

**PROPOSAL: ERECTION OF A RESIDENTIAL DWELLING**

**LOCATION: 211 LANGER LANE, BIRDHOLME, CHESTERFIELD**

Planning Committee Date: 09/01/2023

**1.0 CONSULTATION RESPONSES**

Ward Members:	No comments received
Design Services Drainage	No objections, subject to separate systems of foul and surface water drainage
Coal Authority	Material consideration, subject to conditions. Ironstone is also a potential issue, with no comment on this.
Strategic Planning	No objection to principle, but request inclusion of conditions
Derbyshire Wildlife Trust	No comment
Local Highways Authority	No objection
Tree Officer	No objection, subject to conditions re landscaping and tree planting
Environmental Health	No objection, subject to conditions regarding noise, lighting, air quality and land contamination.
Representations	2 representations received. Objecting on the grounds of the potential impact of the scheme to their dwelling from the intrusive site investigations and the impact to wildlife.

**2.0 THE SITE**

- 2.1 This application relates to land which is positioned to the west of no.211 Langer Lane and it is currently used as part of their garden. It is a grassed area with several trees on it and surrounded by hedges and fences to the north, south and west. There is no existing boundary treatment between the existing house and the proposed site. The site is within a residential area and is surrounded by housing on all sides.
- 2.2 The existing house is a stone built detached bungalow. The dwelling types in the area include many design variations but there are several detached bungalows within the local vicinity of this site.

- 2.3 The site includes a long driveway from the main road with 3 larger trees adjacent to this. There are 2 mature lime street trees sited on the main road in front of site, these are protected trees.

### **3.0 SITE HISTORY**

- 3.1 CHE/19/00520/FUL - Erection of a new dwelling - revised plans received 15/10/2019, 28/10/2019 and 10/12/2019 – Conditional Permission – 20/01/20
- 3.2 CHE/0786/0389 - Permission for bungalow on land at rear of 213 Langer Lane – Conditional Permission - 22/12/86

### **4.0 THE PROPOSAL**

- 4.1 The proposal seeks permission to erect 1 dwelling and a detached double garage which will be positioned to the west of the existing house at no.211. The dwelling's proposed width would be 13m and length would be 10.8m. It would also have a height of 5.6m. It is proposed to be constructed out of matching materials to the existing dwelling on site which is artificial stone interlocking concrete tiles and artificial stone headers and cills. It would also have quoins on the corners of the building, although it is not stated what sort of stone is proposed. It would be a 3 bedroom unit, with separate living rooms and kitchen/diner, with a bathroom, en-suite bathroom, hall and utility room.
- 4.2 The garage would be 6.4m in width and 6.2m in depth, with two separate doors and a pitched roof. It would have a height of 2.5m at eaves and 4.4m at the ridge. It is assumed that this would also use matching materials to the existing house, although this is not clear.
- 4.3 The proposal includes the existing dwelling on the site (no.211) moving a window from the western elevation to the northern elevation. A 1.8m high wooden fence would be erected to separate the 2 dwellings to the rear, with a 0.9m high brick wall separating the two dwellings to the front. A native hedge is also proposed behind this wall and further shrub planting on site and potentially two trees on site, although this is unclear.
- 4.4 The proposal would have parking for at least 2 vehicles. The existing house would also have 2 parking spaces to the front.
- 4.5 Both the existing and proposed dwellings have at least 70 sqm in private amenity space.
- 4.6 The proposal also includes changes to the driveway area to allow for a passing space to facilitate vehicles to being able to pass one another whilst off road. This would include the removing of a section of land and wall and to replace this with a new section of walling.
- 4.7 Some information has been provided regarding soft landscaping and other biodiversity matters. Two trees would be removed on site.
- 4.8 The submission is an alternative scheme to that which was agreed under CHE/19/00520/FUL on 20<sup>th</sup> January 2020

## **5.0 PLANNING POLICY**

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.

