

Case Officer: Chris Wright

File No: CHE/22/00511/FUL

Item 5

ERECTION OF A NEW 3 BEDROOM BUNGALOW WITH ATTACHED GARAGE AND ASSOCIATED LANDSCAPING WORKS ON LAND WEST OF WASH HOUSE LANE, OFF CHATSWORTH ROAD, CHESTERFIELD FOR MR AND MRS ALLENBY

Planning Committee 10-10-22
Ward - West

1.0 **CONSULTATIONS**

Ward Members:	No comments received.
Local Highway Authority:	No objection, subject to conditions
Chesterfield Design Services:	The site should be developed using separate drainage systems. If soakaways not utilised evidence should be provided of this.
Yorkshire Water Services:	No comments provided
Derbyshire Wildlife Trust:	No objection subject to conditions in regards tree protection, breeding birds, BEP.
Environmental Health:	No objection subject to conditions related working hours, lighting, air quality and land contamination
Tree Officer:	No objection, subject to conditions.
Coal Authority:	Material Consideration, request the inclusion of conditions.
Forward Planning:	Compliant with policy, subject to condition.
Representations:	12 comments received from 6 local residents.

2.0 **THE SITE**

- 2.1 The application site is an enclosed wooded area which is in a generally residential area surrounded by residential properties to all sides. It has no's 532, 532a and 534 Chatsworth Road to the north, No.6 Rye Flatt Lane to the west, Orchard Cottage and 5 Wash House Lane (Cherry Tree Cottage) to the south and no. 530 Chatsworth Road to the east. The residents of no.530, 5 Wash House Lane (Cherry Tree Cottage) and Orchard Cottage utilise the private road (Wash House Lane) for vehicular and pedestrian access. The site is outside of the boundaries of Chatsworth Road conservation area but has a low dry stone wall to the front of the site with the only access from the site to the main road by Wash House Lane.
- 2.2 There is also an approved application for an additional dwelling to the west of the site in the rear garden of no.534 Chatsworth Road (CHE/21/00303/FUL).
- 2.3 The ownership of Wash House Lane is unclear at present, but the residents of no.530, No.5 and Orchard Cottage all have access over the land. The applicant has also stated that they have a right to use this road for vehicular use to the plot.
- 2.4 The character of the area includes the dwellings on Chatsworth Road and Rye Flatt Lane, with the Chatsworth Road properties a mix of semi-detached and detached dwellings, hipped and pitched roofs which a similar design and character. The dwellings on Rye Flatt Lane are all detached units, with 3 two storey larger dwellings and 1 detached bungalow, including detached garages. They have been built on land previously utilised as garden land to the frontage properties. The dwellings on Wash House Lane are two storey detached properties with pitched roofs and finished in natural stone.
- 2.5 There are several trees on site with Tree Preservation Orders on them.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0300/0162 - Outline application for erection of one detached dwelling – Refused - 04/09/02

Reasons for Refusal:

1. It is considered that the proposal would prejudice the protected trees on the site that would result in harm to the high public amenity value of that woodland, contrary to policies HSG2 and ENV9 of the adopted Chesterfield Borough Local plan.
2. There is a possibility that this mature woodland may be of wildlife interest that may also be adversely affected as a result of the development of the site for a dwelling.

Cherry Tree Cottage

- 3.2 CHE/06/00259/FUL - Construction of a detached house and integral garage in accordance with revised location plan, received on the 19th May 2006 – Conditional Permission – 20/06/06
- 3.3 CHE/06/00824/FUL - Minor alterations to previously approved detached house and garage including insertion of 2 obscurely glazed first floor bedroom windows in the west elevation, smaller first floor bathroom window in east elevation, slight relocation of garden room and installation of a ground floor window in the rear elevation – Conditional Permission – 17/11/06

No.534 Chatsworth Road

- 3.4 CHE/21/00303/FUL - Demolition of existing residential annex and construction of new 4-bedroom house – Conditional permission – 05/10/21

4.0 **THE PROPOSAL**

- 4.1 It is proposed to build a 3 bedroom dwelling on site. This would be an L-shaped single storey flat roofed eco-dwelling. It would include a garage, driveway and access onto site from Wash House Lane. The site would have a central living room, kitchen and dining room, with a separate utility room, cloak room, WC and entrance lobby to the side. On the western section of the dwelling there would be 3 bedrooms, a bathroom, an office and en-suite bathroom. The scheme has been amended through negotiation.
- 4.2 The dwelling would be raised up above ground level on piled foundations and will be a timber framed structure with a green roof. It would have several skylights in the roof.

