



Please ask for Charlotte Kearsey
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The Chair and Members of Planning Committee

Councillors Brunt and Dickinson – Site Visit 1	Councillors Serjeant and Slack – Site Visit 4
Councillors Falconer and Perkins – Site Visit 2	Councillor Dyke – Site Visit 5
Councillors A Diouf, V Diouf and Redihough – Site Visit 3	Councillors Bellamy and P Gilby – Site Visit 6

26 March 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on TUESDAY, 3 APRIL 2018 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE FOLLOWING SITE VISITS.

Planning Committee Members should assemble in Committee Room 1 at 12:05. Ward members wishing to be present should attend on site as indicated below:-

1. 12:15 20A Avondale Road, Chesterfield
CHE/17/00891/REM
2. 12:40 Land at Chester Street, Chesterfield
CHE/17/00814/OUT

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

3. 13:00 Land at Breckland Road, Chesterfield
CHE/18/00024/FUL
4. 13:20 2 York Street, Chesterfield
CHE/17/00800/FUL
5. 13:45 Westwood Drive Gardens Plot 53, Chesterfield
CHE/17/00890/FUL
6. 14:10 26 Chesterfield Road, Chesterfield
CHE/18/00044/OUT

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it

Ward members are invited to attend on site and should confirm their attendance by contacting Charlotte Kearsy on tel. 01246 345236 or via e-mail: charlotte.kearsey@chesterfield.gov.uk by 9.00 a.m. on Tuesday 3 April, 2018. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 20)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 21 - 188)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 189 - 204)

6. Applications to Fell or Prune Trees (P620D) (Pages 205 - 210)
7. Appeals Report (P000) (Pages 211 - 214)
8. Enforcement Report (P410) (Pages 215 - 218)
9. Permissions In Principle "A New Planning Consent Route" - Introduction of New Legislation (Pages 219 - 226)
10. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act."

11. Unauthorised Change of Use of Land for the Storage of Rail Bed Panels and Engineering Operation to extend Area of Hardsurfacing at Land at Station Road, New Whittington, Chesterfield (Pages 227 - 238)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Smith', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE

Monday, 12th March, 2018

Present:-

Councillor Brittain (Chair)

Councillors Hill T Gilby Callan Elliott Simmons Catt	Councillors Caulfield P Barr Brady Wall Sarvent
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CHE/16/00567/OUT - Outline application for the development of three new town houses, updated coal mining risk assessment received 10.01.18, at land adjacent to 46 Flintson Avenue, New Whittington, Chesterfield, Derbyshire for Stonewall Developments Ltd.

Councillors P Barr, Bellamy (ward member), Brady, Brittain, Callan, Catt, Caulfield, Elliott, T Gilby, Hill, Sarvent, Simmons and Wall.

CHE/17/00189/FUL - Proposed erection of one 3 no. bedroom bungalow and three 2 no. bedroom dwellings on land adjacent to 31 Manor Drive, Brimington, Chesterfield, Derbyshire for Chesterfield Borough Council.

Councillors P Barr, Bellamy (ward member), Brady, Brittain, Callan, Catt, Caulfield, Elliott, T Gilby, Hill, Sarvent, Simmons and Wall.

*Matters dealt with under the Delegation Scheme

129 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bingham, Davenport and Miles.

130 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations of interest were received.

131 MINUTES OF PLANNING COMMITTEE**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 19 February, 2018 be signed by the Chair as a true record.

132 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

*The Committee considered the under-mentioned applications in light of reports by the Development Management and Conservation Manager and resolved as follows:-

CHE/16/00567/OUT - OUTLINE APPLICATION FOR THE DEVELOPMENT OF THREE NEW TOWN HOUSES, UPDATED COAL MINING RISK ASSESSMENT RECEIVED 10.01.18, AT ADJACENT TO 46 FLINTSON AVENUE, NEW WHITTINGTON, CHESTERFIELD, DERBYSHIRE FOR STONEWALL DEVELOPMENTS LTD

In accordance with Minute No.299 (2001/2002) Mr Timms (objector), addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted in writing

concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
7. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Flintson Avenue, located, designed, laid out, constructed and provided with visibility splays of 2.4m x maximum achievable over land the subject of the application and/or highway in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
8. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
9. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any

balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority.

10. Prior to the submission of the reserved matters, site investigation works shall be 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 the mine entries (adits) and shallow coal workings for approval;
 - The undertaking of both of these schemes of intrusive site investigations;
 - As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
 - As part of the reserved matters application the submission of a layout plan which identifies the location of the adits, if found to be present on the site, and how these relate to the development layout;
 - As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;
 - As part of the reserved matters the submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works prior to the commencement of development.
11. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

CHE/17/00189/FUL - PROPOSED ERECTION OF ONE 3 NO. BEDROOM BUNGALOW AND THREE 2 NO. BEDROOM DWELLINGS ON LAND ADJACENT TO 31 MANOR DRIVE, BRIMINGTON, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL

In accordance with Minute No.299 (2001/2002) Councillor P Gilby

(ward member), addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

(A)

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. 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.
7477 05 - Site Location Plan, Proposed Block Plan and Bungalow Elevations / Floorplans
7477 06 - Proposed Town House Elevations / Floorplans
03. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
04. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
05. Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
06. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

07. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
08. Before any other operations are commenced a new access and replacement off-street parking for 31 Manor Drive shall be laid out and constructed in accordance with the approved drawings, the parking area maintained clear from any obstruction to its designated use for the life of the development.
09. Before any other operations are commenced, excluding Conditions 8 and 9 above, the existing vehicular and pedestrian access to Manor Drive shall be modified in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking/loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
11. 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 car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking 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.
12. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

13. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
14. 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.
15. The entire length of the shared driveway and turning area located in advance of the 3 no. new dwellings and adjacent to No 31 Manor Drive shall not be used for the parking of vehicles and shall in perpetuity be kept clear at all times free from any impediment to its designated use as access to the designated parking spaces provided at each dwelling and associated turning area.
16. If during development contamination not previously identified is found to be present at the site then not further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implanted as approved.
17. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

(B) That a CIL Liability Notice be served for £15,550, as per section 5.7.2 of the officer's report.

133 VARIATION OF S106 AGREEMENT FOR DEVELOPMENT ON LAND AT WHEELDON MILL, CHESTERFIELD

The Development Management and Conservation Manager submitted a report for Members to consider a variation to the Section 106 Agreement relating to development at Wheeldon Mill, Chesterfield.

Mr Chris Dwan (agent for Harron Homes) and Councillor P Gilby (ward member), addressed the meeting.

***RESOLVED –**

That the proposed variation to the existing Section 106 Agreement be approved to reflect:

- a) Reduced width of the required section of the Chesterfield-Staveley Regeneration Route of 14.3 metres
- b) Payment of a commuted sum of £95,000 to the Council (on behalf of the County Council) for design and construction of the bridge link
- c) The Council to work with the County Council to procure design and construction of the bridge link prior to occupation of the 80th dwelling of the development
- d) Repayment of any unexpended part of the contribution should the bridge link not be reasonably feasible

134 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

CHE/17/00541/FUL	Detached single garage, detached double garage with associated access, detached garden room, raising in height of existing boundary wall and erection of a fence along highway boundary - Revised drawing received At 137 Station Road Hollingwood S43 2HW For Mr Ian Dunkley
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- CHE/17/00777/FUL Proposed rear extension over existing single storey extension At 91 Coronation Road Brimington, Chesterfield Derbyshire S43 1EU For Mr Dolphin
- CHE/17/00837/FUL Two storey extension to side of property - revised drawings received 09.01.2018 At 140 Ashgate Road, Chesterfield Derbyshire S40 4AQ For Mr Derek Goodwin
- CHE/17/00844/FUL Two storey side extensions with single storey extension At 1 Rosedale Avenue Chesterfield S40 2UY For Mr M Rogers
- CHE/17/00853/FUL Side and rear single storey extension - revised drawing received 24.01.2018 and 06.02.2018 At 2 Summerfield Crescent Brimington Chesterfield S43 1HA For Mr and Mrs Bradley
- CHE/17/00862/FUL First floor bedroom extension At 7 Pearson Croft Upper Newbold Derbyshire S41 8WX For J Cook
- CHE/17/00872/FUL Extensions and alterations to bungalow – At 309 Ashgate Road Chesterfield Derbyshire S40 4DB For Mr Stuart Haslam
- CHE/17/00873/FUL First floor front extension to create large bedroom with mezzanine gallery and office/ utility room and new front door and canopy set at front face of elevation - revised drawings received 29.01.2018 At 8 Greengate Close Chesterfield Derbyshire S40 3SJ For Mr Chris Pell
- CHE/17/00879/COU Change of use from A1 shop to D1Podiatry/Chiropody Surgery At Shop 2 Market Hall Market Place Chesterfield Derbyshire S40 1AR For Mr Christopher Maggs
- CHE/17/00881/FUL Alterations including rerouting of fire escape, introduction of bi-fold doors to the rear and roof

- lanterns to flat roof at rear, new extraction flue
New air inlet New timber fencing and gate to rear
courtyard At Crafty Dog 261 Chatsworth Road
Chesterfield Derbyshire S40 2BL For Inspired
Venues Ltd
- CHE/17/00887/FUL Re-submission of CHE/17/00198/FUL – two
storey side extension At 9 Purbeck Avenue
Brockwell Chesterfield S40 4NP For Mr Chris
Armstrong
- CHE/17/00894/FUL Demolition of existing single storey kitchen and
erection of single storey kitchen/dining room
extension and first floor bathroom extension At
255 Walton Road Walton Chesterfield S40 3BT
For Mr John Fox
- CHE/18/00001/FUL Front bay window extension and alterations to first
floor window At 21 Kent Street Hasland S41 0PJ
For Mr Matthew Youd
- CHE/18/00002/FUL Side extension and extension garage At 6 Spital
Brook Close Spital Chesterfield Derbyshire S41
0GD For R Stevens
- CHE/18/00006/NMA Additional roof light on west elevation.
Repositioning of first floor window on North
elevation. (Refer to drawing GR-PL-001:1 Rev H)
and as amended by revised plans received
14.02.2018. Proposed new detached dwelling on
land adjacent to No 21 Clarence Road,
Chesterfield - CHE/16/00831/FUL At Land
Adjacent To 21 Clarence Road Chesterfield For
Mr Graham Reynolds
- CHE/18/00013/CA Removal of one oak tree At The Pightle 19C
Somersall Lane Somersall Derbyshire S40 3LA
For J Salway
- CHE/18/00034/TPO Crown lift and reduce branches growing towards
the property of T195 – oak At The Pightle 19C
Somersall Lane Somersall Derbyshire S40 3LA

For J Salway

CHE/18/00081/TPO Fell dangerous Poplar tree in G1 of And New TPO 72 Whittington At The Lodge Whittington Road Barrow Hill Derbyshire S43 For P Heath

CHE/18/00084/TPO Crown lift, clear structure and rectify poor pruning cuts to T2 Lime and T3 - T4 Sycamore At Avenue House Surgery 109 Saltergate Chesterfield Derbyshire S40 1LE For Avenue House and Hasland Partnership

CHE/18/00094/CA 1 Hornbeam - Crown Lift, prune poor pruning cuts and reduce away from structure At Avenue House Surgery 109 Saltergate Chesterfield Derbyshire S40 1LE For Avenue House and Hasland Partnership

(b) Refusal

CHE/17/00768/OUT Erection of a dwelling - Coal Mining Risk Assessment received 19.12.17, revised drawings submitted 23.01.18 At 73 Hady Hill, Hady Derbyshire S41 0EE For Mr Glyn Pocock

CHE/17/00838/TPO (T43) Ash - To fell. Excessive shading to house and continual falling At The Hawthornes 8 Lancaster Road Newbold Chesterfield Derbyshire S41 8TR For Mr Gary Fearnough

CHE/17/00863/DOC Discharge of condition 33 – Design Framework for Markham Vale in relation to CHE/13/00781/EOT At Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS For Derbyshire County Council

CHE/17/00880/DOC Discharge of condition 3 (planting) of CHE/17/00351/REM At Land To The West Of Dunston Lane Newbold Derbyshire For William Davis Ltd

(c) Discharge of Planning Condition

CHE/17/00878/DOC Discharge of conditions 4 (exact position of container), 6 (details of how container is to be off loaded on site) and 7 (landscaping)of
CHE/17/00186/FUL - Siting of steel storage container for kayaking and canoeing equipment At Tapton Lock Lockoford Lane Chesterfield Derbyshire S41 7JB For Pleaseley Canoe Club

CHE/18/00003/DOC Discharge of planning conditions 5 (hard and soft landscaping) and 7 (external lighting) of
CHE/17/00182/REM - Construction of a Use Class B2/B8 unit with Use Class B1(a) office space plus sub-station, cycle shelter, smoking shelter, associated drainage, landscaping, engineering and access works, parking arrangements and provision of pump house and sprinkler tanks At Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS For Henry Boot Developments Limited

(d) Prior Approval was Not Required

CHE/18/00033/TPO Single storey rear extension At 126 Old Hall Road Chesterfield Derbyshire S40 1HG For Mr Richard Bellfield

135 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

*The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees:-

CHE/18/00889/TPO Consent is granted to the crown lifting and a crown clean of one Lime tree referred to as T1 in the MWA tree report.

Consent is also granted to the removal of dead wood to one Sweet Chestnut tree referred to as T3 in the MWA tree report.

Consent is refused to the felling of one Lime tree because the recommendations in the tree report are considering a development on the piece of land and no planning application has yet been received for consideration and there is no justification on arboricultural reasons for the trees removal.

Consent is also refused to the removal of one lower branch on T3 Sweet Chestnut for the same reasons.

CHE/18/00034/TPO

Consent is granted to the crown lifting of one Oak tree by 3.5 metres from ground level and the reduction of branches growing towards the property to give a 2.5 metre clearance from the structure.

CHE/18/00084/TPO

Consent is granted to the removal of 3 lower branches on T4 and two branches on T3 to clear construction site cabins. Consent is also granted to the reduction of branches on T2 Lime which are growing towards the property to give a 2 metre clearance from the structure to allow the erection of scaffolding.

CHE/18/00026/TPO

Consent is granted the crown thinning of one Lime tree by 20%. General maintenance.

CHE/18/00039/TPO

Consent is granted to the crown lifting of one Cedar tree by 5.2 metres to clear the highway and driveway and the reduction of branches growing towards the property to give a 1.5 metre clearance from the structure.

CHE/18/00042/TPO

Consent is granted to the crown lifting of the tree by 3.5 metre, clearing the main stem of growth to the same height to leave a clear stem and the selective pruning of branches growing towards the highway to reshape the crown.

- CHE/18/00007/TPO Consent is granted to the crown lifting of T1-T4 to clear the highway, site entrance and grassed area. Consent is also granted to the 4 trees to crown clean to remove dead wood. Consent is also granted to the selective pruning of one Birch T5 by pruning back branches growing towards the site entrance.
- CHE/18/00055/TPO Consent is granted to the removal of dead wood within the crown and the reshaping of the tree if required where dead wood removal leaves branches prone to wind damage. Application granted permission with conditions regarding the reshaping of the trees.
- CHE/18/00064/TPO Consent is granted to the crown thinning of one Oak tree to rebalance the crown after the removal of large sections of dead wood over the neighbouring property of 30 Foxbrook Drive (application CHE/18/00055/TPO). Consent is also granted to the reduction of branches growing towards 7 Sandstone Avenue to clear the property and conservatory.
- CHE/18/00067/TPO Consent is granted to the crown reduction of 8 Poplar trees pruning back to previous reduction points which is approximately a 50% crown reduction in height.

136 **APPEALS REPORT (P000)**

The Development Management and Conservation Manager reported on the current position in respect of appeals which had been received.

***RESOLVED -**

That the report be noted.

137 **ENFORCEMENT REPORT (P410)**

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 RD APRIL 2018
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 3RD APRIL 2018**

- ITEM 1** **CHE/17/00890/FUL – Proposed erection of dormer bungalow (revised plans received 05.03.18) at Plot 53 Westwood Drive Gardens, Inkersall, Chesterfield, Derbyshire for Shaw Developments (Sheff) Ltd**
- ITEM 2** **CHE/18/00024/FUL – Five detached dwelling and garages – Revised plans, Habitat Survey and Ecological Assessment received 01.03.18 at Land at Breckland Road, Walton, Chesterfield, Derbyshire for Peppermint Grove**
- ITEM 3** **CHE/18/00044/OUT – Outline application to demolish existing property, change site entry from left side to right side and build up to 5 new properties at Ravensdale, 26 Chesterfield Road, Brimington, Chesterfield, S43 1AD**
- ITEM 4** **CHE/17/00814/OUT – Erection of six 2 bedroom flats (Re-submission of previously approved application CHE/17/00251) - Amended indicative plans received 12.03.2018 at Land at Chester Street, Chesterfield, Derbyshire for Woodleigh Motors Ltd**
- ITEM 5** **CHE/17/00891/REM – Reserved matters application for access, appearance, landscaping, layout and scale of
CHE/17/00456/OUT – Outline planning application for the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with garages – Amended elevations received 29.01.18, amended site layout received 23.02.18 at 20A Avondale Road, Chesterfield, Derbyshire, S40 4TF for Saint Developments**
- ITEM 6** **CHE/17/00769/FUL – Addendum/Update Report
Demolition of existing building and erection of extra care accommodation for older people, landscaping and car parking (revised plans received 10th, 22nd, and 25th Jan 2018 and 14th, 19th and 20th March 2018) at site of Former North East Derbyshire District Council Offices, Saltergate, Chesterfield, S40 9TA for Your Life Management Services Ltd**

ITEM 7 CHE/17/00800/FUL – Retention of external works and conversion of 1st and 2nd floors to 3 self-contained units at 2 York Street, Hasland, Chesterfield, Derbyshire, S41 0PN for Mr Nigel Chadwick

Case Officer: Eleanor Casper
Telephone No: 01246 345785
Committee Date: 3rd April 2018

File No: CHE/17/00890/FUL
Plot No: 2/1702

ITEM 1

PROPOSED ERECTION OF DORMER BUNGALOW (REVISED PLANS RECEIVED 05.03.2018) AT PLOT 53, WESTWOOD DRIVE GARDENS, INKERSALL, DERBYSHIRE FOR SHAW DEVELOPMENTS (SHEFF) LTD

Local Plan: Unallocated
Ward: Inkersall and Hollingwood

1.0 CONSULTATIONS

DCC Highways Authority	Comments received - see report
Design Services (Drainage)	Comments received, no objection – see report
Environmental Health	Comments received, no objection – see report
Forward Planning/Policy Team	Comments received - see report
The Coal Authority	Objection withdrawn following submission of required Coal Mining Risk Assessment - see report
Ward Members	No comments received
Yorkshire Water	No comments received
Neighbours	12 Representations received from neighbours and a petition signed by 16 residents

2.0 THE SITE

2.1 The site the subject of the application comprises of a parcel of vacant land situated on Westwood Drive Gardens. Westwood Drive Gardens consists of a small cul-de sac serving 15 residential

dwellings. The properties on Westwood Drive Gardens are of similar style and character, formed of detached single storey and 1.5 storey dwellings.

