

ITEM 1**Demolition of detached two storey house and erection of detached dwelling (revised description and plans 25.08.22), at 48 Newbold Back Lane, Chesterfield for Mr Dean Harper**

Local Plan: Not allocated

Ward: Brockwell

Plot No:

Committee Date: 31st October 2022**SUMMARY OF CONSULTATIONS**

Coal Authority	Conditions recommended
Highway Authority	Comments made and conditions recommended.
Archaeology	Condition recommended
CBC Forward Planning	Acceptable in policy terms, consider biodiversity and CIL liability.
Derbyshire Wildlife Trust	Recommend bat surveys are undertaken.
CBC Environmental Health	Conditions to minimise airborne dust, lighting, ground conditions and construction working hours.
CBC Tree Officer	Recommend landscaping condition for replacement tree planting
CBC Conservation Officer	Comment made see report
CBC Design Services	Current drainage system could be utilised, not an area for flooding, Building Control and Yorkshire Water approval may be required.
Representations	See section 6.0
Cllr E Fordham	Support the proposal. The Tree Officer comments can be incorporated. Residents are keen for this to progress.

2.0 THE SITE

- 2.1 The application site is an existing dwelling and garden situated on the corner of Glade Close and Newbold Back Lane. The dwelling is the oldest property in the area and is of traditional design being a gabled dwelling with double frontage and central porch. The property is in need

of repair and appears to have been vacant for some time. The garden was overgrown with a substantial tree to the front garden in very close proximity to the dwelling and a large tree to the rear. These trees have now been removed from site and the garden partly cleared as shown in the images below:





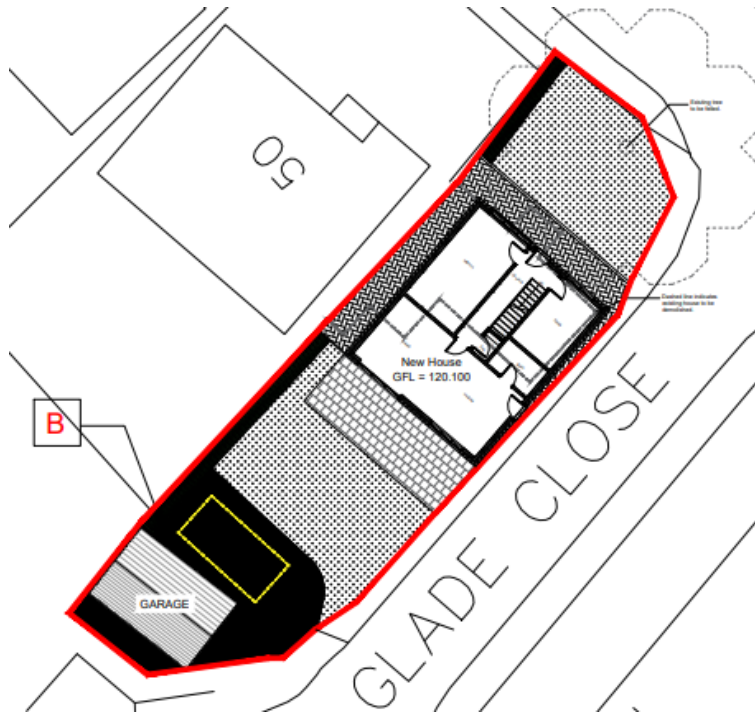
3.0 **SITE HISTORY**

3.1 No relevant recent planning history.

4.0 **THE PROPOSAL**

4.1 Planning permission is sought to demolish the existing dwelling and construct a new four bedroom detached dwelling in its place with detached garage to the south western corner of the site. The dwelling is of a contemporary design with enlarged glazing and gable to the front elevation and decorative brickwork. Access to the site will remain from Glade Close albeit moved further to the south on the angled part of the boundary to allow garage access.

4.2 The layout proposed is as follows:



4.3 The design of the dwelling:



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)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highway safety
- Biodiversity and trees
- 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.

- 5.5.2 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, it is considered that the proposal is sustainably located and therefore meets the requirements of policies CLP1 and 2. Therefore, the principle of a replacement residential unit in locational terms is appropriate in this case.