- 4.3 The western leg is 5.4m wide and 20m long, the northern leg is 6.7m wide and 17m long. The building would be 3.5m in height, with a space below of 0.1-0.3m in height depending on the land levels, with a maximum height of 3.8 above ground level. A wild garden area is proposed and would be 110 sqm. The proposed garage is for 1 parking space, with a parking space in front of the garage and driveway space for a vehicle to turn.
- 4.4 The western elevation has a low level window for the living room (amended from patio windows) and high level windows for bedroom 1's en-suite bathroom. The northern elevation has a high level window to the side of the living room area, a high level window into the utility room (amended from a standard larger window) and a door to the rear of the garage. The southern elevation has patio windows to the side bedroom no.1, bi-folding doors to the front of the living room, an entrance door and garage door. The eastern elevation has full length windows to the front of the bedrooms and office and a set of windows to the side of the garage. The bedrooms sizes are:
- bedroom 1 – 11sqm
 - bedroom 2 – 8.5sqm
 - bedroom 3 – 9 sqm
- 4.5 A section of the dry stone wall will be removed to provide an access, which would be 4.9m in width.
- 4.6 To the northern boundary there would be a gap of between 1.1m and 1.7m from the dwelling to the boundary. At the western boundary there would be a 1.2m separation between the dwelling and the neighbouring gardens.
- 4.7 It is proposed to remove 7 trees including 1 unprotected Scots pine, 2 Scots Pine within G2 of TPO 139 (3, 8, 11 on the submitted AIA), 3 silver birches within G1 of TPO 139 (14, 15, 16) and 1 hawthorn reference T6 of TPO 139 (13) to accommodate the proposed plans.

5.0 **CONSIDERATION**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be

determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP3 Flexibility in Delivery of Housing (Strategic Policy)
- 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 (2021)**

- 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

5.4 **Supplementary Planning Documents**

Successful Places' Residential Design Guide (2013)

5.5 **Principle of Development**

5.5.1 The Council's Forward Planning Team have commented that the site is within the built-up area identified in the Local Plan but is unlikely to fit within the NPPF definition of previously developed land and therefore the proposal is for housing on a 'greenfield' site which is unallocated and undesignated in the Local Plan.

5.5.2 Thy comment that the location of the proposal fits with the Local Plan spatial strategy given that it is within walking distance of a reasonable range of key services (having regard to Local Plan

policies CLP1 and CLP2 and Councils adopted Residential Design Guide SPD). These services include, a GP's surgery, Supermarket, Local Service Centre, primary and secondary schools.

5.5.3 With regard to Local Plan policy CLP2, the development would fulfil the majority of criteria (acknowledging that cycle provision is poor but cycling on an adopted highway is possible), with the exception of the brownfield criterion as the site is not on previously developed land. Whilst policy CLP2 prioritises brownfield land there is a need within the Borough for greenfield sites to be developed to meet housing target. The development is for a small amount of housing and so is unlikely to prejudice the Local Plan's aim to deliver development of housing on primarily brownfield sites, and so would not materially conflict with Local Plan policy CLP2. There is no presumption against greenfield development within the defined built-up area in the Local Plan nor in the NPPF and accordingly the proposal would not conflict with Local Plan policy CLP3 or the NPPF purely because it is not on previously developed land.

5.5.4 The proposal would accord with the Local Plan spatial strategy and its location would be accessible to a range of services and facilities via walking, cycling and public transport. There is no presumption against the development of the site for residential use purely because it is not previously developed land.

5.5.5 The proposed development site is situated within walking distance from key services and is located on land that is not currently utilised as residential curtilage but is surrounded by housing on all sides. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and adheres to the policies CLP1 and CLP2.

5.6 **Residential Impact**

5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

- 5.6.2 Aside from the issues of privacy, daylight and sunlight, outlook and outdoor amenity space (for which the Council's adopted Residential Design SPD is relevant and the guidance produced by the Building Research Establishment), the proposal would appear to present more than adequate internal floorspace in comparison to the nationally described space standards (NDSS) published by the DCLG (now the DLUHC). The scheme would include over 100 sqm of amenity space to the south of the site. The Council's Design SPD (2013) has guidance that a 3+ bedroom dwelling should have at least 70 sqm of space.
- 5.6.3 Overlooking – the proposal has been amended during the application, to change the utility window from a clear glazed normal level window to a high level obscure glazing window and the amendment of a side lounge patio window to a low level window. To the north of the proposed property there are the rear gardens of no's 532 and 532a Chatsworth Road and to the west there is a garden and potential new dwelling sited to the rear of no.534 Chatsworth Road, which has not been built as yet. The new dwelling has no clear glazed "normal" windows to the western elevation (after the removal of the patio windows), to the north there are two high level obscure glazed windows and a glazed door sited off the hallway. The glazed patio windows and doors to the east and south from bedrooms and main living area look out into the wild garden area, with no overlooking opportunities. Bedroom 1 has a patio window to the south elevation; with Orchard cottage to the south of these windows – in between these dwellings there are several trees and a boundary fence however there are also no primary windows on the north elevation (nearest the proposed dwelling) as this section of Orchard Cottage is a garage. The proposed dwelling is generally arranged such that its outlook is inward towards its own courtyard area.
- 5.6.3 Overshadowing and loss of daylight/sunlight – The scheme would be sited to the rear and side of the gardens of no's 532, 532a and 534 Chatsworth Road and to the rear of 6 Rye Croft Lane. The scheme would not however lead to a significant increase overshadowing or loss of light due to the treed character of the existing site and the low level nature of the proposed building.
- 5.6.4 Aside from the typical noise considerations (both during construction and occupation) it would be reasonable to apply a condition to control noise emissions from any air source heat pump

installation, as such an installation is described in the submission and could be implemented, whilst no details on noise emissions from such a unit have been provided.