2.2 The plot is largely rectangular in shape, measuring a maximum of 15m in width and 55m in length, covering approximately 0.06 hectares in area. The application site currently consists of overgrown grassland and a large shipping container is situated in the northern corner of the site. The site slopes significantly from south to north and topographical information provided by the applicant shows a variation in land levels of 3m overall.

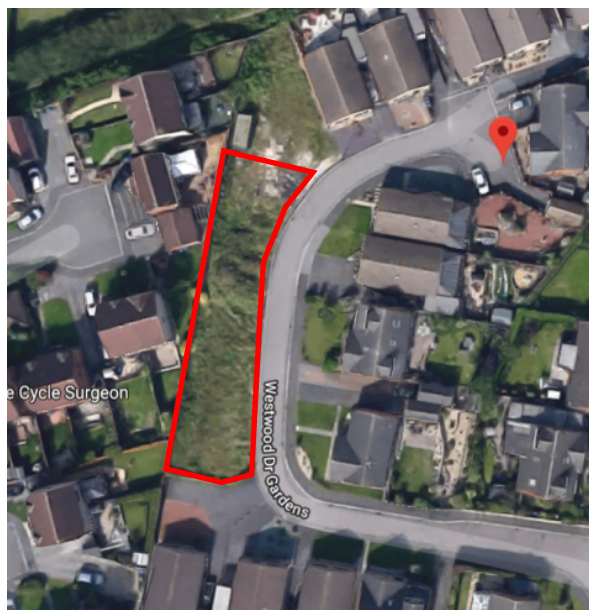
2.3 The western boundary of the site is bound by the side/rear gardens of No's 21 and 23 Bluebell Close. Residential dwellings on Westwood Drive Garden face the application site to the north, east and south.



Photo taken facing south



Photo taken facing north



Application site outlined in red (for illustrative purposes only)

3.0 RELEVANT SITE HISTORY

- 3.1 CHE/1295/0629 - Residential development at 5 Westwood Drive Gardens for Shaw Developments (C/field) Ltd – **CONDITIONAL PERMISSION (22.08.2000)**

The construction of No 18 Westwood Drive Gardens (situated to the north of the application site) has recently been completed as part of the CHE/1295/0629 application.

- 3.2 CHE/06/00718/RET - Residential development - addition of conservatory and detached garage - revised plans and additional details received on the 20th November 2006 at Plot 55 Westwood Drive Gardens – **UNCONDITIONAL PERMISSION (03.01.2007)**
- 3.3 CHE/07/00301/FUL- Erection of four no. dwellings, additional plans received 26th June 2007 at Land at Westwood Drive Gardens – **REFUSED (25.07.2007)**
- 3.4 CHE/07/00583/FUL - Erection of 1.8 m high brick wall along west boundary of drive at 9 Westwood Drive Gardens – **CONDITIONAL PERMISSION (18.09.2007)**
- 3.5 CHE/07/00600/FUL – Two no. residential dwellings with garages at Land at Westwood Drive Gardens – **CONDITIONAL PERMISSION (02.10.2007)**
- 3.6 CHE/13/00666/FUL - Single storey side extension at 4 Westwood Drive Gardens – **CONDITIONAL PERMISSION (25.11.2013)**

4.0 THE PROPOSAL

- 4.1 The application submitted seeks full planning permission for the proposed erection of one dormer bungalow with separate detached garage.
- 4.2 Revised plans submitted on 05.03.2018, show the proposed bungalow situated 11.2m further north with off-street parking provision located to the north of the dwelling (see proposed block plan).

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
- CS6 Sustainable Design
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green infrastructure and biodiversity
- CS18 Design
- CS20 Influencing the demand for travel

5.3 Other Relevant Policy and Documents

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

5.4 Key Issues

- Principle of development (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)
- Land stability and coal mining legacy (5.10)

5.5 Principle of Development

Relevant Policies

5.5.1 The application site is situated within the built settlement of Inkersall. The area is predominantly residential in character therefore policies CS1, CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.5.2 Policy CS1 states that *'The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.'*

5.5.3 Policy CS2 states that when *'assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:*

a) adhere to policy CS1

b) are on previously developed land

c) are not on agricultural land

d) deliver wider regeneration and sustainability benefits

e) utilise existing capacity in social infrastructure

f) maximise walking / cycling and the use of public transport

g) meet sequential test requirements of other national / local policies'

'All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'

Principle of Development

5.5.4 The site is located within a reasonable walking distance of a centre, approximately 1.0 mile from Inkersall Green Local Centre. 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. Comments received state that the proposal accords with the Local Plan and policy CS1. The proposal is therefore considered to be acceptable in principle.

5.5.5 Comments received from the Strategy Planning Team also reference policy CS6 and suggest that the applicant must 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.

5.5.6 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 following sections (5.6 and 5.7)

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 The NPPF places emphasis on the importance of good design stating: *'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

- 5.6.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

Design and Appearance

- 5.6.5 The proposed bungalow is considered to reflect the surrounding dwellings by incorporating a dual pitched roof with intersecting gable. Dormer windows are proposed at first floor level which are similar in design to existing dormer windows at No's 5 and 2 Westwood Drive Gardens. Two storey dwellings are also present adjacent to the western boundary of the site on Bluebell Close. The introduction of a 1.5 storey dwelling in this location is therefore considered to be appropriate and acceptable.
- 5.6.6 The revised drawings submitted seek to respond to concerns raised regarding the height and massing of the proposal by introducing a stepped design which responds to the sloping topography of the application site and reduces the maximum height of the dwelling. The design and character of the proposal is considered to be acceptable in respect of the architectural style and appearance of the surrounding properties.
- 5.6.7 The application form and associated plans state that the proposed dwelling will be faced in Bradstone Reconstructed Stone to all elevations and with roof tiles to match plot 52. The dwellings within the immediate vicinity on Westwood Drive Gardens incorporate feature gables faced in a natural stone and red brick. It is considered necessary to control the proposed external materials by condition to ensure they are sympathetic to the street scene, reflecting the character and colour palette of the surrounding properties. There are concerns regarding the use of Bradstone for the complete building and a treatment which used brick and possible Bradstone for the front elevation may be more sympathetic to the local character. It is therefore recommended that a condition requiring the submission of proposed materials to the LPA prior to construction for consideration and written approval.
- 5.6.8 The block/layout plan shows a garden measuring approximately 260m² in area will be provided. The 'Successful Place' SPD details the minimum size outdoor amenity space required for a new

dwelling. A three bedroom house requires a minimum of 70m² and a four bedroom dwelling requires 90m². The new dwelling would therefore have a garden which exceeds the requirements of the 'Successful Places' SPD in terms of size, this is considered to be acceptable.

- 5.6.9 It is acknowledged that due to the orientation of the site the proposal will result in a degree of overshadowing to the front garden of the adjacent property, No 23 Bluebell Close. Adverse impacts on the residential amenity of the occupiers of No 23 will be discussed in section 5.7 below.
- 5.6.10 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 CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.2 The application site is adjoined by No 8 and 6 Westwood Drive Gardens to the south and No 18 Westwood Drive Garden to the north. The rear/side gardens of No's 21 and 23 Bluebell Close bound the application site to the north and west. No's 7a, 7, 5 and 3 Westwood Drive Gardens face the application site to the east on the opposite side of Westwood Drive Gardens.

Impact on No 23 Bluebell Close

- 5.7.3 No 23 is a two storey, semi-detached dwelling located to the west of the application site. The property has a single obscurely glazed window at first floor level within the side (east) elevation facing towards the application site. Concerns were raised regarding potential impact on the amenity of the residents of No 23 due to the height and massing of the initial submission. Revised drawings sought to mitigate these concerns by positioning the proposed dwelling further north, with the rear (south) elevations extending approximately 1m south of the rear elevation of No 23. The revised

location of the dwelling is considered to minimise potential adverse overbearing and overshadowing impacts on the main habitable room windows, particularly within the rear elevation of No 23. The proposed dwelling incorporates roof lights within the west roof plane, facing towards the application site. To protect the privacy of the occupiers of No 23 it is considered that it is appropriate to impose a planning condition requiring the roof lights being installed 1.7m above internal floor level to prevent direct overlooking.

Impact on No's 5 and 7 Westwood Drive Gardens

5.7.4 No's 5 and 7 are located to the east of the application site on the opposite side of Westwood Drive Gardens highway. No 7 is a detached, single storey bungalow and is located 15.6m from the principle elevation of the proposed bungalow. No 5 Westwood Drive Gardens is a detached, 1.5 storey dwelling with dormer window at first floor level, situated 15.8m from the principle elevation of the proposed bungalow.

5.7.5 The 'Successful Places' SPD refers to separation distances between facing windows however it accepts that a reasonable approach is required having regard to the particular site conditions and context. The proposed dwelling is considered to be situated at an acceptable distance from the principle elevations of No's 5 and 7. Due to the siting and orientation of proposed development relative to No's 5 and 7 potential any adverse impacts of overshadowing are considered to be minimal.

Impact on all other boundary sharing neighbours

5.7.6 Due to the scale and orientation of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the neighbours.

5.7.7 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. In addition no letters of representation have been received. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

5.7.8 In respect of other environmental considerations the Council's Environment Health Officer (EHO) has also reviewed the application submission and requested the hours of construction be restricted to protect the amenity of the adjoining residential properties. It is therefore considered that an appropriate planning condition can be imposed on any consent given to restrict construction hours accordingly.

5.8 Highway Safety and Parking Provision

5.8.1 The application submission has been reviewed by the Local Highways Authority and comments were provided on the original submission (see below). The LHA were re-consulted and no additional comments have been provided.

5.8.2 *Comments are given on the basis that this area of land was accepted for residential development when the development as a whole was originally proposed.*

5.8.3 *The site is fronted by a narrow maintenance margin and the main issue, therefore, is considered to be to maximise visibility from the proposed access. In view of the proposed location of the car parking, visibility in the critical direction will be limited even allowing for reduced vehicle speeds, It would be considered preferable, therefore, for the car parking to be located more centrally within the plot to improve this situation and I would be obliged if you could put this to the applicant. The Highway Authority will be pleased to comment on any amended plans. If, however, vehicular access has previously been granted planning permission at this location or you are minded to grant planning permission then it is recommended that the following conditions are included in any consent.*

5.8.4 *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.*

- 5.8.5 *2. Prior to any other works commencing, the entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2m into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway. The situation shall be maintained thereafter for the life of the development.*
- 5.8.6 *3. The proposed dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.*
- 5.8.7 *4. The garage hereby permitted shall be kept available for the parking of motor vehicles at all times. 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.*
- 5.8.8 *5. There shall be no gates or other barriers on the access/driveway, unless otherwise agreed in writing by the Local Planning Authority.*
- 5.8.9 *6. The proposed access/driveway to Westwood Drive Gardens shall be no steeper than 1:14 over its entire length. d [gradient] thereafter.*
- 5.8.10 *In addition, 3 notes should be included for the benefit of the applicant.*
- 5.8.11 Having regard to the comments of the LHA detailed above it is noted that concerns were raised regarding the location of the proposed off-street parking area and associated access point. To address these concerns revised drawings submitted propose moving the off-street parking area to the north of the site. No further comments have been received from the LHA and given that no formal objection was raised this is considered to be acceptable.
- 5.8.12 The comments received from the LHA request a condition requiring the provision of space 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'. It is considered necessary to require the applicant to submit details of a site compound due to the constraints surrounding access to the cul-de-sac. A number of objections have also raised concerns regarding the width of the existing road resulting in difficulty parking and manoeuvring. The application site is considered large enough to comfortably accommodate a site compound which doesn't impede on the development and will avoid the need for construction vehicles to park on the narrow highway.

- 5.8.13 The application proposes off-street parking for two/three vehicles and a separate detached garage. The 'Successful Place' SPD details the minimum size off-street parking space and the minimum number of spaces required is contained within appendix G of the Core Strategy (p146). Appendix G states that for a 2/3 bedroom dwelling a minimum of 2 spaces are required. The development will provide 2 off-street parking spaces measuring 2.4m x 5.3m. The proposed spaces therefore meet the requirements of the 'Successful Places' SPD and Core Strategy. This is considered to be acceptable
- 5.8.14 Based on the observations listed above the proposal is considered to accord with policies CS2 and CS20 of the Core Strategy. Overall, no adverse highway safety concerns arise as a result of the development.

5.9 Flood Risk and Drainage

- 5.9.1 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 raised no objection to the proposal. The site is not shown to be located within an area at risk of flooding on the Environment Agency flood maps. The Design Services (Drainage) Officer requests that the applicant seeks prior approval from Yorkshire Water for connection to the public sewer and states that any new drainage for the development may require Building Control Approval. An informative note should be attached to the decision notice to make the applicant aware of the minimum standards for drainage in the Chesterfield area.

5.9.2 Yorkshire Water were consulted on the proposal, no comments were received.

5.9.3 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy.

5.10 Land Stability and Coal Mining Risk

5.10.1 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 Coal Authority 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 submitted on 26.02.2018. The Coal Authority were re-consulted on the proposal and the outstanding objection was withdrawn. The proposal is therefore considered to accord with policy CS8 of the Core Strategy.

5.11 Community Infrastructure Levy (CIL)

5.11.1 The application proposes the creation of a new dwelling, the development is therefore CIL Liable.

5.11.2 The site the subject of the application lies within the medium CIL zone (£50/sqm) and therefore the CIL Liability would be calculated using calculations of gross internal floor space on this basis.

		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)	202	202	£50 Medium Zone	317	288	£11,117

$\text{Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C)} = \text{CIL Charge (E)}$
 $\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}$

$$\frac{202 \times 50 \times 317}{288} = \text{£}11,117$$

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters sent on 22.10.2018, deadline for responses 12.02.2018. Neighbours were re-consulted on the revised drawings on 08.03.2018, deadline for responses 18.03.2018.

6.2 As a result of the notification process there have been 12 letters of representation received and a petition with 16 signatures.

6.2.1 **3 Westwood Drive Gardens**

- Overlooking/loss of privacy due to proximity to existing properties
- Loss of daylight/sunlight or overshadowing – height of building will result in loss of light to property for most of the day
- Scale and dominance – imposing in size not in scale with surrounding properties, dominating cul-de-sac due to height
- Layout and density – plot designed to be landscaped, will damage the streetscene and visual amenity, open aspect of the street
- Design of proposed building will not blend in with existing properties which have large front gardens
- Road is single track, only 4.3m wide with no visitor parking which leads to congestion. Proposed dwelling has four bedrooms which will increase the number of cars impacting parking and safety
- Time taken for developer to build leads to disruption, noise, dust and the street is not wide enough for construction and delivery vehicles.
- Plot was designed to be landscaped and open which would've had a positive impact on the cul-de-sac
- Proposed building is too large and high for the plot and does not fit the design of the surrounding houses
- The property will be only 16.6m away from my living room window which will impact quality of life and outlook and privacy
- Building will dominate street and be imposing
- Road is 4.3m wide and the footpath is very narrow

- Fencing will be erected to give privacy which will be directly next to the highway the property opposite will then look directly onto this fence
- Internal garage is too small to be classed as a parking space and the bungalow only has two allocated parking spaces
- Three drives also converge onto the highway at the same point and as we do not have enough parking people are beginning to pave over their front gardens

6.2.2

5 Westwood Drive Gardens

- Privacy and separation distances – proposed dwelling is less than 21m away from property with direct line of sight leading to a loss of privacy, dominance and overshadowing
- The SPD states that first floor habitable room windows should be no closer than 10.5m to the boundary to avoid unduly imposing/overbearing to neighbours and the rear elevation is almost on the boundary of the semi-detached house behind and the first floor windows will look directly into the garden resulting in a loss of privacy
- The narrow depth of the site means the building will sit on the front boundary edge making it imposing on a small site.
- Topography of the land means the finished height of the two storey dormer will be extremely high making it unduly overbearing on the neighbouring properties and will dominate the streetscene
- Design of the building is modern and not in keeping with the other properties on the street which are more traditional style with natural stone frontages
- Plot was supposed to be landscaped resulting in loss of visual amenity and open aspect
- The carriageway should be a minimum of 4.8m wide and footpaths a minimum of 2m. The existing road is 4.3 wide and the footpath is less than 2ft which effectively makes the road single track whereby two cars cannot pass without mounting the kerb and the proposed building will restrict the line of sight due to its proximity to the narrow kerb.
- Cul-de-sac design states that layout with rear boundaries backing onto public street frontages should be avoided. To provide privacy to the neighbours a fence will need to be erected directly next to the highway for a considerable distance and the property opposite will look directly onto this fencing as their view

- Car parking – the internal garage is not large enough to be classed as a parking space meaning the home will only have two allocated parking spaces and could potentially add another three/four cars to the street plus visitors which will impact parking and safety
- There are currently 15 properties on the cul-de-sac and only three places to park on the street where visitors can park their cars without mounting the pavement or blocking a drive. We are concerned that there won't be room within the plot for the builder to store materials and how delivery/contractors vehicles will access the site safely.

