

Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 7th August 2017

File No: CHE/17/00459/FUL
Plot No: 2/4638

ITEM

RE-SUBMISSION OF CHE/17/00135/FUL – NEW DWELLING ON LAND ADJACENT TO 82 WALTON ROAD INC. RECONFIGURING OF BOUNDARY BETWEEN NO 82 AND THE NEW DWELLING ALONG WITH A NEW SITE CROSSOVER AT 82 WALTON ROAD, WALTON, CHESTERFIELD. DERBYSHIRE, S40 3BY FOR MS ANDREA COLLINS

Local Plan: Unallocated
Ward: Walton

1.0 **CONSULTATIONS**

Environmental Services	Comments received 22/03/2017 – see report
Design Services	Comments received 23/03/2017 – see report
Yorkshire Water Services	No comments received
Local Highways Authority	Comments received 13/04/2017 – see report
Coal Authority	Comments received 25/07/2017 – see report
Site Notice / Neighbours	One letter of representation received

2.0 **THE SITE**

2.1 The site the subject of the application currently forms part of the rear garden of No 82 Walton Road in Walton which is a detached two storey property constructed of rendered brickwork and plain tiles with white windows. The property sits on a corner plot with its predominantly northern boundary shared with Delves Close.

2.2 The site is approximately 12.5m wide x 12.5m deep and sits adjacent to the neighbours' detached garage which is accessed off Delves Close. There is a mature boundary hedge growing along the length of the Delves Close and the other common boundaries (with No 84 Walton Road and No 1 Delves Close) comprise of a concrete post and timber panel fence with pockets of shrubbery planted intermittently. The site is relatively level and is currently laid to lawn.



3.0 **RELEVANT SITE HISTORY**

3.1 CHE/17/00135/FUL - Erection of a single storey dwelling including reconfigure boundary between No.82 and new dwelling along with new site crossover onto Delves Close. Refused on 26/04/2017 for the following reasons:

1. The resulting relationship between the neighbouring properties of the site at No 82 and 84 Walton Road and the development proposals is not acceptable. Under the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted

Supplementary Planning Document 'Successful Place' - Housing Layout and Design and the wider National Planning Policy Framework the development will result in an intrusion of privacy and loss of amenity to the neighbours (particularly No 84 Walton Road) which is contrary to the aims and objectives of these policies. Furthermore the elevated position of these neighbouring properties will in turn result in an unacceptable overlooking intrusion to the development proposals, its private amenity space and windows which would harm the amenity of future occupants; contrary also to policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted Supplementary Planning Document 'Successful Place' - Housing Layout and Design and the wider National Planning Policy Framework.

2. It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the Local Planning Authority that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guide section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment. It is therefore concluded that insufficient information has been provided to properly assess any potential risk posed by unrecorded coal mining legacy at the development site and therefore the proposed development does not accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS8 of the Chesterfield Local Plan: Core Strategy 2011-2031.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed erection of a detached two bed roomed dormer bungalow with a new dropped crossing formed to Delves Close to provide driveway parking for 2 no. vehicles.
- 4.2 Internally the bungalow will be laid out with a central lobby, one double bedroom, a shower room and an open plan kitchen / living

area at ground floor; and at first floor there will be a second bedroom and shower room.

4.3 The application submission is supported by Drawing No's P01, P02, P03, P04, P05, P06, P07, P08, a Design and Access Statement, an Energy Statement and a Coal Mining Risk Assessment.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.1.1 The site is situated within the built settlement of Walton ward in an area predominantly residential in nature. 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 Having regard to the principle of development the NPPF specifically excludes private residential gardens within built-up areas from the definition of previously developed land (annex 2: Glossary). Paragraph 53 of the NPPF encourages local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens.
- 5.1.6 The Chesterfield Borough Core Strategy does not include specific policies on the development of residential gardens; instead the primary considerations are policies CS10 in terms of the principal of development, CS1 and CS2 in terms of the location and CS18 in terms of design and impact upon the environment and amenity.
- 5.1.7 Policy CS10 states that "planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites". As the council is currently able to demonstrate a [five year supply](#) of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for this land. However the NPPF is also clear that "Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development" (NPPF para 186). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals.

