

Item 7

Case Officer: HF

Application No: CHE/21/00171/FUL

Erection of one pair of semi-detached dwellings at 33 Boythorpe Avenue for Ms Claire Hancock

Local Plan: not allocated but within Built Up Area

Ward: Holmebrook

Committee Date: 30th August 2022

CONSULTATIONS

Coal Authority – comment made see report

CBC Urban Design Officer – comment made see report

CBC Design Services – not shown to be at risk of flooding. See report

Highway Authority – No objections to the proposal subject to the conditions – see report.

Derbyshire Wildlife Trust – Comment received – see report

Representations – Three received including two with petitions containing 9 signatories.

2.0 THE SITE

2.1 The application site is a triangular parcel of land fronting Boythorpe Avenue close to the junction with Central Avenue at Boythorpe.



2.2 The site is largely set below the level of Boythorpe Avenue. There is a footpath route to the side of the site known as Walton Walk leading to Minimum Terrace and further along to Dock Walk, although this is not a definitive Right of Way.

2.3 Site Images:

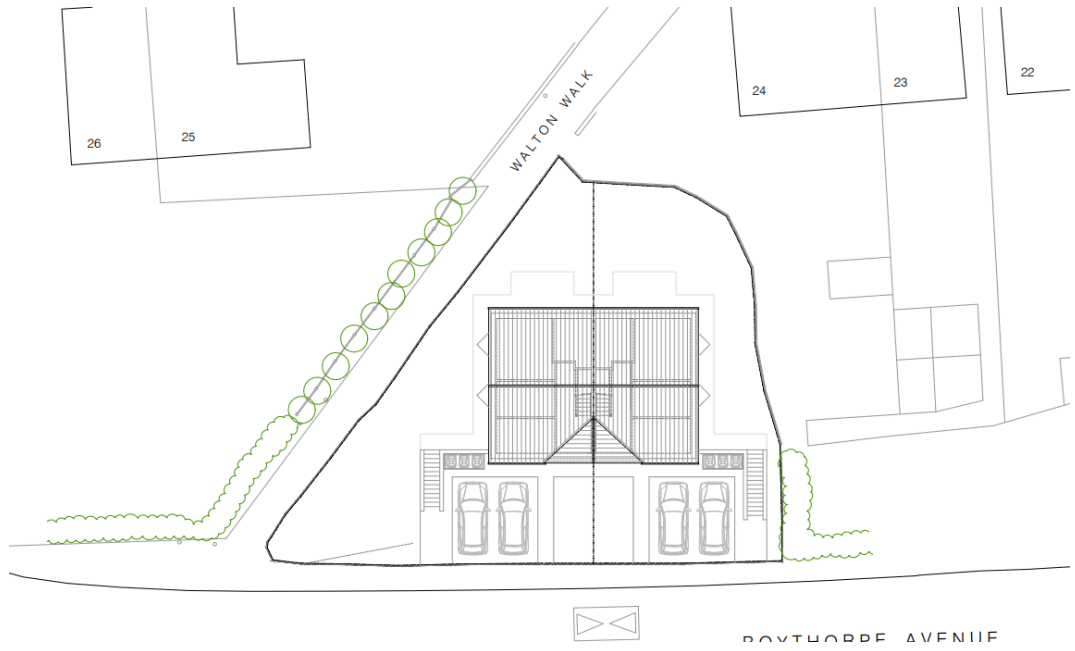


3.0 **SITE HISTORY**

- 3.1 CHE/17/00213/FUL Development of vacant land to form new two bedroom bungalow and detached garage – Conditional Permission 03.08.2017
- 3.2 CHE/15/00711/FUL Erection of a pair of 3 bedroom semi detached dwellings – Conditional Permission 23.12.2015
- 3.3 CHE/09/00159/FUL Erection of pair of 3 bed semi-detached dwellings with 2-storey frontage and 3-storey rear. Re-submission of CHE/08/00791/FUL – Conditional permission 02.06.2009
- 3.4 CHE/08/00791/FUL Erection of pair of three bedroom semi detached dwellings, with two storey frontage and three storey rear – Refused 18.02.2009
- 3.5 CHE/04/00644/FUL Proposed pair of semi-detached dwellings – Conditional Permission 12.11.2004

