

Case Officer: EC

File No: CHE/19/00383/FUL

Decision date 20th April 2020 (subject to Covid 19 revised procedure)

ITEM 1

DEMOLITION OF THE MODERN WORKSHOP BUILDING, AND ERECTION OF NEW DWELLING WITH ATTACHED 'GRANNY ANNEX' (REVISED DRAWINGS RECEIVED 07.01.2020, 24.02.2020 AND 02.04.2020)

Local Plan: Brimington Local Service Centre

Ward: Brimington North

Plot No: 2/1440

1.0 CONSULTATIONS

Ward Members	No comments received
Strategy/Forward Planning	Comments received – see report
Environmental Services	Comments received, request for land contamination study – see report
Design Services Drainage	Comments received, condition requested for details of drainage – see report
Yorkshire Water Services	No comments required – see report
DCC Highways	Comments received – see report
Neighbours and Site Notice	5 representations received – 4 letters of objection (from 2 neighbouring properties) and 1 letter of support (address unknown) - see report

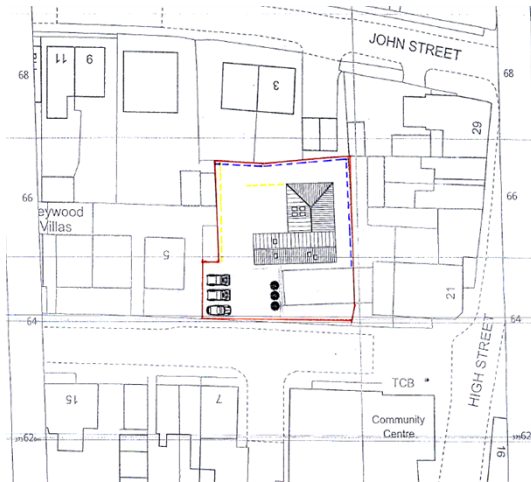
2.0 THE SITE

2.1 The site subject of this application is located on the north side of Heywood Street and is situated within the defined Brimington Local Service Centre. The plot currently consists of a single storey building with modern extension adjacent to the southern boundary and the remaining site area has recently been cleared. The existing building is formed of stone and brick with a clay and

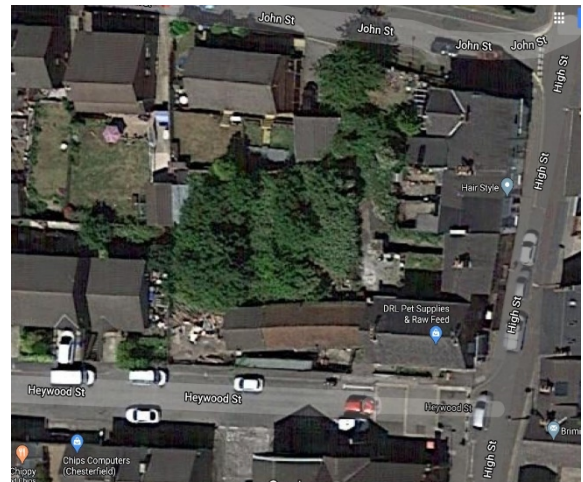
concrete pantile roof. The building is used as a joinery workshop and builders' yard by the applicant.

2.2

The site is largely rectangular in shape measuring approximately 675 m² (0.0675 hectares) overall including the existing workshop building. Historical aerial imagery suggests the land to the north of the existing building was relatively overgrown (see aerial photo below).



Proposed revised site layout plan



Aerial photo taken from Google ©



Photo taken from Heywood Street facing north towards the existing site access and towards John Street



Photo taken from within site facing west towards the rear of buildings on High Street, showing site clearance

2.3

The surrounding streetscene is varied in character. Residential dwellings are located to the north, west and south west. To the east of the site is the High Street which features a mix of uses including retail units and residential premises. Brimington Community Centre is located directly to the south of the site. The

architectural character of streetscene predominately consists of two storey buildings which are varied in age and design. A small single storey sandwich shop known as 'Brimington Butty's' directly adjoins the eastern elevation of the existing workshop building, separated by a small gated access believed to provide access to the rear of buildings on High Street. Existing boundary treatments comprise of brick walls which vary in height.

- 2.4 The land level of the site is elevated in respect of residential dwellings on John Street to the North and as a result the first floor windows of Nos 3 and 5 John Street look out across the application site (see photo below).



Photo taken from the application site facing north towards Nos 3 and 5 John Street

- 2.5 The site is located in an area considered to be at low risk of flooding (as defined by the Environment Agency) and is not considered to be at high risk of coal mining legacy (as defined by The Coal Authority) therefore 'standing advice' is applicable.

