

ITEM 1

ERECTION OF THREE, DETACHED, SPLIT LEVEL DWELLINGS WITH ASSOCIATED PARKING COURTYARDS AND LANDSCAPING AT LAND BETWEEN GEORGE STREET AND VICTORIA STREET NORTH, BROOMHILL ROAD, OLD WHITTINGTON FOR BLAIR HOLDINGS LTD

Local Plan: Unallocated, within the built up area of Old Whittington

Ward: Old Whittington

1.0 CONSULTATIONS

Ward Members No comments received

Local Highways Authority It is considered that the principle of residential development has been established by the virtue of outline planning permission previously being granted. The layout reflects that recommended by the Highway Authority under a previous application that was withdrawn. On the basis of the above, there are no objections to the proposal and it is recommended that the conditions are included in any consent. Conditions covering site compound/storage arrangements during development, creation of new vehicular access, provision of car parking prior to occupation, no gates/barriers, access gradient and informative notes.

Design Services Drainage Percolation tests required to demonstrate soakaways are feasible and drainage calculations to prove soakaway sizing

The Coal Authority Site does not fall within the high risk area, therefore standing advice applies

Yorkshire Water Conditions requested covering separate foul and surface water systems, including points of discharge to be agreed, details of discharge of surface water to be agreed with satisfactory outfall, pre-commencement details of foul water drainage, including balancing/off-site works and phasing, details of pumping if required

Environment Agency	No comments received
Derbyshire Wildlife Trust	Badger survey requested and survey subsequently supplied. No evidence of badger activity and no further comments to make. Conditions requested covering nesting birds and biodiversity enhancement plan
Strategic Planning	Site is within built up area, not subject to specific allocations/designations, site is within reasonable walking distance of range of facilities at Local Centre with public transport connections. The principle of residential development on the site therefore accords with the spatial strategy of the Local Plan as described in policies CLP1 and CLP2. Conditions covering water efficiency (CLP13), Biodiversity net gain (CLP16) and electric vehicle charging (CLP22) should be imposed
Environmental Health	No objection, conditions recommended covering hours of construction/work, lighting, air quality and electric vehicle charging and land contamination
Representations	2 representations received – see report

2.0 THE SITE

- 2.1 The site subject of this application is situated on the south side of Broomhill Road between George Street and Victoria Street North. The site is bound by residential dwellings to the east, south and west and open fields to the north.
- 2.2 The site is in a sustainable location in walking distance to a range of services in Old Whittington Local Centre and in proximity to a primary and secondary school. The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Extract of submitted location plan © Aerial photograph taken from Google maps ©

2.3

The plot is broadly rectangular in shape covering approximately 0.10 hectares in area (1000m²). The plot is relatively overgrown at present and was previously used as garden with evidence of a few small trees and outbuildings including a greenhouse and shed. A notable difference (drop) in levels is evident between the footway on Broomhill Road and ground level on the site. The land then slopes away towards the south. Boundary treatments predominately include conifer hedging and timber fences.



Photo taken from Broomhill Road facing west



Photo taken from Broomhill Road facing south east

3.0

SITE HISTORY

3.1

CHE/18/00079/OUT - Outline application for the erection of three 2.5 storey houses with attached garages and raised drives – **CONDITIONAL PERMISSION (24.04.2018)**

3.2

CHE/19/00721/FUL - Erection of 2 houses with integral garages and 1 house with a separate attached garage, associated access,

amenity space and landscaping (revised plans received 09.01.2020)
– **WITHDRAWN**

