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Committee Date: 24<sup>th</sup> April 2017

File No: CHE/17/00068/FUL  
Plot No: 2/1073

## **ITEM 1**

### **PROPOSED NEW DORMER BUNGALOW WITHIN THE CURTILAGE OF 7 MYRTLE GROVE (REVISED PLANS RECEIVED 10.03.2017), HOLLINGWOOD, CHESTERFIELD, DERBYSHIRE, S43 2LN FOR MR SHAUN COOPER**

Local Plan: Unallocated  
Ward: Hollingwood and Inkersall

#### **1.0 CONSULTATIONS**

Ward Members	No Comments
Site Notice/Neighbours	1 representation received – see report
Strategy Planning Team	Comments received, No objection– see report
Environmental Services	Comments received, No objection– see report
Design Services	Comments received, No objection– see report
Yorkshire Water	No Comments received
DCC Highways	Comments received, No objection– see report
Coal Authority	Objection received due to lack of Coal Mining Risk Assessment. Risk Assessment received and Coal Authority re-consulted (03.04.17) – see report
Urban Design Officer	Comments received – see report

## 2.0 **THE SITE**

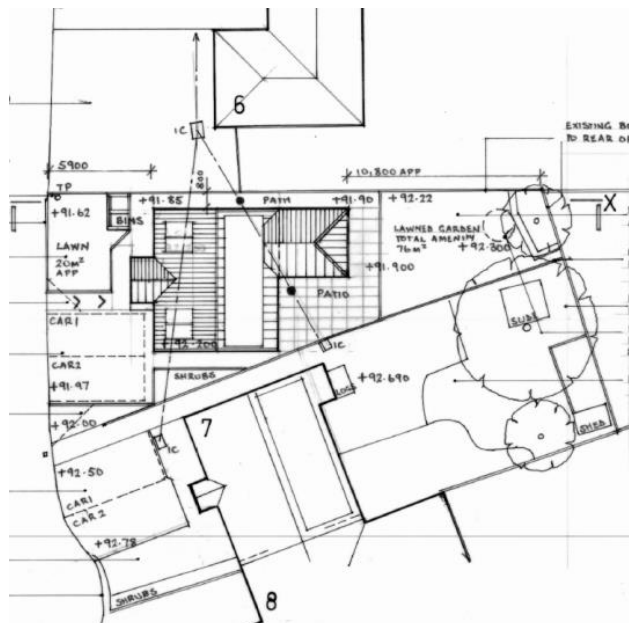
- 2.1 The site subject of this application is a plot of land located to the north of 7 Myrtle Grove and previously formed part of the side/rear garden of the property. The site is currently clear and covered with an aggregate hardcore surface.
- 2.2 The plot is triangular in shape, measuring approximately 14m in width adjacent to the highway and tapers towards the west, measuring 4m in width at the rear. The site measures 0.025 hectares in area.



Photo taken facing north,  
towards No 6 Myrtle Grove



Photo taken facing west,  
towards No 7 Myrtle Grove



## 3.0 **RELEVANT SITE HISTORY**

- 3.1 No relevant planning applications

- 3.2 Pre-application advice was requested regarding the principle of a dwelling on the site and drawings were submitted by the applicant for consideration. The principle of development was considered to be acceptable in respect of the location of the site and appearance of the proposed bungalow.

## 4.0 **THE PROPOSAL**

- 4.1 The application proposes the erection of a 3 bed dormer bungalow, located on land to the north of 7 Myrtle Grove. The proposed bungalow is formed of a dual pitch roof and incorporates a small porch with open gable style feature on the principle elevation. Architecturally the proposal closely relates to the adjacent property, No 7 Myrtle Grove.
- 4.2 The main footprint of the proposed bungalow measures 7.7m x 6.8m in area and measures 2.6m to the eaves and 5.5m to the ridge. The proposal also incorporates a single storey rear extension with hipped roof, measuring 3.9m x 3.9m in footprint. The proposed box dormer measures 7.3m in width and covers most of the rear (eastern) roof plane.



Principle elevation of proposed dwelling shown in a cross section of the streetscene

## 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 Local Plan: Core Strategy 2011 – 2031 ('Core Strategy')**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS18 Design

## **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)
- SPD 'Successful Places: A Guide to Sustainable Housing Layout and Design' (adopted July 2013)

## **5.4 Key Issues**

- Principle of development;
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;

## **5.5 Principle of Development**

### **Relevant Policies**

- 5.5.1 The application site is situated within the built settlement of Hollingwood. The area is predominantly residential in character therefore policies CS1, 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.

- 5.5.2 Policy CS1 states that *‘The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.’*
- 5.5.3 Policy CS2 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.’*
- 5.5.4 Policy CS18 (Design) states that *‘all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context’* and development should have *‘an acceptable impact on the amenity of users and neighbours.’*
- 5.5.5 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.’*
- 5.5.6 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.

