

**ITEM 4**

**CONSTRUCTION OF 4 TWO BED APARTMENTS WITH ASSOCIATED PARKING AND AMENITY SPACE LAND ADJACENT TO 65 ST JOHNS ROAD FOR HARDWICK NOMINEES LTD**

Local Plan: Unallocated in the defined built up area

Ward: Dunston

**1.0 CONSULTATIONS**

Ward Members No objections from Councillor Simmons

Local Highways Authority Proposal seeks access from Poplar Place which is not adopted highway. Comments given on the basis that the proposed improvements can be delivered. Visibility from the access onto St John's Road is substandard and the area subject of the application seeks to improve/maximise visibility in the direction of traffic flow. Only one space is provided per dwelling whereas two spaces are recommended for two/three bedroom dwellings. On street parking is suggested to be heavily utilised and there is likelihood of increased competition for parking if proposal granted. Dimensions of parking spaces should be increased with space for manoeuvring. If minded to approve conditions covering a construction management plan/method statement, creation of improved access with visibility sightlines, parking provision, no gates/barriers and gradient of parking spaces.

Design Services Drainage Site not shown to be at risk of flooding. Site to be developed with separate systems of foul and surface drainage. Percolation/infiltration tests required to demonstrate soakaways are feasible and drainage calculations to prove soakaway sizing

The Coal Authority The Authority concurs with recommendations of submitted Coal Mining Risk Assessment and recommends the imposition of conditions covering pre-commencement intrusive site investigations

and associated remediation/mitigation works and a condition requiring the submission of a statement or declaration that the site is safe and stable prior to occupation of the development.

Yorkshire Water	No objections, condition required covering disposal of surface water
Environment Agency	The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site which the EA wish to formally comment upon.
Derbyshire Wildlife Trust	No ecological information submitted, no known records of protected species some records of invasive species. Main constraints nesting birds and hedgehogs, potentially badgers and amphibians could use site. Conditions recommended covering site clearance under a Method Statement 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 and facilities at Whittington Moor District 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 broadly accords with policy CLP2. Conditions covering water efficiency (CLP13), Biodiversity net gain (CLP16), design (CLP20) and electric vehicle charging (CLP22) should be imposed. The development will be CIL liable.
Environmental Health	No objection submitted report requires Phase 2 contaminated land investigation required. Conditions recommended covering hours of construction/work, air quality and electric vehicle charging
Representations	5 representations received – see report

## 2.0 THE SITE

- 2.1 The site subject of this application is situated on the south side of St Johns Road to the west of No 65 St Johns Road. A private drive leading to Poplar Place and a shared parking area forms the western boundary. Nos 1 – 4 Poplar Place are situated to the south/south west of the site. The immediate streetscene predominately comprises of traditional Victorian terraces. A public house known as 'Steelmelters Arms' is situated to the north of the site on the opposite side of the public highway.
- 2.2 The site is in a sustainable location in walking distance to a range of services and facilities at Whittington Moor District Centre and in proximity to a primary 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 ©



Photo taken from St Johns Road facing south



Photo taken from private drive leading to Poplar Place

- 2.3 The plot is broadly rectangular in shape covering approximately 0.0678 hectares in area (678m<sup>2</sup>). The plot is relatively overgrown and land levels within the site slope gradually towards the eastern boundary. The site is partially enclosed by a brick wall to the north and west. A low-level timber fence forms the southern boundary and a brick wall with timber panel forms the remaining boundary to the east.



