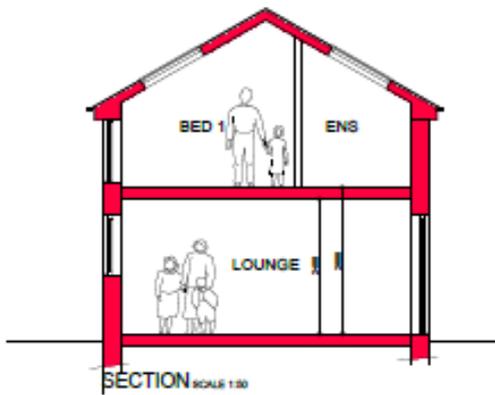
4.2 In considering the above matters as part of the outline, the scheme was also amended in line with advice to reduce the impact of the proposal on the neighbouring residents. The amended scheme is under consideration and includes a single dwelling with access to the north west corner of the site and parking for two vehicles and a garden with a depth of 7.824m. The siting of the dwelling is proposed to be marginally forward of the neighbouring dwelling to the south of the site, no. 16 Eyre Street East.





4.3

In terms of scale the height of the building has been reduced to be a one and a half storey building, rather than the two-storey building as originally proposed. The internal layout has been amended to demonstrate that the accommodation can allow for the upper floor accommodation without the need for windows to the upper floor rear elevation in order to avoid any overlooking.



4.4 The application is accompanied by a Coal Mining Risk Assessment and detailed Planning Statement. Following queries through the application process the provision of parking for no. 18 to compensate for any displaced parking was considered. The application now being considered does not include any provision for displacement parking for no. 18. Since the original granting of planning permission on the site no. 18 has been sold on and is now in separate ownership. The applicant's agent has advised that "The site is under the sole ownership of the applicant and no.18 has no right to park there. We have amended the layout to just show parking for the new dwelling. No off-street parking would be displaced".

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 (Strategic Policy)
CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP4 Range 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 **Supplementary Planning Documents**

Designing Out Crime
Successful Places' Residential Design Guide

5.2 **Other Relevant Policy and Documents**

National Planning Policy Framework (NPPF)
Part 2. Achieving sustainable development
Part 5. Delivering a sufficient supply of homes
Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport
Part 12. Achieving well-designed places
Part 14. Meeting the challenge of climate change, flooding and coastal change
Part 15. Conserving and enhancing the natural environment

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Biodiversity and impact on protected species
- Ground conditions
- Drainage and flooding
- CIL liability

5.5 Principle of Development

5.5.1 Policies CLP1 and CLP2 of the Adopted Local Plan set out the strategic approach to the siting of sustainable development. CLP1 states that the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services, focussing on areas of regeneration and that; the council will make provision for the delivery of a minimum Objectively Assessed Need (OAN) of 240 new dwellings per year. This is reiterated in Policy CLP2 where it states that; Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the requirements which are set out in order of priority beginning with the requirements of CLP1.

5.5.3 In considering this site against the criteria in CLP1, as the site is surrounded by existing housing and within walking distance of a range of local services and facilities, it is considered that the proposal is sustainably located and therefore meets the requirements of policies CLP1 and CLP2. Therefore, the principle of residential development in locational terms is appropriate in this case. It is also noted that Outline planning permission was previously granted for a two-storey dwelling on the site, although that permission has now expired.

5.6 Design and Appearance of the Proposal

5.6.1 Policy CLP20 of the Adopted Local Plan seeks that; All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context, that development will be expected to a) promote good design, and b) respect the character, form and setting of the site and surroundings.

5.7.2 The application is in outline only and therefore the appearance of the development is not to be considered at this stage. However, through the application process the design of the unit has been considered to some degree with a focus on ensuring a lowering of the building height and a design that will enable the upper floor to have no need for rear facing windows. To best achieve this and assimilate well within the site it is considered that a more functional appearance to the building would be suitable. This has been achieved to some degree with the amended plan however the placing of windows and openings does require further consideration for an appropriate finished design. However, the amended design as submitted demonstrates that an appropriate appearance for the dwelling can be achieved on this site through the reserved matters submission. In this regard the proposal meets the requirements of policy CLP20.

5.7 Impact on Neighbouring Residential Amenity

5.7.1 Concern has been raised that the erection of a building on this site will result in adverse impacts on neighbouring residents through loss of light and overlooking.

