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File No: CHE/16/00831/FUL  
Plot No: 2/3550

## **ITEM 6**

### **PROPOSED NEW DETACHED DWELLING AT LAND ADJACENT TO 21 CLARENCE ROAD, CHESTERFIELD, DERBYSHIRE FOR MR AND MRS G REYNOLDS – ADDITIONAL INFORMATION RECEIVED ON 07/03/17 and 21/03/2017**

Local Plan: Unallocated  
Ward: Brockwell

#### **1.0 CONSULTATIONS**

Ward Members	Comments from Cllr Davenport
Strategy Planning Team	No objections
Environmental Services	No objections
Design Services	Comments received – see report
Yorkshire Water Services	No comments
DCC Highways	No objections
The Coal Authority	Comments received – see report
Conservation Officer	No objections
Urban Design	No objections
Neighbours/Site Notice	11 representations and petition received – see report

#### **2.0 THE SITE**

2.1 The site the subject of the application comprises land adjacent to 21 Clarence Road in the Brockwell area of

Chesterfield Town Centre. The land is situated on the corner of Clarence Road and Rose Hill, and comprises a sizeable area of plain grass verge. The roadway of Rose Hill is situated to the North of the site, a detached garage is situated to the East of the site, 21 Clarence Road is situated the South of the site, and the roadway of Clarence Road is situated to the West of the site. 21 Clarence Road is a large, semi-detached Victorian house of some architectural quality. This dwelling is brick-built, with a pitched slate roof, a gablet and bay window to the front elevation and timber windows and doors. The property has a single storey side/rear extension, with three side windows within the North elevation of the original house. Walls and fences form the boundary between 21 Clarence Road and the site which is subject to this application. Many of the other properties within the locality are of a similar style to 21 Clarence Road and indeed many years ago two pairs of similar houses on the site and land to the north were demolished to make way for the construction of Rose Hill through to Clarence Road. The proposed development site is largely rectangular in form, and measures approximately 0.026 hectares. The grass verge is currently owned by Chesterfield Borough Council, and notice has been appropriately served.





### 3.0 **RELEVANT SITE HISTORY**

3.1 There is no relevant planning history at this site.

### 4.0 **THE PROPOSAL**

4.1 A full application has been made for the erection of one new detached dwelling on the land adjacent to 21 Clarence Road, with additional information received on 07/03/17 and 21/03/17.

4.2 Acquisition of the area of grass would be required to cater for this proposed development. An application form, Design and Access Statement, site location plans, plans and elevations, coal mining risk assessment and CIL Liability form have been submitted with this application.

4.3 The site layout indicates that the proposed new dwelling would measure approximately 9.4M in height, 7M in width and 10.8M in depth. The dwelling is proposed to be situated approximately 1.25M away from the boundary with the roadway to Rose Hill to the North of the site at its closest point and 2.5M at its furthest point. The dwelling is proposed to be situated approximately 12M away from the boundary with the detached garage to the East of the site. The dwelling is proposed to be situated 1.25M away from the boundary with 21 Clarence Road to the South of the site and 2.5M from this neighbouring property. The dwelling is proposed to be situated approximately 1M from the boundary with the roadway at Clarence Road to the West of the site at its nearest point and 4.5M at its furthest point.

4.4 The new dwelling is proposed to comprise entrance floor, living room, WC, utility room, and kitchen/dining room at ground floor level, landing, bathroom, three bedrooms and en-suite bathroom at first floor level, and landing and ensuite bedroom at second floor level. The internal spaces appear to be appropriate and fit for purpose. Areas of garden are proposed to surround the property and the existing retaining wall to the South of the site is proposed to be retained. No details with regards to landscaping, bin storage or boundary treatments are provided at this stage, and no on site parking provision is proposed. Two parking spaces were originally

proposed, however these were omitted due to concerns with regards to highway safety as expressed by the Highway Authority.

