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Ctte Date: 9<sup>th</sup> October 2017

File No: CHE/17/00456/OUT  
Plot No: 2/2686

## **ITEM 5**

### **Outline planning application for the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with integral garages – description and proposals amended from previously intended alterations to existing dwelling 10.08.2017 at 20A Avondale Road, Chesterfield, Derbyshire, S40 4TF for Saint Developments**

Local Plan: Unallocated  
Ward: Brockwell

#### 1.0 **CONSULTATIONS**

Ward Members	One letter of objection from Cllr Steve Brunt
Strategy Planning Team	No objections
Environmental Services	No objections
Design Services	No objections
Yorkshire Water	No comments
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Tree Officer	No objections
Urban Design Officer	No comments
Neighbours/Site Notice	11 representations received – see report

## 2.0 **THE SITE**

2.1 This application concerns the site of 20A Avondale Road, in the Brockwell area of Chesterfield. The site comprises a detached bungalow, set roughly in a central position within a sizeable garden. The bungalow is predominantly brick-built, with a pitched tile roof and timber windows and doors. An extensive front garden and driveway lead up to the property, to the West of the site. An attractive brick wall with stone coping forms the boundary to the West of the site, with foliage and trees situated behind, and pillars situated either side of the driveway entrance. Brick walls and areas of foliage form the other boundaries to the site, and a car port is situated at the end of the driveway. Aside from an area of hardstanding that forms the driveway, the site is covered by grass and areas of foliage. 22 Avondale Road is situated to the North of the site, the rear gardens of 26 and 28 Gladstone Road are situated to the East of the site, 20 Avondale Road is situated to the South of the site, and the roadway of Avondale Road is situated to the West of the site.







### 3.0 **RELEVANT SITE HISTORY**

3.1 An application was originally made under the same reference number in 2017 for alterations and extension to the existing dwelling at 20A Avondale Road. This application was altered to the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with integral garages.

### 4.0 **THE PROPOSAL**

4.1 An outline planning application with all matters reserved has been made for the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with integral garages - description and proposals amended from previously intended alterations to existing dwelling 10.08.2017 at 20A Avondale Road. The application was originally for alterations and extension to the existing dwelling at 20A Avondale Road. It was considered that these plans would have resulted in an adverse impact on neighbouring properties. As such, the application was altered to the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with integral garages. The description of the application was amended accordingly and the application was started afresh.

4.2 Clearance of the site and the demolition of the existing bungalow would be required to cater for this proposed development. An indicative layout and footprint have been provided, however no further details have been submitted at this stage. The indicative layout and footprint indicate that the 2 dwellings would four bedroom detached dwellings with integral garages. It has been indicated that these properties would be situated to the West of the site, with driveways to the West and rear gardens to the East. The indicative plans indicate that the properties would measure approximately 8M in width and 11.5M in depth, with a 2M gap in between these properties. These details are purely indicative and are subject to change, however the application is assessed on the basis of these details.

4.3 The indicative site layout suggests that the two new houses would be accessed via driveways from Avondale Road, to the West of the site. It is expected that one of these properties would be accessed using the existing driveway entrance, and a further entrance point would be required to serve the other proposed dwelling. The indicative site layout suggests that areas of garden would surround the new dwellings, that parking provision would be situated to the West of the site, and that the main areas of outdoor amenity space would be to the East of the site. The site layout indicates that the new dwellings would be situated approximately 1 Metre away from the boundary with 22 Avondale Road to the North of the site, between 16 and 18 Metres away from the boundary with 26 and 28 Gladstone Road to the East of the site, between 1 and 3 Metres from the boundary with 20 Avondale Road to the South of the site, and 6 Metres away from the boundary with the roadway of Avondale Road to the West of the site. These details are purely indicative and are subject to change, however the application is assessed on the basis of these details.

4.4 It is expected that the new dwellings may be rendered, with pitched tiled roofs and UPVC windows and doors, however these details could be subject to change. No further details have been submitted in terms of design and materials, because this is an outline application and these details would be dealt with at the Reserved Matters stage.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

5.2 The site is situated within the built settlement of Brockwell. This area is predominantly residential in nature, and is situated in close proximity to areas of green open space. 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.

5.3 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.

