

Item 3

Case Officer: CW
CHE/21/00446/FUL

Application No:

**PROPOSAL: ERECTION OF A RESIDENTIAL DWELLING - REVISED
DRAWINGS RECEIVED 05.10.2021 AND 18/01/22**

**LOCATION: LAND ADJACENT 5 MARY ANN STREET, SHEEPBRIDGE,
CHESTERFIELD for MR DAVE ROBERTS**

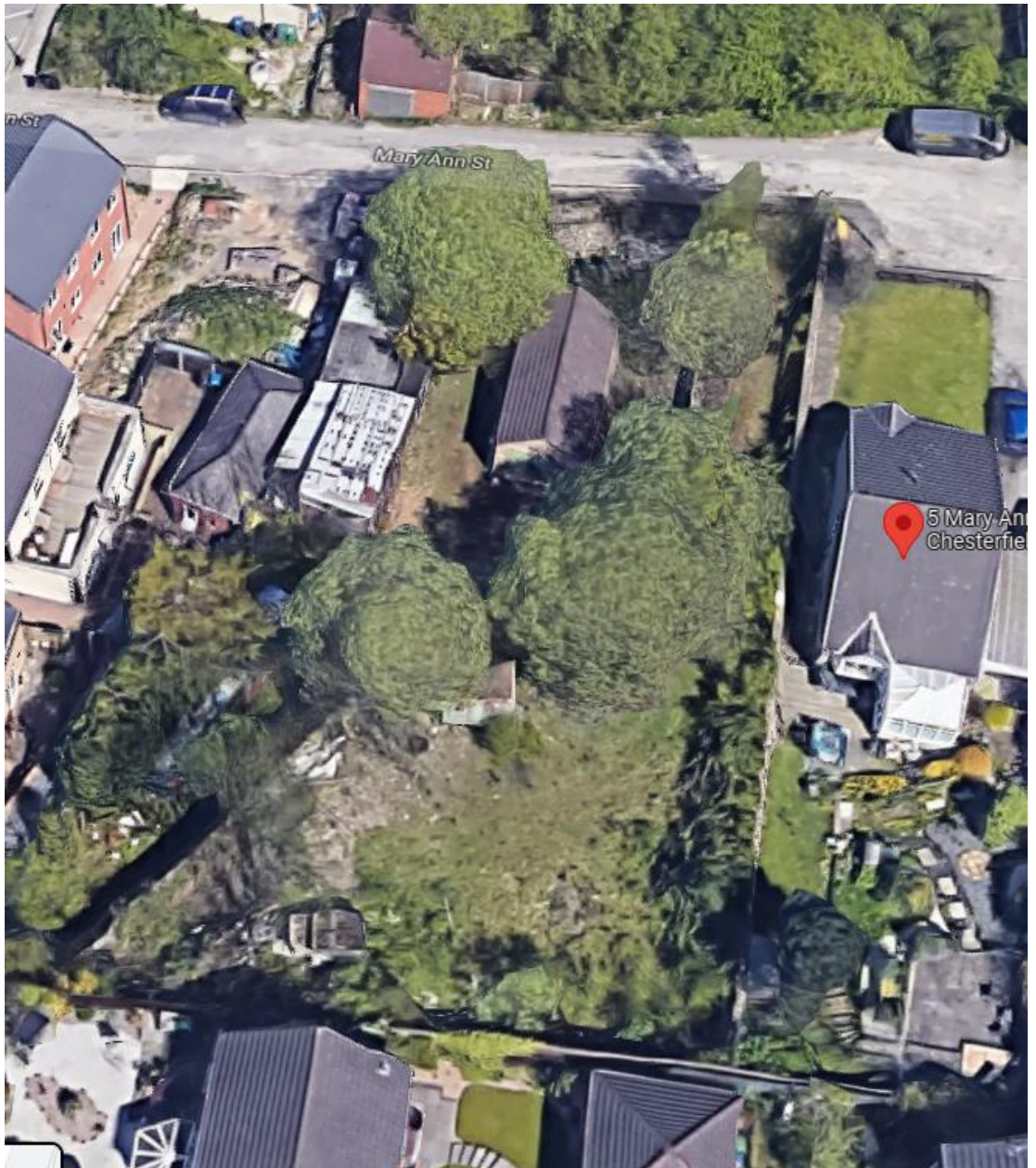
Date: 24.03.2022

1.0 CONSULTATION RESPONSES

Ward Members:	No comments received
Design Services Drainage	No objections, subject to conditions regarding drainage and surface water drainage
Coal Authority	Not consulted, as low risk area
Strategic Planning	No objection to principle, but request inclusion of conditions
Derbyshire Wildlife Trust	Not consulted
Local Highways Authority	Request more information
Tree Officer	No objection, subject to conditions re landscaping
Environmental Health	No objection, subject to conditions regarding noise, lighting, air quality and land contamination.
Representations	3 representations received. Objecting on the grounds of the poor quality of the access road and the potential for the scheme to make this worse.

2.0 THE SITE

- 2.1 The site subject of this application is situated to the eastern side of Sheffield Road and to the southern side of a private road called Mary Ann Street. It is in a residential area and is surrounded by housing on all sides. The site has several single storey outbuildings on it but is also overgrown and unmanaged and has no clear purpose, other than the storage of waste and for burning waste. The site is also split level, with an access track from Mary Ann Street up to a raised platform area to the south of the site. There is also an access track from Sheffield Road into the lower section of the site, which is part of the blue line area of the site.
- 2.2 Mary Ann Street is a private road and is of a poor standard.
- 2.3 The site has several mature trees and shrubs on it.



Google Satelite view 2022

- 2.4 The area surrounding the site has a mixed architectural style, with 3 detached bungalows to the east on Mary Ann Street, two storey semi-detached and terraced dwellings on the front of Sheffield Road to the north-west, two storey semi-detached dwellings and buildings for flats to the west and a small housing estate of detached two storey dwellings to the south.

3.0 SITE HISTORY

- 3.1 CHE/19/00651/FUL - Erection of two new bungalows – Withdrawn – 17/12/19

3.2 There appears to be a complicated history to the site, with several applications for this site and the surrounding area. There is some history of separate applications for a garage/store and bungalow on site, but they do not appear to be linked in anyway, and there is no possibility for the bungalow to be built in relation to a commenced permission related to the garage/store on site.

4.0 THE PROPOSAL

4.1 The application seeks consent for the erection of a detached dwelling which would be two storeys in the main section and a single storey front and side wrap around section. The main roof of the dwelling would have a pitched roof with a projecting two storey section to the front. The side section would have a hipped roof. The materials would be red brick and flat grey tiles.