4.0 **THE PROPOSAL**

- 4.1 The application proposes the erection of three detached dwellings. Revised plans were submitted on 25.01.2022 to address concerns raised with regarding to parking/visibility and amenity impacts for residential neighbours to the west. The application is assessed on the basis of the revised plans as submitted.
- 4.2 Revised plans propose split level dwellings which are two storey when viewed from the Broomhill Road frontage and three storey at the rear due to level changes across the site. The properties are each the same in design and layout, characterised by a dual pitched roof form with gable to the north and south elevations. The design is contemporary with a mix of facing materials comprising of render, brick and projecting brick detail. The fenestration predominately has vertical proportions with elongated glazing.
- 4.2 Each dwelling is rectangular in footprint measuring 8.1m x 5.9m externally, the dwellings have a gross internal floorspace of 119sqm. The internal floorplan of the dwellings feature an open plan kitchen/living room at lower ground floor served by bi-fold doors to the south elevation. The upper ground floor incorporates the main entrance hall with access to the parking area on the site frontage, a reception room with window to the north elevation and bedroom with en-suite to the rear with windows facing the rear garden. The first floor comprises of three bedrooms and shared bathroom each served by a single window (two windows to the principle north elevation and two windows to the south elevation) – see extract of floor plan and elevations below.



Extract of submitted layout plan ©

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)
- CLP11 Infrastructure Delivery
- 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 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport
- Part 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 Principle of Development

Relevant Policies

5.4.1 The application site is unallocated and is positioned within the built up area of Old Whittington therefore policies CLP1 and CLP2 are of relevance.

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 principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The Council's Strategic Planning Team were consulted on the proposal and they provided the following comments with regards to the principle of development;
- 5.4.6 *'The site is within the Built up Area, as identified on the Local Plan policies map, and not subject to any other specific allocations or policy designations. It is within a reasonable walking distance to a range of key facilities including a Local Centre with convenience store and pharmacy, and primary and secondary schools. There is regular public transport provision within a 5 minute walk of the site. The principle of residential development on the site therefore accords with the spatial strategy of the Local Plan as described in policies CLP1 and CLP2. The design of the development should be assessed using the criteria set out in policy CLP20 and the principles in the council's Residential Design SPD 'Successful*

Places'. Policies CLP13, 16 and 22 should be addressed by conditions and are covered below.'

- 5.4.7 The application site is located within walking and cycling distance of key services located in the defined Old Whittington Local Centre with access to public transport therefore the proposal is considered to accord with the principles of CLP1. The proposal would accord with criteria a, d, e, and h of CLP2, criteria b is not met as the site is not considered to be previously developed land (the NPPF definition of previously developed land excludes residential gardens within built up areas). The proposal is within the settlement boundary and would introduce additional housing within the existing built up area of Old Whittington and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

5.6 Design and Appearance of the Proposal

Relevant Policies

- 5.6.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*

Considerations

- 5.6.2 The south side of Broomhill Road comprises of residential dwellings which are mixed in character. To the west of the site dwellings fronting Broomhill Road appear to be two storeys with some evidence of split level properties with an additional storey at lower ground floor. The properties are predominately characterised by dual pitched roof forms with side gables. Examples of dwellings with gable ends fronting the highway are evident on George Street and wider streetscene. The scale and form of the dwellings are acceptable within the context of the area. The proposal introduces a contemporary design with a use of mixed materials to provide relief to the façade including render and brick. It is recommended that a condition be imposed requiring the submission of specific materials (roofing and walling) prior to ordering.
- 5.6.3 The proposed dwellings are set back from the Broomhill Road frontage by 10.3m to create sufficient off-street parking and turning

space within the site and for visibility requirements. The proposed dwellings fit comfortably within the plots at a density appropriate to the site context. The siting of the dwelling will create a stepped building line on Broomhill Road, it is considered that there is sufficient variation in the layout of the built form to accommodate this arrangement without resulting in significant adverse impacts on the character of the area.

- 5.6.4 The proposal will create four bedroom dwellings which would each provide acceptable levels of living accommodation for future occupiers with a private amenity space which exceeds the minimum amenity space requirements as stipulated in the adopted Successful Places SPD (minimum requirement 90sqm). A landscaping plan has been provided indicating areas of planting and boundary treatment, full details have not been provided and therefore should be controlled by condition.
- 5.6.5 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21.