- 5.6.5 On the basis of the above, the erection of the proposed dwelling would be acceptable with the requirements of Policies CLP14 and CLP20 of the Local Plan and the advice contained within the 2021 NPPF (paragraph 127) which states that planning decisions should ensure that developments have a “high standard of amenity for all existing and future users” and chapter 3.11 (Amenity) of the Council’s SPD ‘Successful Places’.

5.7 **Design and Visual Impact**

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

- 5.7.2 The dwelling would be sited to the rear and side of the site, with several mature trees retained in place as viewed from Wash House Lane as shown in the illustrative drawings provided in the design and access statement:





- 5.7.3 The drawings show that the bungalow would use vertical timber cladding framed by fascia boarding and accompanied by full length glazing on the main western southern elevations.
- 5.7.4 The surrounding area is generally characterised by pitched roofed red brick and natural stone dwellings, which utilise a traditional design for houses however the proposed design is a completely different representing a modern contemporary approach based around the concept of Passivhaus houses, with the use of large windows, a green roof and lower carbon materials. The building would also be highly insulated and not use gas, with an air source heat pump used and mechanical ventilation to ensure the dwelling

would have fresh air without the heat loss. The proposal is for a minor development, so the requirement in Local Plan policy CLP20 for a statement on minimising carbon emissions and maximising renewable energy is not applicable. Nevertheless, the applicant has provided evidence that the proposal will implement low carbon principles as part of a 'passive house' (passivhaus in German) design and following its occupation is likely to achieve high energy efficiency and low carbon emissions. Such a low carbon proposal would be in line with the national and local government policy and guidance.

- 5.7.5 Local Plan policy CLP22 (e) requires provision of opportunities for charging electric vehicles (EV) where appropriate and it would appear to be appropriate to require one EV charging point for the new development, and this could be secured by a condition.
- 5.7.6 In terms of the visual impact of the scheme on the wider area, the building is set back off Chatsworth Road and will not be significant in views from Chatsworth Road. The main viewpoint of the dwelling will be from directly in front of the site and from the gardens and dwellings surrounding the site. It will introduce a 3.5-3.8m high flat roofed dwelling to the rear gardens of no's 6 Rye Flatt Lane, 534 Chatsworth Road (and potentially the approved dwelling) and 532 and 532a Chatsworth Road. In comparison to the existing wooded scene the proposal will have a negative impact on the residents in this regard, as it will introduce a built form where currently the land is unused and comprises of a treed area. Although the design may be innovative and different for the local area, the local residents who have objected consider it to be an inappropriate development in comparison to the existing baseline of the plot, which is an undeveloped plot. Whilst there will be impacts compared to the existing unused site the proposed scheme is not considered to lead to a significant negative impact to surrounding residents such that planning permission should be withheld.
- 5.7.6 It is considered to be an interesting and innovative design, with the retention of the majority of trees on site and the positive decision to site the house around the retained trees, rather than try to remove the majority of trees on site to build a substantial house. It would still be a wooded site in character, but with slightly less and a single storey timber clad building round the edges.

5.7.7 Accordingly the proposed scheme would be an acceptable addition to the area, and acceptable to visual amenity, in relation to the Council's Supplementary Planning Document 'Successful Places' (section 3.16 Building Design), Policy CLP20 of the Chesterfield Borough Local Plan and paragraph 130 of the revised National Planning Policy Framework.

5.8 **Highways Issues**

5.8.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety.

5.8.2 The LPA has consulted the Highways Authority for the scheme, and they provided the following comments on the revised scheme: The application site is located on Wash House Lane which is an unadopted road where vehicle speeds are appropriately low for the nature of the road, I trust you will ensure the applicant has rights of access to (Wash House Lane).

The proposed access to the public highway is via an existing vehicular access off Chesterfield Road – A619 which serves a number of other properties, due to the width of the associated footway either side of the access it is considered available emerging visibility is acceptable in both directions. Whilst the proposal will increase the number of vehicle movements associated with this access slightly, it is not considered the proposal would result in material detriment to highway safety such that refusal of planning permission could be justified in principle. As Wash House Lane serves multiple dwellings an increased width to allow the passing of vehicles would be preferable, however, due to third party land this would be unachievable and an objection on this basis would likely be unsustainable.

The submitted plans demonstrate a single vehicle garage and 1no off-street parking bay which is sufficient to serve a 3no bedroom dwelling along with manoeuvring space within the site so that vehicles can both enter and emerge in a forward gear.

The Highway Authority has no objections to the proposal subject to a number of standard conditions.