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 design of the dwelling is contemporary which is considered to be appropriate to the site and surroundings where there is a mix of housing types and ages of dwellings in the locality. The ridge height of the dwelling will be no higher than the existing. The form with gable to the frontage is intended to bookend the bungalows located between the proposed dwelling and no. 70 as seen in this google street view image and photograph below particularly when viewed from the north:





5.6.3

It is acknowledged that the site is prominent on the skyline when viewed from the south along Newbold Back Lane with the adjacent bungalows being screened from view at this point. Therefore, from this angle the intention to bookend the design with no. 70 is not immediately apparent. However, the design proposed is nevertheless considered to assimilate well within this view even when viewed in isolation.





- 5.6.4 Subject to a condition to secure appropriate finished materials the proposal is considered to be acceptable in terms of the street scene.
- 5.6.5 The application contains no detail regarding boundary treatments and therefore these need to be conditioned to ensure an appropriate finish in the street scene and to neighbouring boundaries to ensure privacy between the properties. Details of the hard and soft landscaping will also need to be agreed via condition.
- 5.6.6 Subject to conditions the proposal is considered to be appropriate to the surroundings in line with the requirements of policy CLP20 of the Adopted Local Plan.

5.7 Impact on local list asset

- 5.7.1 Policy CLP21 sets out that in regard to other non-designated assets such as potential below ground archaeology; the exceptional circumstances where loss or partial loss of designated or non-designated heritage asset is considered to be justified, the council will require the developer to have the asset surveyed and recorded by a suitably qualified professional in advance of any alterations, demolition or groundwork.
- 5.7.2 The NPPF in para 205 requires that: Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

5.7.3 The existing dwelling is not on the Local List of heritage assets but is nevertheless a non-designated heritage asset given its age and interest to local history. Archaeology were asked to comment on the loss of the building and they responded as follows:

We do not have a record for this building on Derbyshire HER. Looking at historic mapping the house seems to be associated with a relatively short-lived concern known as Reservoir Colliery buildings and shafts are shown north of Back Lane on the 1880 mapping, and by 1900 further buildings including the extant house and shafts are shown south of the road, although by this stage the Colliery is shown as Disused. Given the vast amount of small scale coal working that went on around Chesterfield in the late 19th century, there is almost no documentary evidence of this colliery, though I have located records of fines issued to the owner a Mr James Fell during 1887 and 1888, so it was obviously active at that date. The house may represent a rather modest owners or managers house of the period and would therefore have a degree of local heritage significance. For the purposes of planning it should be identified as an undesignated heritage asset, because it has evidential value in relation to the social context of small-scale coal extraction around Newbold in the later 19th century. In terms of the principle of demolition and replacement it can be difficult to resist this given that we are dealing with an undesignated building outside a conservation area, though retention and conversion of the house would be a heritage gain and would be a first port of call under the NPPF policies. Please be advised further on this by your conservation officer. Should demolition be consented then historic building recording (Historic England Level 2/3) in advance of demolition would be indicated by NPPF para 205. A condition for building recording is therefore recommended.

5.7.4 The Council's Conservation Officer commented as follows:
The building appears by the 1888- 1913 and the 1892-1914 maps (the block close to the W in the maps which is I assume a well)



The property pre-dates everything around it. It is of traditional proportions architectural style and materials. The proposed replacement is attempting to match to a more modern style that has since developed in the area since the 1960s. In many ways, this is a potential loss to the origins of this settlement.

The property has no statutory designation. It is not included on the Local List of Heritage Assets. The heritage value may not have been appreciated by the owner/architect. This may be one situation where it is assumed an old style and easier to replace. It might be worth a conversation about what potential a restoration project may have? This is based on a desk review only.

- 5.7.5 In response to these comments the applicant provided a structural survey which concludes:
It will be apparent that, with due consideration the building is not in a state that can be rectified. Subsidence is considered the major cause of the problems to the building, with poor quality masonry and construction, which rendering seeks to hide. Trees front and back will have, over time, reduced the carrying capacity of the ground and will have contributed to the poor state of the foundations.
- 5.7.6 It is considered that whilst the building itself is a non-designated asset its demolition is not inappropriate due to the poor condition of the building as confirmed by the Structural Report. In line with the advice of the Archaeologist it is considered reasonable for a record of the building to be provided prior to demolition given the importance of the structure in the history and development of the local area. Subject to this condition it is considered that the loss of the building is acceptable.