5.7 **Impact on Neighbouring Residential Amenity**

Relevant Policies

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

Considerations

- 5.7.3 The proposal will retain an acceptable separation distance between the proposed dwellings and surrounding residential dwellings. Revised plans have moved Plot 3 further east to create 12m separation distance between the side elevation of the proposed dwelling and existing properties on George Street. The dwellings to the east on Victoria Street North have larger rear gardens which

contribute to the level of separation between existing and proposed dwellings. The habitable room windows to the rear elevation of the dwellings have been positioned to the east serving to mitigate potential overlooking. It is noted that each proposed dwelling has a landing window to the side (west) elevation, for Plot 1 and 2 the window will face onto a blank gable, however for Plot 3 this will face directly onto No 2A George Street. It is recommended that a condition be imposed requiring the first floor side window to Plot 3 be obscurely glazed to prevent overlooking.

- 5.7.4 To the south of the site is a large conifer hedge which runs along the full length of the boundary (see photographs below). The application seeks to retain this hedge and it is considered that the hedge protects the privacy of the occupiers immediately to the south (No 6 George Street). It is recommended that a condition be imposed requiring its retention at a specified height, this should be a minimum of 1.8m (6ft) as taken from ground level within the application site and thereafter maintained or that an appropriate alternative screen fence or wall replacing the hedge be installed. If the hedge is to be retained then fencing should be installed during construction to prevent damage to the hedge and its rooting environment. The protection of the hedge and retention or an alternative 1.8 metre high screen will need to be controlled by condition.



Photo taken facing east from elevated patio of No 6



Photo taken facing north west from garden of No 6

- 5.7.5 The Council's Environmental Health Officer reviewed the scheme and recommended a working hours condition to protect the residential amenity of the surrounding neighbours. It is recommended this be imposed by condition.

- 5.7.6 A landscaping and boundary treatment plan has been provided to support the application with indicated boundary treatments and planting areas. Full details of the materials, type of fencing and specific landscaping/planting details should be controlled by condition.
- 5.7.7 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.8 Highways Safety, Parking Provision and Air Quality

Relevant Policies

5.8.1 Local Plan policy CLP20 expects development to 'g) provide adequate and safe vehicle access and parking and h)

5.8.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking

'The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:

- i. The size of any dwellings proposed.*
- ii. The type, mix and use of the development.*
- iii. The proximity of facilities such as schools, shops or employment*
- iv. The availability of and capacity for safe on-street and public car parking in the area.*
- v. Proximity to and availability of public transport and other sustainable transport options.*
- vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.*
- vii. Local car ownership levels.*

Considerations

5.8.3 The Council's Environmental Health Officer requested electric vehicle charging points be installed as part of the building phase in accordance with policy. In so far as Air Quality, one electric charging

point should be installed per dwelling as part of the build phase and controlled by condition.

5.8.4 The Local Highways Authority Derbyshire County Council raised no objections to the principle of the development subject to the following conditions.

1. *Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*
2. *Before any other operations are commenced new vehicular and pedestrian accesses shall be formed to Broomhill Road in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in both directions. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.*
3. *No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for 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.*
4. *There shall be no gates or other barriers on the access/driveway.*
5. *The proposed accesses/driveways to Broomhill Road shall be no steeper than 1:15.'*

5.8.5 Access to the site is taken from Broomhill Road which is a 30mph classified road. The route is popular for vehicles and HGVs travelling from Old Whittington to Sheepbridge. The application site is situated between George Street and Victoria Street North which rises steeply towards Broomhill Road. The footway/pavement on the

south side of Broomhill Road in front of the site is relatively narrow. Visibility from these streets for egress by vehicles relies on views in the east and west direction, particularly George Street which requires visibility in the critical direction to the east, towards oncoming traffic. It is therefore necessary to consider the impact of the access and parking arrangements for the development. Revised plans have been submitted with amendments made to the layout and positioning of the access to demonstrate visibility splays of 2.4m by 47m to the nearside kerb. The proposed development would be served by one access point measuring 8m in width with boundary treatments set back within the site to maintain visibility across the frontage. The revised plans proposed off-street parking for 9 vehicles, divided into 2 tandem parking spaces per dwelling and 3 parking spaces for visitors/additional spaces with an 8m wide turning area to ensure vehicles can leave the site in a forward gear.