Photo taken from private drive facing north towards St Johns Road



Photo of shared parking area to the south of the site

### 3.0 **SITE HISTORY**

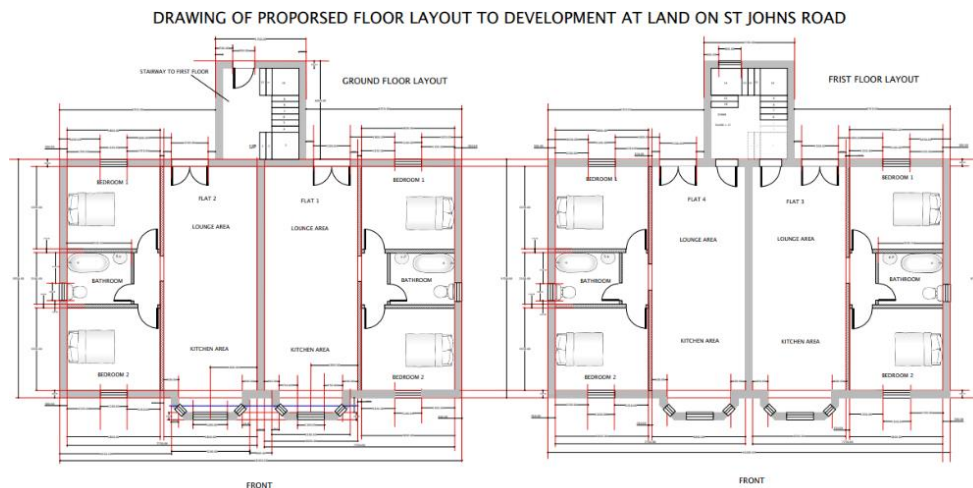
- 3.1 CHE/0290/0157 - Outline application for residential development – **CONDITIONAL PERMISSION (13.06.1990)**
- 3.2 CHE/1288/0959 - Permission for outline application for residential development on land at Poplar Place Newbold Chesterfield for Dennis Rye Ltd - **CONDITIONAL PERMISSION (16.05.1989)**
- 3.3 CHE/0888/0681 - Permission for three dwellings with integral garages on land at Poplar Place St. Johns Road Newbold Chesterfield for Dennis Rye Ltd - **CONDITIONAL PERMISSION (16.11.1988)**
- 3.4 CHE/0288/0121 - Permission for 3 dwelling units on land at St. Johns Road Newbold Chesterfield for Dennis Rye Ltd. – **CONDITIONAL PERMISSION (18.05.1988)**
- 3.5 CHE/0787/0442 - Permission for proposed two shops with flats over on land off St. Johns Road Newbold for Dennis Rye Ltd. – **CONDITIONAL PERMISSION (16.09.1987)**

## SURROUNDING SITE HISTORY

3.6 CHE/11/00854/FUL - Erection of a dwelling at Land Adjacent To 3 Poplar Place St Johns Road – **CONDITIONAL PERMISSION (13.03.2012)**

## 4.0 THE PROPOSAL

4.1 The application proposes the erection of a two storey building comprising of four two bedroom flats. Each flat measures approximately 72sqm in gross internal area with the same mirrored internal layout. The internal layout of each flat has a dual aspect open plan kitchen/living room served by a window/opening to each elevation. Each bedroom is served by a single window (one to the front and rear elevation) with a shared bathroom served by a window to the side elevation. Access to the first floor units is taken from a two storey projection to the rear by a shared staircase. The first floor flats benefit from Juliette balcony's serving the living accommodation to the rear (south) elevation)



Extract of submitted internal layout ©

4.2 The proposed development is formed of a dual pitched roof form with gable ends to the side (east and west) elevations. The proposal incorporates flat roof projecting bay windows to the principle elevation and an intersecting dual pitched roof form to the rear which is set down from the main ridgeline.



4.3

The plans proposed for the building feature a principal elevation with stone quoins and a gabled roof. Extract of submitted elevational plans © submitted tiles. Stone and brick details with brick corbels are proposed to the rear. Revised plans altered the window design to introduce vertical proportions in response to the local vernacular.

4.4

The proposed building is positioned towards the north of the plot, creating a stepping building line to St Johns Road and to provide a small landscaped frontage. The site is served by shared amenity space of 125sqm and private amenity space for flat 1 and 2 measuring 25sqm. Bin storage and areas of landscaping and boundary treatments are indicated.

4.5

Parking for four cars is proposed, revised plans increased the size of the parking spaces and sought to provide a 6m turning space for manoeuvring. The application also proposes widening the private drive to 4.9m in width allow two vehicles to pass.