4.0 **THE PROPOSAL**

- 4.1 Planning permission is sought to erect a pair of 3 bedroom semi detached dwellings. The dwellings are to be single storey to the site frontage and then using the topography of the land will be two storeys to the rear. Parking is proposed to the frontage of the site with 2 spaces for each unit.
- 4.2 Proposed site plan:

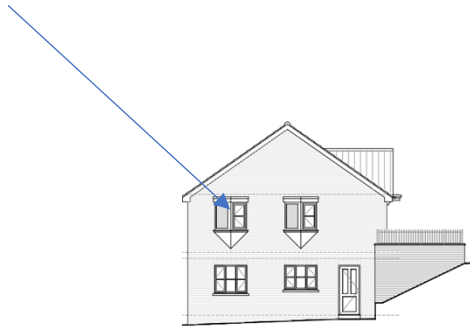


Site sections showing the land level change:

Half obscured oriel window



Proposed Section Through Driveway



Proposed elevations:



Proposed Front Elevation

F

High level windows

Obscure glazed window.



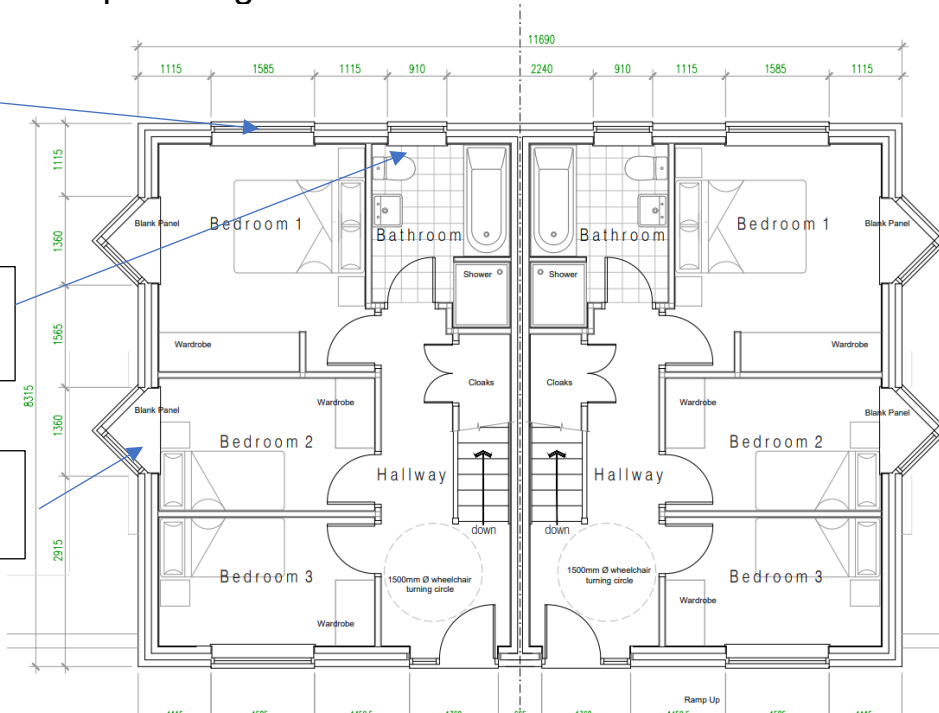
Proposed Rear Elevation

Floor plans – ground floor:

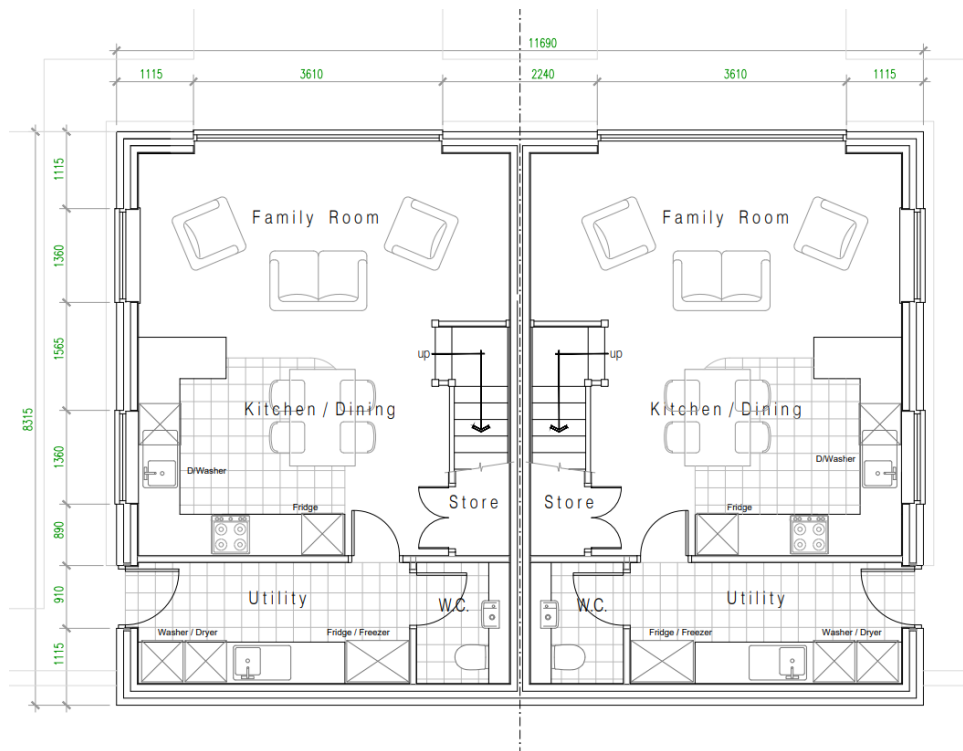
High level windows

Obscure glazed window

Half obscured oriel window



Lower Ground floor:



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)
 CLP4 Range of Housing
 CLP13 Managing the Water Cycle
 CLP14 A Healthy Environment
 CLP16 Biodiversity, Geodiversity and the Ecological Network
 CLP20 Design
 CLP22 Influencing the Demand for Travel

5.3 **Other Relevant Policy and Documents**

National Planning Policy Framework (NPPF):

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

Supplementary Planning Documents

Successful Places' Residential Design Guide

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on residential amenity;
- Highway safety
- Biodiversity
- Ground conditions
- Drainage

5.5 Principle of Development

- 5.5.1 Policies CLP1 and 2 of the Adopted Local Plan set out the strategic approach to the siting of sustainable development. CLP1 states that the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services, focussing on areas of regeneration. This is reiterated in Policy CLP2 where it states that; Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the requirements which are set out in order of priority beginning with the requirements of CLP1.
- 5.5.3 In considering this site against the criteria in CLP1, as the site is surrounded by existing housing and within walking distance of a range of local services and facilities including public transport routes, it is considered that the proposal is sustainably located and meets the requirements of policies CLP1 and 2. Therefore, the principle of residential development in locational terms is appropriate in this case.

It is also noted that planning permission was previously granted for two three storey dwellings on the site and separately permission has been granted for a bungalow. All of the earlier permissions relating to the site have expired.

5.6 Design and Appearance

- 5.6.1 Policy CLP20 of the Adopted Local Plan seeks that; All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context, that development will be expected to a) promote good design, and b) respect the character, form and setting of the site and surroundings.
- 5.6.2 The CBC Urban Design Officer has commented on the proposal:
The revised plans provide a block plan which shows the design in context and in relation to the neighbouring houses and gardens. The amended design has removed the first floor from the previous proposal. This now results in a two-storey split level design, in order to span the steep change in levels across the site (previously 2-storey was proposed at the front with 3-storey at the rear). The design of the bedroom window openings has also been revised to limit overlooking and loss of privacy. The dwellings would appear as a single storey building as viewed from Boythorpe Road, but two storeys as seen from Walton Walk, which bounds the NW side of the site. The reduction in the height of the proposal would improve the relationship with the adjacent property to the NE (No. 24 Minimum Terrace). The amended design would reduce the scale and height of the building relative to the neighbouring garden and property. Nevertheless, its height and position would appear prominent as experienced from the neighbouring garden (east) and some overshadowing of this adjacent property/garden could arise at certain times of the year/day. Although, this would be moderated to a limited extent by the presence of existing trees within the neighbouring garden, this relationship would be further improved through the introduction of a hipped roof design which would lessen the scale and presence the new houses and reduce the potential for shadowing. It is noted that the two previous permissions for this site have been approved in the past (15/00711/FUL – One pair of 3-bed semi-detached houses & 17/00213/FUL – One 2- bed bungalow). These were located closer to the neighbouring property and, arguably would result in a greater impact than the current proposal, although these

permissions are now expired.

