

Case Officer: E. Casper
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ITEM 1

ERECTION OF DETACHED HOUSE WITH INTERNAL GARAGE (COAL MINING RISK ASSESSMENT RECEIVED 13.03.2019 AND REVISED SITE PLAN RECEIVED 14.03.2019) AT LAND ADJACENT TO 392 ASHGATE ROAD, CHESTERFIELD FOR MR ROGER MYDDELTON

Local Plan: Unallocated
Ward: West
Plot No: 2/2673, 2/308

1.0 CONSULTATIONS

Ward Members	No comments received
Strategy/Forward Planning	Comments received – see report
Environmental Services	Comments received – see report
Design Services Drainage	Comments received – see report
Yorkshire Water Services	No comments received – see report
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Neighbours	1 representation received – see report

2.0 THE SITE

- 2.1 The site subject of this application is located on the south side of Ashgate Road and the plot currently forms part of the garden curtilage of No 392 Ashgate Road. The site is largely rectangular in shape measuring approximately 37m in length and 17m in width. The site is bound by residential dwellings and the surrounding

streetscene (on the south side of Ashgate Road) is predominately formed of 2 storey dwellings which are mixed in age and character.

- 2.2 The site is largely laid to lawn and is set at a lower level than Ashgate Road highway. No 2 and No 4 The Dell occupy an elevated position of approximately 0.5m to 1m above the application site. Existing boundary treatments consist of a stone wall to the northern boundary and a conifer hedge to the southern boundary. The western boundary is formed of brick wall with attached timber fence and a beech hedge.
- 2.3 The site contains 6 trees covered by Tree Preservation Order 4901.7 Ashgate Road/Slack Lane/Old Road including The Dell (1972), comprising of 1 Lime (T10) and 5 Pine Trees (Group 1). The mature lime is located in the north western corner of the plot and the group of Pines form a row running north to south, adjacent to the eastern boundary of the site.
- 2.4 Consent was granted for a four bedroom house on the site in 1972 as part of a larger housing development known as Plot 1, The Dell (see application reference CHE/1271/25). In 2002 an application was refused for a larger detached property which included the removal of protected trees (see application reference CHE/0402/0226).



Photo taken facing west



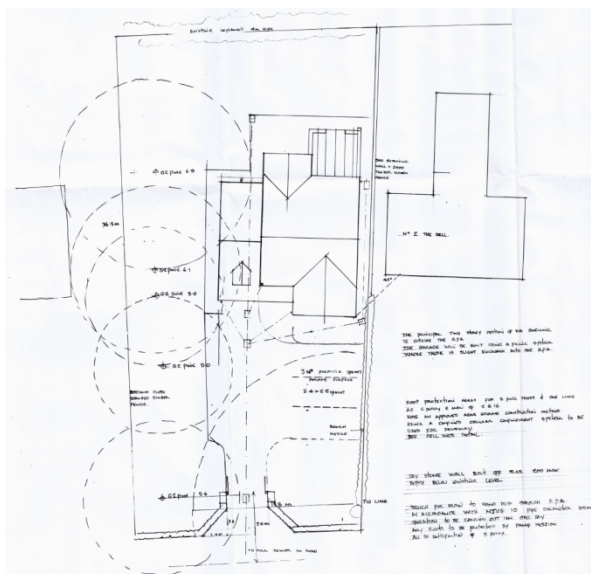
Photo taken facing east

3.0 RELEVANT PLANNING HISTORY

- 3.1 CHE/1271/25 – Residential Development – **GRANTED (1972)**
- 3.2 CHE/0402/0226 - Detached two storey house with double garage at Land Adjacent to 392 Ashgate Road – **REFUSED (14.01.2003)**. Appeal submitted (reference APP/A1015/A/03/1121605) – **APPEAL DISMISSED (31.03.2004)**

4.0 THE PROPOSAL

- 4.1 The application seeks consent for the erection of one residential dwelling on the site. The proposal consists of a 2.5 storey property four bedroom property, with internal garage. To accommodate the protected trees on site the dwelling is situated adjacent to the western boundary of the site. The proposal will largely infill the existing building line on the south side of Ashgate Road.
- 4.2 The footprint of the proposal measures a maximum of 10.1m x 13.8m overall, set back approximately 16m from Ashgate Road highway. Revised plans submitted on 14.03.2019 show the driveway located centrally in the existing stone wall and the provision of three off-street parking spaces.