6.2.3 **6 Westwood Drive Gardens**

- Concern about location of vehicular access on narrow bend of road, leading to highway safety issues
- Road already narrow which doesn't comply with planning requirements, larger vehicles have to mount pavement
- Lack of parking on street leading to cars parking on road on pavement – cause difficulties/access for emergency vehicles
- Land was supposed to be landscaped
- Poor maintenance of existing site

2nd letter re revised plans

- Do not agree with building materials as does not conform with other buildings. The stonework should be like the other 15 bungalows on the road and should be of a natural stone appearance.
- Question the width of the road confirming with Building Regulations.

6.2.4 **7 Westwood Drive Gardens**

- Size and shape of plot not intended to be built on, was meant to be a garden
- Narrow road and pavement meaning cars have to park partially on pavement due to width of road
- Height of building will dominate the road, not in-keeping with the rest of the street and will result in overlooking
- Parking is already a problem sometimes resulting in people having to walk on the road due to parked cars
- Large vehicles like the refuse lorry have to reverse up the road
- Proposed bungalow is large and could have more than two cars causing them to park on the road
- Garden of bungalow may have a six foot fence running down the side of the road – making the road even narrower

- 6.2.5 **8 Westwood Drive Gardens**
- Overlooking – loss of privacy
 - Loss of daylight/sunlight or overshadowing
 - Scale and dominance
 - Layout and density of buildings
 - Appearance and design of development and materials proposed will not blend in with other properties
 - Highway safety and parking issues – road is single track only 4.3m wide (minimum is 4.8m) no space for visitor to park leading to congestion
 - Large vehicles using private drives to turn due to width of road
 - Too congested for emergency vehicles to access
 - Noise and dust
 - The plot was supposed to a landscaped garden
 - The proposed bungalow will be imposing and overbearing
- 6.2.6 **Additional comments from 8 Westwood Drive Gardens**
- Query regarding what type of wall is going to be in front of house and materials/brick which should be the same as surrounding bungalows
- 6.2.7 **20 Westwood Drive Gardens**
- Comments about the design of the building
 - Separation distance between site and existing properties
 - Access on road – gets blocked with deliveries already
 - Original plans for cul-de-sac the plot was going to be a garden
 - Concerns about cars parked on the road
- 6.2.8 **22 Westwood Drive Gardens**
- The proposed bungalow will impact the front aspect of our bungalow due to the orientation of the garden and living/bedroom windows
 - Concerned about the height of the building and the impact this will have on our outlook up the street
 - The property will only be 15.2m from the nearest properties not the recommended 21m leading to a loss of privacy.
 - The proposed bungalow will be very imposing on the small site and will dominate the cul-de-sac leading to a loss of visual amenity and open aspect.
 - The design and appearance of the building has not been thought through and is very modern in design which is not in-keeping with the traditional streetscene

- Cul-de-sac design states that layout with rear boundaries backing onto public street frontages should be avoided. To provide privacy to the neighbours a fence will need to be erected directly next to the highway for a considerable distance
- Impact on traffic and parking – the road is 4.3m wide and the minimum requirement is 4.8m meaning there is nowhere for visitors to parking vehicles as the road is effectively single track.
- The proposed internal garage is 6m x 3m not the required 6m x 3.3m needed to be classed as a parking space meaning the four bedroom property only has two allocated parking spaces. Due to a lack of parking home owners are beginning to pave over their front gardens which goes against good design practice.

6.2.9 **26 Westwood Drive Gardens**

- Inappropriate design of building- contemporary and does not reflect traditional cottage style
- Concern about height of building due to topography of site
- Orientation of dwelling facing 'side-on' on highway
- Create a closed in/dark landscape as opposed to 'open plan'
- Proposed materials will not blend with existing properties
- Will impact views from existing properties
- Another dwelling will create further traffic issues – increased parking and traffic and close proximity of driveways, passing places
- Existing narrow highway results in issues with parking of delivery and construction vehicles causes problems for residents

6.2.10 **Additional comments received from No 26**

- Concerns maintained regarding traffic and parking which have been highlighted by DCC Highways.
- Should planning be approved, conditions requested by DCC Highways should be adhered to.

6.2.11 **28 Westwood Drive Gardens**

- Proposed bungalow will cause a safety hazard as the road isn't wide enough for 2 cars to pass without mounting the kerb
- Creating a dangerous road at the narrowest part after blind bend

- As a disabled driver access to drive is difficult and an another drive and vehicles on the road is dangerous

6.3 **Petition**

Signed by 16 residents of Westwood Drive Gardens and based on grounds of visual impact, loss of open outlook and plot being unsuitable for the size of the proposed development.

6.4 **Officer response to main issues raised:**

6.4.1 **Amenity impacts**

- ***Overlooking/loss of privacy and separation distance – main habitable room windows located on the east and south elevations, the proposed separation distance between front facing windows accords with the character of the local area and is not inappropriate***
- ***Loss of sunlight/overshadowing – the siting of the proposed dwelling has been situated further north on the plot to minimise potential adverse impacts of overshadowing/loss of light to the adjoining neighbours.***
- ***Scale/dominance, height and massing of dwelling will be overbearing – revised elevational drawings show the proposed dwelling ‘cut in’ to the site with a ‘stepped’ appearance, reducing the overall height of the building and reflecting the topography of the site and local context.***

6.4.2 **Design, siting and layout**

- ***Layout of cul-de-sac plot supposed to be a landscaped garden – open plan feel of street will feel dark and enclosed – a number of representations make reference to the fact that the plot of land was originally supposed to be a communal garden. The plot of land was not adopted as public amenity space and remained in private ownership. The land has since been left vacant and is now overgrown and poorly maintained. The proposed development on the site is considered to enhance the visual amenity of the street scene and is a logical infill plot for a single dwelling within the existing residential cul de sac.***

- ***Design of building, not in keeping and the orientation of the dwelling facing side on to the highway– revised plans have amended the elevational treatments, creating a defined principle elevation denoted by a wooden framed porch.***
- ***Concerns surrounding the proposed materials - The proposed external materials can be controlled by condition to ensure that they match and complement the surrounding dwellings.***

6.4.3 Highway and parking issues

- ***Existing road is only 4.3m wide not meeting minimum requirements of 4.8, there is limited visitor parking resulting in cars parking on the kerb. Concerns surrounding the width of the existing road resulting in problems with access, additional vehicles during construction period, additional cars arising as a result of the new dwelling - It is acknowledged that this existing road is narrow in places, however, the highway is already adopted and serves 15 dwellings. The proposed dwelling will have off-street parking for three vehicles which meets the standard requirements. Due to the constraints of the existing highway it is considered reasonable to require the developer to provide a site compound within the application site curtilage for the storage of materials and parking/manoeuvring of vehicles during the construction process. A condition will also be imposed to restrict working hours and protect the amenity of the surrounding residential properties.***
- ***Size of proposed garage – the revised drawings propose a separate detached garage situated in the northern corner of the site and there is already sufficient off-street parking proposed.***
- ***Fencing along highway to enclose garden – the application does not include any details regarding proposed boundary treatments adjacent to the eastern boundary of the site. A condition will be imposed requiring the submission of boundary treatments, to protect the visual amenity and open character of the streetscene.***

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

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

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

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

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

9.0 **CONCLUSION**

9.1 Overall the proposal is considered to be acceptable in design and appearance 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 not compromise parking arrangements or highway safety. Therefore, the proposal is considered to accord with policy CS1, CS2, CS7, CS8 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to a CIL Liability Notice being issued (as per section 5.11 above) and the following conditions / notes:

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

- Revised building plan - Drawing number SDCL/WDG/01 Revision D (dated 05.03.2018)
- Revised elevations – Drawing number SDSL/WDG/02 Revision C and SDSL/WDG/03 Revision B (dated 05.03.2018)

- Revised site plan – Drawing number SDSL/WDG/04 (dated 05.03.2018)
- Revised garage plan – Drawing number SDCL/WDG/05 (dated 05.03.2018)

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

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

Reason - In the interests of residential amenities.

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

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

05. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

Reason – In the interests of highway safety.

06. Prior to any other works commencing, the entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2m into the site from the carriageway boundary in order to maximise the visibility available to drivers emerging onto the highway. The situation shall be maintained thereafter for the life of the development.

Reason – In the interests of highway safety.

07. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

08. 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 car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking 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.

Reason – In the interests of highway safety.

09. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

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

10. Notwithstanding the details shown on the approved plan SDSL/WDG/02 Revision C the first floor roof light windows proposed in western roof plane of the dwelling facing No 23 Bluebell Close to the west shall be only be fitted with an

opening above 1.7m high relative to internal floor level and shall thereafter be retained as such in perpetuity.

Reason – To protect the amenity of the adjoining residential occupiers

Notes

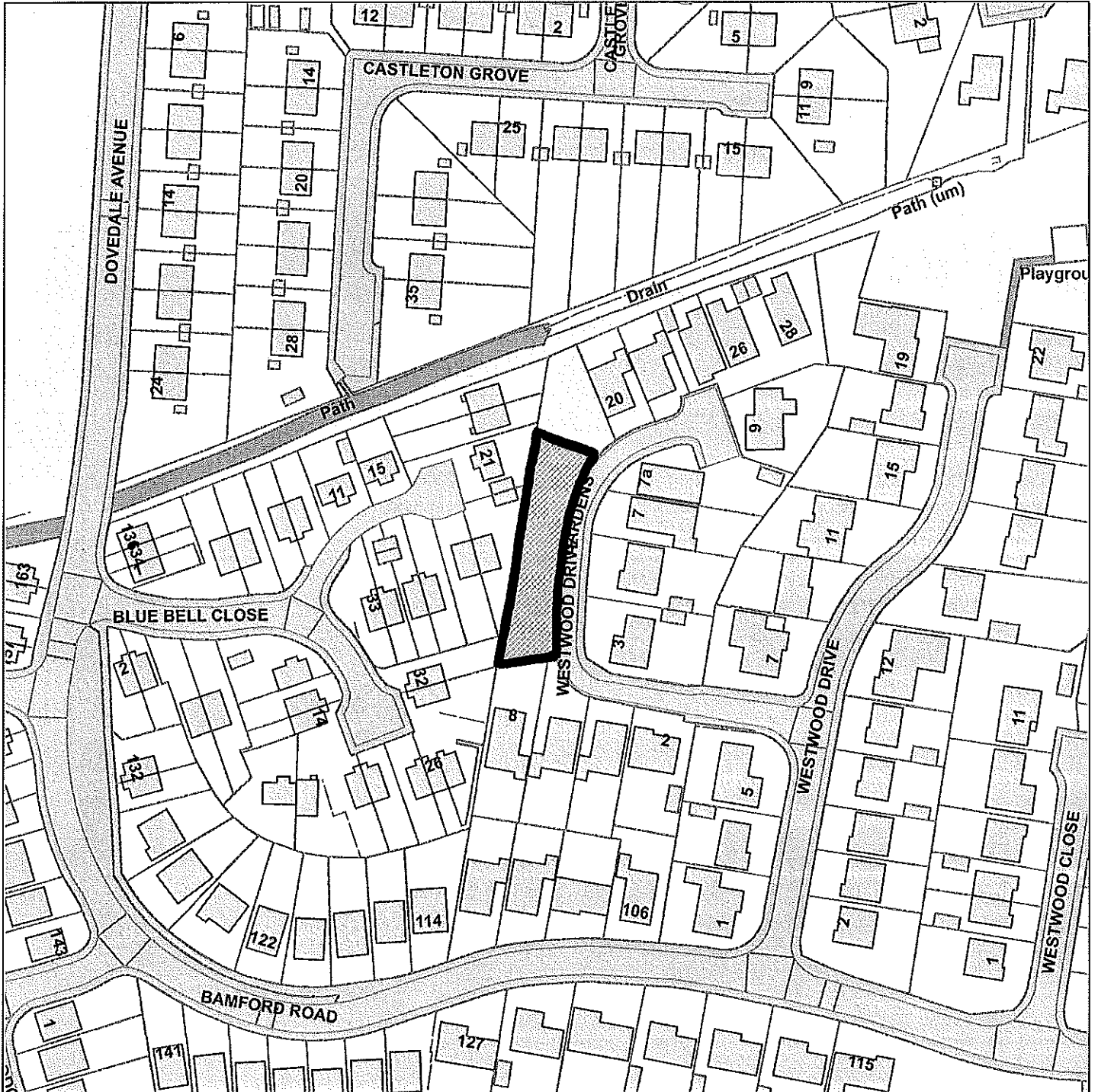
01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
04. 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.
05. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

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

06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & 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 by email ETENetmanadmin@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp
07. The Highway Authority recommends that the first 6m 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 landowner.
08. The applicant should be aware that the potential relocation of the street lamp column (which may be required to widen the driveway and provide parking) would be at their expense.
09. The proposed access/driveway to Westwood Drive Gardens shall be no steeper than 1:14 over its entire length.

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Scale : 1:1333

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Organisation	Not Set
Department	Not Set
Comments	
Date	19 March 2018
SLA Number	Not Set

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 3rd April 2018

File No: CHE/18/00024/FUL
Plot No: 2/5586

ITEM 2

PROPOSAL - FIVE DETACHED DWELLINGS AND GARAGES - REVISED PLANS, HABITAT SURVEY AND ECOLOGICAL ASSESSMENT REC'D 01/03/2018 AT LAND AT BRECKLAND ROAD, WALTON, CHESTERFIELD, DERBYSHIRE FOR PEPPERMINT GROVE

Local Plan: New / Extended Local Centre
Ward: Walton

1.0 **CONSULTATIONS**

DCC Highways	Comments received 13/02/2018 – see report
Environmental Services	Comments received 05/02/2018 – see report
Design Services	Comments received 09/02/2018 – see report
Yorkshire Water Services	Comments received 15/02/2018 – see report
Coal Authority	Standing advice applies
Urban Design Officer	Comments received 12/02/2018 and 02/03/2018 – see report
Derbyshire Wildlife Trust	Comments received 19/02/2018 and 12/03/2018 – see report
Strategic Planning Team	Comments received 16/02/2018 – see report
Ward Members	No comments received
Site Notice / Neighbours	Six representations received

2.0 **THE SITE**

2.1 The application site is a vacant parcel of land 0.15ha in area located north of Breckland Road and east of Foxbrook Drive and Foxbrook Court in Walton. The site has recently been cleared of all vegetation, none of which was protected by any statutory designation.

2.2 There is a public footpath which runs from Breckland Road along the eastern boundary of the application site to Somersall Park Playing Fields. The public footpath passes between the site and the shops / car park of the local centre of Walton and these are situated at a lower level beyond a grassed embankment.

2.3 The land slopes gently in a northerly direction from Breckland Road to edge of the neighbouring property immediately to the north, which is No. 5 Foxbrook Drive.



3.0 **RELEVANT SITE HISTORY**

3.1 CHE/0998/0504 - Erection of 29 detached houses on land at the junction with Foxbrook Drive, Breckland Road. Approved 26/02/1999.

3.2 CHE/0996/0508 - Residential development of 49 dwellings on land north of Breckland Road. Approved 25/02/1997.

3.3 CHE/0885/0525 - Proposed primary school on land off Breckland Road. Approved on 07/10/1985 (not implemented).

4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the proposed erection of five detached dwellings; two served by driveway access off Breckland Road and three served by driveway access off Foxbrook Drive.

4.2 The application details five individual houses types as per the following schedule:

House Type A – 4 bedroom two storey dwelling with integral garage and driveway taken from Breckland Road with parking for 2 no. vehicles.

GF – Garage, Hallway, W.C, Open Plan Kitchen, Diner and Living Area.

FF – 1 no. master bedroom (en-suite), 2 no. double bedrooms, 1 no. single bedroom and bathroom.

House Type B - 4 bedroom two storey dwelling with integral garage and driveway taken from Breckland Road with parking for 2 no. vehicles.

GF – Garage, Hallway, W.C, Open Plan Kitchen, Diner and Living Area, Lounge.

FF – 1 no. master bedroom (en-suite), 2 no. double bedrooms (1 no. en-suite), 1 no. single bedroom and bathroom.

House Type C – 5 bedroom 2.5 storey dwelling with detached garage and driveway taken from Foxbrook Drive with parking for 2 no. vehicles.

GF – Hallway, W.C, Lounge, Open Plan Kitchen, Diner, Living Area and Utility. Detached Garage (single).

FF – 1 no. Master bedroom (en-suite), 1 no. double bedroom and 1 no. single bedroom and bathroom.

SF – 2 no. double bedrooms.

House Type D – 5 bedroom 2 storey dwelling with integral garage and driveway taken from Foxbrook Drive with parking for 2 no. vehicles.

GF – Garage, Hallway, W.C, Lounge, Open Plan Kitchen, Diner, Living Area and Utility.

FF – 1 no. Master bedroom (en-suite), 2 no. double bedrooms (1 no. en-suite), 2 no. single bedrooms and bathroom.

House Type E - 5 bedroom 2 storey dwelling with detached garage and driveway taken from Foxbrook Drive with parking for 2 no. vehicles.

GF – Hallway, W.C, Lounge, Family Room, Open Plan Kitchen, Diner, Living Area and Utility. Detached Garage (single).