### **Principle of Development**

- 5.5.7 The site is located within a reasonable walking distance of a centre, approximately 1200m from Brimington Local Service Centre and 800m to existing shops/services on Hollingwood Crescent. The Strategy Planning Team (Forward Planning Team) were consulted on the scheme and consider the proposal to accord with the Local Plan and policy CS1. The proposal is therefore considered to be acceptable in principle.
- 5.5.8 Comments received from the Strategy Planning Team also reference policy CS6 and suggest that the applicant must set out how the proposed development will meet criteria a to d of this policy. Local Plan policy CS6 requires that residential development meets level four of the Code for Sustainable Homes (Level 5 will be required if built from 2017), however following the Deregulation Act and removal of the Code for Sustainable Home, this is no longer a requirement that can be applied. Criteria a to d of policy CS6 are now covered by different legislation, predominately Building Regulations. It is therefore not considered necessary to require the applicant to submit further information to satisfy policy CS6 to the proposal.
- 5.5.9 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7)

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

### **Relevant Policies**

- 5.6.1 Core Strategy Policy CS18 states that *‘all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.’*

- 5.6.2 Core Strategy Policy CS2 states that *‘all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts’*

### **Design and Appearance**

- 5.6.3 The proposed bungalow is similar in design and scale to the adjacent property No 7 Myrtle Grove and features a dual pitch roof with open gable style porch. The design of the proposal is considered to be acceptable in respect of the architectural style and appearance of the surrounding properties.
- 5.6.4 The block/layout plan shows that the principle (east) elevation of the dwelling will be set approximately 3.2m forward of the principle elevation of No 6 Myrtle Grove. As a result, the ridge of the proposed bungalow is almost in line with the principle elevation of the No 6. The rear (west) elevation of the single storey rear extension is set approximately 1m further east than the rear elevation of No 6. The proposed dwelling is set approximately 1m forward of the principle elevation of No 7.
- 5.6.5 The application form and associated plans state that the proposed dwelling will be faced in white render with red brick plinth and smooth brown interlocking concrete pan roof tiles. The dwellings within the immediate vicinity of the application site are predominately red brick. Render has been introduced to the streetscene, white render features on No 12 Myrtle Grove (located directly west of the application site). The proposed materials are therefore considered to be acceptable.
- 5.6.6 The block/layout plan shows a rear garden measuring 76m<sup>2</sup> in area will be provided. The ‘Successful Place’ SPD details the minimum size outdoor amenity space required for a new dwelling. A three bedroom house requires a minimum of 70m<sup>2</sup> of outdoor amenity space. The new dwelling would therefore have a rear garden which meets the requirements of the ‘Successful Places’ SPD in terms of size. In addition

the front garden of the site incorporates a lawn measuring 20m<sup>2</sup>, with adjacent bin store and block paved off-street parking.

5.6.7 It is acknowledged that the proposed development will result in a degree of overshadowing to the garden of the adjacent property, No 6 Myrtle Grove. Adverse impacts on the residential amenity of the occupiers of No 6 will be discussed in section 5.7 below.

5.6.8 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

## **5.7 Impact on Neighbouring Residential Amenity**

5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*

5.7.2 The application site is adjoined by No 7 Myrtle Grove to the south and No 6 Myrtle Grove to the north. The rear garden of the proposed dwelling is bound by Hollingwood Hall and The Coach House (including number 1 – 4 The Coach House) to the east. No 12, No 13, No 14 and No 15 Myrtle Grove face the site to the west on the opposite side of Myrtle Grove highway.

### **Impact on No 6 Myrtle Grove**

5.7.3 No. 6 Myrtle Grove is the neighbouring bungalow which is situated immediately north of the site. This bungalow is separated from the site by a narrow side yard which is approximately 3.6m wide. This yard provides one of two modest outside amenity spaces serving No. 6, which has no other significant area of private garden. A separate yard is located at the back of the property, measuring 3.9m in depth.

5.7.4 The proposed dwelling is positioned approximately 0.8m from the side boundary resulting in an overall separation distance of 4.4m wall to wall. The gable of the proposed



dwelling measures 5.6m to the ridge. Given the close relationship between the proposed dwelling and the outside space of No. 6, the difference in levels and the overall height of the side elevation, it is therefore acknowledged that the proposed dwelling will have an impact on the amenity of the occupiers.

5.7.5 A site visit was undertaken at No 6 Myrtle Grove and it was identified that the (side) elevation facing the application site contains a small side window to the kitchen, a side access door and a bathroom window. The bathroom is not classified as a habitable room and the kitchen contains three existing windows to the principle (west elevation) and a further single casement on the north elevation. As such, given the multi-aspect nature of this room the impact resulting from a loss of light into the kitchen would be limited.

