

## ITEM 4

Case Officer: Chris Wright

Application No: CHE/22/00335/FUL

**PROPOSAL: CHANGE OF USE OF EXISTING PUBLIC HOUSE TO FORM 4 FLATS (REVISED DRAWINGS RECEIVED AND DESCRIPTION AMENDED 19.10.2022, REVISED DRAWINGS RECEIVED 21.10.2022) AT DEVONSHIRE HOTEL, 17 OCCUPATION ROAD, NEWBOLD, CHESTERFIELD FOR MR AMRIK VIRK**

Ward - Dunston

### 1.0 **CONSULTATIONS**

Derbyshire County Council Highways	No objection, as an objection couldn't be sustained, on the original scheme. No comments on the revised scheme.
Chesterfield Cycle Campaign	No objection
Private Housing	Comments received. No objection
Strategy/Forward Planning	Comments received – see report
Environmental Health	No comments received
Design Services Drainage	No objections
Neighbours and Site Notice	6 public comments received from 5 residents. All objections to the proposal – see report
Ward Members	1 representations received, supporting residential development on site

### 2.0 **THE SITE**

2.1 The site subject if this application is the former Devonshire Public House/Hotel. The site comprises of a two storey, semi-detached building, orientated towards the Occupation Road highway. The existing building is formed of a hipped roof and is faced in brick. The

site has some interesting architectural features to the principle elevation, including curved topped windows at ground floor and a small feature window (see photographs). The site is served by a yard to the rear with access gates taken from Devonshire Villas, a small private road which forms the southern boundary of the site leading to residential dwellings to the east of the application site.



Principle (west) elevation of the site, taken from Occupation Road



Rear (east) elevation and south (side) elevation of the site, taken from Devonshire Villas



Aerial image of application site



Access to the rear yard taken from Devonshire Villas facing north west

- 2.2 The building appears to have been vacant for a number of years. The premises licence register held by Chesterfield Borough Council shows that in 2011 the premises licence was cancelled and has not been renewed since (application licence reference PL/VF/0289).
- 2.3 The surrounding streetscene is largely residential in character, the site directly adjoins a commercial premise to the north which has been used as a chip shop (No 15 Occupation Road) and a small convenience store is situated to the north west of the site (Nos 2 and

4 Occupation Road). Surrounding residential dwellings are mixed in character, formed of traditional terraces, detached bungalows and semi-detached dwellings.