- 5.8.6 The comments from the Local Highways Authority have been noted. With regard to condition 1 the application is already supported by a site containment plan with a layout of access/parking during construction, deliveries, material drop off zone/secure storage. This can be conditioned.
- 5.8.7 It is noted that condition 2 requires the access to be created prior to the commencement of other operations. It is recommended that a condition be imposed requiring the access to be created prior to commencement of development to ensure that access to the site during development/construction utilises an access point with the maximum visibility splays in the interests of highway safety.
- 5.8.8 It is recommended that Condition 3 and Condition 4 be attached to the decision to require parking to be provided prior to occupation and thereafter retained and to prevent the installation of gates/barriers to maintain visibility in the interests of highway safety.
- 5.8.9 Condition 5 refers to the gradient of the site access. The application is supported by a section plan showing the proposed parking area with a small incline which is considered to be acceptable, therefore it is not considered necessary to impose as a condition.
- 5.8.10 Subject to conditions as detailed above the development complies with the requirements of CLP20 and CLP22.

5.9 Flood risk, Drainage and Water Efficiency

Relevant Policies

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

Considerations

- 5.9.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water
- 5.9.4 The Design Services (Drainage) Team reviewed the application and provided the following comments;
- ‘In respect of the above planning application, it is noted the applicant wishes to utilise soakaways to dispose of the surface water discharge. We would like to see percolation tests undertaken to BRE Digest 365 and subsequent soakaway sizing and drainage calculations. It should also be noted that it is desired that infiltration drainage is sited at least 5m from any building or structure and all drainage should be constructed in accordance with Part H of the Building Regulations. The applicant also indicates they intend to utilise a pumped system to dispose of foul discharge, again we’d*

like to see appropriate design calculations and proposals in regards to this'

5.9.5 Yorkshire Water reviewed the application and raised no objections in principles subject to the following;

1.) The drainage details submitted on drawing 'Proposed Levels & Drainage' 21-021-PL04 (revision A) dated 24/01/2022 that has been prepared by Brightman Clarke Associates requires additional information, but if planning permission is granted, the matter can be dealt with via condition. The following point(s) should be addressed:

a.) the submitted drawing appears to show a building proposed private packet pumping station, but no rate of pumped discharge has been given.

2.) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

a.) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

3.) It is noted from the submitted planning application that surface water is proposed to be drained to soakaway- Yorkshire Water fully endorse this means of surface water disposal.

a.) The developer should note that further restrictions on surface water disposal from the site may be imposed by other parties. The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site.

b.) As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

4.) *If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.*

5.9.6 Conditions requested by Yorkshire Water are copied below;

1. *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.
(In the interest of satisfactory and sustainable drainage)*
2. *No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network)*
3. *No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 3 (three) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
(To ensure that no foul water discharges take place until proper provision has been made for their disposal)*

5.9.7 The comments from Yorkshire Water and the Council's Design Services Drainage Team have been noted. It is recommended that conditions be imposed on the decision requiring further information

on proposed drainage as detailed above, including the pre-commencement conditions requiring details of foul water disposal to be agreed before development takes place and details of surface water soakaways including percolation testing and sizing/drainage calculations and positioning with the site at least 5m away from any building. Subject to the imposition of relevant conditions the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.10 Ground Conditions Land contamination and Land Stability

Relevant Policies

- 5.10.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
 - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
 - c) a strategy for any necessary mitigation and/or remediation and final validation.*
- A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.*
- 5.10.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

Considerations

- 5.10.3 The application site is not located in area considered to be at 'high risk' of former Coal Mining Legacy, therefore standing advice from The Coal Authority applies. Having regards to the provisions of CLP14 and the NPPF the application was referred to the Council's Environmental Health Officer for comments.
- 5.10.4 The Environmental Health Officer highlighted that the site is in an area which could be affected by historical land contamination and recommended that a phase 1 land contamination study and if required a phase 2 intrusive site investigation with a remediation strategy and validation report.
- 5.10.5 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

- 5.11.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity'*
- 5.11.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

Considerations

- 5.11.3 The site largely consists of former garden which appears to have been left undisturbed for a period of time and is relatively overgrown. Evidence of the former use is still visible including a greenhouse and a shed. The application was not supported by a preliminary ecological appraisal.
- 5.11.4 The Derbyshire Wildlife Trust reviewed the scheme and provided the following comments;

'There is no ecological information submitted with the application. The site comprises a large garden, that appears disused on Google street view. A greenhouse is visible and small trees, possibly old fruit trees.