### **5.4 Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (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

### **5.5 National Planning Policy Framework 2021**

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

### **5.6 Supplementary Planning Documents**

- Successful Places' Residential Design Guide

## **6.0 CONSIDERATION**

### **6.1 Principle of Development**

6.1.1 The Council's Strategic Planning team was consulted on the scheme and they commented that the principle of development should primarily be assessed through the application of policies CLP1 and CLP2 and primary amongst these considerations is that new development should be directed to regeneration areas and those within walking distance of a range of key services. The council's Residential Design SPD sets out (on page 41) that a walkable neighbourhood is one with a local centre/shop within 600-800m and a primary school within 800-1000m, depending on the safety and convenience of the route. The site is within the built-up area.

6.1.2 The site is around 0.5 miles (800m) on foot to the nearest local centre at Grangewood (which includes GP and pharmacy), located uphill from the site to the north. It is 1.2km to Birdholme local centre via Derby Road and Langer Lane, with convenience retail approximately 800m from site at on Derby Road.

The site is 1.3km to the nearest infant school (Spire Infant) and 1.7km to the nearest primary school (Spire Junior). Parkside and Outwood secondary schools are both approximately 2.5km from the site, as is Chesterfield Town Centre. The nearest employment centre at Storforth lane is around 950m.

- 6.1.3 With regard to policy CLP2 the proposal would not fully meet its criteria in particular criterion b), given that the site is not on 'previously developed land'. No wider regeneration or sustainability benefit of any significance is likely (criterion d). However, the site does perform relatively well against criterion (f), being less than 400 m to a bus stop and playing field, and within 800m of pharmacy, GP's surgery and convenience retail, all accessible on relatively level, hard surfaced, lit and overlooked routes (albeit segregated cycle/multi-user routes not being prevalent). Other key services are accessible using public transport with bus top under 400m from the site. As such the proposal would appear to a greater degree to accord with policy CLP2.
- 6.1.4 As the site is within the built up area CLP3 does not apply. It is considered that the proposal is acceptable in principle and in this respect is already the subject of a planning permission for a dwelling which remains live and can still be implemented. This is a significant fall back position in the application of the planning balance.
- 6.1.5 Overall, the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up area, therefore broadly accords with the strategy of 'concentration'. The proposal would be broadly consistent with the requirements of the NPPF. On this basis there is no objection in principle to this proposal, subject to conditions.

## **6.2 Design and Appearance of the Proposal**

- 6.2.1 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.
- 6.2.2 The previous scheme on site was approved, and this application is very similar to that scheme in so far as size, design and layout.
- 6.2.3 The proposal utilises land which is currently a garden for a residential dwelling but which is set back from the road behind an existing bungalow and so will not be generally visible from the streetscene, with no demonstrable change to the area.
- 6.2.4 The scheme proposes the addition of another bungalow adjacent to an existing bungalow and will be of comparable design, scale and height to the existing dwelling.
- 6.2.5 The proposed dwelling will add to the mix of dwelling types and styles in the area and will not cause significant adverse impacts on the visual amenity and

character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20, subject to condition regarding materials and boundary treatments.

### **6.3 Residential Amenity**

- 6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The proposal includes reasonable sized rear gardens for both existing and proposed properties. In terms of overshadowing or loss of daylight/sunlight the proposal is not considered to have an impact on other neighbouring residents.
- 6.3.3 In terms of overlooking there is a side window on the eastern elevation of the proposed dwelling and no boundary treatment separating the two dwellings. It has been proposed to move an existing window on the western elevation of the existing house and move this to the northern elevation to ensure there is not an overlooking issue between the two dwellings. This would ensure that there wouldn't be any direct overlooking issues between the two dwellings, or other surrounding dwellings.
- 6.3.4 The siting of a garage to the south of the site would be positioned near to the boundary of the dwelling to the south of the site at no.213. The application site is positioned above the site of no.213, with a mature hedge of approximately 2m in height on the boundary. The garage would be positioned adjacent to the boundary and would be approximately 2.5m in height at the eaves and 4.4m in height at the ridge. No objection has been received from residents of dwelling no.213. It is considered to be designed to be traditional residential garage and would be built out of matching materials. It isn't considered that this would be unacceptable structure in this location.
- 6.3.5 The proposal includes a bin store area to the side of the garage, this is considered to be a good location for the bins, as it's setback from the frontage and integrated into a proposed building.
- 6.3.6 No objections have been received on this issue. The proposal includes reasonable levels of outlook and an acceptable sized amenity space for a dwelling of its size. A condition can be included to ensure that the window alterations are completed on site and to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