3.0 RELEVANT SITE PLANNING HISTORY

- 3.1 None relevant

PLANNING HISTORY OF SURROUNDING SITES

- 3.2 CHE/11/00540/COU - Change of use from tattoo studio to butchers shop at 21 High Street, Brimington – **CONDITIONAL PERMISSION (03.10.2011)**
- 3.3 CHE/04/00291/FUL - 2 no 3 Bed Townhouses and garages as revised by drawings 01A,02A,03 and 04 received on 10th February

2005 and the letter dated 10th March 2005 – car park John Street
(CONDITIONAL PERMISSION 18.04.2005)

- 3.4 CHE/1187/0656 - Permission for erection of a detached house with garage on land at Heywood Street Brimington Chesterfield for Lanerange Developments Ltd - **CONDITIONAL PERMISSION (24.12.1987)**
- 3.5 CHE/1187/0657 - Permission for 2 semi - detached houses with garages on land at Heywood Street Brimington Chesterfield for Lanerange Developments Ltd - **CONDITIONAL PERMISSION (22.12.1987)**
- 3.6 CHE/0785/0501 - Permission for residential development at Heywood Street Brimington for Mr. A. Bullimore - **CONDITIONAL PERMISSION (26.11.1985)**

4.0 THE PROPOSAL

- 4.1 The application seeks consent for the erection of one residential dwelling on the site with adjoining 'granny annexe'. To accommodate the dwelling the modern brick built extension to the existing building will be demolished. The extension to be demolished measures approximately 5m x 5m in footprint.
- 4.2 The proposal consists of a 2 storey, 3 bedroom property, formed of an 'L-shaped' footprint' with adjoining single storey structure. The two storey structure measures 13.95m in length and 5m in width, formed of a dual pitched roof measuring 4.3m to the eaves and 5.8m to the ridge. The proposal features a horizontal ridge line which reflects the character of the existing workshop building. The single storey structure adjoins the northern elevation of the main building and measures 8m x 8m in footprint, formed of a hipped roof measuring 2.6m to the eaves and 4m to the ridge. Overall, the footprint of the proposed new dwelling measures 177 square metres.
- 4.3 To prevent overlooking to the north at first floor level the proposal features one bathroom window which could be installed obscurely glazed and a high level roof light. A single window is shown in the north elevation of the single storey structure, shown to be 1.5m above floor level. The east and west elevations of the two storey structure incorporate feature semi-circle windows at first floor level,

serving an en-suite bathroom and bedroom 1. First floor windows have been retained within the southern elevation facing Heywood Street and the Community Centre. The existing single storey workshop building is considered to provide a degree of screening. Additional information has been provided regarding screening and boundary treatments including the provision of additional solid screen fencing to prevent overlooking.

- 4.4 Revised plans show the provision of 3 off-street parking spaces and an area of landscaping to the frontage. The off-street parking will be accessed from the existing entrance point on Heywood Street. The proposal will provide private amenity space which significantly exceeds the minimum recommended requirement of 70sqm for a 3 bedroom property.
- 4.5 Internally the ground floor of the proposed dwelling comprises of an entrance hall with downstairs bathroom and separate utility with open plan kitchen/lounge. A separate 'granny annexe' is indicated with a bedroom, en-suite bathroom and an open plan lounge/kitchen. The first floor of the proposal features two bedrooms, each served by an en-suite bathroom and separate walk-in wardrobe serving bedroom 2. Overall, it is considered that the proposal will provide an acceptable provision of living accommodation.
- 4.6 The application submission is supported by the following plans / documents:
- Application form
 - Revised 'Proposed New Dwelling with attached Granny Annex at Heywood Street, Brimington – South Elevation, North Elevation, East Elevation, West Elevation, Section Through Site at the eastern boundary, ground floor plan view and first floor plan view, received 24.02.2020
 - Site Plan (including proposed fencing) received 02.04.2020
 - Site location plan, received 24.02.2020
 - Design and Access Statement

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
- CS15 Vitality and Viability of Centres
- 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 the amenity of adjoining neighbours and future occupants (section 5.7)
- Highways safety, parking provision and air quality (see section 5.8)
- Biodiversity (see section 5.9)
- Flood risk and drainage (see section 5.10)
- Environmental Quality and Land Condition (see section 5.11)
- Community Infrastructure Levy (CIL) (see section 5.12)
- Representations received (see section 6.0)