### **3.0 APPLICATION SITE PLANNING HISTORY**

3.1 CHE/0996/0507 - Single storey flat roof extension for toilet – Conditional Permission -18/10/96)

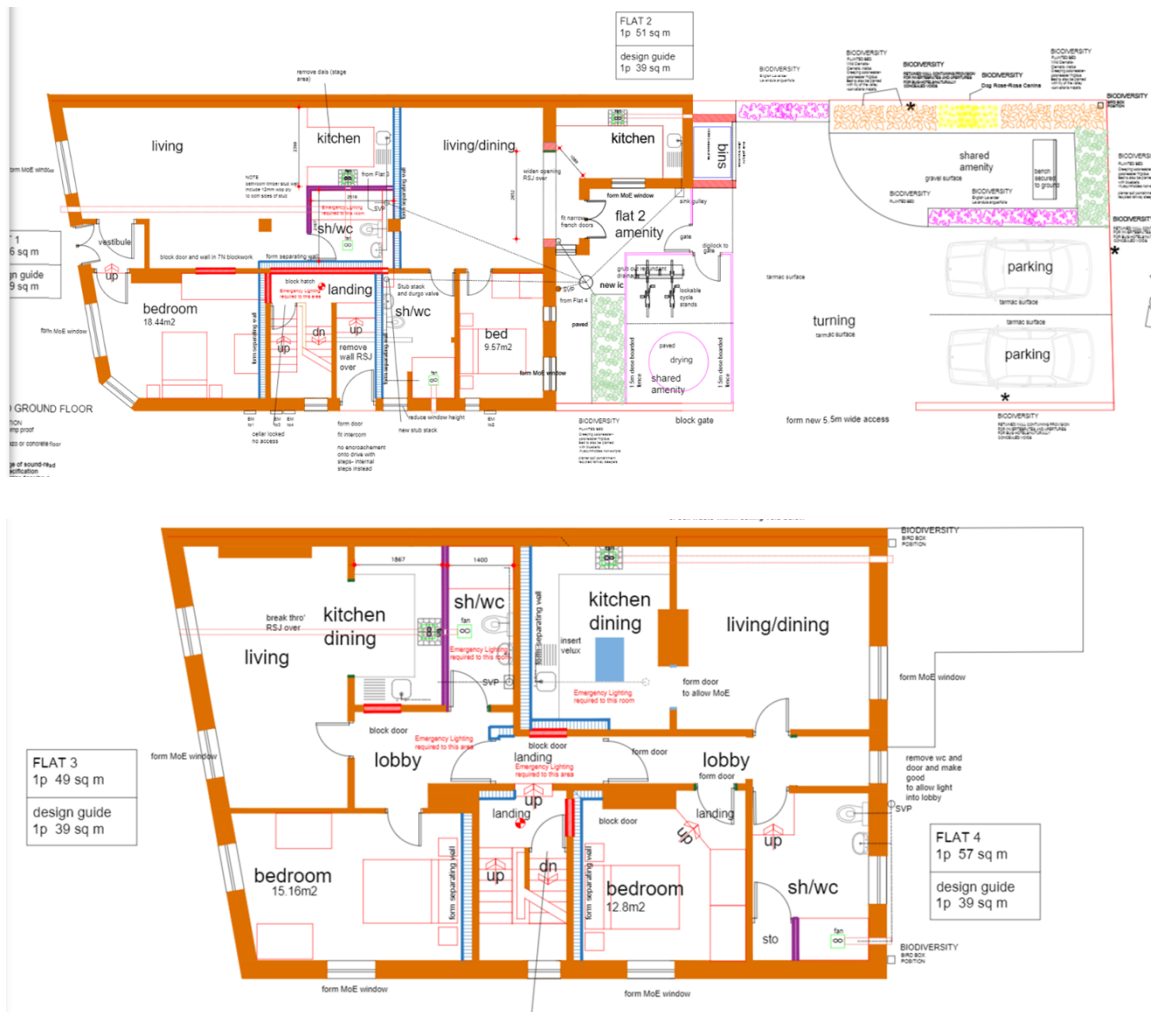
3.2 CHE/19/00437/FUL - Change of use of public house into 4 one bedroomed apartments (revised plans received 22.08.2019) – Conditional Permission – 24/09/19. Permission expired.

3.3 CHE/21/00114/COU - Change of Use from Public House (Sui Generis Use) to Retail Shop/ Supermarket Now (Use Class Ea) – Conditional Permission – 19/04/21

### **4.0 THE PROPOSAL**

4.1 The application proposes the conversion of the building into four, one bedroom apartments.

- Apartment/Flat 1 – ground floor flat accessed from the principle elevation with separate bedroom, bathroom and open plan living/kitchen facilities. Proposed overall floorspace 66sqm
- Apartment/Flat 2 – ground floor flat accessed from the rear courtyard with separate bedroom, bathroom and open plan living/kitchen facilities. An area of private amenity space for flat 2 is shown to the rear with french doors. Proposed overall floorspace 51 sqm.
- Apartment/Flat 3 – first floor flat accessed from side (south) elevation by external doorway via a stairwell serving both first floor flats. The flat has separate bedroom, bathroom and open plan living/kitchen facilities. Proposed overall floorspace 49 sqm.
- Apartment/Flat 4 - first floor flat accessed from side (south) elevation by external doorway via a stairwell serving both first floor flats. The flat has a separate bedroom, bathroom and largely open plan living/kitchen facilities. Proposed overall floorspace 57 sqm.



