

Case Officer: Eleanor Casper  
Telephone No: 01246 345785  
Cttee Date: 9<sup>th</sup> October 2017

File No: CHE/17/00546/FUL  
Plot No: 2/469

## **ITEM 4**

### **PROPOSED CONSTRUCTION OF A THREE BEDROOM BUNGALOW WITH GARAGE AT LAND TO REAR OF 11 CHESTERFIELD ROAD, BRIMINGTON, CHESTERFIELD, DERBYSHIRE FOR MR JAMES CHAPMAN**

Local Plan: Unallocated  
Ward: Brimington South

#### **1.0 CONSULTATIONS**

Ward Members	No Comments
Site Notice/Neighbours	One letter of representation received – see report
Strategy Planning Team	Comments received, No objection– see report
Environmental Services	No comments received
Design Services	Comments received – see report
Yorkshire Water	No Comments received
DCC Highways	Comments received – see report

#### **2.0 THE SITE**

2.1 The site subject of this application is a plot of land located to the south of No 11 Chesterfield Road and previously formed part of the rear garden of the property. The plot is rectangular in shape, measuring approximately 24.8m in width and 0.052 hectares in area. The site is currently formed of overgrown grassland and is separated from No 11 by a timber fence along the north eastern boundary.

- 2.2 Vehicular access to the site is taken from a private road known as 'Ivy House Farm Lane' which leads off from Briar View. Ivy House Farm Lane serves six residential properties and an existing scrap yard. The southern boundary of the site is bound by a narrow private access track which forks off from Ivy House Farm Lane. The track leads to the rear gardens of No's 11a, No 15, No 17, No 19 and No 21 Chesterfield Road. The southern boundary of the site is formed of an existing mature hedge and the eastern boundary is relatively open in character.



Photo taken facing north west towards No 11a



Photo taken facing north, towards No 11

### 3.0 **SITE HISTORY**

- 3.1 Planning permission for the erection of a dwelling on the site has previously been sought (see section 3.2 and 3.3 below).

3.2 CHE/08/00753/OUT - Erection of dwelling – **REFUSED (08.01.2009)**

3.2.1 The reasons for refusal were listed as follows;

1. *Taking into consideration the geometry and resultant poor visibility, poor construction and lack of street lighting the access track is considered to be severely substandard. The proposed development would lead to the intensification in use of the 'existing' access track where visibility is restricted in both directions and which is also a public footpath thereby leading to danger and inconvenience to other highway users contrary to the requirements of Policy HSN5 and HSN6 of the Replacement Chesterfield Borough Council Local Plan (adopted June 2006).*
2. *The massing of the development proposed is considered to be out of character with the surrounding built form and will result in the introduction of a two storey dwelling in an area characterised by single storey development. In addition the introduction of first floor windows is likely to give rise to overlooking onto adjoining neighbouring properties. The proposal is therefore considered to contravene the requirements set out in Policies HSN5, HSN6 and GEN10 of the Replacement Chesterfield Borough Council Local Plan (adopted June 2006).*

3.3 CHE/0692/0342 - Erection of detached dormer bungalow – **REFUSED (18.08.1992)**

3.3.1 The reason for refusal was listed as follows;

*'The introduction of a further residential unit with access to the substandard Goodwin lane is contrary to the Council's policy on the number of dwellings that can be served off a private lane and it is not therefore in the best interest of highway safety.'*

## **4.0 THE PROPOSAL**

4.1 The application proposes the erection of a detached bungalow, formed of a dual pitch roof with intersecting gables. The main footprint of the proposed bungalow measures 121m<sup>2</sup> internally and incorporates the following accommodation; three bedrooms (one with en-suite), lounge, kitchen/dinner, utility, family bathroom, and attached garage. The proposed bungalow is served by off-street parking for four vehicles.