5.8.3 The applicant has provided evidence as part of the application that they have a right of access over Wash House Lane. They propose to have a 3 bedroom dwelling and two parking spaces and a turning area on site. The existing road has 3 dwellings which utilise it for vehicular movements, and the Highways Authority has agreed

that the width of the road is acceptable for the movement associated with an additional dwelling. In relation to the highways impact of a new residence being sited in this location it is not considered to have a severe impact with regard to highway safety.

5.8.4 In regards the impact and highway safety issues on construction traffic, it is considered to be reasonable to request that a detailed, site specific construction management plan is supplied which provides additional information for deliveries, the site compound and the safe parking of workers' vehicles (as well as any other relevant details). It is considered necessary to ensure on site facilities are provided to avoid street parking which would be a nuisance to other local neighbouring properties.

5.8.5 The proposal therefore is acceptable with the requirements of Policy CLP20 of the Local Plan which seeks the provision of adequate and safe vehicle access and parking (criteria g) and a safe, convenient and attractive environment for pedestrians and cyclists (criteria h), as well as CLP22, subject to condition.

5.9 **Biodiversity**

5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.9.2 The proposal would affect a site that currently is open and vegetated and informally represents green infrastructure. However, the site is not strategically important green infrastructure, whilst the role the site and its trees have in shading, public amenity and its biodiversity and flood mitigation value is unlikely to be adversely affected to a material degree. Nevertheless, the proposal will lead to an overall loss of trees in quantity, albeit to facilitate better condition for the remaining ‘higher value’ trees to thrive. It is accepted that the site is a constrained site for further tree planting given existing trees and proximity to neighbouring gardens and dwellings.

5.9.3 Local Plan policy CLP16 and NPPF requires all development to provide a net gain in biodiversity. The applicant has provided a biodiversity net gain assessment using DEFRA Metric 3.1 which shows a net gain, despite a proposed loss of some existing trees and vegetation. The associated Design and Access Statement states that the following measures will be used to achieve a net gain:

- dwelling elevated above ground
- green roof to majority of the new dwelling
- soft landscaping to be kept 'wild' with any new planting to be native species
- any new fencing will include gaps for wildlife to pass
- bird and bat boxes added to existing trees

It is assumed that the gain identified by the biodiversity assessment relies on the above, in particular the green roof. Further details should be sought as a more detailed biodiversity net gain plan that backs up the assessment and shows how they will be delivered.

5.9.4 The Council consulted with Derbyshire Wildlife Trust in relation to the proposal and they provided this response:

I have reviewed the following reports relevant to the biodiversity issues at the above site:

- Preliminary Ecological Appraisal prepared by Estrada Ecology June 2022
- Bat Activity Report prepared by Estrada Ecology June 2022
- Small Sites Metric prepared by Estrada Ecology June 2022

The PEA and Bat Activity Report have been undertaken in accordance with best practice and are considered to provide the LPA with an accurate assessment of the likely impacts on biodiversity (habitats and species) at the site.

Impacts and proposed mitigation and enhancements

The site is approximately 0.1 ha and comprised of ruderal / ephemeral vegetation and scattered trees (18 in total). The footprint and construction of the development will result in the loss of 65% of the ephemeral vegetation and 7 trees. The ephemeral vegetation is not considered to be of high nature conservation value but does represent a minor loss of biodiversity at a local scale. The trees that will be affected are described as low quality in the report and comprise 3 Scot's pine, 3 silver birch and 1

hawthorn. Larger trees are to be retained including silver birch, Scot's pine, horse chestnut, ash, sycamore and Austrian pine. The loss of the trees is also recorded in the metric.

Impacts on protected species are considered unlikely (some mitigation measures are proposed for breeding birds) and the level of survey and assessment is considered to be acceptable in this respect.

The proposed biodiversity enhancements included in the proposals have been assessed using Defra's Small sites metric. Proposals include a biodiverse green roof over part of the new dwelling and the creation of species rich neutral grassland 'other neutral grassland' in the metric. No replacement tree planting is proposed, but the reports argue that the retained trees will benefit from less competition presumably for light and nutrients.

The losses and gains at the site have been added to the metric and there does not appear to be any errors or unresolved issues with the way the metric has been completed. Trading rules are satisfied and a net gain of 0.56 units is shown. The net gain assumes that the retained trees will improve in condition and is obviously dependent upon the successful establishment of the green roof and grassland habitats. This is certainly feasible, but both habitats will require sympathetic management in order to realise their full potential to support wildlife (especially the other neutral grassland).

- 5.9.5 The DWT conclude that the application is considered to be supported by up to date ecological assessments and a small net gain for biodiversity has been demonstrated through the use of a Small site biodiversity metric. The proposed biodiverse green roof and creation of species rich grassland are considered to be achievable given the right creation/establishment methods and sympathetic long-term management. With regard to the trees it is perhaps a little more difficult to predict the extent to which each of the retained trees will benefit from the reduction in competition. There is also a question over the future of the 3 retained ash trees. These are listed as in fair or good condition, but will be vulnerable ash dieback in the very near future. No further surveys or assessments are considered necessary at this time. If the Council is minded to approve the application DWT set out recommended conditions.