- 5.6.3 This is an open parcel of land within a built-up area which is of a differing layout when compared with the terraced housing to the north, facing towards the north, and the red brick post war housing located to the south, and which faces south fronting onto Boythorpe Avenue. This application site had some similarities with the plot to the east which contains a pair of semi-detached houses of a similar age to the terraced row. To the opposite end of Boythorpe Avenue there is a detached bungalow however this site does not have the change in levels experienced at the application site. Therefore, the site does differ from the standard characteristics of the area.
- 5.6.4 Within this context the proposal is to erect what will appear to the site frontage as a single storey pair of dwellings and to the rear will be two storey utilising the steep gradient falling from Boythorpe Avenue. The provision of a single storey unit as viewed from Boythorpe Avenue is considered to be an appropriate design concept for this constrained site. Whilst there are constrained views of the entire side of the building it is considered that the two-storey gable present to the edge of Walton Walk is appropriate in this context subject to an appropriate selection of materials via condition.
- 5.6.5 The design has had to reflect the constraints of the site utilising oriel type windows to the side elevations and high-level windows to the rear to minimise overlooking. These responses to the challenges of the site are considered to result in an overall design concept that is appropriate to the site and will effectively enhance the currently vacant parcel of land.
- 5.6.6 The proposed parking area will be to the front of the site and this street frontage parking is again considered to be appropriate in visual terms. The parking platform will result in a large retaining wall to the garden area of each property which can be visually mitigated with planting and through appropriate choice of brick. The changes in level on site dictate the need for retaining structures which it is considered have been appropriately designed in this case.
- 5.6.7 To ensure an appropriate scheme for the whole site a condition regarding materials for the building and boundary treatments and for any hardstanding will need to be imposed.

5.6.8 On this basis it is considered that subject to conditions the revised scheme meets the requirements of Policy CLP20 in terms of the design response.

