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File No: CHE/17/00123/OUT
Plot No: 2/4592

ITEM 3

ERECTION OF A SINGLE DWELLING ON THE SITE WHICH IS PART OF THE FORMER REAR GARDEN OF 35 ASHGATE ROAD – ACCESS TO BE FROM BROCKWELL LANE AT 35 ASHGATE ROAD, CHESTERFIELD, DERBYSHIRE, S40 4AG FOR MR BEN JOHNSTONE – AMENDED PLANS RECEIVED ON 10.07.2017 AND 20.07.2017

Local Plan: Unallocated
Ward: Brockwell

1.0 CONSULTATIONS

Ward Members	No comments
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
Urban Design	No objections
Neighbours/Site Notice	3 letters of representation received – see report

2.0 THE SITE

2.1 The site the subject of the application comprises land to the rear of 35 Ashgate Road in the Brockwell area of

Chesterfield. The land is part of the former rear garden of 35 Ashgate Road and is accessed from Brockwell Lane. The applicant owns the area of land in question, however 35 Brockwell Lane has recently been sold and is no longer in the ownership of the applicant. The area of land in question was subdivided from 35 Ashgate Road via transfer of registered title in February 2015. The land is largely rectangular in form, is situated on a gradient, and measures approximately 305 Square Metres.

2.2 The Northern area of the site is occupied by a detached double garage and an area of hardstanding, and an overgrown grassed area is situated to the South of the site. The front Northern boundary to the site remains open, walls and areas of foliage form the side boundaries to the East and West of the site, and a fence forms rear Southern boundary between the site and the rear garden of 35 Ashgate Road.

2.3 The roadway of Brockwell Lane is situated to the North of the site, 12 Brockwell Lane is situated to the East of the site, the rear garden of 35 Ashgate Road is situated to the South of the site, and the rear garden of 37 Ashgate Road is situated to the West of the site. The closest property to the site is 12 Brockwell Lane, which is a detached, brick-built bungalow that was constructed in the 1980s following the division of the rear garden of 33 Ashgate Road. There are other properties within the locality that are of a similar style to 12 Brockwell Lane that have also been constructed following the subdivision of large rear gardens.







3.0 **RELEVANT SITE HISTORY**

3.1 A pre-application enquiry was made in February 2013 requesting feedback as to whether a residential development of one dwelling would be possible on site. It was advised that there may be scope for a development of this nature.

4.0 **THE PROPOSAL**

4.1 An outline application has been made for the erection of one new detached dwelling with matters of access, and scale considered and matters of appearance, landscaping and layout left reserved on land to the rear of 35 Ashgate Road, with revised plans received on 10/07/17 and 20/07/17.

4.2 An application form, Design and Access Statement, site location plans, plans and elevations and coal mining risk assessment have been submitted with this application.

4.3 The plans indicate that the proposed new dwelling would appear as a bungalow and comprise 2 two storey sections,

with a single storey rear aspect. The property is proposed to measure approximately 6.9M in height at its highest point, 5.9M in width at its widest point, with an overall length of approximately 18.8M. The dwelling is proposed to be situated approximately 10M from the boundary with the roadway to Brockwell Lane to the North of the site at its closest point and 14M at its furthest point. The dwelling is proposed to be situated approximately 1M from the boundary with 12 Brockwell Lane to the East of the site at its closest point and 1.5M at its furthest point. The dwelling is proposed to be situated approximately 12M from the boundary with the rear garden of 35 Ashgate Road to the South of the site. The dwelling is proposed to abut the boundary with the rear garden of 37 Ashgate Road to the West of the site at its closest point and would be situated 0.8M away at its furthest point.

- 4.4 The internal layout has not been provided, as this is not being considered at this stage. In terms of dimensions, it appears that there is scope to create a development whereby the internal spaces are appropriate and fit for purpose. The main garden area is proposed to the Southern rear of the site, measuring in excess of 84 Square Metres. This meets guidelines, however no details with regards to landscaping, bin storage or boundary treatments are provided at this stage. A parking area is proposed to the North of the site, with sufficient space for the parking of four cars and access from Brockwell Lane.
- 4.5 The amended plans indicate that the new dwelling would comprise 2 two storey pitched roof sections, with a single storey flat roofed section to the rear. The widest part of the property would be a two storey pitched roof section situated towards the North of the site, a narrower two storey pitched roof section attached to the South of this, and a further single storey flat roofed section attached to the rear. The indicative plans suggest that a contemporary design would be adopted with the use of glazed panels and roof lights, however design and materials are not being considered at this stage. The original plans showed a property with a more consistent width and a greater front projection. It was considered that these plans would have resulted in an overbearing impact and a loss of light to 12 Brockwell Lane, the neighbouring