Some shrubs are also present and hedges on two boundaries. It is not clear if the hedges are native. It appears that the majority of the hedges will be retained, with some removal on the eastern boundary. We advise that no net loss of native hedgerows should result from proposals and therefore if the hedges are native, replacement planting should be incorporated. Given that overgrown grassland, shrubs and small trees will be lost, we recommend that new small trees, shrubs, climbers and herbaceous species should be incorporated on site, with flowering and fruiting species chosen to benefit local wildlife. The landscape plan should be updated to reflect this. Incorporating integrated bat and bird boxes and hedgehog gaps will also help to retain the biodiversity value of the site.

From a check of our biological records database, I cannot see any existing records of protected species on or adjacent to site. However, we have had reports of badgers in the immediate area from local residents and this species can construct a sett in overgrown gardens, including within scrub, soil/debris mounds or beneath disused garden buildings. We advise that a badger survey is undertaken at the earliest opportunity (prior to determination), to ensure appropriate mitigation can be designed if necessary.

Notwithstanding the badger survey, we recommend the following conditions:

Nesting Birds

No clearance of trees, scrub or hedgerow shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- integrated bat box in one dwelling.*
- integrated swift box in each dwelling.*

- *fencing gaps 130 mm x 130 mm in rear garden fences to maintain connectivity for hedgehogs.*
- *summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).'*

5.11.5 A badger survey was commissioned by the applicant and the report was submitted and reviewed by the Derbyshire Wildlife Trust. The Trust noted that no evidence of badger activity was found by the surveyor and no further comments were required on this matter.

5.11.6 The application is supported by a landscaping plan indicating areas of planting, hard surfacing and boundary treatments. It is recommended that a detailed landscaping plan be submitted to demonstrate ecologically beneficial landscaping and measures requested by the Wildlife Trust in the recommend condition above.

5.12.6 Subject to conditions as recommended above the development accords 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 dwellings and is therefore CIL Liable. 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)	359	0	0	£50.00 Medium Zone	332	288	£20,692

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:

$$\frac{359 \times £50 \times 332}{288} = £20,692$$

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and site notice. 2 representations have been received and are summarised below (see representations for full comments):

- Hedge which borders No 6 George Street is within the ownership of No 6 as shown on title deeds. Hedge is planted on boundary and retaining wall and hedge is on our property. Hedge is established and concerns raised that heavy machinery would damage roots and proximity to soakaways
- Traffic/highway safety
 - concerns regarding the safety of pedestrians and road users as the road is not particularly wide and is used by heavy traffic. The pavement is narrow and does not allow people to pass easily.
 - Access onto Broomhill requires vehicles to pull out slowly to check for oncoming traffic and if cars are parked on Broomhill Road users will not have a view of the traffic until they cross the lane.
 - A four bedroom house will have more than 2 vehicles and where will extra cars park? Visitor parking will likely be close to the exit of Victoria Street North or George Street which has poor visibility. If cars park partially on pavement it will not be possible to pass with a pushchair or wheelchair
 - Where will construction traffic park?
- Sewage and Flooding
 - Concerns regarding removing sewage by pump, who would be responsible for management and maintenance what type of maintenance would be required and frequency of maintenance activity, who would be liable if maintenance is not performed regularly and results in smells/leaks/noise/contamination
 - Property situated below the site/lower level and concern that any run off/leak would flow down to property resulting in contamination
 - Location of soakaways as shown is close to hedge, are the soakaways suitable/sufficient to collect all water, who would be responsible for maintenance if they were blocked
- Wildlife
 - Wide range of wildlife on the adjacent site including badger and should be taken into account
- Screening/boundary treatments

- Reassurance that appropriate screening will be in place to ensure that headlights from the cars parking/turning will not shine through to our property.