## **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
- CS10 Flexibility in delivering housing
- 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, parking provision and impact on designated footpath;
- Flooding and drainage

## 5.5 Principle of Development

### Relevant Policies

5.5.1 The application site is situated within the built settlement of Brimington. The area is predominantly residential in character therefore policies CS1 and CS2 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.’*

## Principle of Development

- 5.5.4 The Strategy Planning Team (Forward Planning Team) were consulted on the proposal and provided the following comments;
- 5.5.4.1 *'The site does not appear to fall within the NPPF definition of previously developed land. It does however sit within the urban area and has no public open space function.'*
- 5.5.4.2 *'The site is located within walking and cycling distance of a centre being within 800m walking and cycling distance to Brimington Local Centre and is in accordance with Core Strategy policy CS1. With respect to Core Strategy policy CS2, the proposal would accord with criteria (a), (c), (e), (f) and (g) and would to a minor degree deliver regeneration and sustainability benefits. The only criterion of CS2 against which the proposal would not perform well is (b) in that the proposal would not be on previously developed land as defined by the NPPF and as such would (on a face value interpretation of policy), conflict with Core Strategy policy CS10 given that currently the Council's position is that it can demonstrate a 5year supply of deliverable housing sites.'*
- 5.5.4.3 *'However, the purpose of policy CS10 is to ensure a supply of housing that meets the aims of the Core Strategy. Accordingly, applying the presumption in favour of sustainable development (set out in paragraph 14 of the NPPF), the proposed development of a single dwelling within the built up area which:*
- otherwise meets the spatial strategy and the principles for the location of development set out in policies CS1 and CS2*
  - would not directly conflict with, and arguably would support, the intent of policy CS10 (to ensure a supply of housing land that meets the aims of the core strategy)'*
- 5.5.4.4 *'Would accord with the Local Plan when read as a whole in terms of broad principle with significant weight being given to the plans Strategic Objectives, Policy CS1 and the presumption in favour of development. It is worth noting that the outcome of*

*this balancing consideration is specific to the small scale, residential nature and sustainable location of the proposal.'*

5.5.4.5 *'On balance the proposal would not be a departure from the Local Plan and would in broad principle accord with the NPPF. Other more detailed matters such as visual impact, future and existing occupiers amenity, highways safety, land stability, land contamination etc... have not been considered as these will be more appropriately taken into account by Development Management when reaching a decision on the proposal.'*

5.5.5 The site is located within a reasonable walking distance of a centre, approximately 400m from Brimington Local Service Centre. The site is located within the built settlement of Brimington and the plot of land has no public open space function. It is also considered necessary to note that the site has previously been subject to complaints regarding the maintenance of the land. The proposed redevelopment of the site is therefore considered to benefit the visual amenity of the area.

5.5.6 The proposal is considered to accord with the provisions of local plan policies CS1 and CS2 and is considered to be acceptable in principle. Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours 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'*

5.6.3 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.'*

5.6.4 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.

### **Design and Appearance**

5.6.5 The proposed bungalow is similar in scale to the adjacent properties, No 11 and No 11a Chesterfield Road. The proposal is formed of a dual pitch roof with intersecting gable features. The proposal measures 2.6m to the eaves and 4.9m to the ridge. The design of the proposal is considered to be acceptable in respect of the architectural style and appearance of the surrounding properties.

5.6.6 The proposed dwelling is situated adjacent to the north eastern boundary of the site, approximately 1m from the shared boundary with No 11. The footprint of the bungalow is broadly 'T-shaped' in design and orientated to the south. The proposal incorporates a large area of enclosed private amenity space to the east of the dwelling.

5.6.7 The application proposes utilising part of the site to create a small footway for pedestrians. Ivy Farm House Lane is a narrow track measuring 2.5m in width and is also a recognised public footpath. The proposed footway will be sited within the curtilage of the application site and measures 1.7m in width (potential impacts on highway safety will be considered in section 5.8)



- 5.6.8 The application form states that the proposed external materials for the dwelling will be facing brickwork and roof tiles 'to the satisfaction of the Planning Authority'. A condition will be attached to the decision requiring the submission of materials for consideration prior to construction.
- 5.6.9 The block/layout plan shows enclosed private amenity space measuring 185m<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 exceeds the requirements of the 'Successful Places' SPD in terms of size.
- 5.6.10 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. Potential impacts on the residential amenity of the adjoining neighbours will be discussed in section 5.7 below.