5.8 Impact on Residential Amenity

- 5.7.1 Policy CLP14 requires 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 Environmental Health has commented:
To minimise noise impacts on the existing residential dwellings, I recommend that demolition work and construction work shall be restricted via condition.
A lighting condition is also recommended.
As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase.
- 5.7.3 In terms of noise and nuisance it is considered the above recommended conditions be included in the recommendation to ensure impacts from lighting, construction work are minimised and that EV charging is provided for the new dwelling.
- 5.7.4 Also to consider is the impact of the scheme in terms of overlooking, loss of light and privacy.
- 5.7.5 The proposed rear garden of the property from the rear elevation of the new dwelling would be in the region of 17.9m in length which is above the minimum requirement and demonstrates appropriate separation from neighbouring properties. The single storey garage building which replaces a shed on site is located to the frontage of the integral garage to no. 7 Glade Close. Due to the siting, the single storey and low pitch height, the garage it is considered to result in acceptable impacts to the neighbouring property.
- 5.7.6 The proposed dwelling has a greater footprint than the original but does not project further to the rear than the adjacent dwelling. Therefore, the structure is not considered to impact adversely on the amenity of the neighbouring property no. 50.
- 5.7.7 It is therefore considered that the development will not result in amenity impacts that would be of such concern that a refusal of planning

permission would be warranted. The development is therefore acceptable in line with policy CLP14 of the Adopted Local Plan.

5.8 Highways Safety and Parking Provision

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

5.8.2 The Highway Authority has commented:
A four-bedroom dwelling is proposed whereby the Highway Authority would look for the provision of three off-street parking spaces. It is noted that two spaces are proposed, it is not though considered that a recommendation of refusal could be sustained on this issue alone. A single garage should have internal dimensions of 3m x 6m and it is noted that the garage proposed is slightly below these dimensions although not considered sufficient for refusal. The second off-street parking space is adjacent to the garage. Comments are given on the basis that both spaces would be easily accessible from the existing vehicular access. On the basis of the above, conditions are recommended.

5.8.3 Concern has been raised that the proposed access point would conflict with an existing lighting column. Whilst the location of the access is on an angled border of the site adjacent to the garage it is considered likely that a wider access will be formed, once the boundary details are considered via condition, in order to ensure ease of access into the site. Part of the site is shown for parking which is considered to be acceptable. However, again once the final surfacing details are known a larger area could be provided for vehicles to park. Given the existing access and the lack of any concern from the highway authority it is considered that safe access can be formed without causing harm to highway safety and as such the proposal complies with policies CLP20 and 22 in terms of highway safety and parking.

5.9 Biodiversity, impact on protected species, enhancement and Trees

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 Council’s Tree Officer has commented on the proposal:

There is one Ash tree to the frontage and one Willow to the rear of the existing property that are proposed for removal to facilitate the development. It is also proposed that sections of the boundary hedging are to be removed. No tree/landscape survey has been submitted with the application, but it is clear from the submitted layout drawing reference PL_01 that the retention of the existing trees would restrict any new development.

The Ash tree is covered by Ivy, restricting any inspection of the lower 50% of the trees crown. The visible, upper crown has extended long branches and although the tree does have some visual amenity, it is considered that the provision of a good landscaping scheme with two new suitable tree species planted to the frontage of the development would add more visual amenity and biodiversity to the site if the correct species such as Mountain Ash or Hawthorn are planted.

No detailed landscaping scheme has been provided and the site layout plan PL_01 shows mainly hard surfacing and grass which does not provide a suitable soft landscaping scheme in mitigation for the vegetation lost. Landscaping provisions within the site should therefore be made for tree and shrub planting which should contribute to general appearance and amenity of the site. The plant species selected should add to the biodiversity of the site, providing habitats and a food source for wildlife which should contribute to the softening of the build and hard landscaped areas.

In general, there are no objections to the development but enhancements to landscaping and appearance of the site should be made. A condition should therefore be attached if consent is granted to the application for a landscaping scheme which would mitigate against the loss of the trees and other soft landscaping features. Landscaping condition recommended.