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 CS15 states that *'New housing will be permitted above ground floors uses or in locations outside the primary retail frontages.'*

Consultee comments

- 5.5.4 To assess whether the principle of development accords with planning policy it was necessary to consult the **Strategy/Forward Planning Team**, the following comments were provided:
- 5.5.5 *'The current development plan for Chesterfield Borough consists of the Local Plan Core Strategy (2013) and the saved policies of the Replacement Chesterfield Borough Local Plan (2006). However, there is also the emerging Local Plan (2018 to 2035) – this is currently being examined and was the subject of hearing sessions in October/November 2019. The Inspectors' initial response has indicated a number of modifications that are currently being consulted on. Weight should be given to the emerging policies in accordance with the criteria of para 48 of the NPPF. Where this is relevant to the determination of this application it is highlighted below.*

The application site is within the boundary of the Brimington Local Service Centre, as identified on the Local Plan policies map.

The site is within easy walking distance of Brimington Centre, which provides a range of services including convenience retail, GP, pharmacy, and library. It is also within a reasonable walking distance of primary education (Henry Bradley Infant and Brimington Junior Schools) and well served by public transport. It is also previously developed land. The application site therefore supports the objectives of the Core Strategy policies CS1, CS2 and CS20 in terms of locating new development where is accessible by a range of modes of transport and will reduce the need to travel.

Policy CS15 allows for new residential development within centres where it outside of primary retail frontages. The NPPF also states at para 85 that planning policies should encourage residential development on appropriate sites. The proposed development site is on the edge of the defined centre, and off the main frontage. It would not result in the potential loss of any retail units so would not result in any likely harm to the vitality or viability of the centre.

I would however note that the adjacent use appears to operate as a café/sandwich shop, including the sale of items such as bacon rolls. Consideration will need to be given (under policy CS8) to issues such as noise and odour, both in terms of the creation of a suitable living environment for new residents, and to avoid the development inhibiting an existing business use though creating a conflict that does not currently exist.

In summary, the principle of development accords with the adopted and emerging spatial strategies. Conditions should be applied covering:

- *A scheme of measures to achieve a net gain in biodiversity*
- *The provision of electric vehicle charging'*

Considerations

5.5.6

The application site is situated within the built settlement of Brimington. The area is mixed in character comprising of residential dwellings and retail units therefore policies CS1, CS2, and CS15 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.

- 5.5.7 Core Strategy Policy CS1 seeks to concentrate new development within walking and cycling distances of centres. The site is within the defined Brimington Local Services Service Centre is therefore in close proximity to a range of services with opportunities for walking, cycling and access to public transport. The site is therefore considered to be sustainably located and accords with the principles of CS1 with regards to the location of the development.
- 5.5.8 Core Strategy Policy CS2 sets out the principles for the location of the development. Part b) requires development to utilise previously developed land. The application site comprises of an existing building, however historical aerial imagery suggests the remaining site area was previously undeveloped therefore it is acknowledged that the proposal does not fully meet the requirements of Core Strategy Policy CS2 part b), however the proposal is considered to accord with the remaining parts a) and c) through to g).
- 5.5.9 Core Strategy Policy CS15 allows for new residential development within centres provided the development is outside the primary retail area. The site is located to the rear of the main high street with a limited functional link to the main retail area and would therefore accord with the provisions of CS15.
- 5.5.10 The proposal is considered to be acceptable in principle however further assessment of key material issues will be discussed in the following sections including impact on the amenity of neighbour/future occupiers, highway safety and parking provision, biodiversity, flood risk and drainage, environmental quality and land condition (covering policies CS2, CS7, CS8, CS9, CS18 and CS20 and Council's adopted SPD 'Successful Places').

5.6 Design and appearance of the Proposal

Relevant Policies

- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 5.6.2 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise,*

odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'

- 5.6.3 The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space and is a material consideration.