Proposed site layout - extract of Drawing No: 18/731 2. Revision B

- 4.3 The proposed dwelling is formed of a dual pitched roof with intersecting gable feature to the principle (north) and rear (south) elevations. The property measures 9m to the ridge and approximately 5.3m to the eaves. The proposal will provide private

amenity space which significantly exceeds the minimum recommended requirement of 90sqm for a 4+ bedroom property. The site plan suggests a timber fence will form the eastern boundary of the site, full details of soft landscaping have not been provided.



Proposed streetscene - extract of Drawing No: 18/731 2.Revision B

4.4 Internally the ground floor of the proposed dwelling comprises of a lounge served by a bay window within the principle (north) elevation, dining room and adjoining conservatory with french doors in the south elevation leading onto the rear garden. A kitchen with separate utility room, are both served by windows facing the rear garden with access to the integral garage. The first floor of the proposal consist of three bedrooms, one with en-suite and a bathroom above the garage served by a dormer window in the principle elevation. Two additional windows are proposed within the principle elevation at first floor level serving the master bedroom and landing space. A fourth bedroom is proposed within the roofspace served by a roof light within the south roof plane. No windows are proposed within the side (east and west) elevations. Overall the proposal will provide an acceptable provision of living accommodation, reflecting the size and scale of surrounding properties.

4.5 The application submission is supported by the following plans / documents:

- Site Plan, drawing number 18/731 2. Revision B
- Plans and Elevations, drawing number 18-731-01
- Application form
- Tree Impact Assessment; Proposed development at the vacant plot adjacent to 392 Ashgate Road, produced by Anderson Tree Care (dated 07.01.2019)
- Draft Tree protection method statement proposed development at the vacant plot adjacent to 392 Ashgate Road, produced by Anderson Tree Care (dated 10.01.2019)

- Tree location plan (not to scale), produced by Anderson Tree Care (dated January 2019)
- Coal Mining Risk Assessment produced by Eastwood & Partners reference CAT/RW/GCB/43718-001 (dated 11.03.2019)

The application is assessed on the basis of the above documents

5.0 CONSIDERATIONS

5.1 Planning Policy Background

- 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
- CS4 Infrastructure Delivery
- CS6 Sustainable Design
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity
- CS10 Flexibility in Delivery of Housing
- CS18 Design
- CS20 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (February 2019)
- SPD 'Successful Places: A Guide to Sustainable Housing Layout and Design' (adopted July 2013)

5.4 **Key Issues**

- Principle of development (section 5.5)
- Design and appearance of the proposal (section 5.6)
- Impact on neighbouring residential amenity (section 5.7)
- Highways safety and parking provision (5.8)
- Flood risk and drainage (5.9)
- Coal Mining Legacy (5.10)
- Impact on protected trees (5.11)

5.5 **Principle of Development**

Relevant Policies

- 5.5.1 Policy CS1 states that *‘The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.’*
- 5.5.2 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.’*
- 5.5.3 Policy CS10 states that *‘Planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a 5-year supply of deliverable sites and where:*
- a) they accord with the strategy of ‘Concentration and Regeneration’ as set out in policy CS1 and the criteria set out in policy CS2; or*

b) a specific housing need can be demonstrated that can only be met within a particular location'

5.5.4 The Strategy Planning Team (Forward Planning Team) were consulted on the proposal and provided comments on the principle of development with respect to planning policy (see paragraphs 5.5.5 to 5.5.10 below)

5.5.5 **Summary Comment**

The site appears to be the former 'garden' of an existing dwelling and therefore the site would not fall within the definition of previously developed land (PDL) in Annex 2 of the NPPF.