5.9.3

The trees referred to have already been removed from the site as the owner was permitted to, as the trees were not protected. Nevertheless the loss of the trees on such a small site is considered to be acceptable particularly given the construction issues already caused to the existing dwelling, it is therefore understandable that the owner has acted to remove these. Compensatory planting is to be agreed via a landscaping scheme as recommended by the Tree Officer.

- 5.9.4 Derbyshire Wildlife Trust commented on the scheme initially requesting more detail regarding potential for roosting bats within the trees and building and any bird nesting. No concerns were raised in regard to foraging badgers and therefore no further information has been sought in regard to this matter.
- 5.9.5 In response to the DWT comments regarding potential bat roosts the applicant has had a survey commissioned, prior to the removal of the trees, which concluded:
No bat roosts were identified at the site. However, bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time. Any bats that begin using the building during the intervening period between the surveys being undertaken and works commencing could be injured or killed and their roosts destroyed.
Therefore, a precautionary working method will be implemented, as detailed in Table 3 of the report. Requirements for a sensitive lighting strategy and opportunities for enhancement are also outlined in Table 3. And include the provision of bat boxes and a lighting scheme.
- 5.9.6 Despite further consultation taking place no further comment has been received from DWT. However, conditions are recommended in line with the recommendations of the submitted report which is considered to be an appropriate assessment of on-site risk and which includes enhancement features. A footnote will also be added noting the requirements of the wildlife and countryside act 1981. The matter of breeding/nesting birds is also to be covered by an informative note as this will now only relate to the domestic curtilage garden works. On this basis the proposal is considered to be acceptable in terms of ecological impacts and biodiversity enhancements.

5.10 Ground conditions

- 5.10.1 Policy CLP14 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.
- 5.10.2 The site is in the high risk area for former coal mining activity. The Coal Authority were therefore consulted and initially requested a Coal Mining Risk Assessment. In response to this being submitted the following comments were received:

As you are aware, the Coal Authority objected to this planning application in our previous letter to you dated 15 September 2021 as no Coal Mining Risk Assessment had been submitted at that time in order to assess the risks to the proposed development from former coal mining activity recorded at this site. The planning application is now accompanied by a Coal Mining Risk Assessment, dated 07 October 2021 prepared for the proposed development by Haigh Huddleston & Associates (Civil & Structural Engineering Consultants). The Assessment has been informed by historical and coal mining information.

Having carried out a review of the available information, the report author considers that currently the site is potentially at risk as a result of shallow coal beneath the site. As a general rule of thumb, if there is less than the standard 10 x rock cover to seam extraction ratio, this could affect the surface stability for the redevelopment of a site (CIRIA C758D Abandoned mine workings manual). Therefore, in order to confirm the actual ground conditions (depth / condition of the coal seam / competent rock cover) and to inform the extent of any remedial and / or mitigation measures considered necessary to ensure the safety and stability of the proposed development (NPPF paras. 183 and 184), recommendations have been made that intrusive ground investigations, including gas monitoring are required. The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

Mine Gas:

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

Conditions recommended.

- 5.10.3 The Council's Environmental Health Officer commented that:
The proposed location is within an area of Chesterfield that could be affected by land contamination. Should planning permission be granted for this proposal, I would strongly recommend that the developer ensure the site is 'suitable for use by completion of: -
a) a Phase 1/desk study, and then, if necessary
b) a Phase 2/intrusive site investigation, and then, if necessary
c) a Remediation Strategy and the, if necessary
d) a Validation report
Condition recommended.

- 5.10.4 It is considered that conditions will ensure the ground is investigated and mitigated suitably to ensure safe end use of the site. On this basis the proposal meets the requirements of policy CLP14 of the Adopted Local Plan.

5.11 Drainage

- 5.11.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals 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 As this is for a replacement dwelling it is likely that appropriate drainage infrastructure is in place below the site to ensure appropriate drainage connections which will be considered through the building regulation process and via the Statutory undertaker. A condition in relation to water efficiency is recommended. 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 as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](https://www.chesterfield.gov.uk)). The CIL charge is calculated as follows:

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

Dev Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	A Net Area (GIA in Sq.m)	B CIL Rate	C Index (permission)	D Index (charging schedule)	E CIL Charge
Residential (C3)	134	81.4	53	£50	332	288	£3,055

5.12.2 It is noted that through the amendments made to the application this figure may need to be updated through the CIL process.