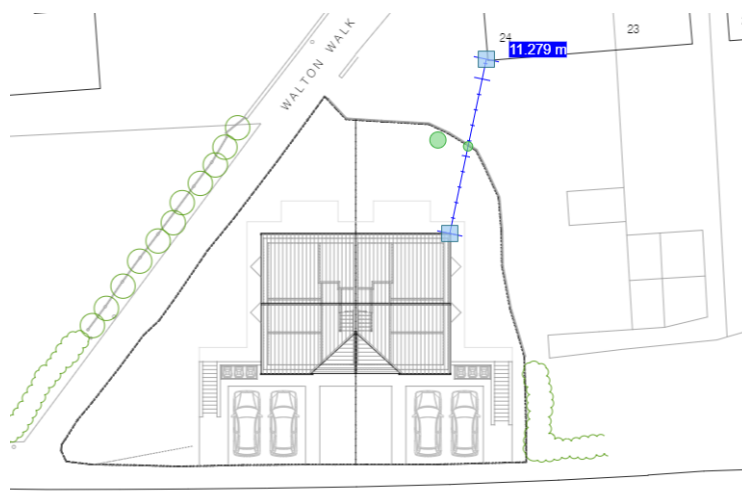
5.7 **Impact on Residential Amenity**

5.7.1 Policy CLP14 of the Local Plan sets out that; All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts.

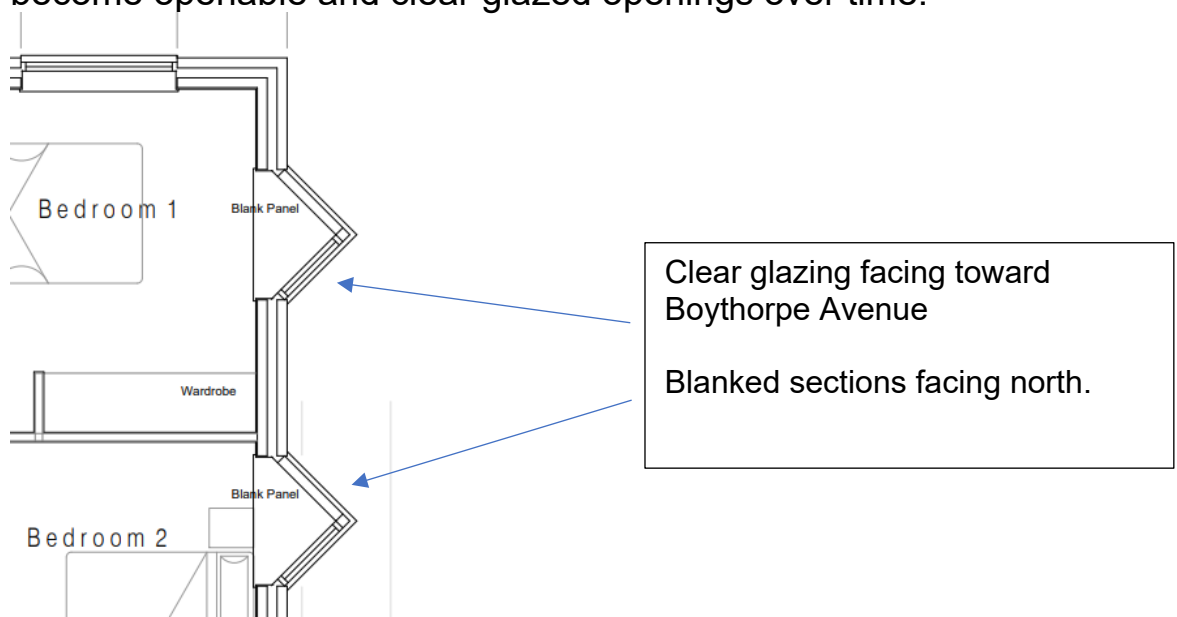
5.7.2 The comments of the Council's Urban Design Officer are referred to as set out in the Design section above.

5.7.3 Concern has been raised regarding the impacts of the development upon the neighbouring properties particularly in terms of loss of sunlight and overlooking. To address these concerns the design of the scheme has been substantially amended; introducing the partially obscured oriel windows to the side elevation, high level windows to the rear and the reduction of a storey in height to what is now single storey to the frontage and two storey to the rear.

5.7.4 Due to the constraints of the site there will be a close relationship between the proposed and existing dwellings. Corner to corner the closest distance between the two properties will be approximately 11.2m. with the window to window distance being a little greater than this. However, the relationship between the windows from rear to rear elevation is off set at an angle due to the site location as is shown on the image below:



- 5.7.4 The upper floor windows to the rear elevation of the proposed housing will serve a bedroom and bathroom to each dwelling with the bathroom window being obscurely glazed and high-level windows serving the bedrooms. The details of these windows is to be secured via condition to ensure any overlooking is appropriately mitigated.
- 5.7.5 Given the off-set relationship between the dwellings and the provision of appropriate boundary treatments such as fencing or a hedge, it is considered that the lower ground openings will not result in undue overlooking impacts.
- 5.7.6 In terms of the loss of sunlight, whilst there may be some impact from the development, the reduction in height of a storey from the original scheme is considered to be appropriate mitigation. The impacts will not be so severe that a refusal of planning permission would be warranted. It should also be noted that planning permission has previously been granted for the erection of a pair of two and three storey housing on the site. Whilst these permissions have expired they do need to be considered in this case as to whether the impacts are reasonably acceptable. The suggestion by the Urban Design Officer to hip the roof has not been pursued given the acceptable nature of the amended scheme.
- 5.7.7 The provision of oriel windows with a blanked panel to the ground floor windows will ensure appropriate light and ventilation to the proposed dwellings whilst also protecting the amenity of the existing residents. These details are to be secured via condition to sure these do not become openable and clear glazed openings over time.



- 5.7.8 It has also been noted that the parking area will result in headlights impacting the residents of the properties to the north. Whilst the parking would be largely screened by the proposed housing it would also be screened by the retaining boundary treatment which is brick to approximately 0.6m in height with railings above. However, increasing the brick element to 1m in height via condition will ensure that headlights are appropriately screened.
- 5.7.9 Subject to conditions the proposed dwellings are considered to result in appropriate amenity impacts in accordance with policy CLP14 of the Adopted Local Plan.