FF - 1 no. Master bedroom (en-suite), 2 no. double bedrooms (1 no. en-suite), 2 no. single bedrooms and bathroom.

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

- PG.223817.101 REV D – PLANNING LAYOUT
- PG.223817.102 REV C – SITE SECTIONS
- PG.223817.103 REV C – LANDSCAPE MASTERPLAN
- PG.223817.104 – DESIGN PARAMETERS
- PG.233817.105 – AMENDMENTS OVERLAY
- PG.223817.110 – TYPE A ELEVATIONS
- PG.223817.111 – TYPE A PLANS
- PG.223817.112 – TYPE B ELEVATIONS
- PG.223817.113 – TYPE B PLANS
- PG.233817.114 – TYPE C ELEVATIONS
- PG.233817.115 – TYPE C PLANS
- PG.233817.116 REV A – TYPE D ELEVATIONS
- PG.233817.117 REV A – TYPE D PLANS
- PG.233817.118 REV A – TYPE E ELEVATIONS
- PG.233817.119 REV A – TYPE E PLANS
- PG.223817.120 REV A – SINGLE GARAGE
- PG.223817.121 – GARAGE PLOT 5

- DESIGN AND ACCESS STATEMENT BY OASIS URBAN DESIGN
- PLANNING STATEMENT BY JOHN CHURCH PLANNING CONSULTANCY LTD
- ECOLOGICAL ASSESSMENT SEP 2017 BY WEDDLE LANDSCAPE DESIGN
- FCC 01 - PHASE 1 HABITAT SURVEY BY WEDDLE LANDSCAPE DESIGN

4.4 Revised plans (incorporated into the list above) were submitted by the Agent on 01 March 2018 and 16 March 2018.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of the Walton ward in an area predominantly residential in nature, located adjacent to the enclave of shops that make up the Walton Local Centre. Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS15, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development**

5.2.1 The application site is allocated in the adopted Local Plan (Local Plan Core Strategy 2013 and Reg 22 Submission policies map) as an extension to the existing Local Centre.



Regulation 22 Submission Policies Map 2013

5.2.2 The site is also undeveloped and would be considered a greenfield site, policy CS10 therefore applies.

5.2.3 In other respects, the principle of development would accord with the council's overall spatial strategy as set out in policies CS1 and CS2.

Policy CS10 – Housing in Greenfield Land.

- 5.2.4 Policy CS10 ('Flexibility in delivery of Housing) restricts the granting of planning permission for new housing led development on greenfield sites where the council can demonstrate a five year supply of suitable housing sites (which is currently the case).
- 5.2.5 However in this case it should be noted that the site is allocated for development in the adopted local plan (albeit as part of the local centre). There is therefore a clear presumption that the site is considered suitable for development. The site is also clearly of a small scale and within the urban area. The loss of openness of the site is unlikely to cause any significant harm and the site is not related to any other open areas or open countryside.
- 5.2.6 It would be unreasonable to refuse development of the site for housing on this basis when there is clearly already a presumption that it will be developed in the Local Plan.

Policy CS15 – Loss of extension to Local Centre

- 5.2.7 The allocation as part of the Local Centre was 'saved' from the 2006 Replacement Chesterfield Borough local Plan. It was also identified in the 1996 Chesterfield Local Plan, prior to the development of housing on Foxbrook Drive. During that time (over 20 years), no proposals for retail or community use of the site have come forward. The NPPF encourages Local Planning Authorities to keep land allocations under review and avoid the long term protection of sites where there is no reasonable prospect of a site being used for the allocated purpose.
- 5.2.8 At this time, there is no indication that the CCG has any intentions to provide new healthcare facilities in the area (concentrating instead on existing provision) and the site is neither needed nor large enough to provide a school.
- 5.2.9 The draft Local Plan (published for consultation in January 2017), proposes a revised boundary for the Local Centre that excludes the application site.



Draft Chesterfield Borough Local Plan Proposals Map January 2017

5.2.10 Although only limited weight can be given to the emerging Local Plan at this stage I should be noted that there have been no objections received to this proposed change at this stage. The application site is below the size threshold for consideration as a potential housing allocation in the emerging local plan (at 0.15ha compared to a threshold of 0.25ha).

5.2.11 In the light of the length of time that the site has remained undeveloped and the emerging policy position, it would be unreasonable to refuse planning permission for development of the site for housing on the basis of the existing Local Plan allocation.

5.3 **Design and Appearance Considerations (inc. Neighbouring Impact / Amenity)**

Amount

5.3.1 The site area measures 0.15 hectares in area and a development of 5 dwellings would equate to 33 dwellings per hectare which represents a fairly standard suburban density. This is consistent with the general pattern of development in the vicinity.

Layout

5.3.2 The layout addresses both frontages with two houses facing south onto Breckland Road and three houses facing west onto Foxbrook Drive. This arrangement relates well to the street frontages and provides a positive streetscene. Driveways are accessed direct from the adjacent roads and comprise a mix of frontage parking

(Plots 1, 2 and 4) and side parking adjacent to Plots 3 and 5, which reflects the characteristics of the local area.

House Types

- 5.3.3 The scheme proposes 5 individual house types, each of a subtly different appearance. Throughout the application process the developer has responded to comments and feedback made by the Council's **Urban Design Officer** (UDO) in respect of the siting, layout, scale and design of the house types and the relationship they create with the neighbouring area and adjoining properties. Alternations have been made to Plots 1, 4 and 5 in respect of scale and layout to ensure the properties reflect an appropriate relationship to the streetscene and with neighbouring properties (particularly No 5 Foxbrook Court). Obscure glazing is proposed to all FF side elevation windows to protect / preserve neighbouring amenity and this detail can be appropriately controlled by planning condition. Furthermore alterations to the detached garage to Plot 5 have been further amended to ensure the roofline of this structure (which is positioned closest to No 5 Foxbrook Court) has an acceptable relationship with the neighbouring property.

Rear garden sizes

- 5.3.4 The proposed dwellings comprise four and five bedroom houses. These would normally require private rear amenity spaces with a minimum garden size of 90sqm. Plot 3 appears to be slightly below this threshold (approximately 84sqm), although the shortfall is modest and a slight under-provision of one garden area is not by itself, considered to be sufficient justification to withhold permission.

Landscaping

- 5.3.5 Illustrative landscape details are currently shown, although the principles as shown on the plan are appropriate within this context. In the event the application recommended for approval, full details of landscaping could be managed by a suitably worded condition.

Appearance

- 5.3.6 The scheme proposes the use of buff brick, with some feature render panels under dark tiled roofs. The area includes a mix of both red and buff brick properties and the palette of materials and proposed colours is appropriate within the context of this site. This approach will help assimilate the development into its setting.

- 5.3.7 The architectural style of the houses adopts a more contemporary appearance than the character of the surrounding estate. However, the design would complement rather than jar with its surroundings and represents a sensitive contemporary interpretation of suburban development. As such, it is considered that the appearance would respect and enhance the quality of place rather than detract from it.
- 5.3.8 Having regard to the above and in the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.
- 5.3.9 Notwithstanding the above the case officer is mindful of the fact that future domestic development on each plot through permitted development opportunities might adversely impact upon the success of the developments integration in the surrounding area and the relationship with neighbours. Therefore given the overall acceptance of the development design it would be appropriate if permission is granted to withdraw the permitted development rights of each dwelling to enable future control of other ad hoc domestic extensions.

5.4 **Highways Issues**

- 5.4.1 The application submission has been reviewed by the **Local Highways Authority** (LHA) who provided comments on the application submission which were fed back to the developer to consider alongside alterations to the scheme. Initially the LHA commented as follows:

'Whilst there are no objections in principle to residential development each access should be provided with adequate exit visibility.

Plots 1 & 2 – visibility will be within highway

Plot 3 – visibility should be provided to the junction of Foxbrook Drive with Breckland Road and Foxbrook Drive with Foxbrook Court

Plot 4 – to the tangent of the junction radius of Foxbrook Drive with Breckland Road and the junction of Foxbrook Drive with Foxbrook Court

Plot 5 – 2.4m x 25m in both directions

The above visibility splays should be suitably demonstrated on a scale drawing with the area in front of sightlines clear of obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the nearside carriageway channel level.

Off street parking provisions should be provided on the basis of three spaces per dwelling with single garage having internal dimensions of 3m x 6m, spaces in front of garage doors having a minimum dimensions 2.4m x 6.5m and other spaces having minimum dimensions of 2.4m x 5.5m.

It is recommended that the applicant is given the opportunity to submit a revised drawing demonstrating measures to address the above issues.

If however you are minded to approve the application it is recommended the following conditions be included on any consent:

- 1. Prior to any works commencing, the applicant shall submit and have approved in writing, by the LPA (in consultation with the LHA) a revised layout drawing demonstrating the following:
Plots 1 & 2 – visibility will be within highway
Plot 3 – visibility should be provided to the junction of Foxbrook Drive with Breckland Road and Foxbrook Drive with Foxbrook Court
Plot 4 – to the tangent of the junction radius of Foxbrook Drive with Breckland Road and the junction of Foxbrook Drive with Foxbrook Court
Plot 5 – 2.4m x 25m in both directions*
- 2. The area in front of the sightlines shall be maintained clear of obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the nearside carriageway channel level.*
- 3. Off street parking provision should be provided on the basis of three spaces per dwelling (given that the properties are indicated as 4/5 bedroom) with single garages having internal dimensions of 3m x 6m, spaces in front of garage doors having a minimum dimension of 2.4m x 6.5m and other spaces having a minimum dimension of 2.4m x 5.5m.*

4. *Before any other operations are commenced, space shall be provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.*
5. *Before any other operations are commenced new vehicular and pedestrian accesses shall be formed to Breckland Road, Foxbrook Drive and Foxbrook Court in accordance with the drawing approved under condition 1 above.*
6. *No dwelling shall be occupied until space has been laid out within the site in accordance with the drawing approved under condition 1 above for cars to be parked and the spaces thereafter shall be maintained free from any impediment to their designated use.*
7. *The garages hereby permitted shall be kept available for the parking of motor vehicles at all times. 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 garages 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 LPA.*
8. *There shall be no gates or other barriers on the accesses / driveways.*
9. *The proposed accesses / driveways to Breckland Road / Foxbrook Drive and Foxbrook Court shall be no steeper than 1 in 14 over their entire length.'*

5.4.2 Following receipt of the revised details these were forwarded to the LHA for further comments, however no further comments have been received (despite the passage of several weeks).

5.4.3 Notwithstanding the absence of the any further comments from the LHA, it was clear from their initial response that they were satisfied the scheme was acceptable in principle subject to the application meeting the requirements of the suggested conditions. On this basis the revised details have been considered in the context of those conditions as follows:

Visibility Splays – These details have not been included on the latest revised drawings and it is suggested that some of the concept landscape proposals concerning plots 3, 4 and 5 may have the potential to hinder exit visibility from the driveways once established (3 no. trees and hedge / shrub planting).

Notwithstanding this it is considered that only very minor alterations to the landscaping scheme (or further details of species etc) would satisfy the requirements of the condition sought by the LHA above; and therefore it is considered that the driveway locations and available visibility are acceptable in principle subject to further details of how boundary treatments / sightlines are to be maintained.

Parking Provision – On the basis the scheme is for 4/5 bedroom properties parking provision to meet with the adopted Core Strategy / Housing SPD and policy CS20 requires the provision of up to 3 no. spaces; alongside the provision of electric vehicle charging points. In this context the site layout and housing layout details have been reviewed, with the following dimensions being proposed:

- Plot 1 – Driveway 5m wide x 5m / 6m deep with Integral Garage 5.75m x 2.85m
- Plot 2 – Driveway 5.0m wide x 5.5m / 9.0m deep with Integral Garage 6.0m x 2.95m
- Plot 3 – Driveway 3.5m wide x 16.5m deep with Detached Garage 6.15m x 3.0m
- Plot 4 – Driveway 5.0m wide x 6.5m / 7.5m deep with Integral Garage 6.1m x 3.0m
- Plot 5 – Driveway 3.0m wide x 14.0m deep with Detached Single Garage 6.15m x 3.0m

Despite the LHA adopting a recommendation that car parking spaces should measure 2.4m x 5.5m, a standard car parking space measures 2.4m x 4.8m (as detailed in the Housing SPD). On this basis each of the 5 no. dwellings include driveway parking

on each plot with sufficient space to count as at least 2 no. parking spaces. The third space is reliant upon the garage provision which is not unusual – see approvals for Millers, Newbold Road, William Davis, Dunston Lane and Strata, Cammac site - as recent examples of this same approach being accepted; and all garages proposed are of dimensions which can be accepted as a third parking space.

Removal of PD Rights to Garages / Parking Retention – It is accepted that it will be necessary to require the garages to each plot to be retained for use as parking (removal of pd rights for conversion to habitable accommodation) however the LPA cannot extend any conditional planning control to insist any future occupants park a car in their garage. This is unreasonable as people have free choice to park their car wherever they wish (subject to adhering to traffic regulations etc). Similarly the driveways can be conditioned to be retained for parking however the LPA cannot extend any conditional planning control to insist any future occupants park a car on their drive.

Others – Policy CS20 seeks to make provision for charging electric vehicles as part of new development and this should be secured through condition (at its most basic, this can be met by ensuring availability of a standard domestic socket in garages and suitable external socket for other off street provision).

5.4.4 Overall it is considered that the development proposals are to be served by an appropriate driveway accesses and parking is provided at an acceptable ratio. In respect of highway safety and the provisions of policies CS2, CS18 and CS20 of the Core Strategy the proposals are considered to be acceptable.

5.5 **Flood Risk & Drainage**

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

5.5.2 The DS team commented, *'the site is not shown to be at risk of flooding according to the Environment Agency flood maps. The applicant indicates that surface water will be disposed of using*

soakaways. We would like to see percolation tests prior to approval to ensure soakaways are a suitable means of drainage for this site. These should be designed in accordance with BRE Digest 365 to ensure no flooding occurs during a 30 year design storm and no flooding to properties occurs during a 100 year + climate change design storm. The applicant will need to contact Yorkshire Water for their approval, should they wish to connect to the public sewerage system.'

5.5.3 YWS also confirmed that they had no observations to make on the application submission and therefore it is considered that appropriate planning conditions can be imposed which requires the submission of further detailed drainage designs to satisfy the queries outstanding in accordance with policy CS7 of the Core Strategy.

5.6 Land Condition / Contamination / Noise

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

5.6.2 In respect of potential land contamination (and noise) the Council's **Environment Health Officer** (EHO) has also reviewed the application submission and provided the following comments:
*'I have no objections to this application in principle.
Should planning consent be granted, I recommend that hours of construction are limited so that existing residents are not disturbed by noise.
As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase.
As the site is in an area that could have historical land contamination, should planning consent be granted, I recommend that the applicant submits for approval in writing prior to*

commencement of development a desk study, and if necessary a site investigation.'

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

5.7 **Ecology & Landscaping**

- 5.7.1 The proposal involves the loss of a greenfield site that contained well developed landscaping. The NPPF seeks to ensure 'no net loss' of biodiversity and policy CS9 requires that where there is the loss of a green infrastructure asset there should be a net gain wherever possible. A scheme to enhance the biodiversity of the development should be secured by condition, including making provision for bird/bat roosting and nesting opportunities, suitable landscaping and boundary treatments.

- 5.7.2 The ethos above is reflected in the comments which were made on the application by **Derbyshire Wildlife Trust** (DWT) as follows:

Thank you for referring the Ecological Assessment (Weddle Landscape design, 2017) that was undertaken prior to the site being cleared. This was informed by a site visit and a desk study. The site previously comprised dense scrub and pioneer trees. The report confirms that no buildings were present and that no protected species constraints were identified, with the exception nesting birds during the breeding season.

Whilst the site is limited in size, it would have provided a stepping stone for urban wildlife within a residential area. In order to compensate for the loss of habitat, we advise that the following condition is attached to any planning permission:

Biodiversity Enhancement Strategy

Prior to the commencement of development, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council to ensure no net loss for biodiversity (NPPF 2012). Such approved measures should be implemented in full and maintained thereafter. Measures may include:

- details of bird and bat boxes (positions/specification/numbers). A bird box (either swift or sparrow terrace) should be attached to every house, with bat boxes attached to two houses.
- measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm), railings or hedgerows.
- ecologically beneficial landscaping, with native shrubs and trees.'

5.7.3 On the basis of the comments and considerations above it is considered that appropriate conditions can be imposed on any subsequent decision to secure biodiversity enhancements in accordance with policy CS9 of the Core Strategy.

5.8 **Community Infrastructure Levy (CIL)**

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of 5 no. new dwellings and the development is therefore CIL Liable.

5.8.2 The site the subject of the application lies within the high CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

		A	B	C	D	E
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 (permission)	Index (charging schedule)	CIL Charge
796	0	796	£80 (High Zone)	317	288	£70,092

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

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 01/02/2018; by advertisement placed in the local press on 08/02/2018 (advertised as a departure from the local plan); and by neighbour notification letters sent on 29/01/2018 (who were re-consulted on 01/03/2018 for 14 days).

6.2 As a result of the applications publicity comments have been received from six residents as follows:

6.2.1 **2 Foxbrook Court**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Visual

Comment: External appearance not in keeping with surrounding area. All windows should be white not anthracite

Comment: External appearance not in keeping-Flat-roofed grey porch ugly and very different to Foxbrook houses

Comment: Anthracite doors + drainpipes not in keeping with surrounding area.

Comment: Large panel of grey render on house C not in keeping with surrounding area.

Comment Reasons:

- Traffic or Highways

Comment: Single driveway insufficient parking for 4/5 bedroom house. Road parking unacceptable for safety.