5.5.6 **Local Plan - Spatial Strategy**

*The main policy considerations relating to the principle of development are Core Strategy policies **CS1**, **CS2** and **CS10**. Policy **CS1** requires that new development be within walking and cycling distance of centres. The nearest Local Centre (Loundsley Green) is within a 15 minute walk and cycle journey of the proposed dwelling and nearby bus routes provide access to Chesterfield Town Centre. The proposal accords with five of the seven criteria within Policy **CS2** (the exceptions being on previously developed land delivering wider regeneration benefits). Policy **CS10** states that "planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites." As the council is currently able to demonstrate a five year supply of deliverable housing sites, policy **CS10** would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots.*

*The proposal would not accord with policy **CS10** and criterion (b) of **CS2** due to it not being situated on previously developed land. However, the proposal is in accordance with the Spatial Strategy and policy **CS1** and meets the majority of criteria in policy **CS2**. It seems reasonable to give greater weight to policy **CS1** in this particular instance, having regard to the small scale of the proposed development, its location within the built up area and the degree to which it otherwise meets the requirements of **CS1** and **CS2** and the NPPF.*

5.5.7 **Biodiversity**

Policy CS9 requires that development enhance biodiversity. Additionally, the NPPF highlights that the planning system should aim to achieve 'net gains for biodiversity' (para 170). There are opportunities here to incorporate elements into the design to encourage bird and/or bat roosting. Advice should also be sought from the borough's Trees Planning Officer in relation to the TPOs on site.

5.5.8 **Other Considerations:**

Although the government has removed the Code for Sustainable Homes, the proposal must still set out how the development will meet criteria a to d of policy CS6. The application details do not appear to have addressed these issues directly. Additionally, policy CS7 requires the use of Sustainable Drainage techniques. Core Strategy policy CS20 expects development to demonstrate the provision of opportunities for charging electric vehicles where appropriate. Provided there are no overriding material considerations such as viability, a charging point should be secured by condition as required by policy CS20.

5.5.9 **Infrastructure and Planning Obligations**

Should the development receive permission it would be liable for CIL at £80 per m² as it sits within the High charging zone. CIL exemptions can be applied for in relation to self-build (which must be applied for prior to commencement of any development).

5.5.10 **Summary**

The development does not fully meet the requirements of Policies CS1 and CS2. However, when taking into account the small scale of residential development and proximity of some services, the principle of development can be considered to be acceptable subject to the proposal fully meeting the criteria in Policy CS18 and ensuring provision in accordance with policies CS6, CS7, CS9 and CS20.

Principle of Development

- 5.5.11 The application site is situated within the built settlement of Ashgate. The area is predominantly residential in character therefore policies CS1, CS2, CS10 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.

- 5.5.12 It is acknowledged that the proposal does not fully meet the requirements of policies CS1 and CS2. Policy CS10 refers to the development of unallocated ‘greenfield land’ as being inappropriate whilst the Council is able to demonstrate a deliverable 5 year supply of housing land. It is clear that domestic gardens are excluded for the definition of previously developed land and it follows therefore that they are regarded as greenfield. It is clear however that infill plots within established residential areas which are sustainably located and meet the objectives of concentration of development should not be resisted necessarily on the basis of the strict definitions in the policy. Policy CS10 must be read in combination with policy CS1 which sets out that the overall approach to growth which is desirable will be to concentrate new development within walking and cycling distance of centres. Taking into account the modest scale of development, infill nature of the proposed development and relative proximity to some services with access to bus routes in and out of Chesterfield, on this basis the proposal is considered to be sustainably located and is acceptable.
- 5.5.13 Comments received from the Strategy Planning Team also reference policy CS6 and suggest that the applicant should set out how the proposed development will meet criteria a to d of this policy. Local Plan policy CS6 requires that residential development meets level four of the Code for Sustainable Homes (Level 5 will be required if built from 2017), however following the Deregulation Act and removal of the Code for Sustainable Home, this is no longer a requirement that can be applied. Criteria a to d of policy CS6 are now covered by different legislation, predominately Building Regulations. It is therefore not considered necessary to require the applicant to submit further information to satisfy policy CS6 to the proposal.
- 5.5.14 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the sections 5.6 and 5.7. Electric charging points (CS20) will be discussed in section 5.8. Consideration of issues relating to drainage (CS7) will be discussed in section 5.9. Impacts on protected trees/biodiversity (CS9) covered in section 5.11.