## **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 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'*
- 5.7.3 The application site is adjoined by the rear garden of No 11 Chesterfield Road to the north and the rear garden of No 11a Chesterfield Road to the west. The rear gardens of No's 3, 9, 11 and 15 Briar View face towards the site to the north and east. Two residential properties known as 'Oak Dene' and 'Red Roof' face the site to the south.

## Impact on No 11 Chesterfield Road

- 5.7.4 No. 11 Chesterfield Road is a detached bungalow located to the north of the application site. A separation distance of approximately 21m exists between the rear (north) elevation of the proposed bungalow and the rear (south) elevation of No 11 (see image below). An existing timber fence measuring 1.8m in height separates the application site from No 11 (see image below). The fence will be retained and is considered to screen the development and mitigates potential adverse impacts of overlooking from the windows in the rear (north) elevation of the proposed bungalow.



Photo taken facing south, towards the application site



Photo taken facing north towards the rear elevation of No 11 Chesterfield Road

## Impact on No 11a Chesterfield Road

- 5.7.5 No 11a Chesterfield Road is a detached bungalow located to the north west of the application site. No 11a is located further south than No 11 and as such is situated closer to the application site. No 11a has a number of outbuildings situated adjacent to the shared boundary of the application site (see images below). The outbuildings are considered to screen the development and as a result potential adverse impacts on the amenity of the residents are considered to be minimal.



Photo taken facing west towards No 11a



Photo taken facing north towards the rear garden of No 11a

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

- 5.7.6 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.
- 5.7.7 To protect the amenity of the neighbouring residents it is considered reasonable to attach a standard condition restricting the hours of work on site.
- 5.7.8 Overall the proposal is considered to be appropriately designed and accords with the provisions of policy CS2 and CS18 of the Core Strategy and the wider SPD.

## **5.8 Highways safety, parking provision and impact on designated footpath**

- 5.8.1 Derbyshire County Council Highways were consulted on the proposal and provided the following comments;
- 5.8.1.1 *'There has been communication regarding this proposal since the refusal of an outline application. It is noted that the Design and Access Statement makes reference to access to the site being safeguarded within a Title although the Title is not available to the Highway Authority. Comments are given on the basis that you are satisfied that access is available in the event of planning permission being granted. The Design and Access Statement also makes reference to improvements to Ivy House Farm Lane in order to off-set the increase in vehicular movements the proposal would generate. Although not necessarily clearly defined on drawings the Highway Authority would expect the indicated proposals to be undertaken prior to the occupation of the dwelling. Full details will need to be submitted for approval prior to any works taking place.*
- 5.8.1.2 *'Four off-street car parking spaces are proposed generally in view of the lack of opportunity for on-street parking. In this instance the Highway Authority raises no objection to this as it will also help to maintain the proposed widening free from parked vehicles and be available for its intended use i.e. for*

*vehicles travelling in the opposite direction to pass. Some minor amendments to the parking layout should, however, be provided which it is considered can be accommodated. This includes increasing the internal dimensions of the garage to 3m x 6m, providing an area of 6m in length in front of the garage to accommodate a parking space and increase the length of the other parking area to a minimum 5.0m.'*

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

5.8.2 The comments from the Highways Officer have been noted and also incorporated. The 'Successful Place' SPD details the minimum size 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 3 bedroom dwelling 2 spaces are required. The development will provide 4 off-street parking spaces measuring 2.4m x 4.8m. The proposed spaces therefore meet the requirements of the 'Successful Places' SPD and Core Strategy. The parking provision on-site exceeds the requirements of the Core Strategy, therefore it is not considered necessary to require the applicant to increase the size of the garage in to accommodate additional parking.

5.8.3 The proposal also incorporates the creation of a footway within the curtilage of the site. The submitted drawings reference the 'novation' of the footpath. The proposal does not alter the designated route of the public footpath which runs along Ivy Farm House Close. The proposed footway will provide a stopping place for pedestrians/road users and will enhance visibility for access/egress from the application site. To maintain appropriate visibility a condition (with reference drawing) will be attached to the decision requiring the land in advance of the visibility sightlines (within the ownership of the applicant) to be retained free of any object greater than 1m in height (0.6m in the case of vegetation).