4.2 It would have 4 bedrooms and a bathroom on the first floor and a lounge, kitchen/diner, utility room, garden room and garage on the first floor.

4.3 It would have parking to the front for 2 vehicles which are over 6m in length. The internal measurements of the garage are 3.3m width and 7.9m length.

4.4 The site has a rear garden of over 200sqm in size, but this includes a split-level part of the site that is accessed from a ramp to the side of the site.

4.5 The proposal has been altered since the original scheme, with the original development including an additional 1st floor section to the side initially, and then a single storey front section added, with the materials including tile hanging to the front elevation initially.

4.6 Precise information about proposed land levels post development, boundary treatments, landscaping, biodiversity are unclear from the submitted drawings.

5.0 PLANNING POLICY

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

Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.4 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the demand for travel

5.5 National Planning Policy Framework 2021

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- 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

5.6 Supplementary Planning Documents

- Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

- 6.1.1 The Council's Strategic Planning team was consulted on the scheme and they provided the following comments:
The site is not allocated for any specific use on the adopted Local Plan policies map. It is within the built-up area as identified on the Policies Map.
Principle of development
The principle of development should primarily be assessed through the application of policies CLP1 and CLP2. Primary amongst these considerations is that new development should be directed to regeneration areas and those within walking distance of a range of key services. The site is not within a Regeneration Priority Area. The Council's Residential Design SPD sets out (on page 41) what a walkable neighbourhood is in terms of distances to key services, and there are upper and lower travel times included in the DfT indicators In terms of the SPD, the

site is above the recommended walking distances to primary and secondary schools, food stores, and town centre/supermarket. It is however within the lower threshold (ranging from 15-30 minutes) for all services when travelling by public transport (the site being within 400m of a bus stop) or on bicycle. The site is also adjacent to the route of the Key Cycle Network (CLP22). In addition, many facilities are accessible on relatively level, hard surfaced, lit and overlooked routes, and the site is located within an established residential part of the built-up area. Therefore, and considering the scale of the proposal, the limitations in terms on walking accessibility are not sufficient to warrant an objection in principle to this proposal.