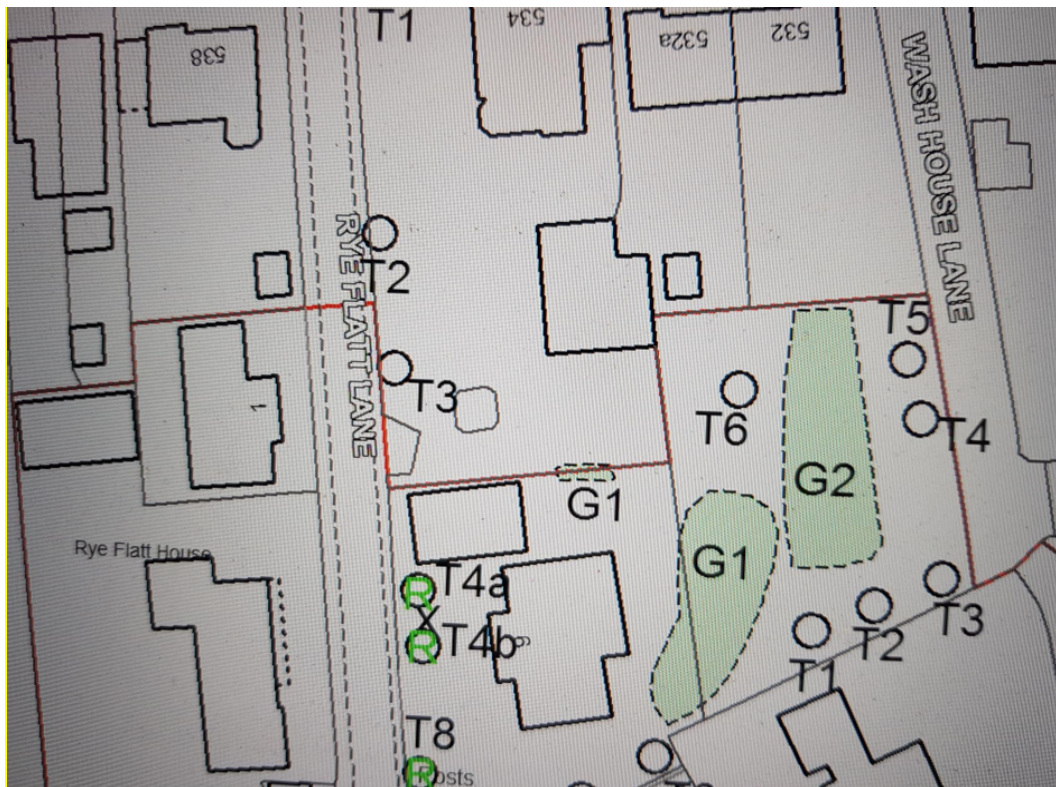
- 5.9.6 The proposal seeks to remove 7 trees from the site and to position a green roof on top of the building, position several bird/bat boxes around the site and to retain a “wild garden”. They also rely on the future stronger growth of several of the retained trees on site to account for the biodiversity net gain. It is considered there are several issues that need clarifying –
- what is a “wild garden”? How will it be retained as such? Is this enforceable? If this became a standard grassed lawn what actions would/could be taken? This can be conditioned as part of the biodiversity assessment.
 - can a garden be “wild” but still be considered as private amenity space? Yes, as people with gardens can manage them however they choose to, and still can still be classed as amenity space.
 - what will happen on site if the building works de-stabilise the root systems of the retained trees on site? This will be considered as part of the tree protection conditions,
 - can a green roof and solar panels be achieved on the roof whilst both serving a purpose and being sustainable? This is conditioned, so any addition of solar panels to the roof will require planning permission.
- 5.9.7 The Wildlife Trust and the Council’s Tree Officer (below) both support the proposal in principle, but it is considered the continued longer-term management of the site and submission of further with detail in response to conditions of any consent will provide answers to some of the above questions. As the trees are protected any damage to them from exploratory works would be an offence. The Tree Survey, AIA and AMS submitted provide details of the proposed tree protection on site, which is supported by the Tree Officer.
- 5.9.8 The proposed development is considered to be a minor development in a densely built residential area and is not part of a wider woodland. Some level of biodiversity net gain has been shown to be achievable on site, which is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition can be attached to any decision issued to ensure the application provides the agreed biodiversity net gain measures, as a result of the proposed development. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

5.10 **Trees**

5.10.1

The Council's Tree Officer was consulted on this application and he provided the following comments:

The new build is to be a sustainable and thermally efficient family home which includes the retention of trees by using piled foundations, green roof across the entire dwelling and incorporating other wildlife habitats throughout the site. The proposal will affect trees that are subject to two Tree Preservation Orders (TPO) which are on the proposed development site and trees located on the neighbouring properties at 6 Rye Flatt Lane and Orchards Cottage, Wash House Lane as shown on the TPO map Figure 1 below.