property to the East of the site. This was because the plans showed a new dwelling that would have been situated very close to a side bedroom window to 12 Brockwell Lane and because the new dwelling would have projected in front of the building line of this property quite significantly. These plans were considered inappropriate, and as such consultation took place with the agent dealing with this application in order to provide the 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 not previously developed, the site 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 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. 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 The Strategy Planning Team highlighted that 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 planned unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals. 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.

5.1.8 The Strategy Planning Team stated that in this case the location of the proposed development meets the spatial strategy (CS1) objective of being within walking distance of a centre, as Chesterfield Town Centre and Chatsworth Road District Centre are within a 10 minute (800m) walk. The site is also within walking distance of primary schools and on a high frequency bus route along Brockwell Lane. 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.

5.1.9 The Strategy Planning Team stated that the Chesterfield Local Plan does not set out specific policies relating to the development of residential gardens and this therefore falls to be covered under CS18. As the application is in outline only it is not a matter which is being considered however it appears that a design could come forward which reflects the context and respects the amenity of neighbouring properties – see below.

5.1.10 The development of a new dwelling would be liable for CIL at a rate of £50 per sq m GIA (medium zone), although the liability would not be calculated until the submission of suitable reserved matters. It is noted that there are exemptions available for custom and self-build housing projects, but these exemptions must be applied for in advance of commencement on site.

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

5.2.1 It is considered that the scale of the proposed development has been carefully considered following concerns being raised in relation to the original plans. Having regard to the proposed plans, it is expected that the development may impose the greatest degree of change to 12 Brockwell Lane. 12 Brockwell Lane has a side bedroom window to the West elevation, and the amended plans have been designed to ensure that the section of the proposed new dwelling facing this window would be situated 2M away. The proposed new dwelling has also been designed to ensure that the eaves heights to the side boundaries have been kept to a minimum. It is considered that the level of separation and modest building heights would ensure that there would be no significant adverse impact on the side window to 12 Brockwell Lane. It is acknowledged that these plans would result in some loss of outlook for this window, however the current outlook creates unacceptable issues in terms of overlooking onto the site subject to this application. As such,

it is not considered that the loss of outlook would be significant enough to warrant a refusal. There are no other properties located within several metres of the proposed development site, and it is not therefore considered that the plans would result in any adverse issues for any other neighbours.

- 5.2.2 The design and materials of the proposed new property are not being considered at this stage. The indicative plans suggest that a contemporary design would be adopted with the use of glazed panels and roof lights. This is considered to be an appropriate approach, however careful consideration will need to be given to issues with regards to overlooking, overshadowing and an overbearing impact at the reserved matters stage. The indicative plans show where the property is expected to be located on the site and where windows and doors are expected to be situated. These matters will need to be considered thoroughly at the Reserved Matters stage. The scale of the property is considered to be appropriate within the street scene, and would appear similar to other properties in the immediate locality. The proposed depth of the new property is fairly substantial, however it is considered that the indicative plans have demonstrated that a property of this scale can be accommodated on site without any adverse impact on neighbouring properties.
- 5.2.3 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 scale, and the relationship and separation between properties.
- 5.2.4 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.

5.2.5 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 there is no objection in principle, however the level of impact on the amenity of the neighbouring dwelling will need to be assessed. The application has been amended to reduce the overall length and width of the proposed dwelling. The front elevation is now set further back from the street and the central part of the house steps in 2m from the east boundary. This provides a larger gap between the side elevation of the adjacent house, which contains a side facing window. Although this will continue to obstruct the outlook from the neighbouring window, the increased gap between the proposed buildings is such that the relationship is slightly less immediate than previously shown. Care will be required in relation to the height and position of the proposed windows to ensure no overlooking results between properties. The application is in outline, with only appearance, landscaping and layout reserved for subsequent approval, as such details of materials and finished treatments should also be managed by condition. No details of hard and soft landscape (particularly at the front of the site) are currently provided. Floor plans should be submitted for consideration to ensure the internal arrangements and window positions do not adversely impact on the amenity of neighbouring residents. The revised layout and scale of the building represent an improvement in relation to the proximity of the neighbouring property, although further details should be sought as identified above to enable an informed decision to be reached.