With regard to policy CLP2 the proposal would not meet its criteria in particular criterion b), given that the site is not on 'previously developed land'. It is noted that there is a lapsed permission and that the site forms part of an area of land that would reasonably be considered to form the end of the cul-de-sac. No wider regeneration or sustainability benefit of any significance is likely (criteria c). The site only partially meets criteria d), but as commented in relation to CLP1, this needs to be balanced with the scale of development, location within the built-up area, quality of walking routes and proximity of bus services.

Notwithstanding the above, the proposal is required to meet other policy criteria for the proposal to be considered acceptable.

Biodiversity Net Gain

No information has been supplied in order to determine whether the proposal provides a net measurable gain in biodiversity, beyond an elevational drawing showing proposed provision of bird and bat boxes. The site appears to be well natured and borders an area of public open space beyond the railway line to the east. The applicant will need to provide sufficient information to determine the baseline value of the site.

Other matters

The development is CIL-liable. The site is situated within the Medium CIL charging zone where residential development would be subject to a charge of £50 per m² (index linked). The applicant should be asked to complete and return a CIL form 1

In Summary, the proposal does represent some conflict with CLP1 and CLP2 due to the limited walking accessibility to some key services and the greenfield nature of the site. It is however within an established residential built-up area, of small scale, and close to good public transport links and proposed cycle route. In addition, the site is within 15 minutes travel time (bus) of essential services and facilities, the site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or other open land functions and

its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality

- Overall the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up area therefore broadly accords with the strategy of 'concentration'

- The proposal would be broadly consistent with the requirements of the NPPF and on this basis there is no objection in principle to this proposal.

Should the development receive permission conditions will be required to ensure that the detailed design of any dwelling:

- meets the optional Building Regulation water efficiency standard of 110 litres per occupier per day (CLP13)*
- provides a measurable net gain for biodiversity (CLP16)*
- incorporates an electric vehicle charging point (CLP22)*

6.1.2 The proposed development site is situated within a residential area and is within close access to a regular bus service. Overall, the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up area, therefore broadly accords with the strategy of 'concentration'. The proposal would be broadly consistent with the requirements of the NPPF and on this basis there is no objection in principle to this proposal, subject to conditions.

6.2 Design and Appearance of the Proposal

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

6.2.2 The proposal is for a 2 storey red brick detached dwelling. The existing site is overgrown in part and is used for storage. There is an existing stone built outbuilding on site, which is used for storage.

6.2.3 The surrounding vicinity includes a mix of most house types and materials; to the east there are detached bungalows (including large extensions), to the west there is the redevelopment of the vacant pub into flats and infill developments for two storey buildings for flats and houses, to the north-west there are terraced-style dwellings adjacent to Sheffield Road and a hotel and second

hand car sales garage, to the south there is a cul-de-sac of modern two storey detached dwellings. In regards materials there is the full spectrum, with red-orange bricks, cream render, yellow brick, natural aged stone, light brown bricks, cream wire cut stone, a mix of renders colours and red brown bricks. Most of the buildings are pitched roofed, although some of the houses on the new estate to the south also include projecting gables.

6.2.4 The proposal has been altered during the application from a two storey pitched roof dwelling, to be reduced in width and to have a hipped roof side and front section instead. The materials have also been altered to red brick and hanging tiles to just red brick with lintels and cills above some of the windows on the front elevation also. The design of the house is considered to be an improvement to the original scheme, with a reduced built form. As previously mentioned the range of dwelling types and materials ensure that there isn't a clear, distinct character for dwellings within the local area, with some poor material choices having a particularly negative impact. The exact choice of brick and roof tiles will need to be conditioned to ensure that a suitable choice is used.