5.1.8 Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. In this case the location of the proposed development meets the spatial strategy (CS1) objective of being within walking distance of a centre, as Chatsworth Road District Centre is within a 10 minute (800m) walk. The aim of CS10 (set out in para 5.34 of the Core Strategy) is to “ensure a supply of housing land that meets the aims of the Core Strategy”. Applying the presumption in favour of sustainable development (set out in paragraph 14 of the NPPF), the development of a single dwelling within the built up area that otherwise meets the spatial strategy and the principles for the location of development set out in policies CS1 and CS2, and would not directly conflict with, and in fact would support, the intent of policy CS10; it is clear that more weight should be given the presumption in favour of development and the aims of policy CS1 in this case.

5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**

5.2.1 The application site sits within a predominantly residential area in the built settlement where the principle of infill development would be acceptable (see above) subject to design considerations inc. neighbouring impact.

5.2.2 Having regard to policies CS2 and CS18 of the Core Strategy and the Council’s own adopted SPD ‘Successful Places’ infill development is required to demonstrate an appropriate relationship to the surrounding area in terms of both streetscene and character / context. This includes preservation of privacy / amenity to adjoining and adjacent neighbours as well as the provision of an acceptable level of amenity to future occupants of the proposed development.

5.2.3 The application submission which inc. floor plans and elevation drawings is also supported by the preparation of cross sections / streetscene drawings which illustrate the scale and mass of the development relative to adjoining neighbouring properties at No 82 Walton Road and No 1 Delves Close. In addition to this however the development site also shares a common boundary with No 84 Walton Road.

- 5.2.4 It is accepted that the streetscene / cross sections prepared in support of the application demonstrate that the varying architecture between No 82 and No 1 would enable the proposed development to sit comfortably in the streetscene; and whilst a bungalow is not typical in character there already is a detached garage located on land immediately opposite the site which follows a similar scale transition. The overall architectural design of the proposed bungalow is acceptable, given the mix of styles in the local area.
- 5.2.5 This latest application is a resubmission of a previously refused scheme where the design and layout of the development proposals included habitable room window openings to the front and rear elevations. Factors of the previously refused scheme presented issues to both No 82 and 84 Walton Road who occupy levels elevated above the application site, as these neighbours are afforded unrestricted overlooking views of the site and the proposed development.
- 5.2.6 The photographs taken below show the view from the application site back towards No 84 and No 82, where it can be seen that there are habitable room windows located in the rear elevations of both neighbouring properties. In particular in the single storey rear extension of No 84 where there are habitable room windows positioned very close to the common boundary where the new dwelling would be positioned.



- 5.2.7 As a design response to the previous refusal the proposed bungalow has been re-orientated and internally re-designed such that there are now no habitable room windows proposed in the rear elevation of the dwelling and the only side elevation windows

facing No's 82 and 84 are to a shower room (which would be obscurely glazed) and the entrance doorway (which will also need to be obscurely glazed). The area of amenity space for the new dwelling has also been relocated to the other side of a newly designed 'L' shaped built footprint.

- 5.2.8 The revised design response eliminates the previous concerns of direct window to window overlooking, which were presented with the previously refused scheme, as well as the opportunity for occupiers of No's 82 and 84 to overlook the proposed amenity space of the new dwelling.
- 5.2.9 In this instance Policies CS2 and CS18 of the Core Strategy and the adopted SPD, advocate "All development will be required to have an acceptable impact on adjoining occupiers, taking into account things such as appearance, overlooking" – CS2; and "... k) having an acceptable impact on the amenity of users and neighbours" – CS18 and in the case of the latest proposals it is considered that the design response addresses the previous concerns raised such that the development is acceptable.
- 5.2.10 In respect of the overall scale of the development proposals it is accepted that the character of properties along Walton Road is of predominantly larger plots with longer gardens and this development would interrupt that built form pattern; however given the relationship of the site to Delves Close (where smaller gardens are present) it is not considered that a refusal of planning permission could be justified on this basis. Similarly whilst the development would only benefit from a smaller rear garden / amenity space; the level of space provided would be in line with the adopted SPD which recommends a minimum 50sqm per two bed. dwelling – para. 3.11.20.

5.3 **Highways Issues**

- 5.3.1 Comments have been received from the **Local Highways Authority** as follows:

'Access to the proposed dwelling would be off Delves Close and it would appear that there is a grit bin that would require relocation. It is understood that the grit bin (GB 2096) is the responsibility of Chesterfield Borough Council and no doubt you will liaise with the

applicant over its relocation and you will appreciate that no visibility should be impeded.