5.6 Design and Appearance of the Proposal

Relevant Policies

- 5.6.1 Policy CS18 (Design) states that *‘all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context’* and development should have *‘an acceptable impact on the amenity of users and neighbours.’*
- 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 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.
- 5.6.4 The design of the proposed dwellings shows consideration to the context of the area and there is variation within the immediate streetscene. The plans indicate that the proposed dwelling would be constructed using red brick with stone dressing and a dual pitched pitched roof formed of dark grey plain tiles. It is considered that the proposed materials would be appropriate within the streetscene. It is recommended that formal clarification of the specific brick type and roof tiles be controlled by condition.
- 5.6.5 The ‘Successful Places’ SPD indicates that a new four bedroom dwelling would require a minimum of 90 Square Metres of outdoor amenity space. This level of provision would be comfortably accommodated on the site and is therefore considered to be acceptable.
- 5.6.6 The submitted revised site plan shows a timber fence to the eastern boundary of the site, although it is unclear from drawings the overall height proposed. Full details of landscaping and boundary treatments have not been provided. As such, it is considered that a condition should be imposed requiring the submission of these details.

- 5.6.7 The proposal is considered to be acceptable in overall scale, massing and height. Having consideration for the observations above the proposal is considered to be acceptable with respect to layout and design and would not result in significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 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.'*
- 5.7.2 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.3 The application site is bound by residential dwellings. No 392 Ashgate Road directly adjoins the site to the east, No 4 The Dell is situated to the south and No 2 The Dell is situated to the west. Nos 335, 337 and 341 Ashgate Road face the site to the north, situated on the opposite site of Ashgate Road highway.
- 5.7.4 Due to the siting and orientation of the proposal, potential impacts are considered to be directed towards Nos 2 and 4 The Dell and No 392 Ashgate Road.

No 2 The Dell

- 5.7.5 No 2 The Dell is a detached two storey dwelling situated to the west of the site. The property occupies an elevated position with respect to the application site. The boundary between the application site and No 2 is formed of a brick wall with closed boarded timber fence. The existing boundary treatment is considered to screen the conservatory and windows within the side (east) elevation at ground floor level. A small secondary window is present with the side (east) elevation at first floor level. An east facing obscurely glazed dormer is located within the eastern roof plane, set back from the shared boundary.



Photos taken facing west and north west towards No 2 The Dell

- 5.7.6 No windows are proposed within the side (west) elevation facing towards No 2, therefore potential adverse impacts of overlooking are considered to be minimal.
- 5.7.7 Due to the orientation and siting of the development it is accepted that the proposal will result in a degree of overshadowing. The first floor window in the side (east) elevation is considered to be a secondary source of light to the first floor room. The ground floor windows and conservatory structure are largely screened by the existing timber fence boundary treatment. The two storey mass of the proposal projects 1.1m further south than the two storey side elevation of No 2 and projects 3.1m further north than the principle elevation of No 2. The intersecting two storey gable to the southern elevation is set away from No 2 towards the eastern boundary. On the basis of the observations listed above, on balance potential adverse impacts of overshadowing are not considered to be significant enough to warrant a refusal.

No 4 The Dell

- 5.7.8 No 4 The Dell is a two storey detached dwelling situated to the south of the site. The principle elevation of the property is orientated towards The Dell highway to the west, and the gable end of the property faces towards the application site. A conifer hedge and the gable wall of the detached garage serving No 4 forms the shared boundary. Two secondary windows are present at ground floor level within the side (north) elevation of No 4 which are largely screened by the existing conifer hedge. No 4 occupies an elevated position with respect to the application site.