## PROPOSED DEVELOPMENT SITE LAYOUT AND LOCATION PLANS



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 Newbold 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 key policies in determining the principle of development are CLP1 and CLP2. The application is on land that is shown as within the built-up area of Chesterfield (policy CLP3), but otherwise is not allocated for any specific use on the adopted policies map. The Spatial Strategy in the Local Plan for sites that are not allocated for specific types of development, expressed in policies CLP1 and CLP2, focusses on development being within walking distance of a range of key facilities. For housing, the Council's residential design guide "Successful Places" provides further guidance on what is considered a 'walkable neighbourhood' (see page 41). The site is within walking and cycling distance of a range of key services, including the services in the Whittington Moor District Centre, Newbold C of E Primary School, further education and a GP/Pharmacy. Bus services in the area are good. The proposal would not fully meet the criteria set out within CLP2, in particular criterion b), as the site appears is not considered to be 'previously developed land'. The site performs well against criterion (d) and (e), being a reasonable walking distance to public transit nodes and a range of key services. As such the proposal would appear to a greater degree to accord with policy CLP2. The principle of residential development therefore accords with Local Plan policies CLP1 and CLP2.'*
- 5.4.7 The application site is located within walking and cycling distance of key services/facilities located in the defined Whittington Moor District 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

proposal would introduce additional housing within the existing built up area of Newbold 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 immediate streetscene surrounding the application site predominately comprises of traditional two storey Victorian terraces characterised by dual pitched roof forms with side gables. Vertical window proportions reflect the age of the built form along with associated detailing, stone cills and bay windows. The proposal reflects the character and scale of the surrounding buildings with a dual pitched roof form and subservient intersecting addition to the rear. The use of vertical window proportions, stone quoins and stone cills/headers to the principle elevation is acceptable within the context of the area. The plans indicate red facing brick to the elevations which is supported. It is recommended that a condition be imposed requiring the submission of specific materials in terms of colour and style (roofing and walling) prior to ordering.
- 5.6.3 The proposed building is set back from the public highway to create a small landscaped frontage and stepped building line to St Johns Road. The building fits comfortably within the plot and retains good levels of amenity space which exceed the minimum recommendations as set out in the adopted SPD (minimum requirement of 25sqm per flat).
- 5.6.4 A landscaping plan has been provided indicating areas of planting, full details of all matters have not been provided and therefore should be controlled by condition. The submitted landscaping plan also includes details of proposed boundary treatment including a 2m high fence with vertical rails fence is proposed and a low level brick wall (0.9m) on site frontage are indicated. The re-introduction of a

low level decorative brick wall is supported and half round/curved coping is recommended to reflect the existing arrangement. The proposed 2m high timber fence also appears to enclose the small areas of private amenity space for Flats 1 and 2. Consideration of the height of the enclosure and impact on sunlight to the south are necessary for the amenity of future occupants. It is considered that further details are required with respect to the boundary treatments and should therefore 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 policy CLP20.

## **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 as such it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of privacy or overlooking such that refusal of the case is warranted
- 5.7.4 It is noted that each proposed flat has a single bathroom window to the side (east and west) elevations. The windows serve non-habitable rooms and each face on the side gable of the adjacent properties. The submitted plans indicate that these windows will be installed obscurely glazed which is acceptable.
- 5.7.5 The proposed building is positioned towards the northern boundary of the site and adjacent to No 65 St Johns Street to the east. A small access path is proposed separating the buildings, measuring

1.2m in width. Due to the siting of the building and orientation of the application site potential impacts arising as a result of the development on No 65 need further discussion.

- 5.7.6 No 65 St Johns Street is a two storey end of terrace. The property appears to have been extended by way of a two storey rear extension with attached conservatory. Observation on site shows two windows in the side (west) elevation of the dwelling facing towards the application site (see photos below). The windows are both obscurely glazed and considered to be secondary sources of light. The proposed building is positioned towards the northern boundary which will prevent direct overshadowing to the ground floor window.



Photo of side elevation of No 65 St Johns Street

- 5.7.7 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.
- 5.7.8 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) provide safe, convenient and attractive environment for pedestrians and cyclists'

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 point be installed as part of the building phase in accordance with policy. In so far as Air Quality, one electric charging point per unit should be installed as part of the build phase and controlled by condition.

5.8.4 The Local Highways Authority Derbyshire County Council reviewed the scheme and provided the following comments;

*'It would appear that the proposal is to access the parking off Poplar Place which is not adopted as part of the publicly maintainable highway but is included within the area the subject of the application. Comments are, therefore, given on the basis that the proposed improvements to Poplar Place can be delivered. Visibility from this access onto St John's Road is substandard. Given the area the subject of the application though visibility can be improved/maximised over this area in the direction of traffic flow, St John's Road being one-way at this point.*