6.2.5 The proposal has included some information about boundary treatments, including a 2.1m high close boarded fence surrounding the red line area of the site, but after discussions with the applicant and visiting the site this does not make sense nor seem very realistic. The levels on site and the situation surrounding the site, as well as the adjoining section of owned land to the south, make the submitted information seem inappropriate resulting in a 2.1m high wooden fence surrounding the red line area as not acceptable, and that further details/clarification is required post decision. There are no details of what is proposed to the front of the site, and the applicant is reminded that a 1m high wall/fence is considered acceptable in such a location.

6.2.6 The officer considers that the site and surrounding area has a complicated history with piecemeal development over time negatively impacting the area. The proposed house will not be highly visible from Sheffield Road but will add to the mix of dwelling types and styles in the area. It is therefore considered that the proposal would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20, subject to condition regarding materials and boundary treatments.

6.3 Residential Amenity

- 6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The site is a split-level site with the general topography of the area including an incline from west-east. This ensures that the bungalows to the east are raised up above the site, albeit with planting to the side and the dwellings and flats to the west are below the site, but also includes some level of planting, including large, mature trees to the south-west of the site. It is also unclear at present what the intentions are for the raised platform, which is partially included in the red line boundary of the site. On a site visit the applicant stated that the entirety of the area would be used as a garden space, as they own the whole of the site (which is shown in the blue line), but this is not part of the application site, which only includes a landscaped ramp to the eastern side and the front corner of the platform. It is unclear what the longer term plans are for this part of the site.
- 6.3.3 In terms of overlooking the main windows in the dwelling are to the front and rear, and there are no dwellings to the front or rear which could lead to an issue in this regard. In regards overshadowing the site would not impact surrounding residents. In terms of massing it will be a change from the current situation with the residents of the flats and house to the west both having reduced outlooks, but these are considered to have reasonable separation distances between themselves and the new dwelling so the impact is not so severe (18-21m) that a refusal of permission can be justified. No objections have been provided on this issue. The proposal includes reasonable levels of outlook and an acceptable sized amenity space for a dwelling of its size. A condition can be included to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Flood Risk, Drainage and Stability of River Bank

- 6.4.1 The site is in a low risk area in relation to risk of flooding. CBC's drainage team have been consulted on the scheme. Any new connection will require prior approval from Yorkshire Water. The site should utilise separate systems of foul and surface water and further information is required in regards the proposed use of

soakaways. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

6.5 Highways Safety

- 6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The Local Highways Authority provided this response to their consultation:
The proposal seeks the erection of a 4no bedroom dwelling with an integral garage and the creation of a new vehicular access to Mary Ann Street.
The application site is located in close proximity to the cul-de-sac of Mary Ann Street which is an unadopted road where vehicle speeds are unlikely to exceed 20mph. Mary Ann Street is not included within the red outline boundary, therefore, the Highway Authority would raise question as to whether vehicular access would be available to the dwelling via this route, I trust you will ensure the applicant has rights of access to Mary Ann Street.
The proposed dwelling will result in an intensification in use of the vehicular access to Mary Ann Street off Sheffield Road. Sheffield Road (B6057) is subject to a 40mph speed limit, therefore, its recommended the applicant provides emerging visibility sightlines of 2.4m x 103m in both directions from the existing vehicular access off Sheffield Road, any lesser extents should be supported by the results of a traffic speed survey.
The Proposed Site Plan (2021-060-03) demonstrates 2no off-street parking bays in addition to the integral garage, which is sufficient to serve a 4no bedroom dwelling. Typically, off-street parking bays should be clearly demonstrated by dimensions, however, the Highway Authority is satisfied the appropriate dimensions can be secured by condition.
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.
I trust you will ensure that the level of off-street parking satisfactorily meets your own Authority's requirements. An area of adequate dimension for standing of waste bins on refuse collection days should be provided adjacent to, but not within, Mary Ann Street to serve the proposed dwelling.
You may wish to ask the applicant to address the above comments relating to rights of access on Mary Ann Street to which I will be happy to comment upon in due course.
Alternatively, provided that you are satisfied that a satisfactory layout can be controlled by conditions, there are no highway objections to the proposal from the highway point of view, subject

to the following conditions being included in any consent granted in the interests of highway safety (not included here).