- 4.2 The application seeks to utilise existing window openings with the exception of a roof light within the northern roof plane, replacing an access door serving flat 2 with french doors and altering the location of the access door for the first floor flats and the adjacent window at ground floor MoE level within the south (side) elevation.
- 4.3 Shared private amenity space for all flats is provided within the rear courtyard, with a separate area for flat 2 to the rear of the building, a cycle store and clothes drying area beyond this and then a separate shared amenity space including biodiversity features to the rear corner of the site. There is space for parking for vehicles plus turning space.
- 4.4 It is proposed to remove a section of the side wall to allow a wider vehicular access. It is proposed to fence off the amenity areas to the rear of the building with 1.5m high close boarded fencing and to building sleeper walls for the biodiversity area to the rear corner of the site.

4.5 The application was originally for 7 units, but after discussions this was revised down to 4 flats, which is comparable with the internal layout of the previous approved scheme from application CHE/19/00437/FUL, although the external area has been revised regarding the layout of the amenity areas, parking numbers, layout and cycle/bin stores.

## **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 saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

### **5.2 Chesterfield Borough Local Plan 2018 - 2035**

- CLP1 Spatial Strategy
- CLP2 Principles for Location of Development (Stgc Policy)
- CLP10 Social Infrastructure
- 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**

- Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural envirmt

## 5.4 **Key Issues**

- Principle of development
- Design and Appearance – including Impact on the Amenity of Future Occupiers' and Neighbouring Impact
- Highways safety, parking provision and cycle storage;
- Flood risk and Drainage;
- Biodiversity Net Gain;
- Community Infrastructure Levy (CIL);

## 5.5 **Principle of development:**

5.5.1 The site is situated within the built settlement of Newbold, in an area which is largely residential in nature.

5.5.2 Having regard to the nature of the application policies CLP1, CLP2, CLP6, CLP9, CLP10, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan 2020 2018-2035 and the National Planning Policy Framework (NPPF) apply.

5.5.3 The Strategy/Forward Planning team provided further comments on the proposal prior to the amendments confirming that the application site has been the subject of two previous permissions (CHE/19/00437/FUL & CHE/21/00114/COU) for conversion to four apartments and to a retail shop respectively however neither permission appears to have been implemented.

The policy Officer states that before considering the principle of the residential use, the loss of a community facility must be addressed. This is addressed by policy CLP10 of the Local Plan, which requires development proposals resulting in the loss of a community facility to demonstrate:

“a) there is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; and  
b) it can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a continuous 12 month period that includes advertisement for let or sale at a realistic price.”

In terms of a), the Steelmelter's Arms is 130m away, and the Cricketers Arms 350m. This part of the policy is therefore met. In

terms of b), no viability assessment has been provided with the application, however the property has been vacant since 2011 and, in considering the previous applications, it has been accepted that the current use is unviable.

The policy officer is therefore satisfied that the requirements of policy CLP10 are met.

### ***Principle of Residential Development***

- 5.5.4 The Local Plan seeks to locate development where it has access to a range of key facilities by walking (as set out in policy CLP2). The proposed development would be within an established residential area with Primary Schools and the Whittington Moor District Centre within easy walking distance. The location is therefore considered to be appropriate for residential development.

### ***Type of Housing***

- 5.5.5 The Policy Officer noted reference in the applicant's supporting statement that "The proposal will be to make the accommodation available to the council for the housing / relocation of clients which may be better served by a smaller unit i.e. single person, instead of providing a full housing provision". There is no formal policy requirement for a scheme of this size to provide affordable housing.

Whilst this may impact on any applications for CIL relief it is not a policy requirement and the application is not specifically proposing affordable housing to be secured by a S106 agreement and therefore little weight should be given to this statement in terms of determining the application at this stage.

- 5.5.6 The scheme has been significantly amended since the above comments regarding the size and design of the units. The principle of the scheme is acceptable as it is in a residential area. As detailed above the principle of the loss of the public house was considered previously in the application CHE/19/00437/FUL, and the establishment has been vacant for over 10 years now.

## **5.6 Design and Appearance – including Impact on the Amenity of Future Occupiers and Neighbouring Impact**

- 5.6.1 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.” Policy CLP20 requires (amongst other matters) that “all development will be expected to : ...have an acceptable impact on the amenity of users and neighbours”.