Tree Preservation Order 4901.73

To the west of the development site at 6 Rye Flatt Lane is a group of 3 mature Pine trees within G1 of TPO 4901.73 and to the south in the garden of Orchard Cottage is a Sycamore reference T1, a Pine reference T2 and one Ash reference T3 of TPO 4901.139 which may be affected by the development from root disturbance and compaction of the rooting environment. There is also one mature Horsechestnut tree on the development site directly

adjacent to T3 Ash and one Pine in the location of the proposed new access which are not protected by the Orders. A detailed Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted dated 18th June 2022 by AT2 Tree Surveys which states it will be necessary to remove 1 unprotected Scots pine to facilitate the new access and 2 Scots Pine within G2 of TPO 139 (3, 8, 11 on the submitted AIA), 3 silver birches within G1 of TPO 139 (14, 15, 16) and 1 hawthorn reference T6 of TPO 139 (13) to accommodate the proposed plans.

It is agreed with the AIA statement that 'the Scots pines were planted close together and have grown in competition with each other and the surrounding trees. The better-quality trees will be retained and only two lower-quality trees and one graded unsuitable for retention will be removed. On the opposite side to Wash House Lane there are two groups of three silver birches and the northerly trio will be removed to accommodate the building. The public view into the site will be largely unchanged so the impact will be minimal'.

One Pine tree is proposed for removal to facilitate the new access and is referred to as T3 in the submitted tree report. The tree is not protected by the above mentioned Tree Preservation Order and is of poor quality with cavities at the top and has previously had the upper crown removed as shown below.



Pine tree proposed for removal to facilitate the new access

Due to the restricted size of the development site, most of the land is within the Root Protection Areas (RPA) of the trees so the protection of the trees main stem and rooting environment will be crucial, and careful tree protection planning will be required along with regular arboricultural supervision. Extensive ground protection is proposed in the AMS along with protective fencing and due to the location of the Austrian Pine within G2 (T12), protection will be installed for the tree's trunk consisting of lengths of timber fastened around a compressible layer. The driveway will be constructed first using a load spreading geocell to protect the soil surface.

To avoid excavation and compaction, the building will be supported on piles which will be positioned in-between the tree roots.

It is proposed in the AMS that some of the retained trees will require crown lifting. A formal tree application will therefore be required for consideration.

In Conclusion the Tree Officer confirms that the Tree Survey, AIA and AMS submitted covers all the aspects of the proposals in detail and the tree protection measures proposed on this difficult site are to BS5837 and practical in their design to protect the retained trees and allow the construction of the proposed dwelling, driveway, and associated landscaping and no objection to the proposals are therefore raised.

5.10.2 The officer agrees with the findings of the tree officer and has including the recommended conditions as well as requesting further information about the proposed soakaway on site.

5.11 **Developer Contributions**

5.11.1 The development comprises the new dwelling minus the floorspace of the existing ancillary residential building on site.

5.11.2 The CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Existing Floorspace	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
160	0	160	£80 (High rate)	332	288	£14,756

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

- 5.11.3 In CIL form 1 the applicant/agent has ticked the box that they would like a self-build exemption, which ensures that they would not be liable for CIL. The applicant will need to complete 'CIL Form 7: Self Build Exemption Claim - Part 1'. This form must be submitted to the Collecting Authority, and any exemption must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

5.12 Coal mining risk and ground contamination

- 5.12.1 The application site is within the High Risk Area in respect of former coal mining activity. The application is supported by a Coal Mining Risk Assessment which has been considered by the Coal Authority. The Coal Authority reviewed the proposals and confirm that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.
- The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Protecting the public and the environment in mining areas 2 Assessment (or equivalent)

(June 2022, prepared by Geoinvestigate) to accompany the planning application.

The report is able to identify that the proposed development is underlain by recorded and perhaps unrecorded shallow mine workings with the potential to significantly impact surface ground stability in the proposed building area. The report author indicates that, whether mine workings will impact the development depends on drift/bedrock depth, mine working (if any) depth and rock cover thickness. Intrusive ground investigation is therefore recommended to establish these parameters within the site.

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. 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 Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to Protecting the public and the environment in mining areas 3 development in order to establish the exact situation regarding coal mining legacy issues on the site.

5.12.2 The report concludes there is a potential risk posed to the development from former coal mining activity. It is therefore recommended that intrusive site investigations are carried out on site in order to establish the risks/issues. On this basis the Coal Authority has recommended conditions to secure the appropriate investigations and remedial works or mitigation necessary to address the risks. These works must be completed with the tree protection and drainage measures taken into account.

5.12.3 The Council's Environmental Health team has been consulted on the proposal and they have concluded that the site is within an area of potential land contamination. The Coal Authority have stated that there is a risk of mining gas on site, and that this needs to be investigated further, a note will be added on this matter.

5.12.4 On this basis the proposal is considered to meet the requirements of policy CLP14, subject to conditions in regards land contamination, coal mining risks, some of which may be pre-commencement conditions.