- 6.5.2 The officer has sought to clarify during the application that the applicant has access to the site from Mary Ann Street (which is a private road), and they have provided some evidence to confirm this. The state of the Mary Ann Street is considered to be extremely poor and is difficult for standard vehicles to safely drive across it. The applicant has suggested that they will upgrade the road after their dwelling is complete, in conjunction with other residents of the street. As this is a private road it is unclear what powers the planning authority has to ensure that these works are completed prior to occupation. The site is for a 4 bedroom dwelling and includes 2 spaces to the front of the house and one in the garage (all of these spaces adhere to parking space standards) accessed from Mary Ann Street and this is considered acceptable in this regard. The blue line area also includes an access track from Sheffield Road however it is unclear what role this will have in the future functioning of this house, but this is not stated to be the primary access for future residents on site.
- 6.5.3 The access issue is fundamental to the acceptability of the development, given that off-street parking is a requirement in this location and a redesigned scheme with access off Sheffield Road does not appear to be feasible. The development should not take place unless the applicant has secured a right of access in perpetuity for the off-street parking. The Local Planning Authority can apply a negatively worded condition to prevent development taking place until such a time when the necessary access rights have been secured. Whilst occupiers on Mary Anne Street have expressed concern regarding the deterioration of the access the applicant has confirmed that the intention is to resurface a part post the development. This is however a civil matter as the road is private however for planning purposes it is necessary to receive some confirmation that there is a reasonable prospect of such improvements being undertaken. Given that the applicant is to offer financial gain and improvements to the access surface and the response to this from the street owners has yet to be tested, it would not seem that there is 'no prospect at all'. It is considered appropriate to apply a negatively worded condition.
- 6.5.3 The application will include off-street parking arrangements for three vehicles, which is considered to be sufficient for the development, therefore on this basis the proposal is considered to

accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.6 Biodiversity including trees and landscaping

- 6.6.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.6.2 The Council’s tree officer has been consulted on the scheme and provided these comments:
- There are no objections to the application to build one dwelling on the site and most of the tree cover has already been removed leaving a few Silver Birch and Goat Willow trees. The remaining trees are insignificant and could be removed in favour of a new landscaping scheme. General landscaping details have been provided on the site layout drawing 2021-060-03, however there are no details of the species, quantity and size etc. If consent is granted to the application, then the following landscaping condition should be attached (landscaping condition).*
- 6.6.3 Derbyshire Wildlife Trust was not consulted on the proposal. The site is a mixture of overgrown coniferous hedge trees, self-set trees and other unmanaged growth.
- 6.6.4 The officer has sought to clarify what the existing situation is on site and what is proposed post-development. It is considered that much of the tree and shrub growth on site has been removed or chopped back prior to application or when this report is being written, and that it is impossible to accurately assess what the original state of the site was. The existing and proposed site plans are not considered to be accurate, other than the removal of one semi-mature goat willow tree.
- 6.6.5 In response to further requests for biodiversity on site 2 bird boxes and 1 bat box has been suggested, with no mention of mitigation for the lost trees on site. It is considered that a detailed biodiversity and landscaping is required including a consideration of the lost

trees/shrubs on site. The entirety of the blue line area is very large, with sufficient space for tree and shrub replacement planting.

- 6.6.6 It is therefore considered reasonable and necessary to impose a condition for measures to secure further information on the biodiversity net gain/landscaping details for the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 Environmental Health - Land Condition / Contamination

- 6.7.1 Land condition and contamination need to be considered having regard to policy CLP14 of the Core Strategy.
- 6.7.2 The Council's Environmental Health team has reviewed the proposals and commented that they have no objections to the plans. It has been considered that conditions should be imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties, as well as the inclusion of electric charging points, to reduce air pollution. A lighting condition has also been requested to control glare to nearby properties. The environmental services team also consider that the area is in an area with the potential to have land contamination issues and that a condition should be included to investigate this further.
- 6.7.3 In relation to noise from the construction of the proposed dwellings; the workers on site would be restricted with the working hours to be 8am-6pm Monday to Friday, 9am-5pm on Saturdays and no work on Sundays or Bank holidays. These restrictions will assist in limiting the noise from the site to normal working hours and reduce impacts in the interests of the amenity of local residents.
- 6.7.4 In respect of potential Coal Mining Risk, the site the subject of the application is situated within the low risk area. The Coal Authority was not consulted on this application and an informative will be included on the decision on this matter.