6.0 **REPRESENTATIONS**

6.1 Eight representations have been received from four parties which raise the following issues:

- Concern regarding the red edge and boundary ownership and access rights.
- There should be a 1m gap between no. 50 and no. 48.
- Will the new dwelling block out light or overpower the adjacent dwellings.
- The garage has an entrance over the pavement that has a street light, there are also gas and water installations in this location.
- The garage should be moved to allow access.
- The garage will block the street lighting which illuminates our property.
- The current design with dormers does not reflect the surrounding area or the original farm house.
- The dormer windows will look directly into neighbouring properties.
- We have evidence of ecology and high numbers of bats possibly roosting in the existing tree.
- Badgers use the garden as a foraging area.
- The site is an eyesore and is attracting strangers lurking around.
- There have been squatters in the building.
- It would be good to have a new property in place of the existing.
- Support the removal of the property and the new one.

- Can anything be done to speed up the planning process.
- I do not want bits of the property to fall off onto my roof.
- What does research into the history of the house achieve?
- Consider the consequences of inaction.

6.2

Officer response:

Matters of land ownership are not matters that can be resolved through the planning process as these are a civil matter. However, it appears that these matters may have been resolved given the change in the content of the comments received through the processing of the application. Other matters raised are addressed in the report above. The case has been brought before the committee as soon as possible.

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 2019 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 principle of replacing the existing dwelling which in poor condition is accepted in this sustainable location. To address the loss of the building as a non-designated heritage asset it is considered that building recording via condition will ensure appropriate consideration of the history of the site. The loss of trees is considered to be acceptable due to the nature of the site and the harm already caused to the building. This loss is to be compensated through a landscaping scheme for the development. The design is considered to be appropriate to the site and street scene and parking is within acceptable limits. Now that appropriate ecological survey work has been completed conditions can be imposed in terms of ecological impacts and enhancements. Any amenity impacts are considered to be within reasonable limits. Therefore, subject to conditions the scheme is considered to be acceptable in line with the planning policies set out above.

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. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed plans and elevations PL-02 Rev C received 25.08.22

Proposed site and block plan PL-01 Rev B received 25.08.22

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

3. 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 ensure the site is safe for use 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: To ensure the site is safe for use in accordance with policy CLP14 of the Adopted Local plan.

5. a) No development including demolition shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and

dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation

Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

b) No development shall take place other than in accordance with the Written Scheme of Investigation for historic building recording approved under condition (a).

Reason: To ensure appropriate building recording of the non-designated heritage asset in line with policy CLP21 of the Adopted Local Plan.

6. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation etc, the details of which shall include :-
 - a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection, including two new in mitigation for the two trees lost to the development;
 - b) means of enclosure/boundary treatments;
 - c) hard surfacing materials;

Reason: To ensure a satisfactory landscaped setting for the development and to compensate for the loss of trees in accordance with Policy CLP16 of the Adopted Local Plan.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning

authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policy CLP16 of the Adopted Local Plan.

8. Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting scheme. All works shall be fully implemented in accordance with the approved scheme.

Reason: To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of biodiversity in accordance with policies CLP20 and 16 of the Adopted Local Plan.

9.
 - 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.

10. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

11. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

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

12. The development shall be constructed in accordance with the recommendations contained within the submitted Bat emergence and Re-entry Surveys Report Issue 2 dated 27.06.2022.

Reason: In best interest of protected species and ecological enhancement in accordance with policy CLP16 of the Adopted Local Plan.

13. Prior to the development hereby permitted progressing above slab level, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development (in line with the recommendations contained within the Bat emergence and Re-entry surveys report Issue 2 dated 27.06.2022) shall have been submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason: In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted

Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.

14. 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.

15. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

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

16. Details, including samples where necessary, of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development in accordance with policy CLP20 of the Adopted Local Plan.

17. 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.

Informatives:

1. The Local Planning Authority have during to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to design in order to achieve a positive outcome for the application.
2. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. To ensure that breeding birds are protected from harm, no removal of hedgerows, trees, shrubs or brambles should 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 established and implemented.