Officer assessment and Considerations

- 5.6.4 The surrounding streetscene shows variation in character and architectural style. Materials are predominately brick with examples of render within the immediate streetscene and light painted brick work. The application proposes a building faced in render with grey concrete roof tiles. The type and style of roof tile is not specified, and it is unclear if smooth or pan tiles are intended. It is therefore recommended that formal clarification of specific roofing and walling materials be controlled by condition requiring the submission of additional details prior to ordering.
- 5.6.5 The 'Successful Places' SPD indicates that a new three-bedroom dwelling would require a minimum of 70 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 revised scheme has been designed in response to the constraints of the site. Amendments to the revised scheme reduce the eaves and ridge height of the two storey structure. The internal layout and window placement has been amended to limit potential adverse impacts of overlooking and whilst some windows look out towards the existing workshop building it is not considered to result in an unacceptable impact on the amenity of the occupants as the rooms serve bedrooms and non-habitable rooms only. The main living accommodation will benefit from large bi-fold doors in the northern elevation and a window has been introduced at ground floor level within the south elevation to enable passive surveillance of the parking area and landscaped front garden. Overall the proposal is considered to respond to the constraints of the site and is acceptable in appearance, scale, massing and height.
- 5.6.7 The submitted revised site plan shows a solid timber fence to the western boundary and a solid screen fence adjoining the single storey structure to prevent direct overlooking at ground floor level from the living accommodation and creating a private 'courtyard' area for the occupants. To preserve the amenity of the adjoining

residential dwellings additional trellis fencing is also proposed to the northern and eastern boundaries. Trellis fencing as opposed to solid screen fencing is proposed to prevent an overbearing visual impacts from the elevated fencing and to limit loss of light, particularly to the occupants of Nos 3 and 5 John Street to the north (see section 5.7 for further assessment on the impacts on the amenity of the adjoining neighbours). Full details of all hard and soft landscaping have not been provided therefore, it is considered that a condition should be imposed requiring the submission of these details.

- 5.6.8 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 the Amenity of Adjoining Neighbours and Future Occupants

Relevant Policies

- 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 development must *'k) have an acceptable impact on the amenity of users and neighbours'*
- 5.7.3 The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space and is a material consideration.

Considerations

- 5.7.4 The application site is bound by residential dwellings to the north, west and south west. Birmingham High Street is located to the east of the site and comprises of a mix of uses. Brimington Community Centre is located directly to the south of the site. Due to the siting and orientation of the proposal, potential impacts on the amenity of the neighbours at Nos 3 and 5 John Street, No 5 Heywood Villas Heywood Street and Nos 21 to 27 High Street will be discussed below.

Impact on No 3 and 5 John Street

- 5.7.5 Nos 3 and 5 John Street are a pair of semi-detached dwellings situated to the north of the application. The properties are two storey in character and were built in the mid 2000's. Due to the variation in land levels between Heywood Street and John Street, the first floor windows of Nos 3 and 5 look out across the application site and the gardens and ground floors are at a lower level and are terraced with a large brick retaining wall forming the shared boundary (see photos below).



Photo taken from the rear garden of John Street, showing the variation in land levels



Photo taken from the application site facing north towards Nos 3 and 5

- 5.7.6 The scheme has been amended to address concerns raised regarding potential overlooking. The separation distance between the proposed dwelling and the existing properties is approximately 20m. The 'Successful Places' SPD details recommended separation distances between dwellings and facing windows based on the angle of vision. Good practice is 21m between direct facing windows and 12m between rear and side walls. These are accepted 'rules of thumb' and may be relaxed depending on site context.
- 5.7.7 Due to the variation in land levels it is acknowledged that first floor windows and potentially ground floor windows could result in overlooking to the adjoining neighbours. The scheme was amended to remove first floor windows from habitable rooms, retaining a bathroom window only at first floor level. It is recommended that a condition be imposed requiring the window be installed with obscure glazing and the proposed roof light would be high level and as such would not provide an outlook over

neighbouring properties. The revised scheme also includes a high-level window serving the lounge/kitchen of the 'granny annexe'. It is recommended that a condition be imposed requiring the window be installed 1.7m above internal floor level to prevent overlooking. Additional screening is also proposed including both a solid screen and trellis screen adjacent to the shared boundary. The introduction of a solid screen adjoining the dwelling is considered to restrict elevated views across the site from the proposed bi-fold doors and create a private area for future occupants. The proposed trellis fencing set in from the northern boundary could be enhanced with climbing plants to provide further 'softer' screening and would not be overbearing when viewed from the rear gardens of Nos 3 and 5. Due to the existing separation distance and siting of the proposed development potential adverse impacts of overshadowing are not considered to be sufficient to warrant a refusal.

Impact on No 5 Heywood Villas, Heywood Street

- 5.7.8 No 5 Heywood Villas (Heywood Street) is a detached dwelling situated to the west of the application site. The property is single storey in character when viewed from Heywood Street highway and two storey when viewed from the rear garden due to the variation in land levels. The property is served by patio doors in the side (east) elevation facing towards the application site (see photos below).