6.3

Officer comments – the above comments have been noted

- ***Hedge – concerns have been raised regarding the ownership of the hedge as shown on the plans. It is not for the Local Planning Authority (LPA) to be an arbiter in boundary disputes which are considered to be a private civil matter between landowners. To determine a planning application the LPA have a procedural role to seek clarification that the relevant certificate has been signed as part of the application form and if necessary that notice has been served on appropriate landowners. The applicant has provided a copy of the land registry deed plan to demonstrate that the plan corresponds with the submitted location plan and red line boundary and has provided written confirmation that they consider the submitted plans to be correct in line with the land registry documentation. The neighbour has also provided a copy of their deed plan, however this has not served to clearly demonstrate ownership sufficient to request any amendment to the certification or submitted plans. The applicant has stated that they believe the details provided to be correct. The applicant/neighbour may wish to get legal advice on the boundary matters however this is a civil matter between the two respective parties. In planning terms it is considered necessary to retain a screen along the boundary however, as set out at para 5.7.4 above this can be secured by either retaining the conifer hedge at a minimum of 1.8 metres or replacing it with a 1.8 metre high alternative boundary treatment such as a fence or wall.***
- ***Highway safety/parking – revised plans submitted increased the number of off-street parking spaces for the development and introduced a single wider access with enhanced visibility. The revised plans seek to address concerns regarding parking on the frontage and it is considered sufficient parking will be provided by the development for the dwellings. Details of site storage/parking and site compound for use during construction have been provided and will be controlled by condition***
- ***Sewage/flooding – Yorkshire Water has requested further details of proposed drainage systems to be agreed and controlled by condition. The siting of any***

soakaways/drainage systems will need to be agreed by condition. Once installed maintenance would fall to the individual land owner

- ***Wildlife – a badger survey has been provided by the applicant and reviewed and agreed by the Derbyshire Wildlife Trust.***
- ***Screening/boundary treatments – the application is supported by a landscaping and boundary treatment plan, however details of the specific height of the wall/timber fencing and whether this would provide sufficient screening to be controlled by condition.***

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 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

9.0 **CONCLUSION**

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

10.0 **RECOMMENDATION**

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

Conditions

Standard time frame

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

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

Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Location Plan, drawing number 21-021-PL00 (dated 26.07.2021)

- Proposed Site Layout to Account for Planning & Highways Comments - 47m Splays / 12m Separation, drawing number 21-021-PLO2 Revision B (Dated 18.02.2022)
- Existing Site / Topo Survey, drawing number 21-021-PL01 Revision A (Dated 24.01.2022)
- Proposed Landscaping & Boundaries, drawing number 21-021-PL03 Revision A (Dated 24.01.2022)
- Proposed Levels & Drainage, drawing number 21-021-PL04 Revision A (Dated 24.01.2022)
- Proposed Site Containment Plan, drawing number 21-021-PL05 Revision A (Dated 24.01.2022)
- Proposed House Floor Plans, drawing number 21-021-PL06 Revision A (Dated 24.01.2022)
- Proposed Elevations - Front & Rear, drawing number 21-021-PL07 Revision A (Dated 24.01.2022)
- Proposed Elevations – Sides, drawing number 21-021-PL08 Revision A (Dated 24.01.2022)

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

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

Pre-commencement Highways – creation of access

4. Before any other operations are commenced on site a new vehicular access including associated engineering works shall be formed to Broomhill Road in accordance with the approved application drawings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in both directions. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

Reason - This pre commencement condition is required in the interests of highway safety to ensure access to the site during construction/development has maximum visibility to Broomhill Road in accordance with CLP20 and CLP22

Pre-commencement - Site Storage/Compound

5. 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 in accordance with drawing Site Containment Plan, drawing number 21-021-PL05 Revision A, laid out, constructed 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.

Pre-commencement – Foul Drainage

6. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 3 (three) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason – This pre-commencement condition is required due to the site specific context and requirement for further details regarding package of work including pumping system and agreed points of discharge. To ensure that no foul water discharges take place until proper provision has been made for their disposal in accordance with CLP13.