Comment Reasons:

- Traffic or Highways

- Visual

Comment: Houses too close to road so insufficient driveway to park. Maximum of 4 houses on site would resolve

Comment Reasons:

- Noise

Comment: Prefer construction work to only take place between 8.00 - 5.00 pm weekdays only to minimise noise

The application form states there are no trees or hedges on the site, however this was untrue. Prior to the application submission the applicant cleared the site of all hedges, trees and shrubs –

which were homes to foxes, bats etc. This appeared underhanded and was done in a way local residents could not object. The boundary hedges should be reinstated as a condition of planning; I note the comments of the urban design officer and although he approves of the modern design I am sure he does not have to live opposite these houses. A modern design could be built, but it does not mean it must - I vehemently feel that the design is ugly and should be more in keeping with the houses on Foxbrook Drive and Foxbrook Court. The fenestration and the porch in particular are not in keeping and should match the surrounding houses; All the 5 houses have single driveways as the plots are too small for double width drives – there is an overall lack of parking and the resultant on street parking this will create is a danger; I suggest a design of 4 houses with a single driveway and cul-de-sac formation would be more appropriate; 5 houses on this plot is overdevelopment in comparison with the surrounding area; and I refer to the conditional approval for the Foxbrook estate and condition 7 which states “before any dwelling..... is occupied, a parking area for 2 vehicles per 2 or 3 bedroom dwelling or 3 **vehicles for 4 or more bedroom dwellings (no more than 2 of which shall be in line)** shall be laid out....” The same condition should be imposed if permission is granted for this development, but the revised plans do not allow sufficient parking to comply with this – house type C and E. Residents are still very concerned about insufficient parking and this causing cars to be parked on the street of Foxbrook Court, Foxbrook Drive and Breckland Road causing congestion, danger and inconvenience.

Comment Reasons:

- Traffic or Highways

Comment: See email 22/218 new design still has insufficient parking houses C and E, needs double width drive

Having looked at the revised plans I refer once again to the conditional approval for the Foxbrook estate and the condition about parking requirements (see above)

Comment Reasons:

- Visual

Comment: New design exterior STILL out of keeping with Foxbrook D and C - MUST match in with current houses.

Comment Reasons:

- Traffic or Highways
- Visual

Comment: House E design unsuitable for Foxbrook Court, - also - INSUFFICIENT PARKING and restricted access

Comment Reasons:

- Policy

Comment: House E garage still overbearing to N 5 Foxbrook Court - needs to be removed from plan.

Comment: Recommended Hipped room of plot E not adopted, overbearing to no 5 Foxbrook Court.

Comment Reasons:

- Policy
- Visual

Comment: Council owned hawthorn hedge along house A / path boundary ripped up by developer needs replacing

I refer to the SHLAA Document published on your website which suggested the site has potential to be redeveloped for 4 houses, not 5 as the developer now seeks.

6.2.2

5 Foxbrook Court

Stance: Customer objects to the Planning Application

Comment Reasons:

- Visual

Comment: 1st flr N windows on Type E will have direct sight into my property. Privacy concern

Comment Reasons:

- Traffic or Highways

Comment: Single width drives will lead to more on street parking which is already overused at peak times

Comment: 1.8m high boundary at the side of the drive for type E dangerous for pedestrians and motorists

I have provided some feedback on the planning portal but have struggled with the 100 character limit so have written this separately;

My property is the only one to share a border with the proposed development so I am obviously interested and most of this

feedback was provided to the developer before the planning submission;

On the whole I am supportive but have concerns on the grounds of highways and safety as follows:

Parking - The houses may have the required amount of parking but they are all single width driveways, this will result in cars being parked on the road particularly near the junction which will lead to safety concerns where there are pedestrians and visitors to the local centre;

I would suggest side by side driveways would be better;

The plan shows a 1.8M border (existing) running the full length of my boundary but this will need to change at the junction with Foxbrook Drive to allow safe exit from the drive of the property next to my mine; and

On Visual effects the house next to mine has windows facing my property and the potential to view directly into my house. I would request the plans a reviewed and as a minimum obscure glass specified.

Comment Reasons:

- Policy

Comment: The report refers to the wrong address, the boundary is with 5 foxbrook court not drive

Comment: Recommendations relating to plot 5 have not been adopted specifically position of the garage

Comment: Based on planning feedback the site is overcrowded & would be more suited to fewer or smaller houses

Comment Reasons:

- Traffic or Highways

Comment: Insufficient parking allocated will lead to cars parked on busy junction

Comment: Car access to plot 5 is restricted by current boundary, no detail on how this will be addressed

Comment Reasons:

- Visual

Comment: Introduction of render in new proposal is out of keeping and obvious cost saving exercise

Comment Reasons:

- Policy

- Traffic or Highways

- Visual

Comment: Plot 5 should be a type D, this would be more in keeping and provide better off road parking

6.2.3

2 Woodbridge Rise

As a long-term resident of Walton I have seen many changes to the Estate and was aware the site (opposite my house) was to be used for community purposes;

I was surprised when a digger arrived and started clearing the site, but a few days later I received a letter from the developer informing me of their proposals which I thought were ambitious;

The speed the site was cleared also concerned me with no sign of consultation with conservationists etc and I assumed the planning office had been informed of their intentions;

I am not opposed to the land being developed but would prefer something that would benefit the community (chemist, coffee house, doctors, dentist?);

The letter of the Agent states it is problematic to connect the site to the adjoining shops, but this is not necessary the site could be served by its own car parking area etc and a community use still considered – which is more in keeping with council policy;

The area around and inc. Breckland Road is busy with traffic, buses and people parking to use the local centre facilities – there is a bus stop adjacent to the site and in winter residents of Foxbrook often park their cars on Breckland Road when it snows;

I have reviewed a copy of the plans and in my view the scheme is overdeveloped and not in keeping with the 3 / 4 bedroom houses in the local area, the gardens are small and parking is limited;

It appears the roof spaces of some of the houses are to be used for bedrooms and this presents a fire risk;

The parking proposed for unit is not sufficient and the driveways are likely to result in dangerous manoeuvres where there are often families and children walking;

I would strongly recommend a site visit to see the size of the site;

I believe the scheme will need a wall building along the footpath and along Breckland Road, with all traffic to the site directed to Foxbrook Drive; and

Had this piece of land been developed at the same time as Foxbrook it would have probably been for three houses with bigger gardens, they would have been less compact, more affordable and more in keeping with the rest of the development. I feel the application should be refused.

In addition to my letter of the 11th February 2018 I would like to comment on your reply to Jo Evington regarding her concern over parking.

You confirmed, to her, that each of the 5 Houses would have 2 parking spaces plus a garage and this met with parking standards. The Highways letter, however, states that the garages should be available for motor vehicles at all times, which I believe will be difficult to control, especially with integral garages. They also say that any changes would have to have planning consent. I was under the impression that integral garages if proposed changes were applied for would only have to comply with building regulations? correct me if I am wrong. If this is correct I can see 3 spaces reduced to 2 in a very short time leading to the parking problems that myself and the lady are concerned about. The highways has suggested that a revised plan be submitted for visibility splays etc. I would also like to see the plan changed from integral garages to either single or double garages and separate from any proposed dwelling.

The highways have not commented on accesses leading onto Breckland Road, in terms of road safety, as they would be near to a bus stop, which could add to drivers restricted visibility if people were waiting for a bus, or even that the footpath at this point is a busy route to the shops and the public footpath nearby or the fact that Breckland road is a busy road which is not only the areas main route to Walton Road but is the main through route from Matlock Road to Walton Road. The proposed accesses are where parking is used at present by people mentioned in my letter. It will not be easy to prevent parking at this site and could cause problems with people blocking drives or creating parking problems elsewhere. I feel that it would be wiser to prevent a potential parking problem now rather than to solve what would be a difficult problem at a later date.

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: Sarah, my unanswered e.mail sent on the 21 Feb - I would like to have this entered as a document.

Comment: No integral garages - easily changed to living space-only B.Reggs required? - then 1 less off rd pkg area

Comment Reasons:

- Residential Amenity

Comment: 5 houses too many - max 3 - no access off Breckland Rd. Pkg - 3 cars plus single or double garages
Comment: Continuous wall along Breckland Rd & public footpath would protect houses from storm surface water.

Comment Reasons:

- Visual

Comment: A sizeable area be provided to replant trees and shrubs to replace part of 20 year wildlife habitat.

Comment: Less houses could provide this 'area' which could form part of gardens. Would enhance site landscape

Comment: This 'area' could enhance biodiversity within the site and take up excess moisture if soakaways used

Comment: Bird and bat boxes are fine but the 'area' suggested will be longer lasting and create site interest

Comment Reasons:

- Policy

Comment: It seems that Weddle L/scapes had not consulted with DWT- 'disappointed that site had been cleared'.

Comment Reasons:

- Policy

- Traffic or Highways

- Visual

Comment: 3 bed houses or bungalows would be more suited to this site-more affordable and require less parking

Comment: Bungalows with small gardens or 3 bed houses may suit people wishing to downsize and stay in Walton.

Comment: 3 Bed houses or bungalows would not be as imposing and would not need the parking spaces of a 5 bed.

Thank you for informing me of the amended plans, however the planners / owners only seem to have taken notice of highway – not any of the comments made by neighbours;

There are still too many houses so the site is overdeveloped and the properties are overbearing and overlooking;

Landscaping is minimal, there is no scope for the properties to be extended in the future (other than garage conversions), there have been no changes to the colours, no habitat compensation, soakaways might not work (as was evident when it snows last and

water stood for days afterwards), none of the properties are affordable for first time buyers;
Despite the community allocation the developer has not considered proposals which benefit the community – bungalows or smaller houses;
The extra driveways onto Breckland Road should not be considered;
I consider the proposed development would have a negative impact on the community; and
The Council owned hawthorn hedge referred to in other representations was probably part of the site – if correct – I believe for the purposes of transparency the details of the sale should be made available, as should any advice the developer has been given about appropriate development for this site.

6.2.4 **7 Foxbrook Court**

I would like to express my concern regarding the application to build 5 houses at the top of Foxbrook Court / Foxbrook Drive in Walton;

You have already confirmed to me that each of the 5 houses will have parking spaces for 2 vehicles plus a garage, which meets parking standards for 4+ bedroom properties;

You also explained to me that you were waiting for further advice from the Local Highways Authority regarding the application; and My concern relate to the houses being situated close to, and indeed on the junctions of Foxbrook Court, Foxbrook Drive and Breckland Road. It is highly likely the residents of these houses will have visitors to their properties and wish to park on the street, causing congestion around these junctions, or possibly blocking driveways if opting to park elsewhere.

6.2.5 **18 Foxbrook Drive**

Stance: Customer made comments neither objecting to nor supporting the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: Access to Foxbrook Drive / Court at all times during construction

Comment: Single width drives may cause issue with unsafe street parking at top of Foxbrook Drive.

- Visual

Comment: Ensure houses are in keeping with existing properties on Foxbrook Drive and surrounding area.

6.2.6

A Local Resident (email - no address given)

I would like to object to the proposals based on the current plans, and would make the following comments:

- As a resident of Foxbrook Drive, who will be affected by this development, I was surprised that we were not notified of these plans sooner. I note in your letter you refer to a previous consultation letter – we never received this. We noticed that the land was cleared some time before Christmas, but we only found out the reason for this (although we had our suspicions) when my husband visited the micro pub at Walton Shops; who had full plans on the bar area. We later found that a notice had been attached to a lamppost by the proposed development area, which is also a bus stop. This was after the land had already been cleared (in my view having a detrimental impact on the wildlife in the area). I realise this may seem like a minor point, however I do feel that we were not consulted properly in this regard.
- Access to properties C, D, and E give rise to safety concerns given proximity to the junction with Foxbrook Court and Foxbrook Drive. Access to properties A and B is adjacent/opposite a bus stop on either side of Breckland Road, and also may cause issues given the proximity to Woodbridge Rise on what can also be a difficult, congested junction.
- The proposed dwellings are all 4/5 bedrooms - there is insufficient driveway space for vehicles, which would cause parking issues and further congestion on the estate. I would also be concerned about safety of pedestrians in the vicinity (including the elderly, less mobile, young children and dog walkers, on their way to Somersall Park, Walton Dam and the local shops) with cars being parked on the roadside.
- The design of the proposed properties is not in keeping with the so-called "Foxbrook Drive Estate" or other properties off Moorland View Road/Breckland Road.
- I agree with other comments that the proposal is ambitious with inadequate parking provision – I understand the desire to maximise return on the plot from a business perspective however I would suggest three good size properties, with sufficient drive space and more in keeping with the area would be more suitable.
- Our property is situated on the first cul de sac on the left as you enter Foxbrook Drive, therefore should a development go ahead I would like to request that disruption is kept to a minimum and that we can access our property at all times - particularly given we have

two small children. There are also a number of small children on the estate, safety must be paramount.

6.3

Officer Response:

Refer to section 5.2, 5.3, 5.4, 5.5, 5.6 and 5.7 of the report.

A site notice and advertisement in the local press advertised the application proposals alongside original neighbour notification letters, which were sent to immediate boundary sharing neighbours. This representative would not have received one of these neighbour notification letters as they live further down Foxbrook Drive. The reason their property received notification of the revised drawings was because another occupant of the same address had made representations on the planning application during the application process and therefore their address had (since the original publicity) been registered an interested party. The LPA have met all the statutory public consultation requirements of the TCPA - DM Procedure Order.

It is also understood that the developer chose to undertake their own publicity of the application (by sending letters and hosting the plans at the adjacent micro pub).

7.0

HUMAN RIGHTS ACT 1998

7.1

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

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

7.2

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

7.3

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

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

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

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

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

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

9.0 **CONCLUSION**

9.1 The application site is allocated as a potential site for the extension to the adjacent Local Centre in the current Local Plan and therefore residential development on the site is a departure from the Local Plan.

9.2 Notwithstanding the above the site is located in the existing built settlement of Walton ward and under the provisions of Policies CS1, CS2, CS3 and CS4 the site is an appropriate location for infill residential development.

9.3 It is considered that the proposed development is able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to provide connection

(and where necessary improvement) to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development. The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS7, CS8, CS9, CS18 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any subsequent reserved matters submission or any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to a CIL Liability Notice being issued (as per section 5.8 above) and the following conditions / notes:

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

- PG.223817.101 REV D – PLANNING LAYOUT
- PG.223817.102 REV C – SITE SECTIONS
- PG.223817.103 REV C – LANDSCAPE MASTERPLAN
- PG.223817.104 – DESIGN PARAMETERS
- PG.233817.105 – AMENDMENTS OVERLAY
- PG.223817.110 – TYPE A ELEVATIONS
- PG.223817.111 – TYPE A PLANS
- PG.223817.112 – TYPE B ELEVATIONS
- PG.223817.113 – TYPE B PLANS
- PG.233817.114 – TYPE C ELEVATIONS
- PG.233817.115 – TYPE C PLANS
- PG.233817.116 REV A – TYPE D ELEVATIONS
- PG.233817.117 REV A – TYPE D PLANS
- PG.233817.118 REV A – TYPE E ELEVATIONS
- PG.233817.119 REV A – TYPE E PLANS

- PG.223817.120 REV A – SINGLE GARAGE
- PG.223817.121 – GARAGE PLOT 5
- DESIGN AND ACCESS STATEMENT BY OASIS URBAN DESIGN
- PLANNING STATEMENT BY JOHN CHURCH PLANNING CONSULTANCY LTD
- ECOLOGICAL ASSESSMENT SEP 2017 BY WEDDLE LANDSCAPE DESIGN
- FCC 01 - PHASE 1 HABITAT SURVEY BY WEDDLE LANDSCAPE DESIGN

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

03. 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.

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

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

05. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.

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

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

06. Prior to the commencement of development, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council to ensure no net loss for biodiversity (NPPF 2012). Such approved measures should be implemented in full and maintained thereafter. Measures may include:

- details of bird and bat boxes (positions/specification/numbers). A bird box (either swift or sparrow terrace) should be attached to every house, with bat boxes attached to two houses.
- measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm), railings or hedgerows.
- ecologically beneficial landscaping, with native shrubs and trees.

Reason - To ensure that any loss of biodiversity and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

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

Reason - In the interests of residential amenities.

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

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

09. 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.

10. Any first floor windows located in the side elevations of the new dwellings (which are annotated on the approved plans as OG) shall be obscurely glazed and any means of opening shall be located above 1.7m internal floor level. The level of obscure glazing shall be level 4 or above and only windows meeting this specification shall be installed and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

11. The garage/car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. 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/car parking spaces 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.

Reason – In the interests of highway safety.

12. Prior to any works commencing, the applicant shall submit and have approved in writing, by the LPA (in consultation with the LHA) a revised layout drawing demonstrating the following:
Plots 1 & 2 – visibility will be within highway
Plot 3 – visibility should be provided to the junction of Foxbrook Drive with Breckland Road and Foxbrook Drive with Foxbrook Court
Plot 4 – to the tangent of the junction radius of Foxbrook Drive with Breckland Road and the junction of Foxbrook Drive with Foxbrook Court

Plot 5 – 2.4m x 25m in both directions

Reason – In the interests of highway safety.

13. The area in front of the sightlines shall be maintained clear of obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the nearside carriageway channel level.

Reason – In the interests of highway safety.

14. Before any other operations are commenced, space shall be provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

Reason – In the interests of highway safety.

15. Before any other operations are commenced new vehicular and pedestrian accesses shall be formed to Breckland Road, Foxbrook Drive and Foxbrook Court in accordance with the drawing approved under condition 1 above.

Reason – In the interests of highway safety.

16. No dwelling shall be occupied until space has been laid out within the site in accordance with the drawing approved under condition 1 above for cars to be parked and the spaces thereafter shall be maintained free from any impediment to their designated use.

Reason – In the interests of highway safety.

17. There shall be no gates or other barriers on the accesses / driveways.

Reason – In the interests of highway safety.