The space available for off-street parking appears to be tight whilst maintaining access to the premises and it may be preferable if the proposed dwelling could be located slightly further back towards the rear of the plot.

Subject to the above, there are no objections to the proposal and it is recommended that the following conditions are included in any consent:

- 1. Before any other operations, the new access to Delves Close shall be formed with visibility splays measuring 2.4m x 4.3m in both directions (areas in advance to be maintained clear of any obstruction in excess of 1m).*
- 2. Dwelling shall not be occupied until 2 parking spaces are provided measuring 2.4m x 5.5m.*
- 3. There shall be no gates or barriers on the driveway / access.*
- 4. The access / driveway shall be no steeper than 1 in 14 over its entire length.'*

5.3.2 It is noted that currently No 82 Walton Road is not served by any off road parking provision and therefore whilst the proposals submitted do not detail any compensatory parking alongside the provision of the new dwelling, it is not considered that this could reasonably be insisted upon.

5.3.3 In respect of the proposed development it is considered that the creation of a new dropped crossing to Delves Close to serve the development would be acceptable in principle, albeit that the applicant would have to cover the expense of relocating the grit bin to facilitate this. The driveway shown to serve the development would provide off road parking for two vehicles, which is an acceptable level of provision although its use would be reliant upon vehicles either reversing into or out of the driveway onto the public highway. Notwithstanding this Delves Close is a quiet residential cul-de sac and this operation would not be considered harmful to highway safety given the geometry of the road and likely vehicle speeds.

5.3.4 It is noted that the Highways Authority suggest that the driveway be served by visibility splays measuring 2.4m x 4.3m in both directions, but it is not clear if that have measured these splays

either on site or on the submitted site layout plan to confirm they are achievable. Based upon the site layout plan submitted it would appear that the footway measures 2.4m in depth suggesting all the required visibility would be in highway impacts none the less. They also comment that the grit bin should not impede visibility but its dimension is lower than 1m in height so could remain in the highway at any point and meet the requirements of the condition the Highway Authority have requested.

5.3.5 The other conditions requested by the Highway Authority would appear reasonable and achievable. Gates would obstruct the use of the driveway given its limited dimensions and the required gradient is achievable as the land is relatively flat to the highway channel already.

5.3.6 Overall therefore it is considered that the development proposed details an appropriate level of off road parking provision (which would need to be conditioned for retention if approved) and the development can be served by the creation of a suitable driveway access. Accordingly in respect of highway safety the relative provisions of policies CS2 and CS18 of the Core Strategy and the SPD are met.

5.4 **Technical Considerations**

Land Condition

5.4.1 In respect of land condition the application submission was accompanied by a Coal Mining Risk Assessment (CMRA) which referred to the Coal Authority for consideration, as the application site lies within their standard development referral area.

5.4.2 The Coal Authority responded to the consultation as follows:

The Coal Authority concurs with the recommendations of the Minor Development Risk 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.*

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Contamination / Noise

5.4.3 Having regard to the provisions of policy CS8 (Environmental Quality) of the Core Strategy the application submission was referred to the Council's Environmental Services team (EHO) for comment in respect of contamination issues and noise.

5.4.4 In response the EHO confirmed that they had no adverse comments to make to the proposed development. They did however request that due to neighbouring proximity, should permission be granted, the standard working hours / noise conditions should be imposed.

Flood Risk / Drainage

5.4.5 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to Yorkshire Water Service (YWS) and the Council's

Design Services (DS) team for comments in respect of drainage and flood risk.

5.4.6 No comments were received from YWS but the DS team commented that all drainage on site must be in conjunction with the Chesterfield Borough Council's minimum standards, and sustainable methods of drainage are preferred so this should be explored initially by the applicant.

5.4.7 The application form accompanying the submission suggests that both foul and surface water drainage will be connected to mains; however in line with the DS teams comments above and standard drainage practice the applicant will need to explore alternative sustainable methods of drainage before main connection is agreed (soakaways – percolation testing etc). YWS have responded advising that the presence of a sewer crossing the site is not an issue and they would look to resolve this matter through building regulations.