*In respect of off-street parking it is noted that only one space per unit is proposed whereas two spaces should generally be provided for two/three-bedroom dwellings. Whilst on-street parking is available, it is suggested that this is heavily utilised given the nature of the dwellings in this area and there is the likelihood of increased competition for this parking in the event the proposal proceeds. Parking spaces should have minimum dimensions of 2.4m x 5.5m with space for manoeuvring (generally 6m to the rear) to allow entry and exit in a forward gear. The width is indicated slightly wider at 2.5m although the length and distance to the rear is slightly below the aforementioned dimensions and should be maximised.*

*Although it would be preferable for an adequate level of off-street parking to be provided, if you are minded to grant planning permission on the basis of one space per unit, it is recommended that the following conditions are included in any consent.*

*1.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*
  
- Hours of operation*
- Method of prevention of debris being carried onto highway*
- Pedestrian and cyclist protection*
- Proposed temporary traffic restrictions*
- Arrangements for turning vehicles*

*2.Before any other operations are commenced, the existing vehicular access to St John's Road shall be improved in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4m from the carriageway edge to the extremities of the site frontage abutting the highway. 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) relative to adjoining nearside carriageway channel level.*

*3.No dwelling shall be occupied until space has been laid out within the site 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. Such spaces shall be marked out on site to maximise off-street parking and retained as such for the life of the development.*

*4.There shall be no gates or other barriers on the access.*

*5.The parking spaces shall not exceed a maximum longitudinal gradient of 1:14.'*

5.8.5 The comments from the Local Highways Authority have been noted. Vehicular access to the site is taken from St Johns Road via a private unadopted road leading to Poplar Place. The application seeks to widen the existing access road to allow two cars to pass and for pedestrian access. Space will be taken from the site to accommodate these works. Full details of road surfacing/treatment have not been provided. As the road is unadopted the Highways Authority has no control over the surfacing. The land forming the access track is likely to be in shared ownership with rights of access. Rights of access would be a private matter between landowners and the Local Planning Authority has no control over these matters. It is considered reasonable to require further information for works to the area of proposed new road within the application site including details of levels and materials. Works to the shared road and responsibility for the costs of any such additional works would need to be agreed between all interested parties and it appears reasonable therefore to impose a condition which secures detail before development commences to demonstrate that such works to the access road can be carried out as a part of the scheme.

5.8.6 The proposed development is to be served by four parking spaces for four flats. Revised plans increased the size of spaces and demonstrated turning space of 6m to allow for manoeuvring. Whilst the Highways Authority have suggested that for a two bedroom dwelling two parking spaces should be provided this is not adopted guidance and would result in the loss of a significant amount of amenity space for residents. The site is situated in a sustainable location with access to public transport links and cycling connections. It is therefore considered that four spaces is appropriate in this context and it is recommended that a condition

be imposed requiring the provision of secure cycle parking for residents.

- 5.8.7 The proposal seeks to widen the existing access drive which will result in the loss of one on-street parking space on St Johns Road. The loss of the space will impact the availability of on-street parking for local residents however this will not be significant and needs to be considered in the context that the proposal will increase the visibility for vehicles leaving the private drive in the critical direction into on coming traffic. It is recommended that conditions 1 to 4 as recommended by the Local Highways Authority be imposed on the decision. The longitudinal gradient of the parking spaces should be referred to as an informative note.
- 5.8.8 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, Yorkshire Water, Environment Agency and DCC Flood Risk Engineer 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;

*'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. The site must be developed using separate systems of foul and surface water drainage; any connections to the public sewerage network will require prior approval from Yorkshire Water. It is noted that the developer intends to use soakaways as a means of surface water disposal. Infiltration tests of the subsoils must be carried out and sizing calculations provided, prior to approval, to ensure that soakaways are suitable for use at this location. The soakaways should be designed in accordance with BRE Digest 365 to ensure that no flooding occurs during a 30 year storm, as a minimum. (See attached document for guidance).'*

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

*'If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:*

*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)*

*It is noted from the submitted planning application that surface water is proposed to be drained to soakaway - Yorkshire water fully endorses this means of surface water disposal'*

5.9.6 The Engineer from DCC provided the following comments;

*'We have reviewed this planning application and have noted that the applicant has not submitted a drainage strategy plan, we have also noted that the applicant intends to use Soakaway as a means of surface water disposal, the applicant need to submit the following information;*

- *Ground percolation tests to BRE 365.*
- *Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.*
- *Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.*
- *Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.*
- *Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.*
- *Drawing details including sizes and material.*
- *Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.*
- *Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.'*

5.9.7 The comments from Yorkshire Water, the Council's Design Services Drainage Team and DCC have been noted. The Environment Agency confirmed that they have no fluvial flood risks concerns and no other constraints are associated with the site which require further comments.