Photos taken facing south and south west towards No 4 The Dell

- 5.7.9 A separation distance of approximately 14.5m is proposed between the rear first floor windows of the proposed dwelling and the side elevation of No 4. Due to the variation in land levels, secondary nature of the windows and existing boundary treatments, potential adverse impacts of overlooking are not considered to be significant enough to warrant a refusal. The Agent also confirmed that the proposed roof light in the southern roof plane of the dwelling would be installed 1.7m above internal floor level to prevent overlooking. It is recommended that this is controlled by condition.

No 392 Ashgate Road

- 5.7.10 No 392 Ashgate Road is a two storey detached dwelling situated to the east of the application site. The dwelling is served by three windows in the side (west) elevation, one at ground floor level and two within the west facing first floor dormer. A beech hedge and row of protected trees runs from the north to the south of the site along the eastern boundary.



Photos taken facing east and north east towards No 392 Ashgate Road

- 5.7.11 No windows are proposed within the side (east) elevation of the proposed dwelling facing towards No 392, therefore potential adverse impacts of overlooking are considered to be minimal. Due to the existing protected trees and separation distance between the proposed dwelling and No 392 potential adverse impacts of overshadowing are also considered to be minimal.
- 5.7.12 The Environmental Health Officer was consulted on the proposal and requested 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.
- 5.7.13 Based on the observations listed above and subject to the inclusion of a condition controlling the internal cill height of the proposed roof light, the proposal is considered to accord with the provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

5.8 Highway Safety, Parking Provision and Air Quality

- 5.8.1 Core Strategy Policy CS20 requires development proposals to provide appropriate parking provision in accordance with guidance set out in Appendix G (part c) and requires the installation of electric charging facilities (part e).
- 5.8.2 The application submission has been reviewed by the Local Highways Authority and the following comments were provided;
- 5.8.3 *The above application has been forwarded to this Authority for highway considerations and I have the following comments to make :-*
The integral garage is of insufficient internal dimensions and should be increased to a minimum 3m x 6m. In addition, as submitted it is considered that there would be insufficient space for the parking of a vehicle and the door to open into the garage.
- 5.8.4 *Subject to a revised plan being submitted taking the above into account, there are no objections to the proposal and it is*

recommended that the following conditions are included in any consent.

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

2. The proposed dwelling shall not be occupied until space has been laid out within the site curtilage in accordance with the revised drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the parking and manoeuvring shall be maintained free from any impediment to their designated use for the life of the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

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

5. The proposed access/driveway to Ashgate Road shall be no steeper than 1:14 over its entire length.

5.8.3

In so far as 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). Infrastructure for electric charging points be installed as part of the build phase and controlled by condition.

- 5.8.4 It is recommended that a condition requiring the provision and maintenance of acceptable visibility sightlines, retention of off-street parking provision and prevention of gates or barriers be attached to the decision. Given that the proposed integral garage is not large enough to be classified as a parking space and 3 separate spaces will be provided it is not considered necessary to also require the garage to be retained as a parking space.

5.9 Flood Risk and Drainage

- 5.9.1 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.
- 5.9.2 Design Services (Drainage) were consulted on this application and provided the following comments; *Regarding the application above; 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. It is noted that the applicant intends to connect to the main public sewerage system. Both public surface water and foul sewers are present in the public highway; this will require prior approval from Yorkshire Water.*
- 5.9.3 Yorkshire Water were consulted on the proposal, no comments were received.
- 5.9.4 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy. It is recommended that a condition requiring the submission and approval of a scheme for surface water run-off limitation be attached to the decision.

5.10 Land Quality and Coal Mining Legacy

- 5.10.1 Core Strategy Policy CS8 states that *'The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality.'* Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the planning application site lies in an area covered by the Coal Authority's referral area and as such it was necessary to consult The Coal Authority on the proposal.