Community Infrastructure Levy (CIL)

5.4.8 In April 2016 the Council also adopted its Community Infrastructure Levy (CIL) and new dwellings are subject to this levy. The CIL tariff is separated into low, medium and high zones and this site is located in the high zone therefore a charge would be calculated based upon the high zone rate of £80/sqm (index linked). The CIL liability has been calculated in the table below and a CIL liability notice would be served concurrent with any planning permission issued on this basis.

	New GIF (sqm)	Calculation	Total
Dwellings	90 sqm	90 x £80 (INDEX LINKED)	£7,200
Total			£7,200

6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice posted on 14/07/2017 and by neighbour notification letters sent on 11/07/2017. As a result of the applications publicity there has been one letter of representation received as follows:

84 Walton Road

We are of the view the development will have a serious impact on our use and enjoyment of our property as a whole, and it will have a detrimental effect on the local area.

We are very concerned the proposed parking has been designed to be at the nearest point to our property – within feet of our lounge and main bedroom windows. This will create a noise problem by the comings and goings especially after dark when we will also have light disturbance. The driveway arrangement would also mean this impact is doubled if the leading car is required to be moved.

We also have concerns that the use of our own driveway and garage will create noise and light annoyance to the occupant when we use our own facilities – we have several vehicles and I work on a 24 hour call out basis.

The main entrance door has been relocated to the side elevation so now anyone entering the property will have a direct line of sight to our lounge window and bedroom making it awkward for us looking out and will have a direct impact on our privacy.

The plans show the western end of the site will be dug down by 1m so what effect will this have on our own boundary fence.

Views to the north from our lounge window will be obliterated by the new property, a panorama we have enjoyed for 17 years and was a deciding factor in us extending our lounge 2 years ago.

The property proposed is built almost touching our boundary with no allowance made for scaffolding to build.

We would also like to point out that the concrete fence posts and wooden fencing are indeed our property.

We are concerned the new development will put extra strain on the drainage system which is already known to struggle.

All the dwellings on Walton Road are 1930's in character with large rear gardens and we strongly object to the gardens being built upon as this takes away the open nature of the area. The development is garden grabbing and planning authorities should consider the case for setting out policies to resist such development.

The proposal does not reflect the local context and street pattern and in particular the scale and proportions are out of character with the local area.

The layout and design of the dwelling would not allow for an acceptable impact on the amenity of users and neighbours due to

its position and the fact there is not adequate plot area to accommodate such a development.
We would encourage planning committee members to visit our property and see the effects first hand.

6.2 ***Officer Response: See sections 5.1, 5.2 5.3 and 5.4 above.***

6.3 The neighbour consultation period on this application runs until the 3rd August 2017 and therefore any further representations received beyond the publication of this report will be reported direct to planning committee.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

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 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 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.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.4.8 above.

10.2 That the application be **GRANTED** subject to the following:

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 plans (listed below) with the exception of any approved non material amendment.

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. 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. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.

04. 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.

Reason - To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority.

The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

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

06. Before any other operations are commenced the new access to Delves Close shall be formed with visibility splays measuring 2.4m x 43m in both directions. The land in advance of the sightlines shall be retained throughout the life of the development free from any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason – In the interests of highway safety.

07. The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved drawing for cars to parked.

Reason – In the interests of highway safety.

08. The driveway / car spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1992 (or any Order revoking and/or re-enacting that Order) the driveway / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason – In the interests of highway safety.

09. There shall be no gates or other barriers on the access / driveway.

Reason – In the interests of highway safety.

10. The proposed driveway / access to Rectory Road shall be no steeper than 1 in 14 over its entire length.

Reason – In the interests of highway safety.

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.

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.

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

Reason - In the interests of residential amenities.

13. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

14. 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.

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

15. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any root protection areas to retained trees / hedgerows on site and may require alternative measures of construction and finishes to be considered. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

16. The side elevation windows serving the ground floor and first floor shower rooms and the entrance lobby doorway shall be fitted with obscure glazing (to a minimum obscurity level 4 or 5) prior to occupation of the dwelling hereby approved. Only glazing meeting this specification shall be installed and retained thereafter in perpetuity.

Reason – In the interests of neighbouring amenity.

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. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. 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 and 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 and roads/roads and streets](http://www.derbyshire.gov.uk/transport%20and%20roads/roads%20and%20streets)

[traffic/development control/vehicular access/default.asp](http://traffic/development%20control/vehicular%20access/default.asp) e-mail ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190

07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.