5.9.8 It is recommended that the condition requested by Yorkshire Water be imposed on the decision requiring further information on proposed surface water drainage as detailed above. Subject to condition the proposal will accord with the provisions of CLP13 and the wider NPPF.

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

### **Relevant Policies**

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

### **Considerations**

- 5.10.3 The application site is located in area considered to be at ‘high risk’ of former Coal Mining Legacy. Having regards to the provisions of CLP14 and the NPPF the application was referred to the Council’s Environmental Health Officer for comments.
- 5.10.4 The Coal Authority were consulted on the scheme and reviewed the submitted Coal Mining Risk Assessment prepared by Demeter Environmental Limited (July 2021). The Coal Authority concurred with the findings of the report and provided the following comments;
- ‘The Coal Mining Risk Assessment has been informed by an appropriate range of sources of information; including a Coal Mining*

*Report and BGS geological mapping. Based on this review of existing sources of geological and mining information the report confirms the risks to the proposed development posed by potential unrecorded shallow coal mine workings and confirms that a ground investigation is required to identify any necessary remedial measures.*

*The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.*

*The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.*

#### Mine Gas

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

#### SUDS

*It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site'*

- 5.10.4 The Coal Authority recommended that conditions be imposed including a pre-commencement condition requiring intrusive site investigations and the subsequent submission of a signed statement/declaration prior to occupation to confirm that the site has been made safe and suitable for use in accordance with the completion of any remediation/mitigation works
- 5.10.4 The Environmental Health Officer reviewed the submitted Phase 1 desk top study and concurred with the findings that a Phase 2 land contamination investigation is required.
- 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 this application. From the photos provided it appears that the site comprises an overgrown plot within a residential area. We have consulted our biological records database and have not identified any known records of protected species. A record of the invasive species*

*Japanese knotweed is present within the site boundary. Some allotments are present approx. 15 m to the east but the site is otherwise surrounded by residential properties and gardens.*

*We consider that the most likely constraints at this site are nesting birds and hedgehogs, which can take advantage of an abandoned plot. Potentially badgers and amphibians/reptiles could also use the site. Although records of these species in the local area are limited, they do exist and the nearby allotments provide additional supporting habitat. We advise that the site should be cleared under a Method Statement to reduce the risk of impacts to wildlife. This could be secured through a condition. In addition, enhancements should be incorporated within the design to maximise onsite biodiversity.*

#### *Method Statement for clearance*

*Site clearance shall not be undertaken between December and early February to avoid the core hibernation period for hedgehogs, amphibians and reptiles. Once temperatures are above 5 degrees Celsius, clearance can be undertaken. If vegetation will be removed between March and August, a nesting bird check shall be carried out by an ecologist immediately preceding removal. Clearance shall be undertaken in a manner by which to safeguard hedgehogs and other wildlife such as common amphibians and reptiles, which have a low risk of being present on site. In the first instance, all scrub and tall grass shall be cut/lopped/strimmed using hand tools to just above ground level. Any rubble piles, compost heaps and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site. If a hedgehog is discovered during clearance it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes or into an adjacent garden. Reptiles and amphibians shall be allowed to move away from the area of works themselves or if necessary to avoid harm moved with gloved hand to a similar place of shelter. If an active bird nest is found, an exclusion zone shall be implemented around the nest until the chicks have fledged. A short statement of compliance shall be submitted to the LPA upon completion of clearance works to discharge this condition.*

#### *Biodiversity Enhancements*

*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 maximise site biodiversity.*

*Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the LPA to fully discharge the condition. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:*

- 1 x integrated bat box.*
- 3 x integrated swift boxes.*
- 1 x bee brick.*
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs*
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).'*

5.11.5 The applicant commissioned an ecologist to produce a 'Biodiversity Enhancement Strategy' by ML-Ecology (report dated 15.12.2021). The report sets out the proposed enhancement measures including;

- two (2) Schwegler 1FR bat tubes/woodstone bat bricks
- three (3) Vivara Pro Woodstone swift Boxes
- two Schwegler 1SP terrace box for house sparrows
- 200mm gaps for movement of hedgehogs
- two Bee Bricks
- mix of native and non-native pollen rich plants including Crab Apple *Malus sylvestris*, Catmint *Nepeta*, Calamint, Dusky Cranesbill *Geranium phaeum*, *Geranium 'Rozanne'*, Lavender *Lavendula*, *Choisya*, *Spiraea*, *Lonicera nitida*, *Skimmia*, *Citrus* and *Hebes*.