- 5.10.2 The application site is located within an area defined as a referral zone and as such requires consultation with The Coal Authority and the submission of a Coal Mining Risk Assessment. The Coal Authority were consulted and initially objected to the proposal due to the lack of a Coal Mining Risk Assessment. A Coal Mining Risk Assessment was subsequently produced by Eastwood & Partners and the Coal Authority were re-consulted.
- 5.10.3 On the 21.03.2019 The Coal Authority provided the following revised comments;
‘As you are aware 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 a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.’
- 5.10.4 *‘The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (March 2019, prepared by Eastwood and Partners) to accompany the planning application. The report correctly identifies the above risks and states that ‘To establish the depth and condition of the Threequarters Coal, given it is likely to be so close to the surface at the site, it is considered that the excavation of trial pits will be appropriate to determine this.’*
- 5.10.5 *‘For the deeper Yard Coal, a rotary borehole investigation is recommended to determine the depth, thickness and presence of any workings within this seam and the Blackshale Ironstone above it. It would be also advisable to confirm the depth, thickness and presence of any workings within the underlying Blackshale Coal at the same time. The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority’s Permitting Team as part of their permit application.’*
- 5.10.6 *The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:*

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.'

5.10.7 *'The Coal Authority Recommendation to the LPA
The Coal Authority concurs 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.'*

5.10.8 *'The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.
In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
A condition should therefore require prior to the commencement of development:
* The undertaking of an appropriate scheme of intrusive site investigations (subject to agreement with the Coal Authority's Permitting Team);
* The submission of a report of findings arising from the intrusive site investigations;
* The submission of a detailed scheme of remedial works for approval; and
* Implementation of those remedial works.
The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above.'***

- 5.10.9 Subject to the imposition of a condition covering the above, the proposal accords with the provisions of policy CS8

5.11 Impact on Protected Trees

- 5.11.1 The application includes trees protected under Tree Preservation Order 4901.7 Ashgate Road/Slack Lane/Old Road including The Dell (1972). The Council's Tree Officer was consulted on the proposal and provided following comments;
- 5.11.2 *'There are 6 trees on the site which are covered by the above mention tree preservation order reference T10 Lime and 5 Pine trees within Group 1. The mature Lime is located in the north-west corner of the plot and the group of Pines are located in a row running from Ashgate Road north to south along the east boundary of the plot of land.'*
- 5.11.3 *'It is proposed to build a detached house which would be built on traditional foundations and internal garage which would be constructed using a piling system within the root protection areas of the retained trees. A new driveway entrance and driveway is also proposed off Ashgate Road as shown on drawing 18/731 2 Rev A by Mitchell & Proctor which would encroach into the RPA's of the Lime and Pine trees.'*
- 5.11.4 *'A tree impact assessment has also been submitted with the application by Anderson tree care dated the 7th January 2019. To facilitate the development some facilitating pruning of the Pine trees will be required to clear the new build with a slight crown reduction on the side branches and a crown lift to removal some lower branches to achieve the same result.'*
- 5.11.5 *'New access and driveway*
It is proposed that a new access is created off Ashgate Road and a curved driveway to the new dwelling. The proposed access is somewhat unnecessarily close to the first Pine tree off Ashgate Road so it is therefore advised that the new access is more central in the boundary wall with a driveway lead straight to the new dwelling. This will avoid any construction near to the Pine and move the proposed new walling for the entrance away from the rooting area of the Pine tree.'
- 5.11.6 *'I totally disagree with the Anderson tree report that the Lime trees RPA should be reduced because the Lime trees height and sides*

will be reduced with pruning. No application for these tree works has been submitted and from the tree report supplied there is no justification for these works other than the dead wood within the crown which could easily be pruned out. A heavy crown reduction of the tree is therefore totally unacceptable and without any justification. Furthermore, a reduction in the size of the tree would not result in the RPA being reduced as the calculations for the RPA and its rooting environment would still remain the same. The revised location for the driveway and entrance as recommended in the tree impact assessment should therefore still take both trees RPA's into account and a recognised 'no dig' above ground construction method used.'