- 5.6.2 Whereas the policy officer raised concerns regarding the initial scheme in terms of the room sizes compared to the Nationally Described Space Standards these are not adopted standards and in any event the scheme has changed significantly and has reverted back to a scheme for conversion to 4 units.
- 5.6.3 The proposal does not include any significant changes to the existing building. The existing building is in a poor state of repair and is boarded up; the proposal would bring the building back into use and would enable the site to be improved in all ways. The car park area would be significantly altered, with new fences, the demolition of the existing outbuildings, removal of the existing overgrown vegetation and the introduction of new soft landscaping. The fencing in the rear yard is proposed to be no more than 1.5m in height and then sleeper beds in the shared amenity area (with an unknown height). A section of the side wall will also be removed to create a 5.5m wide access, but the rest of the wall retained. Further conditions will be requested for more information of the fencing, cycle store and bin store. This ensures that the proposal would offer an improvement to the current situation and is acceptable in terms of visual amenity and policy CLP20, subject to condition.
- 5.6.4 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. This includes noise, disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading and other environmental impacts. The proposal doesn't include any significant changes to the external appearance of the building such that issues concerning outlook, overlooking and shading are not significant issues in this case. The proposed development is considered to provide an acceptable standard of accommodation for future occupants with regards to amenity and outlook. The scheme includes shared outdoor amenity space, a bin store and private amenity space for one of the units. Overall the proposal accords with the requirements of policies CLP14 and CLP20 of the Local Plan and the adopted Successful Places SPD.



- 5.6.5 It is acknowledged that a relatively small separation distance of approximately 9m exists between the side (south) elevation and the row of terraced properties situated to south of the application site, potentially leading to issues of overlooking at first floor level. It is therefore necessary to consider the previous and historic use of the site as a public house. Previous applications were supported by existing plans which showed living accommodation at first floor level. It is acknowledged that the pub has been vacant for a number of years and the windows are now boarded up. Taking into account the previous use of the site, it is not considered reasonable to require the first floor windows to be installed with obscure glazing.
- 5.6.6 It is proposed to utilise the front entrance door for the flat 1, a rear entrance to flat 2 and a side entrance for flats 3 and 4, which is an existing door in the building; it is considered to be reasonable to re-use this side door.
- 5.6.7 The issues of noise and disturbance could be relevant, as the proposal would bring the unit back into use, but in the context of the previous use as a public house and existing shop and chip shop on the street it is not considered that this unit would bring a significant increase in noise and disturbance to what has previously occurred and exists at present.
- 5.6.8 The issue of traffic and highway safety will be considered in the below highways section
- 5.6.9 Having consideration for the observations above and taking into account the historic use of the site, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the provisions of policies CLP14 and CLP20 of the Local Plan and the NPPF.

## **5.7 Highways Safety, Parking Provision and Cycle Storage**

- 5.7.1 The Local Highways Authority confirm they do not object to the proposal, partly due to the previous approval for a change to flats. In relation to application CHE/19/00437/FUL they provided the following comments;

*'Occupation Road is one way at this point with traffic approaching from the north westerly direction. The proposed parking would be*

*served off what is indicated as a shared drive although this is not shown as being included in the area the subject of the application or within the ownership/control of the applicant. You may, therefore, wish to consider whether access would be available.*

*In addition, however, although this would not be an ideal situation as there is a fair amount of existing on-street parking the shared drive is of restricted width and in view of the limited parking provision and small scale development it may be preferable the development be provided without off-street parking provision. Presumably any future occupants will be aware of the lack of parking provision.*

*The latest application is for 7 flat and 7 parking spaces have now been provided, so it is considered that it would be difficult to sustain a recommendation of refusal, so it is recommended that the previously recommended condition/informative are again included in any consent. (Condition for site compound and informative for mud etc from development)*

*On a footnote, the bin storage area appears on the small size for 7 flats, so the applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access including the removal of specialist waste. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days which is a suitable layout for use by a Large Refuse Vehicle of 11.6m length and for planning purposes should be demonstrated by means of appropriate swept paths/turning head.*