### **6.4 Flood Risk, Drainage and Stability of River Bank**

- 6.4.1 The site is in a low risk area in relation to risk of flooding (zone 1). CBC's drainage team has been consulted on the scheme and they comment that any new connection will require prior approval from Yorkshire Water and that the site should utilise separate systems of foul and surface water and further information is required in regards the proposed use of soakaways. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

## **6.5 Highways Safety**

- 6.5.1 The Highways Authority has been consulted on the scheme and they have not objected to the proposal, in line with their position on the previous submission on site.
- 6.5.2 The proposal is for a 3 bedroom dwelling and would have at least 2 parking spaces on site. It would use an existing access road which is currently utilised by the residents of no.211. There would also be a turning area to the front of no.211 for service vehicles.
- 6.5.3 The scheme includes a passing space to the southern end of the existing driveway and removal of a soft landscaping area of the western side of the bend in the driveway. This will facilitate the passing of vehicles on the driveway. The proposed passing space would mean that for a 6m long section of road the driveway would be 5.2m in width, allowing two vehicles to safely pass without leading to vehicles waiting on the road.
- 6.5.4 The proposal includes two parking spaces which is appropriate for a 3 bed dwelling and this is therefore considered to be acceptable. The applicant has also shown that the scheme would have acceptable visibility splays when exiting the site. The scheme raises no highway issues which weren't considered and accepted as part of the 2020 permission. Having regard to policies CLP20 and CLP22 of the Local Plan, in respect of highway safety it is considered that the development proposals do not pose an adverse risk to highway safety.

## **6.6 Biodiversity including trees and landscaping**

- 6.6.1 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”.
- 6.6.2 The Council's tree officer has been consulted on the scheme and provided these comments:

*A single dwelling and a detached double garage are proposed on land to the west of 211 Lager Lane.*

*No Tree Survey has been submitted with the application, however the trees and vegetation on the site along with the species and retention details are provided on the site layout drawing 19-757-01 G. Two trees are proposed for removal which are an apple and a small unidentified tree. Both trees have no public amenity value and are not significant due to their size and location. There is also some low-level vegetation to be removed along the existing driveway to allow for vehicular passing.*

*To the frontage of the site are three Lime trees of the above mentioned Tree Preservation Order within the highway verge that may be affected by the proposals.*

*A condition should therefore be attached if consent is granted to the application to protect the retained trees on the site and the protected Lime trees to the frontage from any accidental damage from construction vehicles, parking on the highway verge or storage of materials etc.*

*There are no objections to the application, but I am also mindful of the comments by the Coal Authority which recommends intrusive site investigations and possible remedial works which may affect the retained trees on the site. As the effects of these investigations are unknown at this stage it is worth noting that evidence is required to demonstrate that a net gain in biodiversity can be achieved. Should permission be granted, the biodiversity measures will need to be secured by condition if more of the existing vegetation is removed as a result of the intrusive investigations.*

- 6.6.3 Derbyshire Wildlife Trust was not consulted on the proposal. The site is a residential garden, surrounded by a mature hedge and includes mature ornamental trees and others with 2 smaller trees proposed to be removed, with a native hedge, an area of shrubs, 2 bird boxes and two trees planted on site post-development. Some details have been provided on the matter but further information is required regarding soft landscaping including tree and hedge planting on site. The proposed planting is considered to be acceptable in regards biodiversity net gain, as it would most likely lead to a net gain on site.
- 6.6.4 In regards the impact of the scheme on wildlife, the proposal will lead to the increase of built form in the area, but the garden of no.211 is considered to be very large and mainly set to lawn, with room to accommodate additional buildings whilst still accommodating wildlife and biodiversity on site. The existing mature hedge round the site will be retained and additional trees, shrubs and bird boxes are proposed on site.
- 6.6.5 It is therefore considered reasonable and necessary to impose a condition for measures to secure further information on the biodiversity net gain/landscaping details for the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