5.8 Highway Safety and Parking Provision

- 5.8.1 The main aim of the Local Plan is to encourage sustainable travel through walking and cycling. Policy CLP22 of the Local Plan encourages more sustainable travel. The policy goes on to note that; Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is in line with paragraphs 108 to 110 of the NPPF.
- 5.8.2 The proposal will provide 2 parking spaces for each dwelling measuring 5m in length. the parking spaces are below the standard requested by DCC at 5.5m in length but above the recommended parking length set out in the Residential SPD at 4.8m and are therefore acceptable.
- 5.8.3 The Highway Authority has raised no objections subject to conditions including maximum achievable visibility splay across the site frontage. The Highway comment regarding bins is noted, however there is an area noted on the plan adjacent to the parking bays for the storage of bins. On this basis the proposal is considered to be acceptable in terms of highway safety impacts in line with policies CLP20 and 22 of the Adopted Local Plan.

5.9 Biodiversity, impact on protected species, enhancement and Trees

- 5.9.1 Policy CLP16 of the Adopted Local Plan requires that development will;
- protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority

- species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
- avoid or minimise adverse impacts on biodiversity and geodiversity; and
- provide a net measurable gain in biodiversity.

5.9.2 At the request of Derbyshire Wildlife Trust an Ecological Survey of the site was carried out which concluded that Badgers are known to be in the area but not to be using this site. The report also provided recommendations in relation to potential breeding birds and potential reptile habitat. It is noted that there are likely commuting bats in the area and therefore any lighting should be designed to minimise the impacts on bats. Enhancement of biodiversity on site can be achieved through planting and the provision of nesting boxes. Subject to conditions to secure the recommendations of the report and to agree a lighting scheme and enhancement measures, the proposal is considered to be acceptable in terms of biodiversity impacts.

5.10 **Ground conditions**

5.10.1 The application site is within the High-Risk Area in respect of former coal mining activity. Policy CLP14 of the Adopted Local plan requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and
- c) a strategy for any necessary mitigation and/or remediation and final validation.

A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.

5.10.2 The Coal Authority has made comment on the application as follows: *We objected to the proposal in our previous consultation response letters of 22 March and 12 October 2021 due to the lack of a development specific Coal Mining Risk Assessment to identify and assess the risks posed to the proposed development by coal mining*

legacy. The applicant has now submitted a Further Coal Mining Risk Assessment Report (19 October 2021, prepared by Baker Barnett) in support of their planning application. The report indicates that a previous CMRA for the site produced by Baker Barnett concluded that recorded shallow mine workings associated with the Tupton Coal seam and the overlying Dogtooth Ironstone have the potential to affect surface stability at the site. As such, it indicates that recommendations were made to confirm the extent of the workings and check for voids by means of a borehole investigation. The report goes on to indicate that a borehole investigation was subsequently carried out by others at the site. It indicates that the investigation did not appear to encounter the recorded workings in the Tupton Coal seam or the Dogtooth Ironstone, but appears to have encountered broken ground at the horizon of the Cockleshell Coal seam, which lies above the Tupton seam. The report indicates that programme of grouting stabilisation works was then carried out. It highlights that whilst the grouting works may well have consolidated broken ground beneath much of the site, these remedial works do not appear to extend entirely across the footprint of the development now proposed. The submitted report advises that it should be possible to extend the drilling and grouting works to cover the full footprint of the proposed semi-detached houses and associated external works. However, it recommends that further investigations are required to inform any further remedial works and/or mitigatory measures necessary to address the risk posed by coal mining legacy affecting the site. It advises that the development is likely to require an engineered foundation solution in any case. The Coal Authority welcomes the recommendation for the undertaking of further intrusive site investigations.

The results of the investigations should be used to inform any further remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Conditions recommended.

The comments also note in regard to Mine Gas that; 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.

- 5.10.3 Subject to the recommended conditions the proposal is considered to appropriately address the ground impacts of former coal mining activity.
- 5.10.4 In line with previous permissions on the land and to address the matter of potential Mine Gas a further condition to consider potential

contaminants is recommended. On this basis ground conditions have been addressed in line with Policy CLP14 of the Adopted Local Plan.