5.13 **Flood Risk and Drainage**

5.13.1 The site is in a low risk area in relation to risk of flooding. CBC's drainage team and Yorkshire Water have been consulted on the scheme. CBC's drainage team requested that the proposed dwelling should be developed using separate drainage systems, and that further information is provided about not using soakaways on site. Yorkshire Water Services did not provide a response on the application.

5.13.2 Further information is required regarding soakaways, as this is a preferred method for route for surface water, but these are not proposed to be used.

5.13.3 Conditions will be included in a condition to ensure these issues are considered further prior to any future works. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

5.14 **Lighting, noise and air pollution issues**

5.14.1 The Council's environmental health team have commented that several conditions are required to ensure that the proposal doesn't lead a negative impact in terms of an increase in lighting, noise pollution from construction and air pollution from increased traffic. They are requested a restriction on unacceptable lighting to surrounding areas, the workings hours for construction and the inclusion of electric charging points into the scheme. No comments have been made about air pollution from construction or noise pollution from the proposed air source heat pump. Air pollution from construction is not normally something that is considered through this part of planning process, as some level of temporary impact is considered acceptable within the standard working hours. In regards air source heat pumps, a condition should be included to request that further information is submitted post decision to ensure that it doesn't have a significantly adverse impact to surrounding neighbours.

5.14.2 The requested conditions have all been included in this decision, to ensure that it is compliant with CLP14 of the Local Plan.

5.15 Climate change

5.15.1 Cutting down a tree has no impact on carbon emissions, but it is clear that once a tree is cut down it no longer has the ability to store any additional carbon. However, the way in which the tree is used following its felling impacts on the rate of release of the carbon held within the tree. For example, if a tree is left to rot in a natural way, or if the timber is used to make a long lived product (eg for joinery) the carbon stored in the tree will be released slowly over a considerable period of time. Chipping or burning the tree will release the carbon much more quickly (chipped wood rots much more quickly). In general terms the emission can be offset by planting more trees and other methods to ensure that the rate of carbon uptake is broadly equivalent to the rate of emission (ie slowing the emission as much as possible).

5.15.2 On this basis it is considered that in order to minimise the carbon release from any felled trees, a condition can be added into the recommendation to agree a scheme in relation to the use of the timber from the felled trees in order to reduce the speed of the carbon release. This could include logs being left on site to provide local habitat improvements or re-used for seating or fencing for example.

5.15.3 The calculation of the exact quantity of carbon stored in trees on site is highly complex because it is influenced by the size, weight and species of each individual tree as well as soil conditions and the local climate. It is not possible for officers to quantify this in detail; these calculations are very complex and would need to be conducted by an external specialist.

5.15.4 All development has a “carbon footprint”, and it is more relevant to ask how hard the developer has tried to reduce this down to as small as possible. The average development has an impact on climate from for example concrete production, transport and all aspects of the build and delivery processes; as well the carbon emissions from heating and lighting a building. This scheme will have a smaller carbon footprint than for example a new dwelling built by larger-scale house builders. There will however still be an impact but as there are no direct national or local policies with

regard to the measurable carbon footprint from schemes it is not considered that the development can be refused on these grounds.

6.0 **REPRESENTATIONS**

6.1 The application has been advertised via letters sent to surrounding local residents and 12 comments have been received from local residents. These are from the residents of 6 local dwellings, all of whom object to the proposal. Their reasons for objection include:

- Impact on local trees,
- Parking arrangements for future residents,
- Privacy,
- Construction access/traffic on Chatsworth Road and Wash House Lane,
- Residential amenity,
- Overlooking/separation distances,
- Impact/loss of Local wildlife,
- Noise/vibrations from piling/construction,
- Impacts on trees of construction/piling,
- Issues/lack of clarity regarding ownership of Wash House Lane,
- Impact on Wash House Lane from services,
- Negative impact on visual amenity of area
- Loss of trees/climate change
- Air pollution from construction phase

6.3 **Officer comments:**

The majority of points raised are dealt with within the report above. As an addition it is clear with regard to adding services that the impact/costs related to this are not a planning matter, and that on the basis that the road is a private road, this is a private matter. There appears to be some confusion with regard to the ownership of Wash House Lane, but as the applicant has confirmed they have a right to utilise the road for their vehicles and again this is not considered to be a planning matter.

7.0 **HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law

- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective

- The interference impairs as little as possible the right or freedom

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

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

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

8.2 The Local Planning Authority have during and prior to 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 proposed development is considered to be acceptable in principle and the scheme is of an appropriate design and which can be accommodated on the site without detriment to the street scene or the amenity of nearby properties. The scheme delivers a high quality and innovative solution to achieving a dwelling unit on the site. As such, the proposal accords with the requirements of Policies CLP1, CLP2, CLP3, CLP13, CLP14, CLP16, CLP20 and CLP22 of the adopted Local Plan and the National Planning Policy Framework subject to the imposition of relevant conditions.