- 5.7.2 The previous application included 3 parking spaces for 4 flats and it was considered in the previous application that it was a better solution to offer as many off-street parking spaces as possible, so as not to add to an existing busy on-street parking situation. The option of no parking was also considered as part of the 2019 development. It is considered that in the previous case the officer considered that there was an existing area that was capable of safely accommodating 3 parking spaces, and this was a better solution than all future residents utilising on-street parking. In the previous use as a public house the rear yard area is unlikely to have been regularly used as a car park area, partly because the entrance into the site looks small and difficult to manoeuvre into/out of. The

majority of people who visited the establishment as a pub would have walked or driven and parked on the street.

- 5.7.3 Occupation Road is a one-way road and it is only safe to park vehicles (whilst allowing space for vehicles and pedestrians to pass safely) on the western side of the road. The service road to Devonshire Villas to the south of the site is a narrow one-way lane which is acceptable to use for regular users who are used to its layout and understand that it is a residential access road. In the previous scheme (CHE/21/00114/COU) there was no permission granted for use of the rear car park, as it was considered that the utilisation of this area by drivers who didn't understand the side road's residential use and potential for issues with manoeuvring, had a high chance of causing a highway safety issue.
- 5.7.4 In this case the scheme offers 2 off-street parking spaces, which is considered to be a reasonable solution (which also provides a cycle store, bin store, shared and private amenity, soft landscaping and turning space for vehicles), together with the possibility for some on-street parking. The site is located within walking distance of Whittington Moor District Centre which has access to public transport links in and out of Chesterfield. The scheme also incorporates provision for secure cycle storage. The Cycle Campaign was consulted on the proposal and they raised no objections to the scheme, due to the presence of cycle storage facilities. It is recommended that a condition should be imposed requiring the cycle storage to be provided prior to the occupation of the proposed dwellings and retained free from obstruction for the life of the development.
- 5.7.5 With regards to the safe parking of vehicles and the blocking of pavements, this is not generally a planning issue, as if vehicle owners choose to park unsafely on pavements or the road then this is a police/highways matter. It is also accepted that an under-supply of on-site parking facilities could lead to some issues in the local area, as future residents could put increased pressure on scarce on-street parking spaces, which could also lead to an increase in inconsiderate and dangerous parking in the locality. As the rear yard of the property (and side road) is not considered to be ideal for the parking of 4 vehicles it is considered that this is a reasonable compromise, in the context of the previous permissions on site.

5.7.6 Subject to a condition requiring the car parking spaces detailed on the submitted plan be provided prior to the occupation of the development, the proposal is considered to accord with the requirements of policy CLP22 of the Local Plan. The proposed number of car parking spaces is appropriate given the proximity of the site to the district centre and alternative methods of sustainable transport such as bus and bicycle. Electric Vehicle charging points should also be provided as part of the scheme. It is also recommended that a condition be imposed requiring the applicant to comply with the site storage compound as detailed on the submitted plan.

5.7.7 The scheme is considered to be acceptable in relation to CLP20 of the Local Plan subject to the inclusion of conditions in relation to the provision and retention of the parking spaces, further details regarding how these will be provided, the provision of electric vehicle charging points and the cycle and bin stores on site. It is also recommended that a condition be imposed requiring the applicant to comply with the site storage compound as detailed on the submitted plan.

## 5.8 **Flood Risk and Drainage**

5.8.1 The application submission indicates the developer's intention to connect to existing mains drainage. Consideration is therefore required of the provisions of policy CLP13 of the Local Plan.

5.8.2 The application has been reviewed by the Council's Design Services Drainage team and the following comments were provided;

5.8.3 *'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps.  
Any new connections to the public sewerage system will require prior approval from Yorkshire Water.  
Any amendments to existing drainage will require consent from Building Control'.*

5.8.4 Yorkshire Water was consulted on the proposal and no comments were received.

5.8.5 The application site consists of an existing building which previously operated as a public house with living accommodation at first floor level. The proposal development is not considered to be

substantially different to existing arrangements with regards to drainage and flood risk. It is recommended that a condition is included that requires more details in regards the proposed soakaway on site, to ensure it accords with the requirements of policy CLP13.