18. The proposed accesses / driveways to Breckland Road / Foxbrook Drive and Foxbrook Court shall be no steeper than 1 in 14 over their entire length.

Reason – In the interests of highway safety.

19. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

20. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the building.

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

21. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

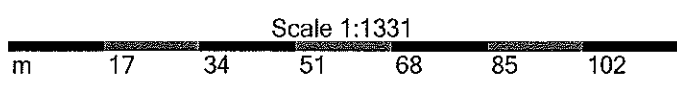
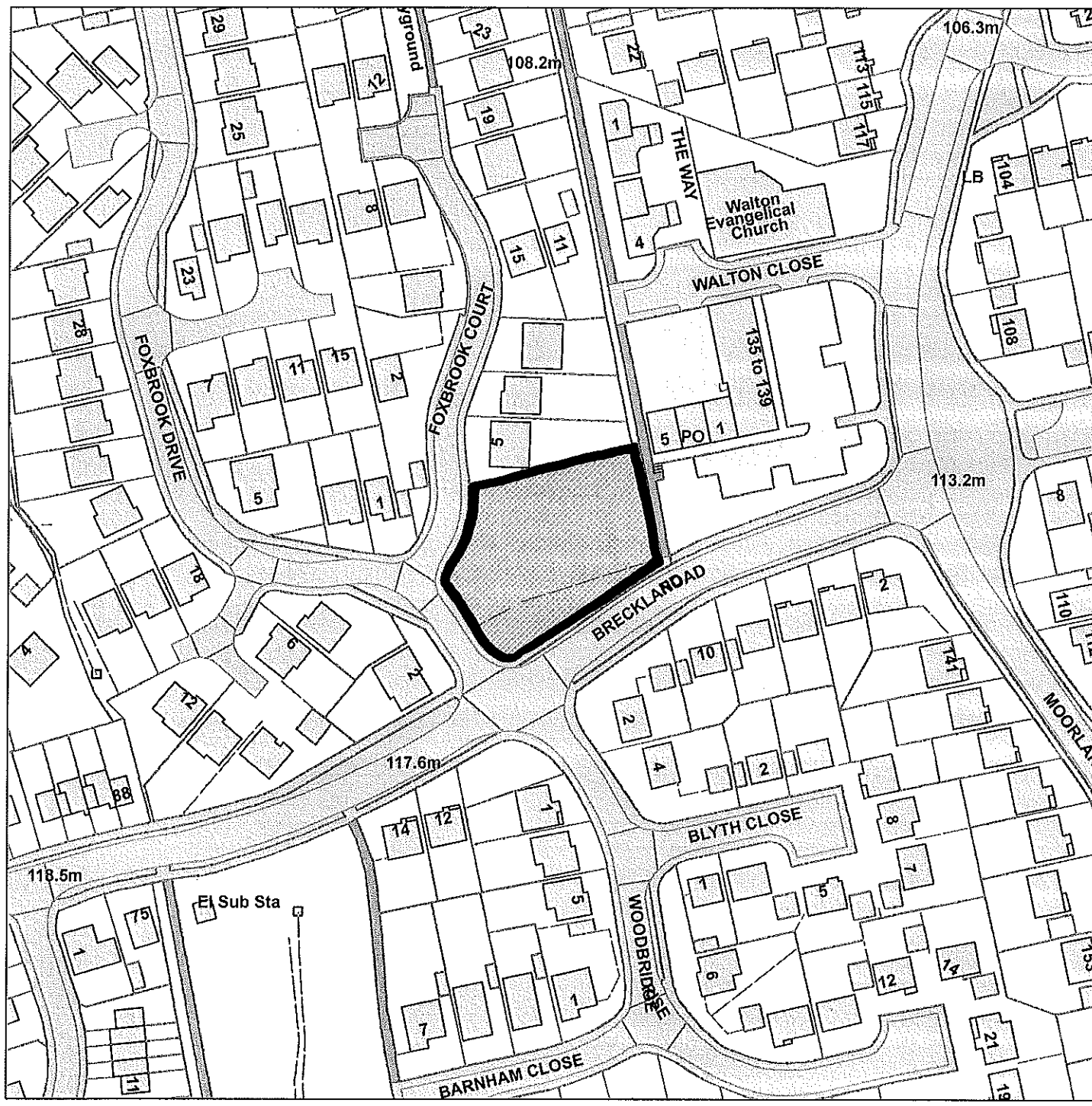
Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008.
04. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

05. The applicant should be advised that the requirement to use a solid bound material for driveways and parking spaces is for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto the highway/footway in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.
06. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
07. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

CHE/18/00024/FUL



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7Case Officer: Chris Wright
Tel. No: (01246) 345787
Ctte Date: 3rd April 2018

File No: CHE/18/00044/OUT
Plot No: 2/5030

ITEM 3

Outline application to demolish existing property, change site entry from left side to right side and build up to 5 new properties at Ravensdale, 26 Chesterfield Road, Brimington, Chesterfield, S43 1AD

Local Plan: Unallocated
Ward: Brimington South

1.0 CONSULTATIONS

Ward Members	No comments
Town/Parish Council	No comments
Strategy Planning Team	Contrary to policy CS10
Environmental Services	No objections
Design Services	Additional information sought in terms of surface water drainage and general drainage on site.
Housing Services	No comments
Yorkshire Water	Additional information sought in terms of drainage
DCC Highways	No comments
Chesterfield Cycle Campaign	No comments
Urban Design Officer	No objections, subject to a detailed reserved matters application.

Neighbours/Site Notice

2 representations received –
see report

2.0 **THE SITE**

2.1 This application concerns the site of 26 Chesterfield Road, Brimington. The site comprises a detached bungalow which is set back from the road upon a site which has a large garden and lots of overgrown plants and shrubs including the hedge plants. Upon the western border there are several large trees, but none of them are protected.

2.2 The street is within a residential area; the dwellings to the east of the site are mainly detached bungalows and two storey dwellings. To the southern side of this road there are predominantly two storey semi-detached houses. To the west of the site there is a mix, but this includes two separate groups of the terraced houses that are perpendicular to the road, one of these groups is adjacent to this site.









3.0 **RELEVANT SITE HISTORY**

3.1 No relevant applications.

4.0 **THE PROPOSAL**

4.1 The proposal is for an outline planning application which includes access, the demolition of the existing dwelling and proposed construction of 5 dwellings. This will include the change of the access from the western side of the frontage to the eastern side of the frontage.

4.2 No information has been submitted in reference to layout, scale, design, housing sizes, drainage, parking numbers or landscaping. These details would be dealt with at the Reserved Matters stage.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.2 The site is situated within the built settlement of Brimington. This area is predominantly residential in nature, and is situated within walking and cycling distance to Brimington Local Centre.

5.3 Having regard to the nature of the application, 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.

5.4 Policy CS1 (Spatial Strategy) states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.

5.5 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

5.6 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.

- 5.7 Policy CS10 (Flexibility in Delivery of Housing) states that planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if they accord with the strategy of ‘Concentration and Regeneration’ as set out in policy CS1 and the criteria set out in policy CS2 (as stated above).
- 5.8 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.
- 5.9 In addition to the above, the NPPF places emphasis on the importance of good design stating:
- ‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.’*
- 5.10 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.
- 5.11 The proposed development site is situated within walking and cycling distance from Brimington and is located on land that is currently utilised as residential curtilage. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and adheres to the policies CS1, CS2 and CS10 in this sense.

6.0 **Strategy Planning Team**

6.1 The Strategy Planning Team were consulted on this application and stated that:

The proposal is for up to five residential dwellings on the site of an existing single detached dwelling and garden. It is within walking distance of Brimington Centre and close to regular bus routes to Chesterfield Town Centre. The principle of development in this location therefore meets the requirements of the council's Spatial Strategy as expressed in policies CS1 and CS2.

However the application site is a residential garden and therefore technically a greenfield site according to the definition of previously developed land in the NPPF (unchanged in the draft revised version (March 2018)). It is therefore contrary to Policy CS10, given the current position in relation to a 5-year supply of deliverable housing sites.

CS18 relates to design in new development and is relevant to this proposal in terms of intensification of development on the site. The application is in outline only and detailed design is therefore not considered at this stage. However the development will need to meet the tests set out in CS18 at reserved matters stage and the comments of the council's UDO should be taken into account in determining whether the site is suitable for 5 dwellings.

As the development is expected to provide off street parking, the provision of suitable infrastructure for electric vehicle charging should be secured by condition in accordance with policy CS20.

The opportunity for biodiversity enhancements such as bird and bat roosting using boxes or brick should be explored to meet the requirements of CS9.

The development would be CIL liable and falls within the 'medium' zone (charged at £50 per sq.m. index linked), calculated at the Reserved Matters stage, and subject to any exemptions sought for affordable housing or custom/self-build.

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

7.1 No information has been included in terms of the design and appearance of the scheme. The Council's Urban Design Officer has looked at the scheme and has confirmed that it is theoretically possible to have 5 dwellings upon this site, but this depends upon the size of the houses, their layout, amenity space provided, parking spaces and other additional space to allow for the same manoeuvring of vehicles on site to allow for vehicles to exit the in a forwards gear. Any reserved matters proposal would also be required to not lead to a significantly negative impact towards surrounding residents, as well as the proposed ones, in terms of overlooking, overshadowing and massing. An indicative drawing has been produced by the urban design officer as an experiment to see if the proposed dwelling numbers were realistic for the site.

7.2 The site has several mature trees and undermanaged plants on site; if it could be possible to retain some of the better examples this could be a positive aspect of a reserved matters application. This could also help soften the impact of increased development on site, as well as reducing the impact upon the amenity of surrounding residents.

7.3 No information has been provided in terms of parking requirements, but the access arrangements will be dealt with in the highways comments.

7.4 Overall the principle of this scheme is considered to be of an appropriate size to accommodate 5 dwellings, but no further assessment can be made of the site until additional information is supplied in a reserved matters application. Overall the proposed development is considered to be appropriately sized to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

8.0 **Environmental Services**

8.1 Environmental Services were consulted on this application but did not provide comments. It is recommended that a condition be imposed restricting the hours of building work

and this is considered necessary due to the close proximity of neighbouring residential properties.

9.0 **Drainage**

9.1 Design Services and Yorkshire Water were consulted on the application and they both requested additional information in terms of surface water and foul drainage on site, as well as general surface water flooding on site. It is considered that this can be dealt with at a reserved matters stage.

10.0 **Highways Issues**

10.1 The Highway Authority was consulted on the application but did not provide comments. It is considered that the exact width of the driveway/s for the scheme can be dealt with at a reserved matters stage when the overall site layout is considered. In reference to the new access the site owner will be required to supply safe pedestrian and vehicular visibility splays to exit the site and for all vehicles to be able to exit the site in a forwards gear. As long as adequate driveway width and exit visibilities are achieved then the proposal is considered to be acceptable. This proposal includes the moving of the existing access rather than the creation of an additional exit, but as the layout for the site is formed at the reserved matters phase this may change.

10.2 The site has an existing access on the opposite side of the frontage. Also, the neighbouring house (no.24) has an access in a comparable position to the one proposed here. If the hedge and boundary trees are significantly cutback from the boundary then adequate visibility is considered to be achievable.

10.3 The positioning of the pedestrian crossing in the middle of the road and frontage of the site does not look to be a positive feature that will aid the safe flow of traffic existing the site in a south-west direction; this may require consultation with the highways authority during the reserved matters stage to ensure that this situation is acceptable.

10.4 Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any

adverse risk to highway safety. It is considered that sufficient space is available on site to provide an adequate level of off street parking.

11.0 **Coal Mining Risk**

11.1 In respect of potential Coal Mining Risk, the site the subject of the application lies within the low risk area and no coal mining risk assessment was required.

12.0 **Trees**

12.1 The Local Authority Tree Officer was asked to comment on the scheme but no comments were received. None of the trees on site are protected, but there are several large trees that can be seen from a variety of viewpoints and that adjoin a public footpath. A scheme that sought to include some of these trees would be preferable in the future, although many if the overgrown and unhealthy specimens could be removed.

12.2 It is considered that a scheme for residential development can be devised whereby some of these trees are retained. Although it is considered that these trees are unlikely to be worthy of formal protection, it is hoped that they can be incorporated into this scheme as part of any reserved matters submission. Landscaping is required as part of any Reserved Matters submission, and as such it is not considered that a condition specific to landscaping of the frontage is required.

13.0 **Community Infrastructure Levy (CIL)**

13.1 Having regard to the nature of the application proposals the development comprises the creation of 5 no. new dwellings and the development is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £50 per sqm (index linked) of gross internal floor area created.

14.0 **REPRESENTATIONS**

14.1 As a result of neighbour notification, letters of representation were received from the residents of 2 houses; the dwellings were from 14 Cemetery Terrace and 7 Chesterfield Road and they both objected to the proposal in reference to its impact upon highway safety.

14.2 The issues related to highway safety will be dealt within the highway safety section elsewhere in this report.

15.0 **HUMAN RIGHTS ACT 1998**

15.1 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

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

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

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

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

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

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

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

17.0 **CONCLUSION**

17.1 The proposals are considered to be appropriate in principle, as it is considered that there is adequate space on site for 5 dwelling. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS1, CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

17.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of Highways, drainage, biodiversity and air pollution. This application would be liable for payment of the Community Infrastructure Levy.

18.0 **RECOMMENDATION**

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

Conditions

1. Approval of the details of the scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.
5. Concurrent with the submission of a reserved matters application, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

6. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
7. Concurrent with a reserved matters application, drawings shall be provided which show the possibility of the proposed new driveway to have visibility splays of 2.4m x 43m over land the subject of the application/highway in both directions, and then agreed in writing with the Local Planning Authority. The area in advance of the sightlines shall be maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
8. The proposed access/driveways to Chesterfield Road shall be no steeper than 1 in14 over its entire length.
9. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority.
10. Concurrent with the submission of a reserved matters application, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council to ensure no net loss for biodiversity (NPPF 2012). Such approved measures should be implemented in full and maintained thereafter. Measures may include:
 - details of bird and bat boxes (positions/specification/numbers). A bird box (either swift or sparrow terrace) should be attached to every house, with bat boxes attached to two houses.
 - measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground

level or the inclusion of small gaps (130 mm x 130 mm), railings or hedgerows.

- ecologically beneficial landscaping, with native shrubs and trees.

11. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

Reasons for Conditions

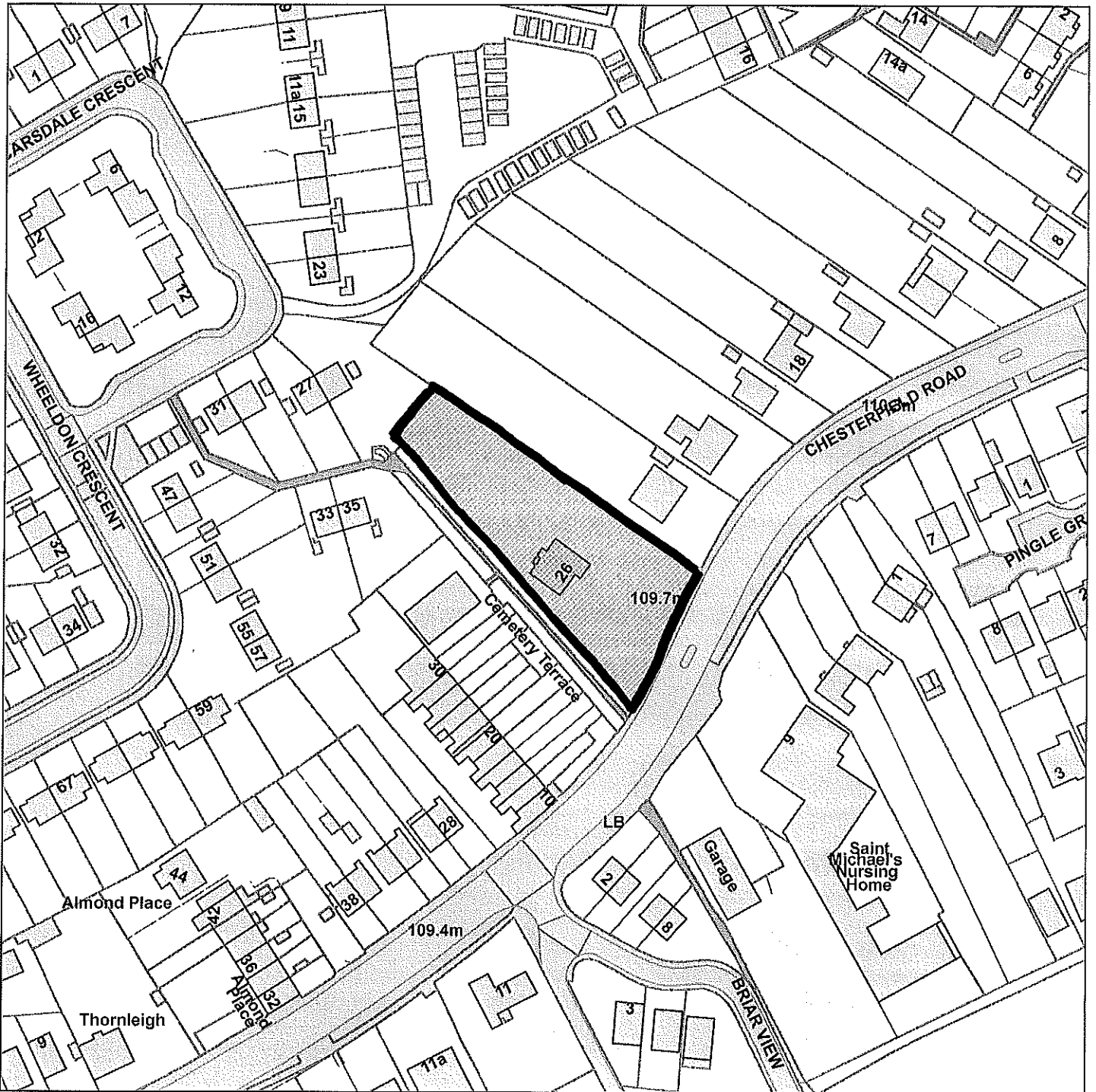
1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. In the interests of residential amenities.
7. In the interests of highway safety.
8. In the interests of highway safety
9. To ensure that the development can be properly drained.
10. In the interests of biodiversity
11. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

Notes

1. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. Consultations with Yorkshire Water will be required should the applicant wish to discharge to a public sewer.
2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
3. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. Ideally, car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. A single garage should have internal measurements of 3m x 6m, spaces in front of a garage should be 6m in length and other spaces 2.4m x 5.5m. There should be adequate space behind each space for manoeuvring.

6. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

CHE/18/00044/OUT



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Case Officer: Joe Freegard File No: CHE/17/00814/OUT
Tel. No: (01246) 345580 Plot No: 2/1638
Committee Date: 3rd April 2018

ITEM 4

Erection of six 2 bedroom flats (Re-submission of previously approved application CHE/17/00251) – amended indicative plans received 12.03.2018 at Land at Chester Street, Chesterfield, Derbyshire for Woodleigh Motors Ltd.

Local Plan: Town District & Local Centre
Ward: Holmebrook

1.0 **CONSULTATIONS**

Ward Members	No comments
Strategy Planning Team	Comments received – see report
Environmental Services	No objections
Design Services	Comments received – see report
Environment Agency	No objections
Yorkshire Water	No comments
Lead Local Flood Authority	No objections
DCC Highways	Comments received – see report
Coal Authority	Comments received – see report
Urban Design	No comments
Neighbours/Site Notice	One representation received – see report

2.0 **THE SITE**

2.1 The site concerned is land at Chester Street, close to Chesterfield Town Centre, within the Holmebrook area of the town. The site is allocated within the Local Plan as being within the Chatsworth Road Town District and Local Centre, and comprises a largely square shaped plot of land situated behind Chatsworth Road. The site is currently used for the parking of vehicles in connection with Woodleigh Motor Sales, and is covered by hardstanding with metal security fencing surrounding the perimeter. The site measures approximately 337 Square Metres in area, is on a relatively flat gradient, and is accessed via a gated entrance from Chester Street to the East of the site. An access road and Garages are situated to the North of the site, Chester Street and the Royal Oak public house are situated to the East of the site, shops with flats above on Chatsworth Road are situated to the South of the site, and rear gardens and yard areas to further shops with flats above are situated to the West of the site.





3.0 **RELEVANT SITE HISTORY**

- 3.1 An outline application for the erection of four 2 bedroom flats and associated parking - amended plans received 05/07/17 was approved in 2017 under application CHE/17/00251/OUT.

4.0 **THE PROPOSAL**

- 4.1 An outline application with all matters reserved has been made for the erection of six 2 bedroom flats (Re-submission of previously approved application CHE/17/00251) – amended indicative plans received 12.03.2018.
- 4.2 The amended plans include an indicative layout and elevations suggesting that the new building would have a T-shaped footprint and a pitched roof. The plans indicate that the property would be set over two stories with rooms in the roof space. These are purely indicative plans and may be subject to change, however the application is assessed on the basis of the information submitted and the likelihood of an appropriate scheme being possible for the site.
- 4.3 Clearance of the site would be required to cater for the proposed development. Indicative plans suggest that the entrance, parking provision, bike storage and bin storage would be to the Eastern front of the site. It is expected that outdoor amenity space would be provided to the Western rear of the site. These details and others would be dealt with at the Reserved Matters stage, as this application purely concerns the principle of six 2 bedroom flats on the site with all matters reserved matters for approval at a later date. The application is assessed on the basis of the application form, site location plan and supporting documentation alone.

5.0 **CONSIDERATIONS**

Local Plan Issues

- 5.1 The site is situated within the Holmebrook ward which comprises a mix of residential, retail, commercial and industrial properties. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and

the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national /local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

5.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

- 5.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.5 The proposed development site is situated within walking and cycling distance from Chesterfield Town Centre and Chatsworth Road District Centre, is on a bus route, however it is located on land that has only been partly previously developed. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature.

Design and Appearance (Including Neighbour Effect)

- 5.6 Although detailed design is not considered at this stage, the indicative plans indicate a scheme showing the property would measure approximately 10.5M in height, 15.5M in width and between 8.5M and 12.5M in depth. It is suggested that bin storage, cycle storage and parking provision would be to the front of the building, to the East of the site, with provision for six spaces. Approximately 96 Square Metres of rear outdoor amenity space would be situated to the West of the site, and the internal dimensions and layout appear to be appropriate and fit for purpose. It is considered that various alterations would be required with regards to design, appearance and layout, however it is acknowledged that these matters are not being determined at this stage. At present, bin storage is proposed to the front of the property, and the design requires modification, however it is considered that a development set over two storeys with rooms in the roof would be an appropriate way of achieving the level of development that is sought on this site.
- 5.7 The plans indicate that the development would be situated approximately 6M away from the nearest neighbouring property at its closest point. The indicative plans suggest that a development could be accommodated with an adequate level of separation from neighbouring properties to prevent

any adverse issues in terms of overlooking, overshadowing or an overbearing impact. Overall it is considered that the proposed development would be situated in a sustainable and appropriate location, and that there is scope to provide six 2 bedroom flats on the plot without any adverse impact on the site or the surrounding area. It is considered that a scheme can be devised with adequate parking provision and outdoor amenity space, where the internal dimensions and layout are appropriate and fit for purpose, and where there would be no adverse impact on neighbouring properties or the surrounding area.

- 5.8 Overall it is accepted that a development of this nature would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact will be minimal due to the level of separation, and the relationship between properties. On balance, it is considered that the impact of the development on neighbouring properties is capable of being sufficiently mitigated such that a refusal of planning permission could not be warranted. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that a scheme can be devised that would not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

Strategy Planning Team

- 5.9 The Strategy Planning Team have commented that it would be helpful if the applicant could confirm whether the outside amenity and storage area is as permitted (248sqm). The submitted drawings indicate an area for 'bins or cycles' and this shared use would not be acceptable. The cycle parking must be secure and retained for that purpose. Regardless of any consideration of the detailed aspects of the proposal, their comments on this revised application remain the same as the original application for 4 units. They are not convinced that the proposal fully accords with the criteria in CS18, particularly regarding scale and height (criteria b) as the proposal could potentially result in overdevelopment of the site. The ability of the applicant to afford the necessary costs is not a reason to allow an otherwise unacceptable design.

All details of the CIL exceptions policy are on the council website and the applicant should be referred to these.

- 5.10 In response to these comments from the Strategy Planning Team, it is acknowledged that a series of amendments would be required in relation to the design and layout of the indicative development as shown. Nevertheless, it is considered that it would be possible to devise a scheme of an acceptable design, making use of rooms in the roof and which would not be at odds with the general character of the local area. A previous approval on this site initially suggested the provision of a three storey building, which was considered to be unacceptable in terms of scale and massing. It is not considered that a two storey building with rooms in the roof would result in the same level of impact, and this would be explored in depth at the reserved matters stage.

Environmental Services

- 5.11 Environmental Services was consulted on this application and they have raised no objections. It was stated that the hours of construction should be limited to between 8:00am and 5:30pm Monday to Friday and between 9:00am and 4:00pm on a Saturday with no construction on a Sunday or Public Holiday. It was stated that the site is within an area of Chesterfield where there might be land contamination and they recommended that a desk study and if necessary, a site investigation is carried out. All reports should be submitted in writing to Chesterfield Borough Council for approval prior to commencement of development. It is considered that these conditions are necessary in the interests of the amenity of neighbours and contamination. A condition is also necessary requiring the installation of electric vehicle charging points, in the interests of reducing emissions.

Design Services

- 5.12 Design Services was consulted on the application and they raised no objections. It was stated that the site is shown to be located just outside the perimeter of Flood Zone 2 on the Environment Agency flood maps, indicating that the risk to this site would be greater than 1 in 1000 years. The floor

level should be raised above the existing ground level to protect against excess flood waters. The drainage for the proposed development should be provided with separate foul and surface water systems. It is noted that from the application form that it is proposed to connect to the main sewer system. This will require approval from Yorkshire Water. The site is currently wholly tarmac and assumed to be 100% impermeable. The provision of soft landscaping within the development may therefore result in a reduction of drainage runoff. In response to these comments from Design Services, it is considered necessary to impose a condition requiring the submission of drainage details in the interests of sustainable drainage and the prevention of flooding.

Environment Agency

- 5.13 The Environment Agency was consulted on this application and raised no objections.

Yorkshire Water

- 5.14 Yorkshire Water was consulted on this application and made no comments.

Lead Local Flood Authority

- 5.15 The Lead Local Flood Authority was consulted on this application and raised no objections.

DCC Highways

- 5.16 DCC Highways has raised no objections. It was stated that although an indicative layout has been provided, as an outline application with all matters reserved no specific comments are given on this. The principle of some form of residential development is, however, considered acceptable. There are, therefore, no objections to the proposal and it is recommended that the following conditions are included in any consent.
1. Prior to any other works commencing, the entire site frontage to Chester Street shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in

height (600mm for vegetation) relative to the road level for a distance of 2 metres into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway.

2. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

3. There shall be no gates or other barriers located across the entire frontage of the property.

4. The proposed accesses/driveways to Chester Street shall be no steeper than 1 in 14 over their entire length.

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

5 No notes are also recommended as part of the recommendation

5.17 In response to these comments from DCC Highways, it is considered necessary to impose the suggested conditions and informatives in the interests of highway safety.

The Coal Authority

5.18 The Coal Authority was consulted on this application and they raised no objections. It was stated that the Coal Authority considers that coal mining legacy 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. In the event that the site investigations confirm the need for remedial works to treat the mine entry and 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.

- 5.19 The Coal Authority stated that a condition should require prior to the submission of the reserved matters:
- The submission of a scheme of intrusive site investigations for the mine entry for approval;
The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
 - The undertaking of both of those schemes of intrusive site investigations;
 - As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
 - As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry, and the definition of suitable 'no-build' zones;
 - As part of the reserved matters application the submission of a scheme of treatment for the mine entry on site for approval;
 - As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and
 - A condition should also require prior to the commencement of development:
 - Implementation of those remedial works.

5.20 In response to these comments from The Coal Authority, it is considered that the suggested conditions are required in the interests of coal mining legacy and safety.

6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, one letter of representation was received from the owner of 49-53 Chatsworth Road.

6.2 The letter of representation raises concerns with regards to proximity to the common boundary.

In response to this comment, it is not considered inappropriate for a new development to abut a common boundary. There are no neighbouring properties located

in close proximity, and it is not considered that the potential location of the proposed development would result in any significant adverse amenity issues.

- 6.3 The letter of representation raises concerns with regards to disturbance to land, potential damage, potential use/blocking of land and access points during construction.

In response to these comments, the Coal Authority has raised no objections to these plans in relation to coal mining legacy. All of the other issues would be civil matters rather than planning considerations.

- 6.4 The letter of representation raises concerns with regards to a lack of parking.

In response to these comments, it is not considered that the provision of six parking spaces for six 2 bedroom flats is inappropriate in this location. The site is located in close proximity to the Town Centre, which is well served by public transport. It is not therefore considered that any further parking provision is required in this instance.

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 site and amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

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

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

- 9.1 The proposal is considered to be appropriate in principle, would be in keeping with the character of the surrounding area and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is sufficiently sustainable and is well served by public transport and amenities. As such, the proposal accords with the

requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS10 of the Core Strategy and the wider NPPF in respect of drainage and coal mining legacy. This application would be liable for payment of the Community Infrastructure Levy.

10.0 **RECOMMENDATION**

10.1 That the application be **GRANTED** subject to the following conditions:

Conditions

1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The

dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
7. Prior to any other works commencing, the entire site frontage to Chester Street shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2 metres into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway.
8. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
9. There shall be no gates or other barriers located across the entire frontage of the property.
10. The proposed accesses/driveways to Chester Street shall be no steeper than 1 in 14 over their entire length.

11. Prior to the submission of the reserved matters, site investigation works shall be 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 the mine entry for approval;
 - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
 - The undertaking of both of those schemes of intrusive site investigations;
 - As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
 - As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry, and the definition of suitable 'no-build' zones;
 - As part of the reserved matters application the submission of a scheme of treatment for the mine entry on site for approval;
 - As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and
 - Implementation of those remedial works prior to the commencement of development.
12. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.
13. 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.
14. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority.

Reasons for Conditions

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. In the interests of residential amenities.
7. In the interests of highway safety and parking.
8. In the interests of highway safety and parking.
9. In the interests of highway safety and parking.
10. In the interests of highway safety and parking.
11. In the interests of coal mining legacy and safety
12. In the interests of reducing emissions in line with Core Strategy policy CS20 and CS8
13. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard
14. To ensure that the development can be properly drained.

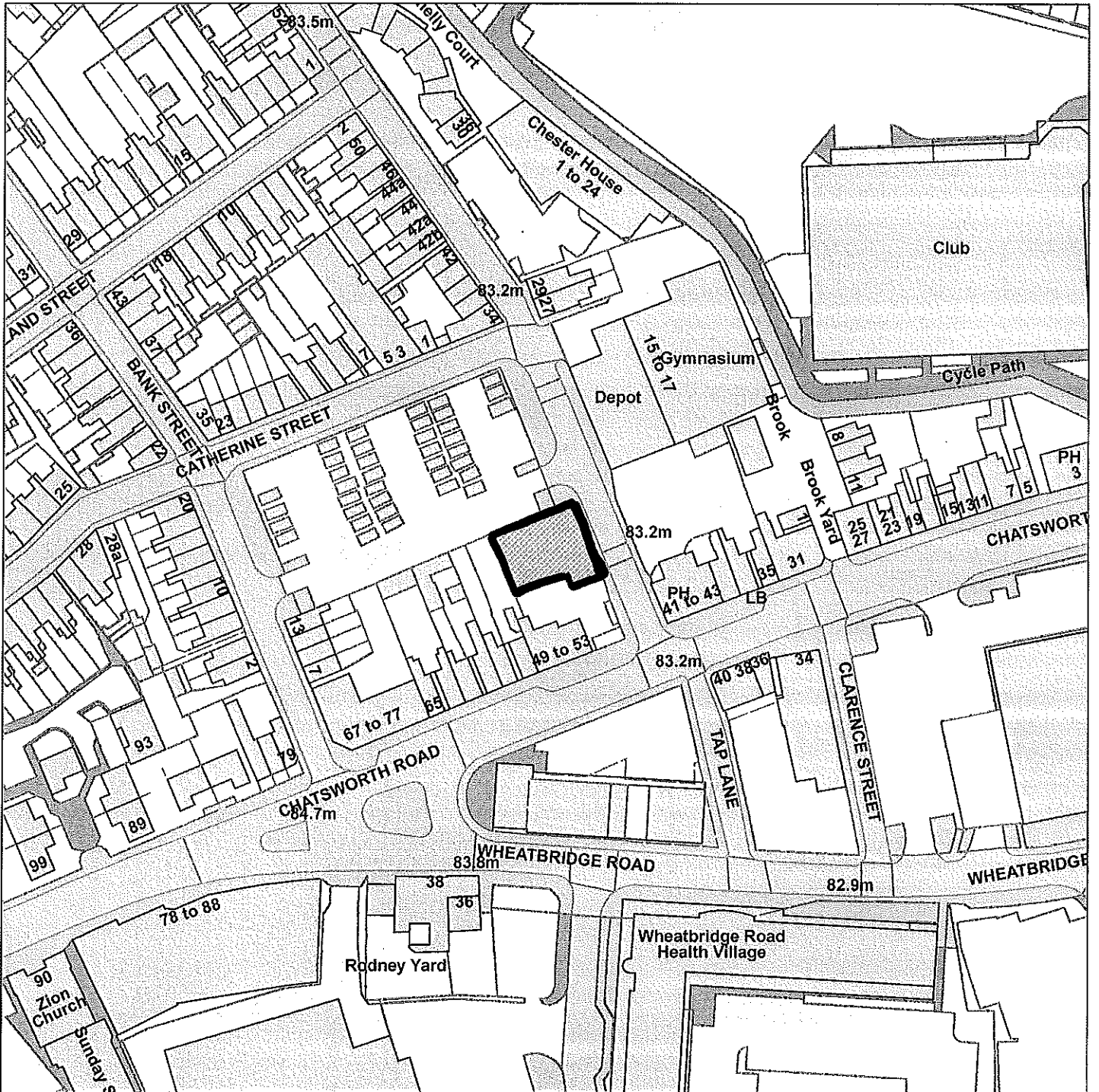
Notes

1. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. Consultations with Yorkshire Water will be required should the applicant wish to discharge to a public sewer.
2. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
4. The Highway Authority recommends that the first 5m of the proposed accesses/driveways should not be surfaced with a loose material (i.e. unbound chippings

or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure 2.4m x 5.5m clear of the public highway.
7. The applicant should be aware that there is traffic calming on the site frontage and works required in relation to this will be at the applicant's expense.