5.4 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.'*

5.5 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.

5.6 The proposed development site is situated within walking and cycling distance from Chesterfield Town Centre and is located on land that has been partially previously developed. 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.

## 6.0 **Strategy Planning Team**

6.1 The Strategy Planning Team were consulted on this application and stated that the proposal is for a residential use in a location that is within walking distance of both Chatsworth Road District Centre and Chesterfield Town Centre, and is therefore in principle meets the requirements outlined by the Spatial Strategy (CS1). All development proposals are expected to meet the policy requirements regarding amenity as set out in CS2. There are no policy objections in principle to the replacement of the bungalow with two dwellings, but the proposed scheme may represent over development, considering the size of the proposed dwellings, outdoor space and parking arrangements. This would need comment from the Urban Design Officer and Highways Authority and consideration of matters to be reserved.

6.2 The Strategy Planning Team stated that as an outline application there is insufficient detail to establish compliance with the criteria as set out in Policy CS18 (Design). The applicant should be made aware that the development would be subject to the Community Infrastructure Levy (CIL). The proposed development falls within a 'medium' CIL zone and would therefore be eligible for a levy of £50 per m<sup>2</sup> of the gross internal floorspace.

## 7.0 **Design and Appearance (Including Neighbour Effect)**

7.1 The indicative plans suggest that the new dwellings would be situated approximately 1 Metre away from the boundary with 22 Avondale Road to the North of the site, and between 1 and 3 Metres from the boundary with 20 Avondale Road to the South of the site. Other neighbouring properties are likely



to be situated in excess of 20 Metres away from the proposed new dwellings.

7.2 Having regard to the indicative siting of the proposed dwellings, the development would impose the greatest degree of change to 20 Avondale Road and 22 Avondale Road. The new dwellings are proposed to be set back approximately 2.5 Metres from the building line of 22 Avondale Road and set forward approximately 10M from the building line of 20 Avondale Road. It is not considered that these plans would result in any significant adverse impact on 20 Avondale Road, which is situated to the South of the site. The orientation of the site and the level of separation would ensure that there would be no issues in terms of a loss of light and there are no windows at 20 Avondale Road that would be directly impacted upon. This would ensure that there are no issues in terms of an overbearing impact for this neighbouring property. The main garden areas at 20 Avondale Road are situated several metres away from the proposed area for development, and it is therefore considered that any impact would be minimal.

7.3 It is not considered that these plans would result in any significant adverse impact on 22 Avondale Road, which is situated to the North of the site. The indicative plans suggest that the proposed new dwellings would not project beyond the rear building line of this neighbouring property, and as such there would be no significant impact on the rear of 22 Avondale Road. The separation distance between the proposed new dwellings and 22 Avondale Road is considered to be inadequate, however it is considered that amendments can be made to the proposed layout to prevent any adverse impact on this property. Although there are side windows to the South elevation of this property and front windows to the extension of this property that would be impacted upon by these plans, the majority of these are obscure glazed and do not serve habitable rooms. As such, it is considered that any impact on these windows would be minimal. The layout of the indicative plans would ensure that there would be no adverse impact on the front windows of 22 Avondale Road, to the West elevation.

- 7.4 As previously mentioned, all other neighbouring properties are situated in excess of 20 Metres away from the proposed new dwellings. It is considered that the indicative plans are able to demonstrate that a level of separation can be achieved to ensure that any issues in terms of overlooking, overshadowing or an overbearing impact for the neighbours would not be significant issues. These matters would be clarified through the submission of detailed designs at the Reserved Matters stage.
- 7.5 The indicative plans illustrate that both of the new dwellings would have gardens that meet the requirements of the 'Successful Places' SPD in terms of size.
- 7.6 Overall it is accepted that development of this nature on adjoining neighbouring land that was only partially previously developed would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact will be minimal due to the level of separation, the relationship between properties and the orientation of the site.
- 7.7 On balance, it is considered that the impact of the development on neighbouring properties is capable of being sufficiently mitigated such that a refusal of planning permission could not be warranted. On the basis of the indicative plans it is not considered that this proposal would cause any major issues in terms of overshadowing or an overbearing impact. These issues, along with any issues with regards to overlooking, would be explored in further depth at the Reserved Matters stage.
- 7.8 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 indicative plans would not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.
- 7.9 Overall the principle of this scheme is considered to be of an appropriate siting and scale which appropriately responds to site parameter constraints to protect neighbouring amenity. Overall the proposed development is considered to be

appropriately sited and scaled to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

## 8.0 **Environmental Services**

8.1 Environmental Services were consulted on this application and they have raised no objections. It was recommended that a condition be imposed restricting the hours of building work and this is considered necessary due to the close proximity of neighbouring residential properties.

## 9.0 **Design Services**

Design Services were consulted on the application and they also raised no objections. It was stated that any new drainage for the proposed development and any amendments to the existing building drainage may require Building Control approval. Consultations with Yorkshire Water will be required should the applicant wish to discharge to a public sewer.

## 10.0 **Highways Issues**

10.1 The Highway Authority has stated that the site is considered to be a sustainable location and the road is subject to a residents parking order. For information, the Highway Authority would point out that single garages should have internal dimensions of 3m x 6m, a parking space in front of a garage should have a length of 6m and general parking spaces dimensions should be 2.4m x 5.5m. The applicant should be aware that the residents parking order affects the frontage of the property and in the event vehicular access is provided to the site this order will require modification and costs will need to be met by the applicant.

10.2 Highways stated that 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 (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials and the parking of site operatives vehicles, laid out and

constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

2. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Avondale Road, located, designed, laid out, constructed and provided with visibility splays of 2.4m x maximum achievable over land the subject of the application/highway in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
3. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
4. The proposed access/driveway to Avondale Road shall be no steeper than 1 in 14 over its entire length.

10.3 It is considered that the conditions suggested by Highways are necessary in terms of ensuring highway safety. As such, they can be imposed as part of any approval. Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any adverse risk to highway safety. It is considered that sufficient space is available on site to provide an adequate level of off street parking.

#### 11.0 **Coal Mining Risk**

11.1 In respect of potential Coal Mining Risk, the site the subject of the application lies within the Red Referral Area. A Coal Mining Risk Assessment was submitted and the Coal Authority was consulted on this application. The Coal Authority 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 coal mine workings at shallow depth. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment Report. Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is a potential risk 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 on the site. 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'.

- 11.2 The Coal Authority stated that they concur 'with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommended 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.

11.3 The Coal Authority stated that '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 stated that there is no objection to the proposed development subject to the imposition of a condition or conditions to secure the above'.

## 12.0 **Trees**

12.1 The Local Authority Tree Officer was consulted on this application as there are trees situated on the proposed site for development. He stated that there are 3 trees to the frontage of the site consisting of one Silver Birch, one Horsechestnut and one Abies tree. The Silver Birch and Horsechestnut have been heavily lopped in the past leaving them at a height of approximately 6 metres. The Abies (Christmas tree) is quite young in age and is a forest tree which will grow to quite a substantial size.

12.2 The Local Authority Tree Officer stated that from the little information provided with the application and site plan, it is unclear whether or not these trees are to be retained in the development. The three trees do have some visual amenity to the frontage of the site but due to their past management and ultimate size of the Abies no objection arises if these trees were removed and a new landscaping scheme submitted and to include new tree planting to the frontage with suitable species that will not out grow their location. The tree officer therefore has no objection to the application, however the submission of a landscaping scheme for approval to the frontage of the development should be set as a condition if consent is granted.

12.3 It is considered that a scheme for residential development can be devised whereby some or all of these trees to the frontage of the site are retained. Although it is considered that these trees are not worthy of formal protection, it is hoped that they can be incorporated into this scheme as part of any reserved matters submission. Landscaping is required

as part of any Reserved Matters submission, and as such it is not considered that a condition specific to landscaping of the frontage is required.

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

13.1 Having regard to the nature of the application proposals the development comprises the creation of 2 no. new dwellings and the development is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £50 per sqm (index linked) of gross internal floor area created.

### 14.0 **REPRESENTATIONS**

14.1 As a result of neighbour notification, letters of representation were received from councillor Brunt and residents at 13, 13A (x2), 15, 17, 22 and 24 Avondale Road (x2). In addition, three letters were received from individuals who are not neighbours. These were received from 12 Cross Street in Chesterfield, Holywell Cottage in Didcot, and from an unnamed address.

14.2 The letters of objection raise concerns with regards to the proposed scale, size and appearance of the new dwellings, visual impact, overdevelopment, a lack of detail and dimensions, overlooking, overshadowing, an overbearing impact and a loss of light and privacy, the impact of garden fixtures/outbuildings, the potential loss of the gatepost and boundary wall, the potential loss of trees, flora and fauna, issues with noise, traffic and highways, stating that the plans are contrary to policy, would cause issues with maintenance for neighbouring properties, and raise concerns that the properties would be converted into flats.

14.3 ***In response to these comments, it is considered that the indicative plans show two new dwellings of an acceptable width and depth that would not constitute overdevelopment of the site. It is not possible to comment on the visual impact and appearance of the***

***proposed new dwellings at this stage, as these matters are not being considered under this application. These matters would be considered under a separate Reserved Matters application, hence the lack of detail at present. In terms of dimensions, scale drawings showing an indicative footprint have been provided and dimensions can be taken from these. It is not considered that the proposed plans would result in any issues in terms of overlooking, overshadowing, an overbearing impact and a loss of light and privacy, although it is acknowledged that some alterations are required to the indicative layout. It is considered that a scheme with minimal impact can be devised due to the level of separation, the relationship between properties and the orientation of the site. These matters would be explored in further depth at the Reserved Matters stage. It is not considered that the impact of garden fixtures/outbuildings would necessarily be any more significant than at present, and it is hoped that the existing gateposts and the majority boundary wall would be retained. This would be clarified at the Reserved Matters stage. In terms of a potential loss of trees, flora and fauna, there is no suggestion that this would necessarily be the case. It is hoped that much of this would remain and that further soft landscaping would be provided, and this would be clarified at the Reserved Matters stage. In terms of noise, Environmental Health has been consulted on this application and raised no objections. A condition is intended to be imposed restricting the hours of construction to prevent any adverse impact on neighbours during this stage. In terms of traffic and highways, DCC Highways were consulted on the application and raised no objections subject to the imposition of conditions. In terms of being contrary to policy, the Strategy Planning Team were consulted on this application and outlined in detail how this application is in conformity with policy. Any maintenance issues caused would be a civil matter rather than a Planning consideration. Finally, there is no suggestion that the proposed properties would be converted into flats, and Planning Permission would be required for this conversion in any case.***



## 15.0 **HUMAN RIGHTS ACT 1998**

15.1 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

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

15.3 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.

15.4 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

## 16.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

16.1 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).

16.2 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 in this case.

- 16.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

17.0 **CONCLUSION**

- 17.1 The proposals are considered to be appropriate in principle, would be in keeping with the character of the surrounding area and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. 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.

- 17.2 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, the Coal Authority and materials. This application would be liable for payment of the Community Infrastructure Levy.

18.0 **RECOMMENDATION**

- 18.1 That the application be **GRANTED** subject to the following conditions:

**Conditions**

1. Approval of the details of the access, scale, 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 dwellings 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 dwellings 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 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.
7. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials and the parking of site operatives vehicles, laid out and constructed

in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

8. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Avondale Road, located, designed, laid out, constructed and provided with visibility splays of 2.4m x maximum achievable over land the subject of the application/highway in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
9. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
10. The proposed access/driveways to Avondale Road 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.
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.
8. In the interests of highway safety
9. In the interests of highway safety.
10. In the interests of highway safety.
11. To ensure that the development can be properly drained.
12. In the interests of coal mining legacy and safety

## **Notes**

1. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. Consultations with Yorkshire Water will be required should the applicant wish to discharge to a public sewer.
2. 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.
3. 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.
4. 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.
5. Ideally, 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. A single garage should have internal measurements of 3m x 6m, spaces in front of a garage should be 6m in length and other spaces 2.4m x 5.5m. There should be adequate space behind each space for manoeuvring.

6. The applicant should be aware that there is a street lighting column on the site frontage and in the event this required relocation it will be at the applicant's expense.
7. The applicant should be aware that the frontage to the site is affected by a Residents Parking Order and in the event accesses are created this Order will require amendment which will be at the applicant's expense.
8. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.