- 5.11.7 *'It is proposed to construct the driveway using a recognised above ground construction method 'no dig' which is achievable as the existing ground level within the site is lower than the highway. Further details of the specifications and a construction method statement should therefore be submitted if consent is granted to the application. It would also be very beneficial if the roadway was constructed first to avoid any compaction within the RPA's by construction traffic and machinery.'*
- 5.11.8 *'There are some concerns that the proposed new walling at the new access will cause some damage to the Pine trees roots for the excavations for the footing so the excavations should therefore be carried out by hand within the RPA's or a traditional dry stone wall base applied with no concrete foundations. Or alternatively the proposed new sections of the wall removed from the design. Either way, more details should be provided of the construction method or the access design revised.'*
- 5.11.9 *'Drainage*
It is proposed that the drainage system is connected to the mains sewer off Ashgate Road. This drainage run will run through the RPA's and may impact on the trees rooting system and rooting environment. Further details and a method statement should therefore be provided of how the applicant is proposing to install this without impacting on the trees rooting system.'
- 5.11.10 *'Tree protection measures*
A draft tree protection method statement has been provided however the specific details of how the trees will be protected during any ground stripping and construction have not been

included and it is proposed that these are submitted if consent is granted to the scheme. A condition as detailed below should therefore be attached for the tree protection measures and a scaled tree protection plan submitted and approved before any construction activity takes place on the site.

The development site is restricted with the retained trees but the design has avoided any major impact and with good tree protection measures the proposed development could be achieved. I therefore have no objections to the application as long as the following conditions are attached if consent is granted to the application.'

5.11.11 **Conditions**
Tree Pruning

1. *Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.*

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Tree protection

2. *Prior to the commencement of the development hereby approved (including land clearance and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.*
Specific issues to be dealt with in the TPP and AMS:
 - a) *Location and installation of services/ utilities/ drainage. Details should include the methodology of how the services will be installed which run through the root protection areas.*

- b) Details of construction within the RPA that may impact on the retained trees. This should include details and cross sectional drawing of the piling system and include existing and proposed levels. Details of the proposed new walling at the access off Ashgate Road should also be submitted.*
- c) a full specification for the installation of boundary treatment works.*
- d) a full specification for the construction of any access, parking areas and driveways, including details of the no-dig specification and extent of the areas of the parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. This should also include details of the proposed new walling at the access off Ashgate Road.*
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.*
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing on a scaled plan.*
- g) a specification for scaffolding and ground protection within tree protection zones.*
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.*
- i) details of site access and the location of temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires*
- j) Boundary treatments within the RPA*
- k) Methodology and detailed assessment of root pruning (if required)*

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site

and locality in pursuant to section 197 of the Town and Country Planning Act 1990

Landscaping (Soft and Hard)

3. *Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:*
- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:*
 - b) proposed hardstanding and boundary treatment:*
 - c) a schedule detailing sizes and numbers of all proposed trees/plants*
 - d) Sufficient specification to ensure successful establishment and survival of new planting.*

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with (Insert relevant policies here).

- 5.11.12 On receipt of a revised site plan the Tree Officer was re-consulted and provided the following comments; *'Further my comments of the 20th February 2019. A revised drawing 18/731 2 Rev B titled 'site plan' has now been submitted showing the relocation of the driveway and access and specification for the 'no dig' construction of the driveway and boundary wall where it encroaches into the RPA's of the retained trees of the above mentioned tree*

preservation order. Details have also been provided of the method to be used for the trenching off Ashgate Road for the sewer pipe. The details submitted are acceptable and avoid any impact on the retained trees. The development should therefore be implemented in strict accordance with the approved details if consent is granted to the application and conditions attached for Tree Protection, Landscaping and Tree Pruning as detailed in my previous comments of the 20th February 2019.'

- 5.11.13 Subject to the imposition of conditions covering the above, the proposal accords with the provisions of policy CS9.

5.12 Community Infrastructure Levy (CIL)

- 5.12.1 The application proposes the creation of new dwellings and the development is therefore CIL Liable.
- 5.11.2 The site the subject of the application lies within the high CIL zone (£80/sqm) and therefore the CIL Liability would be based on the calculations of gross internal floor space on this basis.