## 5.9 **Biodiversity Net Gain**

5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s 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 As a conversion of an existing building, there is not expected to be any significant loss of biodiversity, and the application is for minor development. The applicant has already indicated a number of measures which would be welcomed in the event that planning permission is granted. A number of these (for example relating to the wall) are presented as ‘possible’ measures, so submission of more specific detail via a condition is appropriate.

5.9.3 The proposed development is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will 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 **Community Infrastructure Levy (CIL)**

5.10.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The premises have been vacant since at least 2011 so as a result, the existing floorspace cannot be taken into account when calculating the potential liability.

5.10.2 The site is located within the medium CIL charging zone as set out in the Council's Charging Schedule and at the rate is currently charged at £57.64 per square metre of gross internal floorspace.

5.10.3 Having regard to the nature of the application the development comprises the creation of 4 no. new dwellings and the development is therefore CIL Liable. No CIL forms have been supplied with the scheme.

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

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>254</b>	254	£50	355	288	<b>£15,655</b>

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).

## **6.0 REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters and a site notice and 6 comments have been received from 5 local residents prior to the re-design of the scheme.

Of the objections raised their comments were:

- The side road to the south of the pub is narrow, and members of the public could park here, which would block access to the dwellings for residents and emergency vehicles.
- The parking situation and traffic on the street is difficult at present, this would make it worse.
- Too much noise
- Policy – loss of community facility
- Proposed parking to rear of site not realistic and side road not suitable this kind of usage.
- Excess bins added from scheme.
- Disruption from construction.
- Poorly positioned doorway to the side of building

6.2 **Ward members comments**  
Councillor Simmons – supports proposal

6.3 **Officer comments** – The above comments have been noted. The issues of highway safety, parking, loss of community facility are all considered in the report.

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

7.2 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 the February 2021 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

## 9.0 **CONCLUSION**

9.1 Having consideration for the observations above and taking into account the historic use of the site and approved use, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours or a significant impact to highway safety. On the basis of the submitted documents, the proposal is acceptable in relation to the provisions of policies CLP1, CLP2, CLP14, CLP16, and CLP20 of the Local Plan and the NPPF.

## 10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.10 above.

10.2 That the application be **GRANTED** subject to the following conditions / notes:

### **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.

- Revised plan submitted 21/10/22 - Location Plan, Block Plan, Proposed Elevations and Floor plans
- Existing Elevations and floor plans

***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. 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, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. 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.***

4. Prior to occupation of the development, on site cycle storage for 4 bicycles shall be provided and maintained throughout the life of the development free from any impediment to its designated use. A drawing shall be provided showing the location of the storage facility with detailed designs of proposed secure parking first submitted to and approved in writing by the Local Planning Authority.

***Reason – To ensure cycle storage is provided and retained as part of the development.***

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

***Reason - In the interests of residential amenities.***

6. A residential charging point shall be provided for the units for the use of vehicles in both parking spaces 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.***

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. Prior to occupation of the development hereby approved, 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 plants to be planted:
  - b) proposed hardstanding and boundary treatment:
  - c) a schedule detailing sizes and numbers of all proposed plants
  - d) Sufficient specification to ensure successful establishment and survival of new planting.
  - e) further drawings/details of the bin store and cycle store.Any new plant(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.*

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the properties

without the grant of further specific planning permission from the Local Planning Authority.

*Reason – in terms of highways safety and policy CLP22.*

### **Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. Attention is drawn to the Council's 'Minimum Standards for Drainage'.
3. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development.

Further information can be found on the Council's website using the following web address [www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx](http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx) or alternatively please contact the Infrastructure Planning Officer (Rick Long) on 01246 345792.

4. In accordance with condition 8, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
  - bird/owl/bat boxes(Locating your nestbox:  
Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.  
You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire

cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance