

Case Officer: Sarah Kay
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Ctte Date: 23rd April 2018

File No: CHE/18/00079/OUT
Plot No: 2/37 & 770

ITEM 2

OUTLINE APPLICATION FOR THE ERECTION OF THREE 2.5 STOREY HOUSES WITH ATTACHED GARAGES AND RAISED DRIVES AT LAND BETWEEN GEORGE STREET AND VICTORIA STREET NORTH, BROOMHILL ROAD, OLD WHITTINGTON, CHESTERFIELD, DERBYSHIRE FOR MR MICHAEL DAVIDSON

Local Plan: Unallocated
Ward: Old Whittington

1.0 CONSULTATIONS

DCC Highways	Comments received 08/03/2018 and 11/04/2018 – see report
Strategic Planning Team	No comments received
Environmental Health Officer	Comments received 08/03/2018 – see report
Design Services	Comments received 21/03/2018 – see report
Yorkshire Water Services	No comments received
Coal Authority	Standing advice applicable
Ward Members	No comments received
Site Notice / Neighbours	One letter of representation received

2.0 THE SITE

- 2.1 The site the subject of the application measures approx. 0.1ha in area and comprises of an area of extended garden land located off Broomhill Road, between Victoria Street North and George Street in Old Whittington.
- 2.2 The site is bound by No's 2 – 6 George Street to the west; No's 11 – 17 Victoria Street North to the east; the garden of No 6 George Street adjoins the southern boundary and there are open fields located on the opposite side of Broomhill Road to the north.

- 2.3 The site is laid to grass, slopes from north to south, and varying domestic boundary treatments depict the site periphery.



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0985/0625 - Permission for bungalow on land at Broomhill Road between George Street & Victoria Street North. Approved conditionally 04/11/1985.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks outline planning permission for the erection of three houses with all matters, except access and layout, reserved for later approval.
- 4.2 The submission details that the development will comprise '2.5 storey houses with attached garages and raised drives' which is included in both the application form description and on the site

layout plan accompanying the application package (Drawing No. 185 P-01 – Proposed Outline Layout).

- 4.3 The layout submitted indicates that the development will sit roughly in alignment with No 17 Victoria Street North and No's 2 / 2a George Street, and will be served by 2 no. driveway accesses formed off Broomhill Road. Unit 1 and 2 will be served by a shared driveway (and single integral garage) and Unit 3 by a separate driveway and attached single garage. The indicate plan also shows a site section illustrating that the development will appear as 1.5 storey to the principle elevation and 2.5 storey to the rear elevation.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of Old Whittington in an area predominantly residential in nature.
- 5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing) and CS18 (Design) 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.

5.2 **Principle of Development**

- 5.2.1 The site the subject of the application is unallocated and lies within the built settlement of Old Whittington in an area predominantly residential in nature; however there are open fields on the opposite side of Broomhill Road which is allocated Greenbelt.
- 5.2.2 Policies CS1 and CS2 of the Core Strategy set the Councils overall spatial strategy and the principles for the location of new development stating that all new development and growth should be located in areas which are within walking and cycling distances of centres. In regard to the sites spatial setting, the sites are within

walking / cycling distance of Whittington Moor and Old Whittington (Policy CS1) and are therefore despite its undeveloped status (policy CS10) the site is considered in principle to be an appropriate infill development site for new development.

5.3 **Design & Appearance Issues (inc. Neighbouring Impact / Amenity)**

- 5.3.1 The site forms part of an extended garden area with residential properties flanking the north western and south eastern boundaries which themselves front onto George Street and Victoria Street North. The site benefits from a common boundary / frontage to Broomhill Road and it is from this boundary that site access is proposed.
- 5.3.2 The principle of the sites redevelopment for residential purposes is acceptable, and amongst the principle of the development this application seeks consideration for the means of access and the layout as submitted.
- 5.3.3 Access taken from Broomhill Road is considered to be acceptable (subject to further highway safety issues considered in section 5.4 below). Furthermore the site layout detailed indicates formation of a building line to Broomhill Road which follows the building line established by the gables walls of No 2 George Street and No 17 Victoria Street North.
- 5.3.4 The submitted site layout indicates that appropriate separation distances will be achieved between the rear elevations of the adjoining neighbouring properties and the footprint of the proposed dwellings. Details concerning the Scale, Landscaping and Appearance (which are reserved) will; need to have further consideration to the position of fenestration and separation to ensure privacy is maintained to any boundary sharing neighbours. Such designs will need to respond appropriately to the changes in land levels which affect the site and the neighbouring properties.
- 5.3.5 It is considered that the proposed development can be appropriately designed to reflect the character and appearance of the streetscene and to preserve appropriate levels of amenity and privacy to adjoining and adjacent neighbouring properties in the context of policies CS2 and CS18 of the Core Strategy. As further designs are developed they will need to take account on the

observations made by the UDO above and also the advice which is contained in the Council's adopted Supplementary Planning Document for Housing Layout and Design.

5.4 **Highways Issues**

5.4.1 The application submission and the proposed site layout plan have been reviewed by the **Local Highways Authority** (LHA) who has provided the following comments:

The plot show vehicular access to Broomhill Road which is a busy classified road subject to a 30mph speed limit. There is no footway opposite.

Based on the speed limit exit visibility sightlines of 2.4m x 47m are required and given the length of frontage this is likely to be achievable. The indicative drawings show 2 accesses are proposed and the above exit visibility will be required to serve all accesses. Any proposed access point should be centrally located and a 2.4m parallel sightline is recommended – i.e. everything within 2.4m of the carriageway edge fronting Broomhill Road should be provided and maintained with no objects greater than 1m in height or 600mm in the case of vegetation. This would include any sub-division of plots. There should be no access to the edges of the frontage. The above sightlines would need to be demonstrated on any further drawings and should be at an eye height of 1.05m above the level of the adjacent channel level.

The gradient of any access should not exceed 1:15. The applicant is advised that the Highway Authority are likely to require details of material and construction relating to any proposed retaining structures within 4m of the carriageway to assess the impact on the structural integrity of the adjacent public highway.

There is street furniture and associated statutory undertaker apparatus along the fronting footway and the applicant would be liable for all costs to relocate these items.

On site turning is recommended on classified roads (Broomhill Road is a C class road), to enable vehicles to enter and exit the site in a forward gear, although it is unlikely this could be cited as a defensible reason for refusal if all other issues were otherwise acceptable. An area of at least 9m x 9m or other such turning

facility as demonstrated by means of swept paths should be identified on any future drawings, clear of all parking provision. This could be a shared facility.

Drives/parking spaces are recommended at right angles to the public highway to avoid awkward manoeuvres when entering and leaving the spaces.

The site is lower than the adjacent public highway and the applicant should consider the installation of appropriate cut-off drainage.

At least 2 parking spaces per unit should be provided per unit and these should be of adequate dimensions this includes garages.

The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days.

The proposed development should conform to current design criteria – details of which can be found at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/default.asp

There would appear to be sufficient space to resolve the above matters and in this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

Traffic management may be required for the duration of the construction works.

The applicant, would of course need to fully address the above in any full or reserved matters application.

If your Authority is minded to approve then I would look to conditions to cover the following to be included in any consent granted;

1. *Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.*
2. *At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of all vehicular accesses to Broomhill Road which should comprise of exit visibility sightlines of 2.4m x 47m, gradients of no more than 1 in 15 and the details of should include details of any retaining structures where they are to be located within 4m of the carriageway edge. The approved scheme shall be implemented in full prior to any works commencing on site including site clearance.*
3. *At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of an appropriate level of on-site parking and turning clear of the public highway. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.*
4. *At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of adequate bin storage and a bin dwell area for use on refuse collection days, clear of the public highway, within the site curtilage clear of all access, parking and turning provision. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.*

5.4.2

Overall it is considered that the development proposals can be appropriately serviced by driveway accesses onto Broomhill Road with space to provide the necessary highway visibility splays such that the development does not give rise to any adverse highway safety concerns. An appropriate driveway width and length can be accommodated, alongside appropriate visibility splays and parking

provision to meet the requirements of the LHA and the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

5.5 **Flood Risk & Drainage**

5.5.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to **Yorkshire Water Services** (YWS) and the Council's **Design Services** (DS) team for comments in respect of drainage and flood risk.

5.5.2 The DS team commented, *'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. The drainage for the proposed development should be provided with separate foul and surface water systems. Any connections to the public sewerage network will require prior consent from Yorkshire Water. Any connections to existing drainage may require Building Control approval'*.

5.5.3 YWS did not comment on the application proposals.

5.5.4 It is considered that appropriate planning conditions can be imposed which requires the submission of further detailed drainage designs to satisfy the queries outstanding in accordance with policy CS7 of the Core Strategy.

5.6 **Land Condition / Contamination / Noise**

5.6.1 Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the application site lies in an area covered by the Coal Authority's Standing Advice. It was not necessary to refer the application submission to the **Coal Authority** (CA) for comment as the CA have provided the LPA with relevant advisory notes they wish to be imposed on any planning permissions granted in such areas.

5.6.2 In respect of potential land contamination (and noise) the Council's **Environment Health Officer** (EHO) has also reviewed the application submission and provided the following comments:

I have no objection to this application in principle. Should planning consent be granted I recommend the following:

Air Quality

As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase.

Noise

To minimise noise impacts on the existing residential dwellings, I recommend that 'construction work' shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials. NB - The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.

If this proposal is likely to have audible intruder alarm(s) installed upon each of the residential units I would recommend that the occupier(s) notify the Council of 'nominated key holder details' (application forms are available on request from Environmental Services, Environmental Protection Team, Town Hall, Rose Hill, Chesterfield, Derbyshire, S40 1LP). NB – The above information shall be added as an advisory note to the decision notice.

To minimise the impact of potential noise on the surrounding area, deliveries of construction materials shall only take place between 8:00 am and 5:00 pm, Monday to Friday and between 9:00 am and 5:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

Lighting

I understand that PPS 23 will be amended to include Appendix 3 for which lighting will become a material planning consideration. As such all lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties. The applicant shall submit details of all the lights they intend to use as part of this development and shall seek approval prior to the installation of lighting on site.

Contaminated Land

Should planning permission be granted for this proposal, I would strongly recommend that the developer ensure the site is 'suitable for use' by completion of: -

- a Phase 1/desk study*
- a Phase 2/intrusive site investigation*
- a Remediation Strategy (if necessary) and*
- a Validation report*

All the reports a) to d) shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the development commencing.

- 5.6.3 On the basis of the comments received above the conditions as suggested by the EHO are considered to be reasonable and necessary.

5.7 **Community Infrastructure Levy (CIL)**

- 5.7.1 Having regard to the nature of the application proposals the development comprises the creation of 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.

- 5.7.2 The following advice note will be appended to any subsequent decision notice drawing this to the applicants' attention:
'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.'

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 05/03/2018 and by neighbour notification letters sent on 05/03/2018.

6.2 As a result of the applications publicity there have been one letter of representation received as follows:

17 Victoria Street North

We certainly welcome the development of this derelict, neglected plot and it will only enhance the area for the neighbourhood. However, we do have a number of concerns that we do hope planners will take into consideration when approving the application:

- 1) Access- The access to the plot is off Broomhill road, a fast, busy cut through road frequented by high and heavy goods vehicles avoiding the low bridge on Station Road. The size of the three properties compared to the size of the driveways will mean vehicles reversing onto this busy road, on the brow of a hill, where vision of oncoming traffic is obscured. The size and number of properties proposed will attract a minimum of 6 vehicles which will encourage visitors to park on the road causing further obstructions and dangers to traffic. Although Broomhill road is a 30mph stretch, our experience from living directly next to the road for almost a year has shown that many motorists travel well over the 30mph limit which again causes concerns of safety if vehicles are reversing onto/off the main road.
- 2) Height - It is difficult from the outline proposals to see how high the properties will sit in comparison to ground level and also what windows will be included on the gable and side of the building which will more than likely compromise the privacy of our property.
- 3) Drainage - We would like assurance that the drainage to/from the properties will be managed adequately to ensure no increase risk of flooding to our property or drainage issues. Levels of the drive and surface water could raise an issue as well.

- 4) Privacy - As in point 2 windows overlooking our garden would impact on our privacy so too will the removal of the conifer hedge. Raising the drive level will mean that we will have car lights beaming towards our property above the fence from both people parking on the drive and driving past due to the removal of the conifers. The removal of the conifers will also enable walkers on the path of Broomhill road to have a better view of our garden, its contents and rear windows.
The properties to the bottom of the development having had open gardens and hillside as their outlook will have 3 significant properties overshadowing them and we would like assurance that every property has been consulted in this development.
- 5) Similar developments in the area - Developments along Broomhill road in similar positions to the proposal all have access from the side street and the properties have been set at ground level to lessen the impact to surrounding properties. Whilst the development will offer 3 prestigious properties with large gardens and wonderful views of Chesterfield and beyond, with a sunset to enjoy, it will impact on many of the surrounding properties who have enjoyed similar features for many years and now will be blighted by such a large development.

Considerations –

- 1) To reduce the height of the properties (e.g dorma bungalows)
- 2) To reduce the number of properties and provide a longer drive access.
- 3) To provide traffic calming measures (humps) to reduce the speed of the traffic along Broomhill road.
- 4) To raise the rear fence of our property to obscure the impact of vehicle lights through our windows and passers by being able to overlook our garden.
We appreciate your co-operation so far and understand that the plans in place at the moment are very early stages and many things could change. We do hope that our concerns above are taken into account when moving onto reserve matters.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **CONCLUSION**

- 9.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. 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 drainage, flood risk, land condition and contamination.

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be approved subject to the following:

Conditions

Time Limit etc

01. Approval of the details of the scale and external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

03. 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.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

Drainage

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

Reason - In the interest of satisfactory and sustainable drainage.

05. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

Site Investigations / Contamination / Noise

06. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be

required, have received the written approval of the Local Planning Authority.

- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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

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

Reason - In the interests of residential amenities.

Ecology

08. Prior to the commencement of development details of ecological enhancement measures that shall include details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the LPA. Replacement native tree planting should also be included, along with other ecologically beneficial landscaping. Such approved measures shall be implemented in full and maintained thereafter.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

09. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

10. No open trenches or holes should be left open overnight to ensure that mammals such as badger, fox or hedgehog are not trapped. If the holes or trenches cannot be back filled then a ramp should be installed to allow animals to escape.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against in accordance with policy CS9 and the National Planning Policy Framework.

Others

11. Concurrent with the first reserved matters submission the application shall be accompanied by a design statement which sets out how and where the development will incorporate electric vehicle charging facilities. Only those details which receive subsequent approval shall be implemented, as approved, and retained in perpetuity.

Reason – In the interests of promoting the use of more sustainable methods of transportation in accordance with policy CS20 of the Core Strategy.

12. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

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

13. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.
Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

Highways

14. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, 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.

15. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of all vehicular accesses to Broomhill Road which should comprise of exit visibility sightlines of 2.4m x 47m, gradients of no more than 1 in 15 and the details of should include details of any retaining structures where they are to be located within 4m of the carriageway edge. The approved scheme shall be implemented in full prior to any works commencing on site including site clearance.

Reason – In the interests of highway safety.

16. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of an appropriate level of on-site parking and turning clear of the public highway. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.

Reason – In the interests of highway safety.

17. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of adequate bin storage and a bin dwell area for use on refuse collection days, clear of the public highway, within

the site curtilage clear of all access, parking and turning provision. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.

Reason – In the interests of highway safety.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. 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.

Highways

04. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
05. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).
06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & 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 email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.
07. The applicant is advised to use a solid bound material for driveways and parking spaces for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto the highway/footpath in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.

08. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management on 01629 538686.

Drainage

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

Coal Mining Risk

10. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com