		A	B	C	D	E
Development Type	Proposed Floor space (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Residential (C3)	207	207	£80 Medium Zone	307	288	£17,652.50

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) = CIL Charge (E)

BCIS Tender Price Index (at date of Charging Schedule) (D)

$$\underline{207 \times 80 \times 307} = \underline{\underline{£17,652.50}}$$

288

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by neighbour notification letters sent on 29.01.2019, deadline for responses 19.02.2019. One letter of representation has been received as a result.

No 4 The Dell

6.2 *'To confirm our conversation, though we don't have any major objection to a house being built on the land, we would be grateful if you could ensure that the proposed property cannot in any way look into our back garden and into the two downstairs windows (kitchen and dining room) to the north side of our property. Also, the plans state that the Leylandii hedge is 4 metres high. However, it has since been reduced to 2 metres by Mr Myddelton.'*

6.3 **Officer comments – the above comments have been noted. Discussion on the potential impacts on the amenity of the occupants of No 4 The Dell – see section 5.7.8 and 5.7.9.**

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

9.0 CONCLUSION

- 9.1 Overall the proposal is considered to be acceptable in design and appearance terms. The proposed dwelling 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 provide adequate parking arrangements and would not result in highway safety concerns. 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 served in line with paragraph 5.12 above.
- 10.2 That the application be **GRANTED** subject to the following conditions and notes:

Conditions

1. 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 Compulsory Purchase Act 2004.

2. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
 - Site Plan, drawing number 18/731 2. Revision B
 - Plans and Elevations, drawing number 18-731-01
 - Application form
 - Coal Mining Risk Assessment produced by Eastwood & Partners reference CAT/RW/GCB/43718-001 (dated 11.03.2019)

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.

3. 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

Reason - In the interests of residential amenities.

4. The proposed dwelling shall not be occupied until the 3 car parking spaces shown on 'Site Plan' Drawing Number 18/731 2. Revision B (dated March 2019) are provided and thereafter shall be retained permanently for domestic car parking maintained free from any impediment to their designated use for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
5. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it

can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

6. No gates or other barriers shall be erected across the driveway.

Reason – in the interests of highway safety

7. Prior to the occupation of the dwelling, new vehicular and pedestrian accesses shall be formed to Ashgate Road in accordance with the revised drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason – in the interests of highway safety

8. 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. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason - To ensure that no drainage discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings and to prevent additional development within the root protection area of the protected tress

10. 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

Reason – To fully establish the presence and/or coal mining legacy and to ensure that the site is remediated if necessary to an appropriate standard prior to any other works taking place on site.

11. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning

works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 12.** Prior to the commencement of the development hereby approved (including land clearance and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage. Details should include the methodology of how the services will be installed which run through the root protection areas.
- b) Details of construction within the RPA that may impact on the retained trees. This should include details and cross sectional drawing of the piling system and include existing and proposed levels. Details of the proposed new walling at the access off Ashgate Road should also be submitted.
- c) a full specification for the installation of boundary treatment works.
- d) a full specification for the construction of any access, parking areas and driveways, including details of the no-dig specification and extent of the areas of the parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. This should also include details of the proposed new walling at the access off Ashgate Road.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing on a scaled plan.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access and the location of temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Methodology and detailed assessment of root pruning (if required)

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality in pursuant to section 197 of the Town and Country Planning Act 1990

- 13.** Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
 - b) proposed hardstanding and boundary treatment:
 - c) a schedule detailing sizes and numbers of all proposed trees/plants
 - d) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees

unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality

14. Notwithstanding the details shown on the approved plan Plans and Elevations, drawing number 18-731-01 the roof light proposed in the southern roof plane facing towards No 4 The Dell to the south, shall only be fitted with a cill height above 1.7m high (measured internally) and shall thereafter be retained as such in perpetuity.

Reason – in the interests of the amenity of the adjoining neighbours

15. Before 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.

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. 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. The proposed accesses/driveways to Ashgate Road shall be no steeper than 1:14 over their entire length.
5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
6. The developer should refer to the Council's 'Minimum Standards for Drainage' guidance in preparing any drainage proposals for submission /consideration
7. 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).
8. 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 & Environment 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/develop

[ment_control/vehicular_access/default.asp](#) , E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

9. 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.
10. 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.