## **6.7 Environmental Health - Land Condition / Contamination**

- 6.7.1 Land condition and contamination need to be considered having regard to policy CLP14 of the Core Strategy.
- 6.7.2 The Council's Environmental Health team has reviewed the proposals and commented that they have no objections to the plans. It has been considered that conditions should be imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties, as well as the inclusion of electric charging points, to reduce air pollution. A lighting condition has also been requested to control glare to nearby properties. The environmental services team also consider that the

area is in an area with the potential to have land contamination issues and that a condition should be included to investigate this further.

6.7.3 In relation to noise from the construction of the proposed dwellings; the workers on site would be restricted with the working hours to be 8am-6pm Monday to Friday, 9am-5pm on Saturdays and no work on Sundays or Bank holidays. These restrictions will assist in limiting the noise from the site to normal working hours and reduce impacts in the interests of the amenity of local residents.

6.7.4 In respect of potential Coal Mining Risk, the site lies within the High Risk Area and The Coal Authority has provided these comments:

*Coal Authority records indicate that the site is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings. In addition, the records indicate that the application site is likely to have been subject to historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop. 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.*

*In addition to the above, the Coal Authority records indicate that the site contains a mine entry (shaft ref. 437368-019) close to the centre of the site. We hold no treatment details for this mine entry and therefore its recorded location may be subject to significant departure. However, significantly in this case, the mine entry was used for the extraction of ironstone and the Coal Authority has no responsibility for this feature. The Coal Authority would have raised an objection in relation to such a mine entry if it was used to extract coal in terms of its relationship with the development proposal for which detailed planning permission is sought. As you will be aware, any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks. Accordingly, it is the responsibility of the Local Planning Authority to ensure that the site is safe and stable with regard to the identified mine entry before the application is determined.*

*Notwithstanding the above, 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 Assessment (or equivalent) (August 2019, prepared by Chevin Geoenvironmental Associates Ltd) to accompany the planning application.*

*The report is able to identify that owing to recorded worked coal beneath the site and the possibility of historically unknown coal mine workings at shallow depth, an intrusive site investigation is recommended. Even though the report author includes the search for the mine entry within this recommendation, it is reiterated that the Coal Authority has no responsibility for this feature.*

*The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it*



*may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.*

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

*With respect to Mine Gas the Coal Authority comment 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. The Planning and 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.*

*The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; namely that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works in relation to shallow underground coal mine workings should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.*

- 6.7.5 Two objections have been received from neighbours concerning the risk from coal mining and other mining activities. A Coal Mining Risk Assessment has been received and considered by the Coal Authority in the above comments. They have raised no objection to the coal mining issues on site but have requested that further investigations and a report is completed to understand the situation in more detail. On the coal mining risk assessment the mine shaft plan shows multiple mines in the area, some of which are in gardens or under or very near housing, which shows that some form of development is possible nearby to mining works. These works will be required to be advised by and completed by competent persons, however any damages to surrounding dwellings will be a private matter.]
- 6.7.6 As stated above, by the Coal Authority, they do not wish to comment on the level of risk on the development of historical ironstone mining in the area. The Council's Technical Services department has been consulted, and a Senior Structural Engineer has agreed with the findings of the Coal Mining Risk Assessment and the Coal Authority's response. It is considered that further investigations are required to consider ironstone mining on site and pre-commencement conditions are required to be included to investigate ironstone mining matters further.

## **6.8 Community Infrastructure Levy**

6.8.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liabile.