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 provided the following comments; *'It is noted from the application form that soakaways are to be used, soil infiltration tests must be carried out and calculations provided in accordance with BRE Digest 365 and designed to a 1 in 30 year standard. If the applicant wishes to discharge into a public sewer then permission will need to be sought from Yorkshire Water.'* A condition will be attached requiring details of proposed drainage and associated drainage calculations to be submitted.

5.9.2 Yorkshire Water were consulted on the proposal, 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 Community Infrastructure Levy (CIL)**

5.10.1 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.

5.10.2 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	121	121 x £50	£6,050
<b>Total</b>			£6,050

## **6.0 REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters sent on 10.08.2017, deadline for responses 31.08.2017. A site notice was also displayed on 22.08.2017, deadline for 12.09.2017. One letter of representation has been received as a result.

### **Representation received 30.08.2017 – 9 Briar View**

6.2 *'I oppose the above proposed planning application on the following grounds*

- 1. The lane is already over used and in very poor condition without having the added stress of more traffic and construction usage*
- 2. There is no footpath on the lane meaning the proposed access for the new dwelling would form a blind spot for pedestrians*
- 3. Wildlife which have lived on this piece of land would be disturbed*
- 4. The new property would cast a shadow over my rear garden depriving us of natural sunlight*
- 5. Construction noise would be a problem as the properties around the area are so close (I work nights often)*
- 6. Connection to drains and services on the lane would cause major disruption as there would be no alternative but to close the road*
- 7. Last time a developer was involved with this land he fenced the entrance off delivered a steel cabin, formed a large pile of green waste and then set fire to it and left it smouldering for two weeks while he went on holiday'*

**6.3 Officer Comments – The comments received above have been noted. Ivy Farm House Close serves a number of residential properties, the proposal satisfies the required level of visibility and exceeds the recommended parking provision. The additional of a footway within the curtilage of the site will provide a stopping place for pedestrians. Based on the plans submitted the footprint of the proposal is located approximately 27m from the rear elevation of No 9 Briar View, this is considered to be an appropriate separation distance and as such loss of light would be**

**minimal. Disruption arising during the construction period is classified as a non-material planning consideration and as such cannot be given any weight in the determination of this application.**

## **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 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 in line with section 5.10 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 (see list below), with the exception of any approved non material amendment;

- 17.15.02 Rev A (dated 28.07.17) proposed site and floorplan
- 17.15.03 (dated 28.07.17) proposed elevations
- 17.15.01 (dated 03.07.17) Site survey
- Design and Access Statement

***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 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.*

- 04.** 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*

- 05.** The dwelling subject of the application, shall not be occupied until on-site parking spaces have been provided and laid out in accordance with application drawing 17.15.02 Rev A and maintained thereafter free from any impediment to designated use.

***Reason*** – *In the interests of highway safety*

- 06.** Prior to the occupation of the dwelling, adequate bin storage and a bin dwell area for use on refuse collection days shall be provided on site in accordance with the application drawing 17.15.02 Rev A 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.** No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme and details

***Reason*** – *To prevent the increased risk of flooding*

- 08.** 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*

09. The land in advance of the visibility sightlines (within the ownership of the applicant) detailed in 'Drawing 1 Visibility Sightlines (27.09.2017)' shall be retained throughout the life of the development free of any obstruction greater than 1m in height (0.6m in the case of vegetation).