5.11 Drainage

5.11.1 Policy CLP13 of the Local Plan advises that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. In addition, the policy notes that; Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

5.11.2 The site is in an area of low flood risk. To address drainage matters on the site it is recommended that conditions are imposed in line with the comments made by the Council’s Design Services team. An additional water efficiency condition is also to be imposed. It is noted that no comments on this case have been received from Yorkshire Water. However, as statutory undertaker consents from YW will be required separately to the planning process. On this basis the proposal meets the requirements of policy CLP13 of the Adopted Local Plan.

5.12 Development Contributions and CIL Liability.

5.12.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the medium CIL charging Zone (£50) as set out in the Council’s Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge is calculated as follows:

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

			A	B	C	D	E
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Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permi-ssion)	Index (charging schedule)	CIL Charge
Residential (C3)	191	0	191	£50 (Medium Zone)	332	288	£11,009

6.0 **REPRESENTATIONS**

6.1 In response to the original and amended scheme three representations with two petitions containing 9 signatories have been received in objection to the proposed development. The concerns raised are summarized as follows:

- The proposal will impact on neighbours privacy.
- The buildings will look down on us from a great height and will block sunlight and warmth to our gardens and homes.
- Not happy with the location of the windows.
- The single bungalow previously approved would be much better.
- This will be intrusive.
- I do not want windows opening or looking down onto my garden.
- This will set a precedent for others to access their property via Boythorpe Avenue.
- The properties do not enhance and respect the surroundings.
- The plans for this site take up our time and cause us stress.
- Buyers for the site come and go leaving us with the ugly overgrown mess.
- I want to see the site tidy but not with enormous semi's.
- Having frosted windows would not improve the scheme as the building causes the problems.
- The frosted windows could be opened and frosting removed.
- There are some trees on the shared boundary but these are not a permanent solution for privacy.
- I do not want the new residents complaining about the boundary trees.
- Originally the trees gave us protection against the development but some were removed by earlier developers.
- I want to reduce the height of the trees to make a hedge but cannot do this due to these plans.
- Consider the safety of those using Walton Walk especially children.

- The proposed driveways are in a dangerous location, increased traffic will increase danger.
- The accesses are dangerous.
- Car headlights will be shining down from the parking spaces into our gardens.
- There will be noise and dust how will this be dealt with.
- Also concerned about the height of the windows on the ground floor due to the floor levels.
- The plans partly show my garden belonging to no.26.
- A large portion of land belonging to 25 will be affected.
- Someone could stand on the parking space and look into my property.
- The revised plans are not accurate.
- We need to be happy with what is being built and are not happy with this proposal.
- The plans do not include our conservatory.

6.3 One letter in support of the application received which notes:

- I like the proposed building appearance and feel that the application site is at present an overgrown eyesore.

6.4 These issues are addressed in the report above.

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2021 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The proposed development whilst being located on a constrained site will re-use a vacant site and provide housing in a sustainable location. Matters of design and appearance and the impacts on neighbouring residents have been appropriately considered and as revised is considered to be acceptable. The proposal is considered to meet the requirements of Local Plan policies as set out above and is therefore recommended for approval subject to conditions.

10.0 RECOMMENDATION

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

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 (listed below) with the exception of any approved non material amendment or specific condition detail listed below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed site plan 93-PL-12 Rev C received 04.07.2022

Proposed site plan 93-PL-03 Rev C received 04.07.2022

Proposed typical site section 93-PL-10 Rev D received 04.07.2022

Proposed finishes schedule 93-PL-09 Rev F received 04.07.2022

Proposed elevations 93-PL-108 Rev G received 04.07.2022

Proposed roof plan 93-PL-07 Rev G received 04.07.2022

Proposed ground floor plan 93-PL-06 Rev F received 04.07.2022

Proposed lower ground floor plan 93-PL-05 Rev D received 04.07.2022

Proposed floor plans general arrangement 93-PL-04 Rev G received 04.07.2022

Reason: In order to clarify the extent of the planning permission.

3. No 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 made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To address ground conditions arising from former coal mining activity in accordance with Policy CLP14 of the Adopted Local Plan.

4. 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: 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 Policy CLP14 of the Adopted Local Plan.

5. 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 Policy CLP14 of the Adopted Local Plan.