6.8.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

			A	B	C	D	E
Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Plot 1	145 (officer)	0	145	£50	355	288	£8,358

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

$$\frac{145 \times 50 \times 355}{288} = \text{£8,937}$$

288

## 7.0 REPRESENTATIONS

7.1 2 representations have been received in response to the application (5 and 7 Rushen Mount) objecting on the following grounds

- potential impact of the scheme to their dwellings from the intrusive site investigations. The mining report sets out a plethora of warnings which is a huge concern.
- Impact on property boundary and potential damage
- Noise and disturbance from ground works and building
- Should be restrictions on windows facing the neighbours boundary
- impact to wildlife.

## 8.0 HUMAN RIGHTS ACT 1998

8.1 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

8.2 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.

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

9.1 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.

9.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

## **10.0 CONCLUSION**

10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan, subject to relevant conditions.

## **11.0 RECOMMENDATION**

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

### **11.2 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 and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Site Location Plan
- Proposed Floor plans
- Proposed Elevations
- Biodiversity Plan and Site Plan (submitted 06/12/22)

**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. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) a scaled plan showing the trees and plants to be planted:
  - b) a scaled plan showing the trees and plants to be removed:
  - c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
  - d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
  - e) Sufficient specification to ensure successful establishment and survival of new planting.
  - f) Details of the types of bird boxes, bat boxes and bee bricks that are proposed.

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).

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 175 of the National Planning Policy Framework

4. No development shall commence until;
- a) a scheme of intrusive site investigations in relation to shallow underground mine workings has been carried out on site to establish the risks posed to the development by past mining activity, and;
  - b) any remediation works and/or mitigation measures to address land instability arising from 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.

5. Prior to the first occupation of the dwelling 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 mining activity.

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

6. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

**Reason:** In regards residential amenity and ecology, in regards to policies CLP14.

7. 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.

8. 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 amenity and CLP14

9. A residential charging point shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. 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 air pollution and policy CLP14.

10. The dwelling hereby approved shall not 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.

**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 153 of the National Planning Policy Framework.

11. Before 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:** In regards visual amenity and policy CLP20.

12. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed 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 regards highway safety and policies CLP20 and CLP22.

13. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of residents vehicles (each space measuring a minimum of 2.4m x 5.5m), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

**Reason:** In regards highway safety and policies CLP20 and CLP22.

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 regards highway safety and policies CLP20 and CLP22.

15. 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 amenity of occupants of adjoining dwellings, CLP14 and CLP20

16. Prior to occupation a scheme of separate foul and surface water drainage which demonstrates that sustainable techniques have been used where feasible and viable shall be submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**Reason:** In the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

17. The development shall include a scheme for the provision of surface water run-off on site, either via the use of a SUDs channel or permeable block paving. If this is not possible the applicant is required to contact the Local Planning Authority to discuss alternative options; and then not complete works until an alternative solution has been agreed in writing by the LPA. The scheme shall incorporate sustainable drainage principles and shall be implemented in full.

**Reason:** To prevent the increased risk of flooding, in relation to policy CLP13.

18. Prior to the occupation of the dwelling hereby approved, the existing driveway shall be modified in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

**Reason:** in the interests of highway safety

19. There shall be no gates within 5m of the nearside highway boundary and any gates shall open inwards only.

**Reason:** in the interests of highway safety

20. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) A specification for protective fencing to safeguard trees during both land clearance and construction phases and a plan indicating the alignment of the protective fencing.
- b) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area (Details to include how T87, T88 & T90 Lime of Tree Preservation Order 289 to the frontage of the site will be protected).
- j) details of temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

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 demolition 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. The development shall not be occupied until details of the means to ensure no overlooking of the adjoining property at no.211 Langer Lane have been submitted to the Local Planning Authority for consideration, and the agreed details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority and been carried on site. This shall include the details for the proposed removal of the window on the western wall and replacement of this with a new window on the northern elevation of no.211 Langer Lane.

**Reason:** In the interests of the privacy and amenity of occupants of both dwellings.

### 11.3

#### **Informative Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
  - bird/owl/bat boxes



(Locating your nest box: 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 nest boxes 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 nest box close to a bird table or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

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

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
- holes in fences and boundary treatment to allow species such as hedgehog to move across the site
- bee bricks

3. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross

Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

5. 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. 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, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.