4.5 The amended plans indicate that the new dwelling would be constructed using red facing brick with areas of white painted render to match neighbouring properties, a pitched slate or slate effect roof, with cream coloured wood grain effect sash style upvc windows, and black pvc rainwater goods. The dwelling is proposed to have a bay window and two sash windows to the front elevation at ground floor level, and a bay window with gablet above and two arched sash windows at first floor level. The Northern side elevation the property is proposed to have two bay windows at ground floor level, one of these comprising the main entrance door to the property. A sash window is proposed at first floor level and a curved sash window is proposed at second floor level to this elevation. To the rear elevation, a sash window and set of French doors are proposed at ground floor level. Two further sash windows are proposed at first floor level, and two roof lights are proposed within the roofline. To the Southern side elevation, a door is proposed at ground floor level and an obscure glazed sash window is proposed at first floor level. The original plans were considered inappropriate in terms of design, and as such extensive consultation took place with the applicant in order to provide these amended plans.

4.6 The application is assessed on the basis of the application form, Design and Access Statement, site location plans, plans and elevations, and coal mining risk assessment only.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

5.1.1 The site is situated within the built settlement of Brockwell. This immediate area is predominantly residential in nature, and is situated in close proximity to the town centre and its services and facilities. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document

on Housing Layout and Design 'Successful Places' is also a material consideration.

5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

5.1.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

*'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and

Design. The development proposed should be assessed against the design principles set out in this supporting document.

- 5.1.5 The proposed development site is situated within short walking and cycling distance from Chesterfield Town Centre. Although the area of land is previously developed, this is some years ago and the grassed area which now exists is not considered to be of high environmental value and the principle of residential development is therefore considered to be acceptable. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and is a logical housing plot.
- 5.1.6 The Strategy Planning Team confirm they have no objections. They stated that in principle the proposed development is broadly acceptable given that it meets the majority of local plan policy specifications, particularly regarding concentration. The site is within an established residential area and is close to the sub regional centre of Chesterfield. It adheres to the residential concentration approach of policies CS1 Spatial Strategy, PS1i and the criteria in CS2 Principles for the Location of Development. It maximises opportunities for the use of public transport (CS20) and the site is not on highly biodiverse or agricultural land (CS2c).
- 5.1.7 The Strategy Planning Team stated that whilst the site may have been used as a residential plot previously, the NPPF excludes the following under the description of “previously developed land”: “...land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.” As such it is not appropriate to consider this grassed area of land strictly as previously developed. Under policy CS10 the development of greenfield sites will only be considered where the council cannot demonstrate a five year supply of deliverable housing sites. Given that the Council is currently able to demonstrate a five year housing supply, the

principle of the residential development could be discouraged as per policy CS10. Paragraph 14 of the NPPF refers to a presumption in favour of sustainable development - when taking into consideration the entire framework and local plan policies. 'Sustainable development' can be seen as a significant material consideration, particularly given the Planning Framework's imperative to promote the supply of housing within the Borough. The social and economic benefits of sustainable development are of sufficient weight to outweigh the limited harm that would be caused. The loss of the grassed space would not be substantial as the site is not of sufficient size to be identified within the local plan.

- 5.1.8 The Strategy Planning Team concluded that because the development would cause a negligible loss in amenity space and result in a new home in a sustainable location, the principle of the development is acceptable. Considerations on the design of the dwelling and access must also be sought given the potential impact on the road network, pedestrian environment and parking in the area. The property would be CIL liable and a SuDS should be installed if possible. Further consideration of the on-site landscaping should seek to provide a net gain in biodiversity, perhaps through condition.

## 5.2 **Design and Appearance (Including. Neighbour Effect)**

- 5.2.1 It is considered that the design and materials of the proposed new property are of a high quality that would complement the architecture of the surrounding locality. Many of the residential properties in close proximity are large Victorian and Edwardian houses of a red brick construction with pitched slate roofs. The plans indicate that the proposed new dwelling would be constructed using red brick with a pitched slate roof to match other houses in the locality. The design of the new dwelling has taken inspiration from other properties in the locality through the addition of bay windows and gablet, areas of white painted render and arched sash windows. The plans indicate that the height of the proposed new property would match that of 21 Clarence Road. It is considered that the design and materials of the proposed new dwelling are entirely appropriate to the locality. A condition should be imposed requiring the submission of



details of the material samples and windows and doors. This is to ensure that the materials are appropriate in terms of quality and shade, and that the windows and doors are suitably detailed and recessed.