Photo taken from facing west towards the side elevation of No 5 Heywood Street



Photo taken from facing west towards the side/rear elevation of No 5 Heywood Street

- 5.7.9 The revised scheme introduces a feature 'semi-circular' window in the side (west) elevation of the dwelling at first floor level. The window serves a bathroom and therefore could be obscurely

glazed to prevent overlooking. Due to the siting and orientation of the proposed dwelling potential adverse impacts of overshadowing are considered to be minimal.

- 5.7.10 To prevent direct overlooking at ground floor level a revised plan has been submitted detailing a solid screen boundary fence adjacent to the western boundary. This is considered to be acceptable.

Impact on Nos 21 to 27 High Street

- 5.7.11 Nos 21 to 27 High Street are located to the east of the application site. The existing boundary treatment comprises of a staggered brick wall (see photos below).



Photo taken from facing south east towards the rear elevation of Nos 21 and 23 High Street



Photo taken from facing north east towards the rear elevation of Nos 25 and 27 High Street

- 5.7.12 The revised proposal incorporates a feature 'semi-circular' window in the side (east) elevation of the dwelling at first floor level serving bedroom 1. Due to the reduced separation distance between the properties it is recommended that a condition be imposed requiring the window be installed obscurely glazed or at 1.7m above internal floor level. It is considered that the windows at ground floor level could be largely screened by the existing brick wall and the introduction of a trellis fencing to prevent direct overlooking as detailed on the revised plan.

- 5.7.13 To protect the residential amenity of the surrounding occupiers it is recommended that a condition be imposed regarding construction work restricting the hours of operation on site '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.

Impact on the amenity of future occupiers

- 5.7.14 The application site incorporates an existing builders yard/workshop and as such it is recommended that a condition be imposed requiring the residential development be linked to the ownership and operation of the workshop/builders yard, preventing selling or letting off of the building.
- 5.7.15 The application site is adjoined to a small sandwich shop known as 'Brimington Buttys'. The potential impact of fried food for example must be considered as to protect the future occupiers from adverse impacts of odour. It is considered however that whilst the policy position is to encourage residential uses within sustainable town centre areas it has to be accepted that such conflicts may occur. The developer and occupants of the proposed dwelling will be fully aware of the proximity to such nearby commercial uses, and the issues they bring, and such a relationship will have been taken on board when deciding to proceed with the scheme. It is also the case that the retail unit is not a 'full blown' hot food takeaway but just a cold food sandwich shop that sells incidental breakfast type sandwiches. The relationship between the commercial use and the new residential development is unlikely to be a problem in the same way that complaints are not generally received from other residential properties located within a similar proximity. Further consideration of potential land quality/contamination issues will be covered in section 5.11
- 5.7.16 Based on the observations listed above and subject to the inclusion of conditions covering the following;
- Fencing/screening
 - Restriction on cill height and obscurely glazed windows in specified locations
 - Hours of work
 - Prevent selling off/letting of associated business

The proposal is considered to accord with the provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

5.8 Highways Safety, Parking Provision and Air Quality

Relevant Policies

- 5.8.1 Core Strategy Policy CS18 states that development will be expected to part 'g) *provide adequate and safe vehicle access and parking*'
- 5.8.2 Core Strategy Policy CS20 states that development proposals should demonstrate the following 'c) ... *appropriate parking provision in accordance with the guidance set out in Appendix G*' and requires the installation of electric charging facilities (part e).
- 5.8.3 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.*'

Consultee comments

- 5.8.4 The **Local Highways Authority** Derbyshire County Council Highways were consulted on the scheme and initially objected to the original submission. A revised scheme was submitted and reviewed by the **Local Highways Authority** and the following revised comments were provided;
- 5.8.5 '*The scheme has been amended by demolishing the existing garage attached to the existing building to relocate the parking provision and essentially provide manoeuvring. Although the plan does not appear to be to scale, it would seem from other drawings that the proposal is feasible.*

It is noted that the proposed dwelling and existing builder's yard are in close proximity and you may wish to consider a condition to tie the two premises together, especially as there is no separate parking provision for the builder's yard. On the basis of the above, there are no objections to the proposal and it is recommended that the following conditions are included in any consent.

1. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods

vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

2. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the revised application 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 spaces shall be maintained free from any impediment to their designated use for the life of the development.

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

4. The proposed premises and the builder's yard shall be maintained as one unit and one shall not be sold off, let, sub-let etc. as a separate unit.

In addition, the following notes shall be included for the benefit of the applicant.

1. 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.

2. 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.'