6. Before any works are commenced, full details of any works adjacent to Boythorpe Avenue shall be submitted for approval to ensure the stability of the highway is not affected.

Reason: In the interests of Highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

7. 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 and maintained throughout the contract period free from any impediment to its designated use.

Reason: In the interests of Highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

8. Before any other operations are commenced (excluding condition 6 and 7 above), new vehicular and pedestrian accesses shall be formed to Boythorpe Avenue and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access to the extremities of the site frontages abutting the highway in both directions. The area 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 the adjoining nearside carriageway level.

Reason: In the interests of Highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

9. The premises, the subjects of the application, shall not be occupied until space has been provided within the site curtilage's for the parking of residents vehicles (each space measuring a minimum of 2.4m x 5m), located, designed, laid out, constructed and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of Highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected along the highway frontage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: In the interests of visual amenity and highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

11. The proposed access driveways to Boythorpe Avenue shall be no steeper than 1:15 for the first 5m from nearside highway boundary and 1:12 thereafter.

Reason: In the interests of Highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

12. Prior to the development hereby permitted commencing above slab level, a scheme (including a programme of implementation and maintenance) to demonstrate biodiversity enhancement through the development; including the provision of bird and boxes and a detailed landscaping scheme for the site, shall have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason: In the interests of achieving an enhancement 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.

13. 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.

14. A residential charging point shall be provided for the dwelling hereby approved with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging 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.

15. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

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

16. Works on site shall be completed in accordance with the recommendations of the submitted ecological report dated 07.06.2021.

Reason: In the interests of the protection of habitat and wildlife in accordance with Policy CLP16 of the Adopted Local Plan.

17. Prior any external lighting installation a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that wildlife implications are fully taken into account (including the need for reduced or no lighting in the more sensitive locations and directions; specifically, towards the railway line). The agreed lighting scheme shall be fully installed in accordance with the approved scheme prior to last occupation.

Reason: To minimise impacts on biodiversity and allow for enhancements in line with policy CLP16 of the Adopted Local Plan.

18. 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 side oriel windows as approved shall retain the blanked panel to the north facing side of the windows
- the ground floor bathroom windows to the rear elevation shall be and remain obscured glazed to Pilkington level 3 or above
- the ground floor bedroom windows to the rear elevation shall be and remain non-opening high level windows
- and no other windows or roof lights shall be installed within the rear or side elevations or rear roof slope of any dwelling hereby approved

All such works shall require the formal written permission of the Local Planning Authority on an application made to it.

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

19. Notwithstanding the submitted details, prior to works progressing above slab level a detailed scheme of boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the retaining wall having a brick element to 1m in height above the parking area with railing above. The agreed works shall be completed on site prior to first occupation.

Reason: To ensure an appropriate finished form of development in accordance with policies CLP14 and 20 of the Adopted Local Plan.

20. Details, including samples where necessary, of all materials to be used in the construction of the external surfaces of the proposed development; including all hard landscaping materials, 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 policy CLP20 of the Adopted Local Plan.

21. The site shall be developed using separate systems of foul and surface water drainage.

Reason: To ensure appropriate drainage provision in accordance with policy CLP13 of the Adopted Local Plan.

22. Prior to the commencement of development infiltration tests of the subsoils shall be carried out and sizing calculations provided, to ensure that soakaways are suitable for use at this site. 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.

Reason: To ensure appropriate drainage provision in accordance with policy CLP13 of the Adopted Local Plan.

23. No materials or machinery shall be brought onto the site, until a 2 metre high fence of Weldmesh securely attached to scaffolding poles inserted into the ground has been erected in a continuous length, one metre beyond the crown spread of the trees to be retained (or such other fencing line as is agreed in writing with the Local Planning Authority). The fencing must remain throughout the period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or any excavation or changes in level take place within the fenced area.

Reason: To protect trees during the construction period and in the interests of visual amenity in accordance with Policy CLP16 of the Adopted Local Plan.

Informatives:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to design, ecology and ground conditions in order to achieve a positive outcome for the application.
2. 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.
3. 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.

4. Highway Authority: In addition to the above conditions, the following notes should be appended to any consent for the applicant's information:
 - a. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.
 - b. 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.
 - c. The Highway Authority recommends that the first 5m of the proposed accesses / driveways 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 landowner.