5.7.2 Policy CLP14 of the Local Plan sets out 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.

5.7.3 In terms of the siting of the proposed dwelling there will be no adverse impacts in terms of overlooking or overshadowing to existing dwellings. The concern here is in relation to impacts on garden spaces. Due to the concerns raised by neighbouring residents regarding the impacts of the development in terms of loss of light and overlooking the scale and layout of the development were requested to be considered at this outline stage. In line with this the height of the building has been reduced to one and a half storey, as demonstrated above, and the internal layout designed to minimise any potential for

overlooking by ensuring no upper floor windows to the rear elevation. The rear garden to be provided will have a depth of 7.824m.

5.7.4 The existing garages to be demolished form the rear boundary of the site and therefore the demolition of these and the siting of the dwelling closer to the highway will alleviate some of the impact of the new dwelling. The garden depth proposed is below the 10.5m ideal length, however this requirement is in the scenario of window to window impacts. The Residential SPD states on this matter: *To reduce the effect of direct overlooking from new houses, first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5m to the boundary of an adjoining residential garden. However, not all circumstances are the same and some flexibility should be applied with regard to the extent of overlooking and the relationship between houses and gardens.* In this case as the upper floor windows facing onto neighbouring gardens can be controlled to prevent overlooking, the reduced garden depth is considered to be acceptable.

5.7.5 In terms of the loss of light, this relates to light to the gardens of primarily no's 59 and 61 York Street. The application site is located to the west of these gardens. Therefore, it is likely there will be some loss of light to these gardens in the evening mainly in the summer months. The neighbour dwelling to the site no. 16 Eyre Street East is likely to already cause a degree of overshadowing to these gardens as that dwelling is to the south west of the gardens. Therefore, in view of the reduced height and the position of the proposed dwelling it is considered that the dwelling can be accommodated without such a degree of harm to the neighbouring gardens that a refusal would be warranted.

5.7.6 On the basis of the amended plans and subject to conditions to control new windows to the rear upper floor, any outbuilding or extensions and the height of the new dwelling, it is considered that the proposal is acceptable in terms of policy CLP14 of the Adopted Local Plan.

5.8 **Highways Safety and Parking Provision**

5.8.1 The main aim of the Local Plan is to encourage sustainable travel through walking and cycling. Policy CLP22 of the Local Plan encourages more sustainable travel. The policy goes on to note that; Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative

impacts on the road network would be severe. This is in line with paragraphs 108 to 110 of the NPPF.

5.8.2 The application for outline permission does not include access but does now consider layout and therefore it is considered reasonable to consider the access and parking potential under the remit of this application, albeit this will need to be reconsidered through the reserved matters.

5.8.3 In this case there has been some discussion regarding the parking at the site in consultation with the Highway Authority. The original scheme given approval in 2016 included displacement parking provision of 2 spaces to serve no. 18 Eyre Street East. This application under consideration also initially contained these spaces but it was queried with the agent who this was for and how it would operate being within the garden of the proposed dwelling. The application was then amended and omitted the parking originally intended to serve no. 18 with provision for 2 parking spaces only to serve the proposed dwelling.

5.8.4 Initially the Highway Authority raised concern regarding the parking provision:

Highway Comments:

The application site received previous planning permission for an identical scheme under application reference: CHE/16/00721/OUT.

It is suggested that the current garages and parking area on the application site serve a single dwelling and therefore, the provision of 2no off-street parking bays to serve No18 Eyre Street East would be considered acceptable as replacement off-street parking.

To reiterate previous comments, it is recommended that off-street parking is provided to one side of the proposed dwelling, preferably between No. 18 and the proposed dwelling which gives opportunity to maximise visibility across land the subject of the application and in the ownership/control of the applicant.

In view of the above, there are no objections to the proposal subject to the conditions and notes outlined in CHE/16/00721/OUT being appended to any consent given, in addition the following note outlining current off-street parking recommendations should be included for the benefit of the applicant:

Each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.

- 5.8.5 The Highway Authority was then advised that no. 18 had been sold off separately to the application site some time ago and any right to park at the site had ceased. As both sites were now in different ownership the provision of parking for one property within the ownership of another would be difficult. The Highway Authority then provided the following comments:

Highway Comments:

Upon receipt of additional information, it is now apparent that the site is not being used as parking for No18 Eyre Street East as it has been sold off separately to the application site.