Considerations

5.8.6

The comments from the Local Highways Authority have been noted. The proposal will provide off-street parking for three vehicles with space for manoeuvring. Appendix G of the Core

Strategy states that for a 3 bedroom dwelling 2 off-street parking spaces should be provided. The proposal therefore exceeds the recommended maximum and provides an additional space which could be utilised for the business on site. Apart from the condition concerning no gates, which already exist, it is recommended that the conditions and informative notes requested by the Local Highways Authority be imposed on the decision. The condition concerning no gates is not necessary on the basis that the access to the site is at the end of a cul de sac and the highway safety concern which would normally arise through the presence of gates does not arise.

5.8.7 In so far as Air Quality, 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 should be installed as part of the build phase and controlled by condition.

5.8.8 Subject to the imposition of the conditions requested above the proposal is considered to accord with the provisions of CS2, CS18 and CS20 of the adopted Core Strategy.

5.9 Biodiversity

Relevant Policies

5.9.1 Core Strategy Policy CS9 Green Infrastructure and Biodiversity states that 'Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance' and the enhancement of the boroughs biodiversity (f).

5.9.2 The NPPF also requires net gains in biodiversity (see paragraph 170 d).

Considerations

5.9.3 The land to the north of the existing workshop building was cleared prior to the Case Officers site visit. Historic aerial imagery suggests the site was previously overgrown and it is acknowledged that the site likely provided a wildlife habitat. It is considered that there is scope for new planting within the proposed garden area, including potential for wildlife friendly shrubs to create a similar habitat

structure and trellis fencing with climbers/hedging to provide enhanced botanical diversity and food sources for wildlife. Additional biodiversity enhancements such as bat bricks/roosts built within the house and swift bricks to encourage nesting birds should be included. It is therefore recommended that a condition be imposed requiring the development to demonstrate a net gain in biodiversity in accordance with the requirements of CS9 and the NPPF.

5.10 Flood Risk and Drainage

Relevant Policies

- 5.10.1 Core Strategy Policy CS7 Managing the Water Cycles states that *'The council will require flood risk to be considered for all development commensurate with the scale and impact of the proposed development'* and *'Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance'*
- 5.10.2 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CS7 and the wider NPPF the application was referred to the Council's **Design Services (Drainage) Team** and **Yorkshire Water** for comments in respect of flood risk and drainage/waste water

Consultee Comments

- 5.10.3 **Yorkshire Water** reviewed the application and stated that on the basis of the information submitted no observation comments were required.
- 5.10.4 **Design Services (Drainage) Team** reviewed the application and provided the following comments; *'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. It is noted that the applicant intends to use soakaways as a means of surface water disposal. Infiltration tests should therefore be carried out and calculations provided in accordance with BRE Digest 365 to ensure no flooding for a 1 in 30 year rainfall event'*

and no flooding of properties for a 1 in 100 year event. Any connections to the public sewerage network will require prior approval from Yorkshire Water. Any amendments to existing drainage on site may require approval from Building Control.'

Considerations

- 5.10.5 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy subject to the imposition of a condition requiring the submission of proposed surface water drainage limitation measures including infiltration calculations for written agreement with the Local Planning Authority prior to installation.

5.11 Environmental Quality and Land Condition

Relevant Policies

- 5.11.1 Core Strategy Policy CS8 states that *'Unstable and Contaminated Land: Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable of remediation and fit for the proposed use and shall include:*
- a) a desk top survey with the planning application*
 - b) a phase II study and strategy for remediation and final validation where the desk top survey (a) indicates remediation may be necessary, on any full or reserved matters planning applications*
- A programme of remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.'*
- 5.11.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the*

*Environmental Protection Act 1990; and
c) adequate site investigation information, prepared by a
competent person, is available to inform these assessments.'*

- 5.11.3 The planning application site lies in an area considered to be at risk of land contamination and having regard to the requirements of the NPPF and policy CS8 of the Core Strategy the application was referred to **Environmental Health Team** for comments.

Consultee Comments

- 5.11.4 The **Environmental Health Officer** reviewed the application and requested that the following condition be imposed;

'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 history of the site.

2 II. A site investigation/Phase 2 report where the previous 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 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 not been considered in the Remediation Method Statement, then additional remediation proposals for this material approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied 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.'

Considerations

5.11.5 Based on the comments listed above, subject to the imposition of a condition requiring the submission of a desk top contamination study and proposed remediation measures (if required) for written agreement with the Local Planning Authority the proposal is considered to accord with the principles of CS8 and paragraph 178 of the NPPF.

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 Low CIL zone (£20/sqm) and therefore the CIL Liability would be based on the calculations of gross internal floor space of the development.