- 5.2.2 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to 21 Clarence Road. 21 Clarence Road has side windows to the North elevation, however these are largely secondary windows that serve non habitable rooms. These windows are North facing and would be situated approximately 2.5M away from the side wall of the proposed new property. It is considered that the level of separation coupled with the orientation of the site would ensure that any loss of light to these windows would be minimal. Overlooking may be a potential issue, and as such a condition should be imposed requiring the side windows to the South elevation of the proposed new property to be obscure glazed. The footprint of the proposed new dwelling is proposed to be set back from the building line of 21 Clarence Road and the rear projection of the new property would be approximately 5.5M less than the neighbouring property. It is considered that the proposed layout of the site, the level of separation from the common boundary and the orientation of the site would ensure that these proposals would result in no significant adverse impact in terms of overlooking, an overbearing impact or a loss of light to 21 Clarence Road.
- 5.2.3 The proposed new dwelling would be situated approximately 13M away from a neighbouring property located on the corner of Clarence Road and Rose Hill, to the North of the site. The Successful Places SPD states that there should be a 21M separation distance between the facing windows of habitable rooms. As such, it is considered that the windows to the first and second floor in the North elevation of the proposed new dwelling would need to be obscure glazed to prevent any issues in terms of overlooking. It is not considered necessary for the ground floor windows to this elevation to be obscure glazed because one of the ground floor windows of the neighbouring property to the North of the site is secondary, the other serves a non-habitable room, and because the differences in the proposed levels would prevent any direct overlooking. It is considered that the level

of separation between properties would be sufficient to prevent any adverse impact in terms of overshadowing or an overbearing impact. The proposed new dwelling would be situated approximately 20M away from neighbouring properties on Clarence Road, to the West of the site. It is considered that this level of separation would be sufficient to prevent any adverse impact in terms of overlooking, overshadowing or an overbearing impact to these neighbouring properties. Although the 21M separation distance between the facing windows of habitable rooms would not be achieved, it is worth highlighting that this figure is purely a guide, the level of separation would only be lacking by 1M, and this level of separation far exceeds that of any of the other properties that face each other on Clarence Road. As such, it is considered that this level of separation is appropriate.

- 5.2.4 It is considered that these proposals would result in no significant issues in terms of overlooking, overshadowing or an overbearing impact on neighbouring properties. It is also considered that the dimensions of the site would allow for a development with appropriate separation distances between properties. As such, it is not considered that these issues would be significant enough to warrant a refusal.
- 5.2.5 The site location plan indicates that the site would measure approximately 260 square metres and the proposed new dwelling would measure approximately 66 square metres. The 'Successful Places' SPD indicates that a new four bedroom dwelling would require a minimum of 90 Square Metres of outdoor amenity space. The site calculations indicate that the proposed new dwelling would have approximately 194 square metres of outdoor amenity space. This level of provision far exceeds guidelines and is therefore considered to be acceptable.
- 5.2.6 Overall it is accepted that development of this nature on previously undeveloped land would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact would be minimal, due to the proposed design, the relationship between properties and the orientation of the site.

5.2.7 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development can be designed to prevent any significant adverse impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours. As such, the development is considered to be acceptable in terms of these policies.

5.2.8 Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

### **5.3 Urban Design**

5.3.1 The Urban Design Officer was consulted on the application and raised no objections. He stated that the elevations of the proposed dwelling have been revised having regard to the urban design comments of dated 23rd January 2017. The front and side elevations now contain a greater proportion of glazing, including two bay windows facing Rose Hill, which address the street well. Upper floor windows are now also larger, include a window at first floor and are aligned on the axis of the side gable wall. On the rear elevation the single dormer window is now replaced with two large roof lights on the rear roof slope. These revisions have positively addressed the issues previously identified in respect of the appearance of the proposed dwelling. The proposed boundary treatments should be controlled by a suitably worded condition. This should address all external boundaries, including the frontage with Rose Hill, Clarence Road and those against the neighbouring property. Details should include, materials, heights, positioning, extent and detailed appearance. Plans and elevations (scale 1:20) should be provided to assess the suitability of any proposed boundary treatments. He concluded that the amended proposals are largely acceptable and respond positively to earlier comments on aspects of the design. In the event that permission is recommended for approval, conditions should be applied in respect of details of materials, including samples if requested, proposed hard and soft landscaping, proposed boundary treatments and existing and proposed levels information, including sections if requested.