As set out in drawing Land Adj 65 St Johns Road–Biodiversity Enhancement Strategy 2112/03-MLE-01

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 provide further information on the ecologically beneficial plants referenced in the submitted enhancement plan as detailed 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.

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

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	309	0	0	£50.00 Medium Zone	332	288	£17,810

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:

$$\frac{309 \times £50 \times 332}{288} = £17,810$$

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters site notice. 5 letters of objection have been received and are summarised below (see representations for full comments):

1. Overshadowing/loss of light to windows in side elevation of No 65 St Johns Road
2. Number of parking spaces – not enough parking spaces allocated for the development. 4 parking spaces assumes one car per apartment which is less than the national average number of cars per family and does not take into account visitors. Additional cars will have to park on road in an area where parking is already at a premium and residents are required to park on other streets. Proposal will heighten the problems of parking and congestion in area and reduce road safety
3. Widening road – will reduce the numbers of cars which can park on St Johns Road adding pressure to a stressful situation.
4. Damage to private road – existing road surface in poor repair, unpaved and is not adequate for heavy machinery which will



- cause further damage to this road and potentially result in damage to residents vehicles who live on Poplar Place
5. Japanese knotweed exists on the site and would need to be correctly treated and removed prior to any works being completed
  6. Maintenance of property – residents of Poplar Place will need access to external walls for maintenance and may also require scaffolding to be placed on the development land in the future
  7. Telephone and internet wire serving Poplar Place runs across planned development land
  8. Bins placed at the top of Poplar Place by residents for collection as waste collection lorry does not go down the private drive, would this be affected by the development
  9. A more appropriate use of the land would be a residents car park surrounding by trees which would have a positive impact on the local community and enhance the local environment
  10. Turning space – space shown for the turning of vehicles crosses third party land for which consent would not be granted. Plans for reversing over third party land have not been addressed with land owner and no permission has been granted for usage. Land is not in best repair and extra usage will cause further problems and be at the expense of the land owner to result. Permission to use land is not granted to future tenants or machinery in conjunction with the proposal.

### 6.3

***Officer comments – the above comments have been noted***

- ***Comments 1 to 3 have been addressed within the main body of the report***
- ***4 – maintenance and repair of the private drive would be a civil matter between relevant land owners.***
- ***5 – the removal of Japanese knotweed on the site would be a matter for the landowner to resolve and ensure it is removed and disposed of properly.***
- ***6 – maintenance of property and access rights would be a private matter to be discussed between the relevant landowners***
- ***7 – The developer may need to discuss directly with BT about the telephone wires and arrange for appropriate works to move or re-locate them.***
- ***8 – bins placed on a private drive would be outside the control of the Local Planning Authority and should be appropriately placed on collection day.***
- ***9 – comments noted.***

- ***10 – the use of third party land would be a private matter to be resolved between land owners. It is not for the Local Planning Authority (LPA) to be an arbiter in boundary disputes/land ownership and access arrangements 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/Agent has signed certificate D as part of the application form and published the required notice in the Derbyshire Times and stated that by signing certificate D that all reasonable steps have been taken to find out the names and addresses of anyone who was the owner of any part of the land to which the application relates but was unable to do so. Agreement regarding the use of the land would need to be resolved with the relevant landowners.***

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

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

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 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 Newbold 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 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).
  - Proposed development site layout and location plans, drawing reference S-L/PLAN/ST JOHNS RD/ (received 19.12.2021)
  - Proposed Elevations, drawing reference ST-JOHNS RD/ELV/ (received 07.03.2022)
  - Proposed floor layout, drawing reference PLANS/ST JOHNS RD (received 07.03.2022)
  - Cross sectional elevational drawings, drawing reference CR/SEC/ST JOHNS/ (received 07.03.2022)
  - Cross sectional drawing showing existing levels with new development, drawing reference LEVEL'S/ST JOHN (received 16.09.2021)