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permi-ssion)	Index (charging schedule)	CIL Charge
Residential (C3)	177	25	152	£20	334	288	£3526

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)

$$\underline{152 \times 20 \times 344} = \underline{\underline{\pounds 3526}}$$

288

6.0 REPRESENTATIONS RECEIVED

6.1 The application has been publicised by neighbour notification letters sent on 22.08.2019, 07.02.2020 and 26.03.2020. A site notice was also displayed on 27.09.2020. As a result of the neighbour notification process 5 letters of representation have been received, including 4 letters of objections (from two neighbouring properties) and 1 letter of support. The content of the representations are summarised below;

6.2 3 John Street (27.08.2019 and 18.02.2020)

- Comment Reasons: - Visual
- Comment: 1st floor windows on north elevation look directly into my property removing privacy & other concern
- I am writing regarding some certain issues that I still have regarding the planning permission for this building. Initially, I would like to make it clear that I am happy and grateful that they are considering the opinions of others in regards to this property and making suitable modifications. However, I believe that the northern face of the property could cause serious privacy concerns and raises further questions that need addressing which are as follows. I also have some concerns regarding the boundary and property level in relation the property levels on the northern face of the building.
- A) There is no mention at which level the property is being built on. If they are planning to build level with the southern perimeter of the building, the height difference of the hill would cause privacy concerns with the buildings on the northern perimeter. of the folding doors on the northern perimeter. I feel this is heavily based on which level they are building the property at. Excavation work would need to take place to have the property at a lower level than the southern perimeter to not cause privacy concerns. I would like to know the justification of the folding doors on the northern perimeter if possible.
- C) The skylight on the northern perimeter causes similar privacy concerns. Is this going to be frosted glass?
- I also believe that there is an alternative that resolves my issues and also benefits the property in question, which is to rotate the building 90 degrees clockwise, so the western face of the building faces north. There would only be doors overlooking the properties to the north, removing privacy concerns and also reducing the distance of the building to some properties on the

north. The property in question as well would receive more light in the lounge area, and would also create a more private garden area for the property in question.

6.3 5 John street (11.09.2019 and 11.09.2019)

- Unfortunately we object to the plans, our reasons are:
- 1) we were told when we bought our house (5 John Street, Brimington, S43 1ER) 13 years ago that the land that this new build is planned was green belt land and therefore would not be built on, we can remember it being marked on the plans.
- 2) we chose our house because it had a very private secure garden and none of the windows were overlooked, particularly the children's bedrooms at the rear of the house.
- 3) we are concerned that should this new build go ahead our garden and windows on the back of the house will be completely overlooked and we will lose our privacy which is very important to us. We have 3 children aged 13, 11 and 4 as well as a large dog and the quiet and privacy of our garden is very important for their well being. We are concerned that the windows will be level with our 2nd floor and the residents would therefore be able to see straight into our house, which would be the children's bedrooms which is not acceptable.
- Just to add on to the last email, we are also concerned that being overlooked will potentially reduce the value of our house.

6.4 Officer comments

- **Impact on privacy/overlooking – see section 5.6 and 5.7 of report for comments on privacy/overlooking issues and proposed conditions to address concerns**
- **Level of proposed building/height difference/excavation works – revised plans include section drawing showing proposed levels across site**
- **Bi-folding doors and sky light – revised plans submitted included proposed screening measures to prevent overlooking to neighbouring properties. Sky/roof light is located within the roof plane of proposed dwelling and as such would not provide a direct outlook onto neighbouring properties. See section 5.6 and 5.7 for further discussion on window placement and overlooking**
- **Alter location of dwelling – the scheme has been revised to address potential adverse impacts on neighbours and consideration of separation distances/window placement**

- **Site is green belt land not to be developed on – the site is not allocated as ‘green belt’ and is allocated as being within the defined Brimington Local Service Centre. There are no restrictions on the development of the site and any application received would be considered on its own merits**
- **Loss of value – the loss of property value is a non-material planning consideration and therefore cannot be given weight in the determination of the application.**

6.5

Letter of support, address unknown (11.11.2019)