Protection of hedge

7. The hedgerow to the full length of the south boundary of the site with 6 George Street shall be retained at a minimum height of 1.8 metres or a scheme for its replacement with a 1.8 metre high wall or fence shall be submitted to the local planning authority for consideration. In the event that the hedge is to be retained as indicated in the application documents, a scheme for the protection of the hedgerow shall be submitted to the Local Planning Authority for written approval. The scheme shall include (not limited to) protective fencing to create an approved protection zone. The approved protective fencing shall be installed before the development is commenced and thereafter retained until such completion of the development to the satisfaction of the Local Planning Authority. There shall be no excavation, raising/lowering of existing ground level, no building or engineering operations carried out, no storage of materials or equipment within the agreed protection zone.

Reason - To protect the amenity of the residential occupants of No 6 George Street in accordance with Local Plan policies CLP14 and CLP20

Levels

8. Following construction of the access and before any other works take place details of all finished floor levels and spot levels across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the detail as approved.

Reason – to ensure satisfactory finished levels in accordance with CLP20 and CLP22 of the Local Plan

Hours of construction

9. 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

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved surface water drainage works.

Reason - To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and 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

11. 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 and in accordance with CLP13

Approval of Materials

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

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

Biodiversity

13. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - integrated bat box in one dwelling.
 - integrated swift box in each dwelling.
 - fencing gaps 130 mm x 130 mm in rear garden fences to maintain connectivity for hedgehogs.
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

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

14. Notwithstanding the submitted details 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, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b. proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.
- 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 in accordance with CLP16 of the Local Plan.

Retention of soft landscaping

15. 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

Retention of hedge

16. The existing hedge which runs along the full length of the southern boundary of the application site with No 6 George Street shall be retained for the life of the development at a minimum height of 1.8m as measured from ground level within the application site.

If at anytime during the life of the development the hedge is diseased, damaged or dying, prior to the removal of any part of the hedge a scheme for replacement screening/planting shall be submitted to the local planning authority consideration and written approval. Only the screening/planting which receives written approval from the Local planning authority shall be installed on site and thereafter retained as such in perpetuity.

Reason - To protect the amenity of the residential occupants of No 6 George Street in accordance with Local Plan policies CLP14 and CLP20.

Water efficiency

17. 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

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

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

Electric charging

19. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly

wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

Pd rights removal for walls, gates and enclosures

20. 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.

No gates/barriers

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

Reason - To ensure appropriate visibility is retained with low level boundary treatments across the site frontage in accordance and to ensure clear unobstructed access to the site in the interests of highway safety and in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Obscure glazing

22. Prior to the development hereby permitted being occupied/brought into use the first floor window to the side (west) elevation of Plot 3 facing towards George 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. 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. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director - Place at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).
10. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
11. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged

chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

12. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

13. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

14. In accordance with the ecological/biodiversity enhancement condition 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	Bird Boxes and other nesting features: (such as stone ledges	Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal

	<p>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>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.</p> <p>South facing banks: with some bare ground.</p> <p>Rough or natural stone walls with holes for invertebrates to use.</p> <p>Brown roofs with a range of substrates these are particularly recommended on brownfield sites where open mosaic habitat may have</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>

	been lost. The substrate does not have to cover the entire roof.	
--	--	--

15. Notes from Yorkshire Water

1) The drainage details submitted on drawing 'Proposed Levels & Drainage' 21-021-PL04 (revision A) dated 24/01/2022 that has been prepared by Brightman Clarke Associates requires additional information, but if planning permission is granted, the matter can be dealt with via condition. The following point(s) should be addressed:

a.) the submitted drawing appears to show a building proposed private packet pumping station, but no rate of pumped discharge has been given.

2.) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

a.) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

3.) It is noted from the submitted planning application that surface water is proposed to be drained to soakaway- Yorkshire Water fully endorse this means of surface water disposal.

a.) The developer should note that further restrictions on surface water disposal from the site may be imposed by other parties. The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site.

b.) As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further

consultation with Yorkshire Water will be required.

4.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

16 The details required under condition 10 shall include percolation tests undertaken to BRE Digest 365 and subsequent soakaway sizing and drainage calculations. The position of any infiltration drainage should be clarified and should be at least 5m from any building or structure.