**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. The development hereby permitted shall not commence until a scheme which demonstrates that the development has secured a lawful right in perpetuity to carry out works to the existing vehicular access 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

5. Before any other operations are commenced, the existing vehicular access to St Johns Road shall be improved in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4m from the carriageway edge to the extremities of the site frontage abutting the highway. 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 in accordance with CLP20 and CLP22

Pre-commencement – construction management plan

6. 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

#### Pre-commencement - Site Storage/Compound

7. At the of operations on site space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

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

#### Pre-commencement intrusive site investigations

8. Prior to development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason** – The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and Local Plan policy CLP14 and the NPPF

Submission of signed declaration regarding intrusive investigations

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

**Reason** – to ensure the site is safe and stable for occupation in accordance with Local Plan policy CLP14 and the NPPF

Hours of construction

10. 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

11. 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<sup>i</sup> 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.

#### 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 the occupation of the hereby approved development biodiversity enhancement measures as detailed in 'Biodiversity Enhancement Strategy' by ML-Ecology (report dated 15.12.2021) and drawing 'Land Adj 65 St Johns Road–Biodiversity Enhancement Strategy 2112/03-MLE-01' shall be implemented in full and maintained thereafter

**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. 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 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.
- 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

#### Water efficiency

16. 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

17. 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.

Cycle parking

18. Details of secure cycle parking and storage shall be submitted to the Local Planning Authority for written approval. The approved cycle parking shall be installed prior to the occupation of the development and thereafter retained in perpetuity.

**Reason** - In the interests of providing cycle 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.

No gates/barriers

20. There shall be no gates or other barriers on the shared access/driveway or parking area.

**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.

### **Informative Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted

alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

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

Property-specific summary information on past, current and future coal mining activity can be obtained from:

[www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

5. Due to the application site being in a Development High Risk Area, Mine gases may be found at the application site and it is therefore the responsibility of the applicant to ensure appropriate investigations and/ or mitigation measures are dealt with appropriately as required by the Building Regulations.

6. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
7. The parking spaces shall not exceed a maximum longitudinal gradient of 1:14
8. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) , e-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190
9. 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.
10. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
11. 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).#
12. 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](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)

13. Site clearance shall not be undertaken between December and early February to avoid the core hibernation period for hedgehogs, amphibians and reptiles. Once temperatures are above 5 degrees Celsius, clearance can be undertaken. If vegetation will be removed between March and August, a nesting bird check shall be carried out by an ecologist immediately preceding removal. Clearance shall be undertaken in a manner by which to safeguard hedgehogs and other wildlife such as common amphibians and reptiles, which have a low risk of being present on site. In the first instance, all scrub and tall grass shall be cut/lopped/strimmed using hand tools to just above ground level. Any rubble piles, compost heaps and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site. If a hedgehog is discovered during clearance it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes or into an adjacent garden. Reptiles and amphibians shall be allowed to move away from the area of works themselves or if necessary to avoid harm moved with gloved hand to a similar place of shelter. If an active bird nest is found, an exclusion zone shall be implemented around the nest until the chicks have fledged.
14. 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.
15. 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.

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

17. 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
<b>Wildflowers</b>	<p><b>Native wildflower meadow areas:</b> as an alternative to amenity grassland.</p> <p><b>Wildflower verges.</b></p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes.</p> <p>Advice for creating and maintaining a wild patch is available on the <a href="#">Wildlife Trust website</a> and through <a href="#">Flora Locale</a>.</p>
<b>Birds</b>	<p><b>Bird Boxes and other nesting features:</b> (such as stone ledges and wooden cladding).</p> <p><b>Native species planting and boundary features:</b> Berry and seed producing shrubs are particularly beneficial for</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: <a href="https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box">https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</a></p> <p>Generally, boxes should be sheltered from prevailing</p>



	wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.	wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.
<b>Invertebrates</b>	<b>Bug hotels and log piles with stones:</b> particularly near ponds. <b>South facing banks:</b> with some bare ground. <b>Rough or natural stone walls with holes</b> for invertebrates to use. <b>Brown roofs with a range of substrates</b> these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.	Examples of living roof projects are available on the Buglife web page: <a href="https://www.buglife.org.uk/our-work/living-roof-projects/">https://www.buglife.org.uk/our-work/living-roof-projects/</a>

18. 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](mailto: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.

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