5.7.6 It is accepted that due to the overall height and positioning of the proposal, the proposed dwelling will have an overbearing impact on the adjoining neighbours when viewed from the side garden of the No 6. The proposed dwelling will be set approximately 3.72m forward of the principle elevation of No 6, as a result the main bulk and mass of the dwelling will be forward of the principle elevation mitigating the degree of impact. The roof of the single storey rear extension has also been hipped to reduce the impact.

5.7.7 Based on the observations listed the main impact on the occupiers of No 6 will be a degree of overshadowing to the side garden/yard of the dwelling. There are no primary habitable room windows in the side (south) elevation of the dwelling, therefore, potential adverse impacts are not considered significant enough to warrant a refusal.

### **Impact on No 7 Myrtle Grove**

5.7.8 The proposed dwelling will be located directly north of No 7 Myrtle Grove. Due to the orientation and scale of the dwelling in relation to No 7, potential adverse impacts on the amenity of the residents are considered to be minimal.

### **Impact on all other boundary sharing neighbours**

- 5.7.9 Due to the orientation and positioning of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the neighbours.

### **Environmental Health Comments**

- 5.7.10 The Council's Environmental Health Officer has raised no objections to the proposal and has recommended that a condition be attached to the decision to restrict hours of working due to the close proximity of the site to residential properties. A condition to restrict the hours of work on site is considered to be reasonable to protect the residential amenity of the neighbouring properties
- 5.7.11 In conclusion having regard to the likely impact on neighbours it is accepted that the proposal will impose an impact upon boundary sharing neighbours, No 6 Myrtle Grove. Adverse impacts arising as a result of the proposed development are not considered to be significant enough to warrant a refusal. The proposal is considered to be appropriately designed and therefore accords with the provisions of policy CS2 and CS18 of the Core Strategy and the wider SPD.

### **5.8 Highways Safety and Parking Provision**

- 5.8.1 DCC Highways consultation raised no objections to the proposal and made the following comments;
- 5.8.2 *'Myrtle Grove is a cul-de-sac without footways and the turning facility is below current standards. The plot of land currently provides an area for parking for the existing dwelling and replacement parking is to be provided to the front of 7 Myrtle Grove. With regard to the proposed new dwelling the applicant is providing 2 on-site parking spaces.'*
- '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. 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.'*

*Care will be needed during the construction phase given the nature of Myrtle Grove not to obstruct the road or other premises. I note the wheel wash details and these will be acceptable.*

*'Subject to the applicant providing revised drawings suitably resolving the above matters there are no further highway objections and if your Authority is minded to approve then I would ask for conditions to cover the following are included in any consent granted;*

- 1. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.*
- 2. Before any operations are commenced, excluding the above, 2 parking spaces shall be provided for the existing property 7 Myrtle Grove and once provided they shall be maintained thereafter free from impediment to designated use.*
- 3. The premises, the subject of the application, shall not be occupied until 2 on-site parking spaces (each measuring a minimum of 2.4m x 4.8m) have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.*
- 4. Prior to the occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the application drawings clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.'*

- 5.8.3 The comments from the Highways Officer have been noted. The 'Successful Place' SPD details the minimum size of off-street parking space and the minimum number of spaces required is contained within appendix G of the Core Strategy (p146). Appendix G states that for a 2/3 bedroom dwelling a minimum of 2 spaces are required. The development will provide 2 off-street parking spaces measuring 2.4m x 5.3m. The proposed spaces therefore meet the requirements of the 'Successful Places' SPD and Core Strategy. The applicant has provided details of a proposed bin store within the front garden of the application site. This is considered to be acceptable.
- 5.8.4 Based on the observations listed above the proposal is considered to accord with policies CS2 and CS18 of the Core Strategy. Overall, no adverse highway safety concerns arise as a result of the development.

## **5.9 Flood Risk and Drainage**

- 5.9.1 Design Services (Drainage) were consulted on this application and raised no objection to the proposal. The site is not shown to be located within an area at risk of flooding on the Environment Agency flood maps. The Design Services (Drainage) Officer requests that the applicant seeks approval from Yorkshire Water to connect to the public sewer. A note can be attached to the decision notice to make the applicant aware of the minimum standards for drainage in the Chesterfield area.
- 5.9.2 Yorkshire Water were consulted on the proposal and no comments were received.
- 5.9.3 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy.