10.0 **RECOMMENDATION**

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

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: Site Location Plan, Proposed Elevations drawing no.PL-003C, Proposed Elevations without trees drawing no.PL-005B, Proposed Floorplan drawing no.PL-002C, Site Section and Street Elevation, Tree Protection Plan, Arboricultural Assessment and Method Statement: with the exception of any approved non-material amendment.

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out 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 - In the interests of residential amenities.

4. A residential charging point shall be provided for the additional 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 policies CLP14.

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

Reason - In the interest of satisfactory and sustainable drainage and inline with CLP13.

6. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a maximum rate of 3.5 litres per second.

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal.

7. No dwelling approved as part of the development shall be occupied until the 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.

8. All lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties.

Reason – To ensure the development doesn't impact the residential amenity of surrounding residents in line with policy CLP14.

9. Obscure glazing to a Pilkington Scale level 4 shall be utilised on the northern and western elevation windows of the proposed dwelling, as shown on drawing PL-005B. These windows only, shall be installed and retained obscurely glazed thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of residential amenity and policy CLP14.

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

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

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

Reason - In the interests of the amenities of occupants of adjoining dwellings and future residents of this dwelling, in relation to policy CLP16.

12. A new vehicular access shall be formed to Wash House Lane in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

Reason – in the interests of highway safety.

13. At the commencement of operations on site, (excluding condition 12 above, and site clearance), space shall be provided within the site curtilage for storage of plant and materials, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason – in the interests of highway safety.

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

Reason – in the interests of highway safety.

15. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in generally accordance with the application drawings for the parking and manoeuvring of resident's vehicles (the parking bay measuring a minimum of 2.4m x 5.5m), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason – in the interests of highway safety.

16. No part of the development shall be taken into use until details of arrangements for the collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.

Reason – in the interests of highway safety.

17. To ensure that breeding birds are protected from harm, no removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason – To protect breeding birds on site.

18. In order to ensure that the biodiversity enhancement measures are fully implemented and sympathetically managed a Biodiversity Enhancement Plan shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The BEP should be drawn up in accordance with the Preliminary Ecological Appraisal and Small Sites Metric prepared by Estrada Ecology June 2022. The BEP should include the following:
 - a) Details of the ecological features to be created including methods, composition and location
 - b) Aims of management
 - c) Appropriate management methods for achieving aims and objectives.
 - d) Prescriptions for management actions.
 - e) Details of the body or organization responsible for management.
 - f) Remedial measures if the aims of the BEP are not being met.
 - g) Locations of bat boxes, bird boxes, hedgehog holes (include specifications/installation guidance/numbers)
 - h) Precise details of the green roof type and continued maintenance.

The BEP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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.

19. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.

Reason - Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during preparation works or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990.

20. Prior to the commencement of the intrusive ground investigations (Mining), details of the tree protection measures should be submitted to the Local Planning Authority for approval and the ground investigations shall only proceed on the basis of the tree protection measures agreed in writing by the local planning authority.

Reason - Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during preparation works or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990.

21. Prior to the commencement of the development hereby approved (including demolition and all preparatory work),
 - details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development

thereafter shall be implemented in strict accordance with the approved details.

- Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and concrete mixing.
- Methods to improve the rooting environment for retained and proposed trees and landscaping.
- a full specification for the construction of the new access to be constructed using a no-dig specification. Details shall include relevant levels and sections.

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during preparation works or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990.

22. Prior to first occupation of the development hereby approved, whichever is the sooner; details of 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 vegetation to be retained and trees and plants to be planted:
- b) proposed hardstanding and boundary 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.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the

Local Planning Authority gives its written consent to any variation).

Reason - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

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

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.

24. 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.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.

25. 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

Reason – in the interests of highway safety and policies CLP20 and CLP22

26. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and

A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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

27. Within 2 months of commencement of development, details of the proposed air source heat pump shall be submitted to the Local Planning Authority for consideration. The proposal shall include details of precise model, location and noise levels emitted from the unit. The Air Source Heat Pump approved in writing by the Local Planning Authority shall be implemented as approved and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason – In regards the potential for the unit to impact surrounding residents in terms of noise pollution.

28. Prior to any tree removal taking place on site a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

Reason - To minimise the carbon impacts of the development in accordance with Policy CLP20 of the Adopted Local Plan.

Informatives

1. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. As a last resort and subject to providing satisfactory evidence as to why the other methods of surface water disposal have been discounted, curtilage surface water may discharge to the 525 mm diameter public surface water sewer recorded

crossing the site. The surface water discharge from the site to be restricted to not greater than 3.5 (three point five) litres/second.

2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street Works Act 1990 before any works are commenced to construct a dropped crossover of a footway or verge a licence will be required from Derbyshire County Council. Details can be obtained from the Council's website or Highways Hub (highways.hub@derbyshire.gov.uk) and the applicant is advised to allow at least 6 weeks in any programme of works to obtain the necessary permission to undertake the works.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.
4. 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.