## **5.4**      **Conservation**

The Conservation Officer was consulted on this application and he raised no objections. He stated that the proposed dwelling is within the urban framework of Chesterfield Town Centre in an area of predominantly residential late Victorian or early Edwardian town houses. The property is on the edge of, but not within the Chesterfield Town Centre Conservation Area (CA). When considering planning applications that affect conservation areas, including their setting, a local planning authority should pay attention to the desirability of preserving or enhancing the character or appearance of that area. In my view, the proposed dwelling is an acceptable addition to the local street scene and would not have a detrimental impact on the setting of the CA. At present the site is a small area of grass which has little aesthetic or historic interest. The proposed dwelling has clearly been designed to sit comfortably in its context, i.e. the design of the house reflects some of the architectural features of surrounding properties by incorporating features such as arched window surrounds and bay windows. The proposed dwelling is also oriented to continue the frontages of properties along Clarence Road. The only comment would be a preference for natural or quality materials instead of artificial or plastic (e.g. natural slate for the roof, stone for the window surrounds, timber for the proposed windows (which ought to be set back from the brick elevation) and black iron, steel or aluminium for the rain water goods). This is on the basis that these types of materials sit more comfortably on traditionally designed dwellings. Attention to this type of detailing can often be the difference between good and average design.

## **5.5**      **Highways Issues**

5.5.1      The Highways Officer was consulted on this application and he raised no objections. He initially objected to the original plans which showed two parking spaces on site, due to concerns with regards to visibility splays and highway safety. The applicant attempted to make slight modifications to the plans in order to overcome these concerns, however this was unsuccessful. As such, it was decided that parking

provision would be omitted from these proposals. The Highways Officer indicated that given the nature of surrounding development, proximity to the town centre and existing parking restrictions, it is considered that objection on highway grounds to a single dwelling without off-street parking provision on this site would be likely to prove unsustainable.

## **5.6 Water/Drainage**

5.6.1 Design Services (Drainage) were consulted on this application and raised no objections subject to the submission of drainage details prior to construction. This shall be imposed as a condition.

## **5.7 Land Condition / Contamination**

5.7.1 The site the subject of the application is currently an area of grass verge and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.7.2 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 a condition should be imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties.

5.7.3 In respect of potential Coal Mining Risk, the site the subject of the application lies within the Red Referral Area. The Coal Authority were consulted on this application and they stated that the planning application is now supported by a Coal Mining Risk Assessment, dated March 2017 and prepared by Geoinvestigate Ltd. This report has been informed by an appropriate range of sources of information including; BGS maps, historic ordnance survey maps and a Coal Mining Report. Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are

carried out on site in order to establish the exact situation in respect of coal mining legacy issues on the site. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The report also recommends that a gas assessment should be carried out on site. The findings of the intrusive site investigations should inform any remedial measures which may be required.

5.7.4 The Coal Authority stated that they concur with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition should therefore require prior to the commencement of development:

- \* The submission of a scheme of intrusive site investigations for approval;
- \* The undertaking of that scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works for approval; and

\* Implementation of those remedial works.

## 5.8 **Community Infrastructure Levy (CIL)**

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and the development is therefore CIL Liable.

5.8.2 The site the subject of the application lies within the medium CIL zone (£50/sqm) and therefore the CIL Liability would be calculated using calculations of gross internal floor space on this basis.