Whilst I have concerns that the displaced parking for No18 will likely result in an increase in on-street parking on Eyre Street East where a problem with on-street parking already exists, I understand that the No18 Eyre Street east has been sold off separately to the application site and no longer has rights for off-street parking within the site, therefore, I do not wish to raise any highway objections subject to sufficient parking being provided for the proposed dwelling.

I trust that you will ensure that the level of off-street parking satisfactorily meets your own Authority's requirements. It is recommended that the frontage to Eyre Street East is maintained free of all obstruction in order that visibility for emerging drivers is maximised.

No objections subject to conditions.

- 5.8.6 On this basis it is considered that the application showing parking provision for the proposed dwelling only is acceptable. It is noted that the parking bays demonstrated on the plan are not of sufficient length to meet the needs of the Council's SPD, therefore the reserved matters application will need to demonstrate appropriate parking spaces, likely expanding into the garden area.

- 5.8.7 Given the emphasis in the Adopted Local Plan to secure this sustainable development it is considered reasonable to impose a condition requiring electric vehicle charging to serve the proposed

dwelling. Subject to conditions the proposal is considered to be acceptable in accordance with policies CLP20 and CLP22 in terms of parking and access.

5.9 Biodiversity and Impact on Protected Species

5.9.1 Policy CLP16 of the Adopted Local Plan requires that development will;

- protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
- avoid or minimise adverse impacts on biodiversity and geodiversity; and
- provide a net measurable gain in biodiversity.

5.9.2 The application includes the demolition of the existing flat roofed garage building which was given permission to be demolished in 2016. Given the construction of the building it is considered unlikely to have any potential for protected species but to ensure the applicant is aware of the legislative requirements in terms of protected species an informative note will be added to any decision setting out the requirements of The Wildlife and Countryside Act 1981.

5.9.3 In line with Policy CLP16 the redevelopment of the site requires the consideration of biodiversity net gain. The application site being fully hard surfaced with flat roofed garages is of very low if not nil biodiversity. Whilst the application does not include any details as to how the net gain is to be achieved through the development, it is considered achievable through the provision of integral bat boxes and appropriate landscaping. A condition can be added to any permission to secure these net gains.

5.10 Ground Conditions

5.10.1 The application site is within the High Risk Area in respect of former coal mining activity. Policy CLP14 of the Adopted Local plan requires that; 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 The Coal Authority have commented on the submitted information:
The planning application is supported by a Coal Mining Risk Assessment, dated March 2021 and prepared by RB Geotechnical. This report has been informed by an appropriate range of sources of information.

Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report authors therefore recommend that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues.

Mine Gas - It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel. Conditions recommended.

5.10.3 On the basis of these comments it is considered that the proposal meets the requirements of policy CLP14 in terms of ground conditions subject to the recommended conditions.

5.11 **Drainage and flooding**

- 5.11.1 Policy CLP13 of the Local Plan advises 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. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. In addition, the policy notes 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.
- 5.11.2 The Council's Design Services team has commented: *The site is not shown to be at risk of flooding. A combined public sewer is shown to cross the south western part of the plot. The developer should liaise with Yorkshire Water as to the proximity of this sewer, as a Building Over Agreement or easement may be required. The site should also be developed using separate systems of foul and surface water drainage. Any connections to any public sewer would require prior approval from Yorkshire Water. Any amendments to existing drainage on site may require consent from Building Control.*
- 5.11.3 Yorkshire Water has commented: *If planning permission is to be granted, the conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.*
- 5.11.4 It is acknowledged that the site is previously developed with a hard-surfaced finish, therefore subject to the conditions recommended by consultees the proposal is considered acceptable in terms of drainage matters in line with policy CLP13 of the Local Plan.

5.12 CIL Liability

- 5.12.1 As this is an outline application the assessment of CIL payments will take place alongside the reserved matters applications. The development would be CIL liable and the site is within the Medium charging zone which for residential is charged at £50 per sqm This is calculated utilising the formula set out in Part 5 of the CIL Regulations:

$$\text{CIL Rate} \times \text{Chargeable Floor Area} \times \text{BCIS Tender Price Index (at Date of Planning Permission)} \\ \text{BCIS Tender Price Index (at Date of Charging Schedule)}$$

6.0 REPRESENTATIONS

6.1 Four objections have been received from three neighbouring properties on York Street, the comments made are summarised below:

- Loss of light
- There will be a poor outlook to the rear
- A bungalow with hipped roof would be acceptable.
- Is there going to be a light survey and will security be upheld on my home.
- The height of the building will create a poor and oppressive outlook for the neighbouring properties.
- The proposal will block light
- There will be a significant reduction in the privacy at my property.