## **5.10 Land Stability and Coal Mining Risk**

- 5.10.1 In respect of potential Coal Mining Risk, the site lies within the Red Referral Area. The applicant submitted a Coal Mining Report with the application. The Coal Authority were

consulted and they objected to the proposal due to the lack of a Coal Mining Risk Assessment;

5.10.2 *'In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application, prepared by a suitably qualified person. Without such a risk assessment, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.'*

5.10.3 A Coal Mining Risk Assessment was subsequently submitted on the 31.03.2017, prepared by Ms Fay Chappel and Mr Clive Kirby of GRM Development Solutions. The Coal Mining Risk Assessment concludes that potential risks to the site are negligible with the exception of the potential for un-recorded mine entries. The report suggests that investigations for un-recorded mine entries could be carried out by a 'site strip' to the natural strata which can then be inspected by a suitably qualified person. A standard condition has been attached to the report requiring site investigations to cover this. On this basis the proposal is considered to accord with policy CS8 of the Core Strategy. The Coal Authority has been re-consulted and the subsequent response will be read to the Committee.

## 5.11 Community Infrastructure Levy (CIL)

5.11.1 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.

5.11.2 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	94	94 x £50	£4,700

## 6.0 REPRESENTATIONS

- 6.1 The application has been publicised by neighbour notification letters sent on 14.02.17, deadline for responses 07.03.17. A site notice was also displayed on 21.02.17, deadline for 14.03.17.

**Representation received 02.03.2017 – 6 Myrtle Grove**

- 6.2 *‘After very careful consideration of the above planning application, we wish to register an objection to the development proposed, mainly the impact on our residential amenity space. The basis of our objection is as follows:*
- *The proposed property is too close to our boundary fence;*
  - *It would be built on a slope above our property thereby overshadowing our main amenity space with a solid brick wall creating considerable shadow. This space is accessed from our kitchen door and is the area utilised most, especially during the summer months being our social area;*
  - *The wall will restrict light to both the kitchen and bathroom. Our bathroom is approx 5' 6" x 4' 8" with one window. We have already painted the fence a light blue in an attempt to reflect light to these areas prior to the planning proposal being known; The side of our property that is affected is south facing, the position of the sun will result in shadows being longer thereby affecting the outside space.*
  - *We also have concerns regarding the additional sewerage being created by the proposed property as we have been informed by other residents that the current drains have struggled in the past and block at the end of the run. Access to the main sewer is on our frontage.*

- 6.3 ***Officer Comments – The comments received above have been noted. It is acknowledged that the proposal will result in a degree of overshadowing to the outside amenity space of No 6. No primary habitable room windows are located in the side (south) elevation of the dwelling, therefore, potential adverse impacts are not considered significant enough to warrant a refusal. See paragraph 5.7 above***

- 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 objector, 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 applicant has taken advantage of the opportunity for pre application discussions. 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 Overall the proposal is considered to be acceptable in design and appearance. The proposed bungalow is considered to be in keeping with the character of the surrounding area. The location of the proposed development site is relatively sustainable, sited within a residential area with access to local services. It is not considered that that the proposal would result in significant impact on the residential amenity of the neighbouring properties. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal is considered to accord with policy CS1, CS2, CS7, CS8 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy

## **10.0 RECOMMENDATION**

- 10.1 That a CIL Liability Notice be issued on the basis of the calculation at section 5.11 above.
- 10.2 That the application be **GRANTED** subject to the following conditions:

### **Conditions**

01. 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 Compensation Act 2004*

02. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing dated January



2017, with the exception of any approved non material amendment;

- 4195/1/17 Revision A (Site Layout and Sections)
- 4195/2/17 Revision A (Proposed House Type)
- 4195/3/17 Revision A (Landscaping Layout)
- Design and Access Statement
- Topographical Survey s500-s-1

*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*

03. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

*Reason – In the interests of highway safety*

04. Before any operations are commenced, excluding the above, 2 parking spaces shall be provided for the existing property 7 Myrtle Grove and once provided they shall be maintained thereafter free from impediment to designated use.

*Reason – In the interests of highway safety*

05. The premises, the subject of the application, shall not be occupied until 2 on-site parking spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

*Reason – In the interests of highway safety*

06. Prior to the occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the application drawings clear of the public highway, within the site curtilage clear of all access and parking and

turning provision and retained thereafter free from impediment to designated use.

*Reason – The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

07. Working hours - Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm 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*

08. There shall be no gates or other barriers unless otherwise agreed in writing by the Local Planning Authority.

*Reason – in the interests of highway safety*

09. 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.

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.

*Reason - To fully establish the presence and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.*

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

*Reason - In the interests of the amenities of occupants of adjoining dwellings.*

11. 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 unless otherwise agreed by the Local Planning Authority in writing.

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

## **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. 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.

3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190. Such works shall also include the reinstatement of any redundant vehicular access.
4. The Highway Authority recommends that the first 5m of the proposed accesses/driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. The proposed accesses/driveways to Myrtle Grove shall be no steeper than 1 in 14 over their entire length.
7. The applicant should be aware that relocation/diversion/protection of any street furniture or Statutory Undertakers apparatus will be at their expense.
8. Any foul connections must be agreed with Yorkshire Water.

9. 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.
10. Attention is drawn to the Council's 'Minimum Standards for Drainage'.