Plot	New GIF sqm	Calculation	Total
1	143	143 x £50	£7,150
TOTAL			£7,150

## 6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, 11 letters/e mails from neighbours and a petition signed by 9 people, and e mails from councillor Davenport requesting the matter be considered by planning committee have been received. The objections are received from 21(x5), 26, 28 (x3), 30 Clarence Road and 1 unknown address. The petition from residents is signed by Nos 15, 21, 26, 28, 30 31, 32 Clarence Road. Residents have also involved Toby Perkins MP who has asked to be kept informed of progress with the application.

The letters/emails received raise concerns with regards to highway safety, traffic, parking, the loss of the grass verge/amenity space, a loss of views, noise and dirt and disruption during construction, concerns over the design and that the house would be a new build, the impact on boundaries, the impact on drainage, concerns over air pollution, the potential damage to neighbouring properties, overdevelopment, a loss of light, overlooking, and concerns that residents had not been notified of the sale of the site.

6.2 ***With reference to highway safety, traffic and parking, there have been no objections from the Highways***

***Department in relation to the latest revised plan. The Highways Officer indicated that given the nature of surrounding development, proximity to the town centre and existing parking restrictions, it is considered that objection on highway grounds to a single dwelling without off-street parking provision on this site would be unsustainable. In reference to the loss of the grass verge/amenity space, this area of land is not considered to be of high environmental value and the principle of residential development is therefore considered to be acceptable. A loss of views is not considered to be a major issue and this would not constitute a material planning consideration. With regards to noise, dirt and disruption, a condition should be imposed restricting working hours during construction in order to reduce the impact on neighbouring residents. It is acknowledged that some level of noise and disruption would be caused by the development, however it is considered that the imposition of such a condition would ensure that this was kept to a minimum and such impacts are likely to only be temporary during construction works.***

- 6.3 ***With reference to the concerns over the design and new built nature of the proposed dwelling, it is considered that the design and materials of the proposed new dwelling are entirely appropriate for the locality. The applicant has made several modifications to improve the appearance of the property and has adopted an approach that echoes the traditional style of other properties in the locality. Any impact on boundaries or damage to neighbouring properties would be a civil matter, and any concerns with regards to drainage would be overcome through the imposition of a condition requiring the submission of drainage details. In terms of air pollution, Environmental Health has been consulted on this application and they raise no objections. In terms of overdevelopment, a loss of light and overlooking, it is considered that the layout and orientation of the site, separation distances and the use of obscure glazing would ensure that these issues are not a concern to the point that planning permission should be refused. The site calculations indicate that the***



***proposed new dwelling would have approximately 194 square metres of outdoor amenity space. This level of provision far exceeds guidelines and is therefore considered to be acceptable. The concerns that residents had not been notified of the sale of the site is not a planning matter.***

## 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.

7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

## 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 paragraphs 186 and 187 of the 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. Pre application advice was provided.

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 The proposals are considered to be appropriate in terms of scale, form and materials, and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. It is considered that the design and materials of the proposed new property are of a high quality that would complement the architecture of the surrounding locality. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of Highways, design, landscaping and materials. This application would be liable for payment of the Community Infrastructure Levy.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.8 above.

10.2 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.
2. All external dimensions and elevational treatments shall be as shown on the approved plans GR-PL-001.1 Rev E with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
6. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details

shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

7. 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.
8. 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 (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.
9. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
  - The submission of a scheme of intrusive site investigations for approval;
  - The undertaking of that scheme of intrusive site investigations;
  - The submission of a report of findings arising from the intrusive site investigations;
  - The submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works
10. Details of the proposed site cross sections showing existing and proposed land levels and the proposed finished floor level of the dwelling shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

11. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
12. Prior to occupation of the development hereby approved the windows in the South elevation and the windows in the first and second floor of the North elevation shall be obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. The obscured glazing shall be maintained as such thereafter.

### **Reasons**

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. 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. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
4. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. To protect the character of the building and the wider area.
7. In the interests of residential amenities.
8. In the interests of the amenities of occupants of adjoining dwellings.

9. In the interests of coal mining legacy and safety
10. In the interests of residential amenities.
11. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
12. To safeguard the privacy of adjoining residents

### **Notes**

01. 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.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -

[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)

05. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
06. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
07. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.