- I write this email in support of the building application as above. I have been a lifetime resident of Brimington and its surrounding area for over 50 years now. I regularly walk past the workshop owned by Paul on a Sunday morning with my dog and stop to chat with Mr Spencer, as do many other local residents. Mr Spencer is always a delight, on many occasions he can be seen helping out local residents, especially the elderly or more vulnerable, providing them with bits of wood, or doing quick repairs, offering his advice and knowledge. I have noticed the application he has put forward to build on the land directly behind his workshop. (land I must add that has been an eyesore for many years and is already looking so much better now its been cleared). Mr Spencer is a local joiner/builder, as was his father, as is his son and I believe its important that we support local small businesses to stay local, especially when they have done so much already for the local community. Mr Spencer would never "blow his own trumpet" but he has done much work at the local Church in Brimington, his family being regular attenders, he has also carried out works on the local community centre and does a lot for the local Scout Troup, I feel we as a community and the local Council should be promoting and supporting local businesses to thrive as in this day it is very difficult to keep things local with all the competition from larger firms. The workshop itself is in a wonderful position and having seen Mr Spencer's work I would be keen to see the transformation of this land into something spectacular that he would no doubt build in keeping with the local area. So please accept this email in support of keeping Mr Spencer and his small family business local, where they belongs.

6.6

Officer comments – the above comments have been noted.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

7.4 Whilst, in the opinion of the objectors, the development has the potential to affect 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 sought and 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 the defined Local Service Centre with access to a range of local services. It is not considered that that the proposal would result in significant impact on the residential amenity of the neighbouring properties subject to the imposition of conditions outlined within the report. The proposal would provide adequate parking arrangements and would not result in highway safety concerns. Therefore, subject to conditions the proposal is considered to accord with policy CS1, CS2, CS4, CS7, CS8, CS9, CS15, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031, adopted ‘Successful Places’ SPD 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

Time scale

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.

Approved plans

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Revised 'Proposed New Dwelling with attached Granny Annex at Heywood Street, Brimington – South Elevation, North Elevation, East Elevation, West Elevation, Section Through Site at the eastern boundary, ground floor plan view and first floor plan view, received 24.02.2020
 - Revised Site Plan (including proposed fencing) received 02.04.2020
 - Design and Access Statement

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

Hours of operation

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.

Land contamination

4. 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 contamination. Ground gas, ground water and chemical analysis, identified as being appropriate 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 in accordance with the requirements of CS8 and the NPPF.

Highways

- 5. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – in the interests of providing sufficient off-street parking and in the interests of highway safety in accordance with policies CS2 and CS20.

6. The proposed dwelling shall not be occupied until the 3 car parking spaces shown on revised 'Site Plan' (received 02.04.2020) 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.

Reason – in the interests of providing sufficient off-street parking and in the interests of highway safety in accordance with policies CS2 and CS20.

7. 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.

Link between dwelling/business

8. The proposed premises and the builder's yard/workshop shall be maintained as one unit and one shall not be sold off, let, sub-let etc. as a separate unit.

Reason – to protect the amenity of future occupiers in accordance with policies CS2 and CS18 of the adopted Core Strategy

Granny annexe to remain ancillary

9. The self-contained accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary

to the residential use of the dwelling on the application site, in that it shall:

- Only be occupied by persons with a familial link or demonstrable relationship to the occupants of the main dwelling;
- not be identified or addressed as a separate postal address;
- not be occupied in the event the main dwelling is unoccupied; and
- not be occupied under any form of contract.

Reason - The provision of an independent unit of living accommodation would not safeguard a sufficient degree of residential amenity for the occupants of either the existing dwelling or the proposed accommodation.

Materials

10. 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.

No extensions/additional windows

11. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (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

which would adversely impact the amenity of the adjoining occupiers.

Drainage/surface water

- 12.** No development above floor-slab/D.P.C level shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. These details shall conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.

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.

- 13.** 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.

- 14.** There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

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.

Landscaping – hard/soft

- 15.** No development above floor-slab/D.P.C level shall take place until details for the 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 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.

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.

Reason - In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality.

Biodiversity/ecology

- 16.** As part of the landscaping condition referred to above, suitable habitat shall be created that enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwellings.

Reason - In the interests of ecology.

Windows

- 17.** Notwithstanding the details shown on the approved plan Plans and Elevations, the windows listed below shall be installed as detailed and retained as such in perpetuity;
- The first floor bathroom window within the north elevation shall be installed obscurely glazed with a minimum of level 4 obscurity and shall only be fitted with an opening above 1.7m high (measured internally)

- The ground floor lounge/kitchen window serving the granny annexe in the north elevation at ground floor level shall be installed obscurely glazed with a minimum of level 4 obscurity and a minimum cill height of 1.7m (measured internally).
- The semi-circle windows in the east and west elevations at first floor level serving bedroom 1 and bathroom shall be installed obscurely glazed with a minimum of level 4 obscurity.

Reason – to protect the amenity of the adjoining neighbours

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. 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).
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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/development_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.

11. The buildings have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.