6.8 Community Infrastructure Levy

- 6.8.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

6.8.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

			A	B	C	D	E
Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Plot 1	247 (officer)			£50	332	288	£14,237

$$\frac{\text{Net Area (A) x CIL Rate (B) x BCIS Tender Price Index}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

$$\underline{247 \times 50 \times 332} = \underline{\underline{£14,237}}$$

288

6.8.3 The applicant for the scheme has filled in CIL forms 1 and 7 and is claiming a self-build exemption for the development, which means that development is unlikely to lead to a CIL payment.

7.0 REPRESENTATIONS

7.1 3 representations have been received in response to the application. The local residents are objecting on the grounds of the poor quality of the access road and the potential for the scheme to make matters worse.

Response

See para 6.5 above – The applicant is offering to surface a part of Mary Ann Street post the development however this could not be conditioned since Mary Ann Street is in private ownership and not in the full control of the applicant.

8.0 HUMAN RIGHTS ACT 1998

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

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

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

9.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 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.

9.2 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.

10.0 **CONCLUSION**

10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan, subject to relevant conditions.

11.0 **RECOMMENDATION**

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

11.2 **Conditions**

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

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Site Location Plan and Site plan (submitted 18/01/22)
 - Proposed Floor plans (submitted 18/01/22)
 - Proposed Elevations (submitted 18/01/22)

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.

3. The development hereby permitted shall not commence until a scheme which demonstrates that the development has secured a lawful right of vehicular access off Mary Ann Street in perpetuity, has been submitted to and approved in, writing by, the Local Planning Authority.

Reason - In the interests of highway safety and the free flow of traffic on the highway

4. No development above floor-slab/D.P.C level shall take place until 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 agent for the scheme stated that 1 bat box and 2 bird boxes; this is not considered satisfactory for the scheme, with replacement tree and shrub planting required on site, additional details shall include:
 - a) a scaled plan showing the trees and plants to be planted:
 - b) a scaled plan showing the trees and plants to be removed:
 - c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
 - d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
 - e) Sufficient specification to ensure successful establishment and survival of new planting.
 - f) Details of the types of bird boxes, bat boxes and bee bricks that are proposed.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

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 175 of the National Planning Policy Framework

5. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

Reason: In regards residential amenity and ecology, in regards to policies CLP14.

6. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard, in relation to policy CLP14.

7. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of residential amenity and CLP14

8. A residential charging point shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. 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 air pollution and policy CLP14.

9. The 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 153 of the National Planning Policy Framework.

10. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason: In regards visual amenity and policy CLP20.

11. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

Reason - This pre commencement condition is required in the interests of highway safety in accordance with CLP20 and CLP22

12. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed

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

Reason – In regards highway safety and policies CLP20 and CLP22.

13. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of residents vehicles (each space measuring a minimum of 2.4m x 5.5m), 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 regards highway safety and policies CLP20 and CLP22.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the garage to be provided in connection with the development shall not be used other than for the parking of vehicles except with the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason – In regards highway safety and policies CLP20 and CLP22.

15. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenity of occupants of adjoining dwellings, CLP14 and CLP20

- 16 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

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

17. The development shall include a scheme for the provision of surface water run-off on site, either via the use of a SUDs channel or permeable block paving. If this is not possible the applicant is required to contact the Local Planning Authority to discuss alternative options; and then not complete works until an alternative solution has been agreed in writing by the LPA. The scheme shall incorporate sustainable drainage principles and shall be implemented in full.

Reason - To prevent the increased risk of flooding, in relation to policy CLP13.

18. The development shall not commence above floor-slab/D.P.C level until details of a sustainable drainage scheme have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority. This shall any include the calculations of soakaway rates on site.

Reason – To ensure that the proposed drainage method is realistic on site and acceptable in relation to CLP13.

11.3 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. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
3. 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.

4. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:

- bird/owl/bat boxes

(Locating your nest box: 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 nest boxes 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 nest box close to a bird table 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

5. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.
6. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com