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

10. 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***

11. 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.***

### **Informative Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. 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

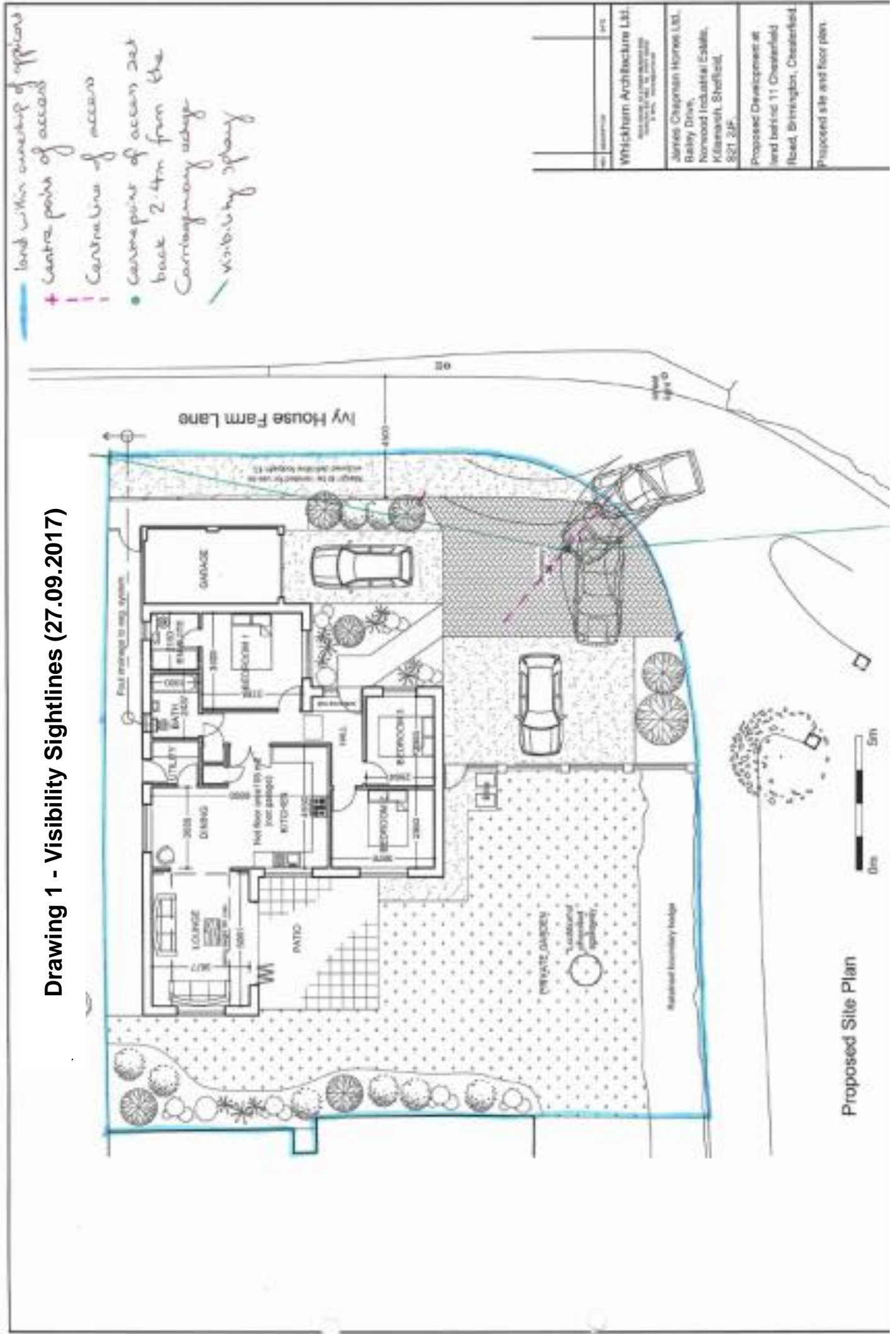
the County Council's website  
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), e-mail  
[highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.

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 access/driveway to Ivy House Farm Lane shall be no steeper than 1 in 14 over its 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'.
11. The access to the application site is the route of a Public Right of Way (Footpath 15 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.
  - Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
  - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

Drawing 1 - Visibility Sightlines (27.09.2017)



Architect	WHICKHAM ARCHITECTURE LTD. 11 CHESTERFIELD ROAD, BRISTOL, BRISTOL, BRISTOL, BRISTOL
Client	James Chapman Homes Ltd. Bally Drive, Norwood Industrial Estate, Kilnlesh, Sheffield, S21 3JF
Site	Proposed Development at land behind 11 Chesterfield Road, Brimsington, Chesterfield
Scale	Proposed site and floor plan.