6.2 The concerns raised relate to the impact on residential amenity as a result of the development. This is covered in section 5.7 of the report above.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The application site is in a sustainable location where new residential development is considered to be appropriate and has been granted previously. Whilst concern has been raised regarding the impact of the dwelling on the gardens of the neighbouring properties, through amended plans and conditions along with further consideration in terms of the reserved matters, these impacts are minimised to an acceptable degree. The parking provision proposed at 2 spaces to served the existing dwelling is considered to be acceptable by the Highway Authority.
- 9.2 It is considered that subject to a range of conditions being imposed the proposal is acceptable in line with the policies of the local plan as set out above.

10.0 RECOMMENDATION

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

Conditions

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) the external appearance of the development;
 - b) details of access arrangements; (noting the conditions relating to this permission)
 - c) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Amended plan no. 03 received 12.05.2021

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.

4. Prior to the development hereby permitted commencing above slab level, 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 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.

5. No development shall commence until;
- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure appropriate safety of the site from former coal mining activity in accordance with Policy CLP14 of the Adopted Local plan.

6. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure appropriate safety of the site from former coal mining activity in accordance with Policy CLP14 of the Adopted Local plan.

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

8. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage in accordance with policy CLP13 of the Adopted Local Plan.

9. 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.

10. A residential charging point shall be provided for the dwelling hereby approved 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 point 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.

11. 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 buildings, structures or extensions shall be erected within the rear garden curtilage of the dwelling hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To safeguard the amenities of neighbouring residents in accordance with policy CLP14 of the Adopted Local Plan.

12. In line with approved plan no. 03 the dwelling hereby approved shall contain no windows to the upper floor rear (east facing) elevation.

Reason - To safeguard the amenities of neighbouring residents in accordance with policy CLP14 of the Adopted Local Plan.

13. a) Prior to works on the hereby approved building being commenced a scheme detailing the existing and proposed land levels of the site including site sections and the finished floor levels with reference to on and off site datum point and their relationship to existing neighbouring buildings and land shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

b) In line with the levels information above the dwelling hereby approved shall be no more than one and a half storey in height as shown on approved plan no. 03 and no more than 6m in height from ground level to ridge.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

14. 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.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with Policy CLP14 of the Adopted Local Plan.

15. Before any other operations are commenced, space shall be provided within the site (not on the public highway) for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interest of highway safety in accordance with policies CLP20 and CLP22 of the Adopted Local Plan.

16. Before any other operations are commenced (excluding condition 14 above), the existing access to Eyre Street East shall be modified in accordance with the approved application drawings, laid out, constructed and provided with 2.4m x maximum visibility splays in both directions, all as agreed in writing with the Local Planning Authority. The area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interest of highway safety in accordance with policies CLP20 and CLP22 of the Adopted Local Plan.

17. Prior to the occupation of the dwelling, any length of the existing vehicular access to Eyre Street East made redundant by the development proposals shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with policies CLP20 and CLP22 of the Adopted Local Plan.

18. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of highway safety in accordance with policies CLP20 and CLP22 of the Adopted Local Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason: In the interest of highway safety in accordance with policies CLP20 and CLP22 of the Adopted Local Plan.

20. The modified access/driveway to Eyre Street East shall be no steeper than 1 in 12 over its entire length.

Reason: In the interest of highway safety in accordance with policies CLP20 and CLP22 of the Adopted 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. Coal Authority : The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.
3. On the Statutory Sewer Map, there is a small diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.
In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2000).
4. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water

disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

5. The buildings have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
6. When you carry out any work on site including demolition, 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.
7. 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.

8. Appropriate ecological/biodiversity enhancement measures shall include (but not limited to) the following;
- bird/owl/bat boxes and details submitted shall include the number of units proposed, the location proposed which can be integral to the building
 - biodiverse planting and landscaping including trees, hedges and native species and a programme of implementation and maintenance
 - wildflower planting and nectar rich planting for bees and night scented flowers for bats including a programme of implementation and maintenance
 - 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 treatments such a dry-stone walls to allow species to move across the site or use the holes the walls as habitat
 - bee bricks