5.4 Highways Issues

5.4.1 The Highways Officer was consulted on this application and raised no objections. It was stated that No. 35 Ashgate Road does not have the benefit of off-street parking from Ashgate Road and it is assumed that the parking for this property was provided on the site the subject of the application. It would

seem, however, from the information available that the area the subject of the application has been subdivided via transfer of registered title. On this basis, it is considered that the Highway Authority would not be able to sustain an objection to the loss of parking for the existing property. It is noted that a single off-street parking space is proposed with manoeuvring area. As the road is not a classified road the Highway Authority would not generally look for the provision of manoeuvring and it is recommended that two off-street car parking spaces are provided within the site curtilage of minimum dimensions 2.4m x 5.5m.

5.4.2 The Highways Officer stated that 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 are commenced a new vehicular and pedestrian access shall be formed to Brockwell Lane and provided with visibility sightlines extending from a point 2.4m metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

2. The proposed dwelling shall not be occupied until space has been laid out within the site for 2 No. cars to be parked in accordance with a plan first to be submitted and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority.

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

4. The proposed access/driveway to Brockwell Lane shall be no steeper than 1 in 14 over its entire length.

In addition, a number of notes are recommended for the benefit of the applicant.

5.5 Water/Drainage

5.5.1 Design Services (Drainage) were consulted on this application and raised no objections.

5.6 Land Condition / Contamination

5.6.1 Land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 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.

5.6.3 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 application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. The planning application is supported by a Coal Mining Risk Assessment, dated January 2017 and prepared by Terry Lee Associates. This report has been informed by an appropriate range of sources of information including; BGS maps, BGS borehole data and a Coal Mining Report.

5.6.4 The Coal Authority stated that 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 from 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. The nature and extent of these intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the

permissions process. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required.

5.6.5 The Coal Authority stated that in the event that intrusive site investigation works establish mine workings/broken ground within influencing distance of the surface, The Coal Authority would expect the scheme of remedial works to address the limitations posed by the constrained nature of the site to the undertaking of drilling and grouting stabilisation works. As the proposed building footprint extends close to the application site boundary, the scheme of remedial works should identify what, if any, further measures are required to address potential instability at the application site as a result of ground movement derived from any shallow mine workings immediately adjacent to but beyond the site boundary.

5.6.6 The Coal Authority concluded 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.

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

5.7 Community Infrastructure Levy (CIL)

- 5.7.1 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.
- 5.7.2 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.

6.0 REPRESENTATIONS

- 6.1 As a result of neighbour notification, 3 letters/emails of representation from neighbours at 33 Ashgate Road and 12 and 18 Brockwell Lane, have been received. The letters/emails received raise concerns with regards to drainage, water supply, land disturbance, privacy, light, access, noise and disturbance, and a lack of information in relation to building heights.
- 6.2 *With reference to drainage, water supply and land disturbance, Design Services and the Coal Authority have been consulted on this application and raised no objections. It is not therefore considered that these matters are a major*

concern. These matters would also been considered in further detail at the reserved matters and building regulations stages.

6.3 *With reference to privacy and light, it is considered that the level of separation and modest building heights would ensure that there would be no significant adverse impact on any neighbouring properties. In terms of building heights, these are indicated on the plans.*

6.4 *With reference to access and highway safety, there have been no objections from the Highways Department and an ample level of parking provision is proposed. With regards to noise 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.*

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 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 and access and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. It is considered that 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 **ADDITIONAL RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.7 above.

11.0 **RECOMMENDATION**

11.1 That the application be **GRANTED** subject to the following conditions:

Conditions

1. Approval of the details of the layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwelling hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent

land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

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 unless otherwise agreed by the Local Planning Authority in writing.

6. 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 3:30pm 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.

7. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Brockwell Lane and provided with visibility sightlines extending from a point 2.4m metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

8. The proposed dwelling shall not be occupied until space has been laid out within the site for 2 No. cars to be parked in accordance with a plan first to be submitted and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority.

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

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

11. 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. These details shall

conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.

12. 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

Reasons for Conditions

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
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. In the interests of residential amenities.
7. In the interests of highway safety and parking.
8. In the interests of highway safety and parking.
9. In the interests of highway safety and parking.

10. In the interests of highway safety and parking.
11. To ensure that the development can be properly drained.
12. In the interests of coal mining legacy and safety

Notes

1. 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, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

2. 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.

3. 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.

4. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers).

5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.

6. 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) 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.