CHE/17/00814/OUT



Scale 1:1331



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Case Officer: Joe Freegard
Tel. No: (01246) 345580
Committee Date: 3rd April 2018

File No: CHE/17/00891/REM
Plot No: 2/2686

ITEM 5

Reserved matters application for access; appearance; landscaping; layout and scale of CHE/17/00456/OUT - Outline planning application for the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with garages - Amended elevations received 29.01.18, amended site layout received 23.02.18 at 20A Avondale Road, Chesterfield, Derbyshire, S40 4TF for Saint Developments

Local Plan: Unallocated
Ward: Brockwell

1.0 **CONSULTATIONS**

Ward Members	email from Cllr Steve Brunt requesting opportunity to address planning committee.
Environmental Services	No objections
Design Services	No objections
Yorkshire Water	No comments
DCC Highways	Comments received – see report
Neighbours/Site Notice	Representations from 4 local residents and letter from MP received – see report

2.0 **THE SITE**

2.1 This application concerns the site of 20A Avondale Road, in the Brockwell area of Chesterfield. The site comprises a detached bungalow, set roughly in a central position within a sizeable garden. The bungalow is predominantly brick-built, with a pitched tile roof and timber windows and doors. An

extensive front garden and driveway lead up to the property, to the West of the site. An attractive brick wall with stone coping forms the boundary to the West of the site, with foliage and trees situated behind, and pillars situated either side of the driveway entrance. Brick walls and areas of foliage form the other boundaries to the site, and a car port is situated at the end of the driveway. Aside from an area of hardstanding that forms the driveway, the site is covered by grass and areas of foliage. 22 Avondale Road is situated to the North of the site, the rear gardens of 26 and 28 Gladstone Road are situated to the East of the site, 20 Avondale Road is situated to the South of the site, and the roadway of Avondale Road is situated to the West of the site.







3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/17/00456/OUT - An application was approved at committee for outline permission for the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with integral garages - description and proposals amended from previously intended alterations to the existing dwelling 10.08.2017.

4.0 **THE PROPOSAL**

- 4.1 A reserved matters application has been made for access; appearance; landscaping; layout and scale of CHE/17/00456/OUT - Outline planning application for the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with garages. Amended elevations have been received 29.01.18 and amended site layout received on 23.02.18. The application also seeks to discharge conditions 5 (external materials), 8-10 (vehicular access, parking and gradients), 11 (drainage) and 12 (site investigation works). The application initially proposed dwellings of a slightly different design with a more significant section of the boundary wall to the front of the site removed. It was considered that these plans would have resulted in an unacceptable design and layout that would have had an adverse impact on the character of the site and the surrounding area. As such, consultation took place with the agent handling this application in an attempt to overcome these concerns and amended plans were provided.
- 4.2 Clearance of the site and the demolition of the existing bungalow would be required to cater for this proposed development. The proposed layout indicates that the existing entrance and pillars to the North West corner of the site would be retained, providing access to one of the proposed new dwellings. A new access point is proposed to be created to the South West corner of the site, providing access to the second of the proposed dwellings. Piers are proposed to either side of this access, and these would measure a maximum of 1M in height. Aside from the new access point, the rest of the wall to the front of the site would remain. The plans indicate that landscaping would be provided behind the front wall and in between the proposed new properties. This

would comprise two Field Maple trees and two Wild Cherry trees. Parking would be provided to the West of the site, and the plans indicate that sufficient space would be provided for three parking spaces and manoeuvring space for each dwelling. The level of provision meets the requirements of the 'Successful Places' SPD in terms of quantity and dimensions.

- 4.3 The plans indicate that two detached four bedroom houses would be erected on the site. These are proposed to be largely L-shaped in footprint and would be positioned side by side. One of the proposed properties would make use of the existing access and would be positioned close to the boundary with 22 Avondale Road to the North of the site. This would follow the front building line of 22 Avondale Road, would run parallel with the road, and is identified as Plot 1. The other property is proposed to make use of the new access to the south of the frontage and would be positioned close to the boundary with 20 Avondale Road to the South of the site. This would be positioned forward of the front building line to 20 Avondale Road, would be positioned at an angle with the road, and is identified as Plot 2. 1.8M close boarded timber fences are proposed to be erected between the two properties. Each property would appear as a mirror image of the other, thereby resulting in the creation of two new dwellings that appear almost identical. The properties are proposed to be constructed using red multi facing bricks, with pitched natural slate roofs. Gable ends are proposed to the front and rear elevations and to one of the side elevations to both of these properties. The properties are proposed to be constructed using white UPVC windows and doors, with cast stone heads and sills and stone effect string courses. Porches with areas of timber boarding are proposed to the front elevations of these properties, and French doors are proposed to the rear. It is considered that the design and materials of the proposed new dwellings are of a good quality and entirely appropriate to the locality.

- 4.4 The plans indicate that areas of garden would surround the new dwellings. These areas of garden would exceed 90 Square Metres, thereby meeting the requirements of the 'Successful places' SPD in terms of outdoor amenity space. Each of the properties would comprise sitting room, dining

room, kitchen, hall, utility room, study and cloakroom at ground floor level. At first floor level the properties would comprise four bedrooms, a bathroom, en-suite bathroom and landing. It is considered that the internal spaces are appropriate and fit for purpose, and the plans would not result in the overdevelopment of the site.

- 4.5 The plans indicate that the proposed dwelling on plot 1 would be situated approximately 1M away from the boundary with 22 Avondale Road to the Northern side of the site, between 13M and 14M away from the rear boundary to the East of the site, between 10.5M and 12M away from the side boundary with 20 Avondale Road to the South of the site, and 10M away from the front boundary to the West of the site. The plans indicate that the proposed dwelling on plot 2 would be situated approximately 11.5M away from the boundary with 22 Avondale Road to the Northern side of the site, between 10.5M and 11M away from the rear boundary to the East of the site, 1.5M away from the side boundary with 20 Avondale Road to the South of the site, and between 11M and 12.5M away from the front boundary to the West of the site.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

- 5.2 The site is situated within the built settlement of Brockwell. This area is predominantly residential in nature, and is situated in close proximity to areas of green open space. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

- 5.3 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land

- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

- 5.4 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

- 5.5 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

- 5.6 The proposed development site is situated within walking and cycling distance from Chesterfield Town Centre and is located on land that has been partially previously developed. The site is located within a built-up area where new housing development would be considered appropriate in principle.

As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature.

Strategy Planning Team

- 5.7 The Strategy Planning Team were consulted on the original outline application and stated that the proposal is for a residential use in a location that is within walking distance of both Chatsworth Road District Centre and Chesterfield Town Centre and therefore, in principle, meets the requirements outlined by the Spatial Strategy (CS1). All development proposals are expected to meet the policy requirements regarding amenity as set out in CS2. There are no policy objections in principle to the replacement of the bungalow on the site with two dwellings.

Design and Appearance (Including Neighbour Effect)

- 5.8 The plans indicate that the new dwellings would be detached houses of a fairly traditional style and character. It is not considered that red brick, detached houses would appear out of character within the locality, which comprises a mixture of styles. On Avondale Road there are examples of detached, semi-detached and terraced properties, including traditional houses, modern dwellings and bungalows. It is considered that the design and materials of the proposed new dwellings are of a good quality and entirely appropriate to the locality. The detail submitted under 5 indicates that the materials will be Forterra Butterley Old English Rose Rustic Brick walls, China Slate 687 roofs and white UPVC windows and doors, as detailed in the supporting documents. Such materials are considered to be appropriate. It is considered appropriate to impose a condition removing Permitted Developments, to ensure that any future additions would not result in any adverse impact on the character of the area and neighbours.
- 5.9 Having regard to the siting of the proposed dwellings, the development would impose the greatest degree of change to 20 Avondale Road and 22 Avondale Road. The new dwelling on plot 1 would follow the stepped back front building line of the extended part of 22 Avondale Road, thereby having little impact on the front of this neighbouring property. The new dwelling would project approximately 3.5M to the rear of this

neighbouring property, however it would be situated approximately 1M away from the common boundary and the extended part of 22 Avondale Road has no side windows. There are front and side facing windows at No 22 however the new dwelling is set back behind this section of the building and as a result of the relationship between properties, it is not considered that the proposed development would result in any significant adverse issues in terms of overlooking, overshadowing or an overbearing impact for 22 Avondale Road. The new dwelling on plot 2 would project forward of the front building line of 20 Avondale Road by approximately 6M. The new dwelling would be situated to the North of this neighbouring property, approximately 1.5M away from the common boundary, with obscure glazed first floor side windows. As a result of the orientation of the site and the relationship between properties, it is not considered that these plans would result in any significant adverse issues in terms of overlooking, overshadowing or an overbearing impact for 20 Avondale Road.

- 5.10 Neighbouring properties to the front and rear of the proposed new dwellings would be situated more than 21 Metres away. It is considered that the extent of separation would ensure that any issues in terms of overlooking, overshadowing or an overbearing impact for other neighbours would not be significant issues. The 'Successful Places' SPD indicates that a 21M separation distance between directly facing windows is required, and this is comfortably achieved.
- 5.11 Overall it is accepted that there would be impacts arising from the development on adjoining neighbouring properties however it is considered that such impacts will be minimal due to the level of separation, the relationship between properties and the orientation of the site.
- 5.12 On balance, it is considered that the impact of the development on neighbouring properties is capable of being sufficiently mitigated such that a refusal of planning permission could not be warranted.
- 5.13 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations

in relation to neighbour impact, it is concluded that the plans would not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

- 5.14 Overall the principle of this scheme has been accepted and the scheme presented is considered to be of an appropriate siting and scale which appropriately responds to the local context and site parameter constraints to protect neighbouring amenity. Overall the proposed development is considered to be appropriately sited and scaled to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

Environmental Services

- 5.15 Environmental Services was consulted on this application and they have raised no objections. A condition was imposed on the outline consent restricting the hours of building work due to the close proximity of neighbouring residential properties.

Design Services

- 5.16 Design Services was consulted on the application and they raised no objections.

Highways Issues

- 5.17 The Highway Authority was consulted on the amended plans and they have raised no objections. It was initially stated that from the highway point of view, a centrally located joint access would be preferable as this would provide an improvement over the existing situation and maximise visibility in both directions. If, however, the existing access was still to serve one dwelling then there would be no intensification in use and there would be no reason for the Highway Authority to raise an objection. The issue, therefore, comes down to the provision of a new access to the south of the site. In this situation, the Highway Authority would look for it to conform to current guidance with visibility splays of 2.4m x 43m in both directions or commensurate with 85th percentile vehicle speeds. It would be necessary for such

splays to be clear of obstructions greater than 1m in height (0.6m in the case of vegetation) which may require the set-back/lowering of the fronting wall/pillars. In the event that the above can be provided, then the Highway Authority confirm they would raise no objection to the proposal. Both dwellings will still require the provision of three off-street parking spaces of minimum measurements 2.4m x 5.5m.

5.18 It is considered that the proposed revised plans are appropriate in terms of highway safety. It is suggested that the existing access remains unchanged in so far as any vehicular use since it will still be used to serve a single property. The new access is consistent with the existing access and others on the street and on the basis that on site turning is provided, it is suggested that the visibility available within existing highway limits (1.88 metre wide pavement) is acceptable. It would certainly not be appropriate to conduct a speed survey to determine the 85th percentile speed. Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any adverse risk to highway safety. It is considered that sufficient space is available on site to provide an adequate level of off street parking.

6.0 **Community Infrastructure Levy (CIL)**

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

	A	B	C	D	E
Proposed Floor space (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
274	244 with 30m2 to be	£50 Medium	317	288	£13,428

	demolished	Zone			
--	------------	------	--	--	--

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)

$$\frac{244 \times 50 \times 317}{288} = \text{£}13,428$$

7.0 REPRESENTATIONS

7.1 As a result of neighbour notification, letters of representation have been received from residents at 17 (x3), 20, 22 (x3), and 24 (x4) Avondale Road. The correspondence from 22 and 24 Avondale Road is supported by Toby Perkins MP.

7.2 In summary the letters of objection raise concerns with regards to scale, design, overdevelopment of the site, the angle of the house at plot 2, lack of details with regards to materials, lack of space between properties, a terracing effect, separation distances, overlooking, overshadowing, overbearing impact, loss of light and privacy, lack of details showing land levels and floor levels, lack of gateways, security, drainage issues, lack of tree planting, loss of trees, inadequate parking space, maintenance issues, a lack of measurements, noise from future occupants, and the potential addition of garaging at later stage.

Comments

7.2.1 ***With reference to scale, design and overdevelopment issue, the plans indicate that the internal spaces would be appropriate and fit for purpose and that sufficient space would remain on site for the provision of gardens and parking in line with the 'Successful Places' SPD. The new dwellings would be detached houses of a fairly traditional style. It is not considered that red brick, detached houses would appear out of character within the locality, which comprises a mixture of styles. It is considered that the design of the proposed new***

dwellings is of a good quality and entirely appropriate to the locality. It is not therefore considered that scale, design or overdevelopment are issues of concern.

7.2.2 ***With reference to the angle of the house at plot 2, it is not considered that this would appear out of character within the street scene. Avondale Road is characterised by a wide range of building lines and styles, and it is not therefore considered that the angle of the house at plot 2 would have such an adverse visual impact within the locality that refusal of planning permission could be justified. In reference to a lack of details with regards to materials, this point is acknowledged. The application has sought to discharge condition 5 of approval CHE/17/00456/OUT with regards to materials as part of this application. Insufficient information was initially provided however this information has now been provided.***

7.2.3 ***With reference to a lack of space between properties, a terracing effect and separation distances, it is not considered that these are major issues. It is not considered that a 1M space between properties is unacceptable in this instance, either in terms of visual impact or amenity. The level of separation between the proposed new properties and existing dwellings would prevent any terracing affect, and it is not uncommon to see examples of properties that abut neighbouring boundaries.***

7.2.4 ***In terms of overlooking, overshadowing, an overbearing impact, and a loss of light and privacy, it is not considered that these would be significant issues. There would be no issues in terms of overlooking or a loss of privacy from the first floor side windows to the new dwellings, as these would be obscure glazed and the extended section of 22 Avondale Road has no side windows. Any issues in terms of overlooking and privacy from the ground floor side windows would be***

minimal, and the front and rear windows to the new properties would be situated a significant distance away from any direct facing neighbouring windows. In terms of overshadowing and a loss of light, neighbouring properties to the South, East and West of the site would be unaffected by these plans due to the orientation of the site and the level of separation between properties. It is accepted that there would be some level of impact on 22 Avondale Road, however this would be minimal due to the modest projection to the rear of this property, the separation between properties and the orientation of the site. In terms of an overbearing impact, it is acknowledged that the properties would have some level of impact on 20 and 22 Avondale Road. It is considered that any impact would be minimal due to the modest projection to the front and rear of these properties and the level of separation between properties.

7.2.5 ***In terms of a lack of details showing land levels and floor levels, these were missing from the application initially but have now been provided. It is considered that the submitted details show an appropriate relationship between the new properties and neighbouring properties. In terms of a lack of gateways and security concerns, there is no requirement to provide gateways and it is considered that access points without gateways appear entirely appropriate within the street scene. There are other examples of access points without gateways within the street scene, and it is not considered that a lack of gateways would lead to any significant security concerns.***

7.2.6 ***In terms of drainage issues, Design Services (Drainage) was consulted on this application and raised no objections. The application has sought to discharge a condition in relation to drainage, however a separate application is required as insufficient information has been submitted. In terms of a lack of tree planting and a***

loss of trees, it is considered that the introduction of two Field Maple and two Wild Cherry trees is appropriate in terms of quantity and type. The trees that have been removed were not worthy of retention, as identified by the Tree Officer in the outline application, and there was no control over these being removed.

7.2.7 ***In terms of inadequate parking space, the plans indicate that the front gardens to each property would provide sufficient space for three parking spaces in line with guidelines and manoeuvring space. It is considered that this level of provision is ample. Any maintenance issues or noise from future occupants would be civil matters rather than planning considerations. In reference to the concerns raised with regards to a lack of measurements, the application has been provided with scale drawings and measurements can be taken from these. The latter point with regards to the potential addition of garaging at later stage is speculative. It is considered appropriate to impose a condition removing Permitted Developments in any case, to ensure that any future additions would not result in any adverse impact on the character of the area and neighbours.***

8.0 **HUMAN RIGHTS ACT 1998**

8.1 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

- 8.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 8.3 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.
- 8.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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

- 9.1 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).
- 9.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. Pre application advice was provided in this case.

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

10.0 **CONCLUSION**

- 10.1 The proposals are considered to be appropriate in principle, would be in keeping with the character of the surrounding area and would not have a significant unacceptable impact

on the amenities of neighbouring residents or highway safety. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

10.2 This application is suitable in terms of scale, form, layout and materials. The principle of this development has already been established as a result of a previous approval for outline consent. The proposed external spaces and parking provision meet guidelines, and the internal spaces are appropriate and fit for purpose. The proposed new dwellings would have no significant adverse impact on neighbouring properties, and it is not considered that these proposals would result in the overdevelopment of the site. The application has been modified in order to retain much of the attractive front boundary to the site, and access has been proposed in a manner that introduces a sense of symmetry. This application is appropriate, subject to conditions. As such, this application is in accordance with development plan policy and is recommended for approval. This development would be liable for payment of the Community Infrastructure Levy.

10.3 The application seeks to discharge conditions 5 (external materials), 8-10 (vehicular access, parking and gradients), 11 (drainage) and 12 (site investigation works). It is considered that conditions 5 and 8-10 can be discharged. Condition 11 cannot be discharged at this stage as insufficient drainage details have been provided, and condition 12 cannot be discharged at this stage as the Coal Authority have not yet provided a response.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in line with paragraph 6.0 above.

11.2 That the application be **GRANTED** subject to the following conditions:

Conditions

1. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
2. Before occupation of plot 2 hereby approved the new vehicular access shall be formed to Avondale Road in accordance with the application drawing.
3. The proposed dwellings shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be manoeuvred and parked. The areas shall be maintained thereafter free from any impediment to its designated use for the life of the development.
4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) there shall be no extensions outbuilding 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 dwellings hereby approved without the prior written agreement of the Local Planning Authority.
5. The materials to be used shall be Forterra Butterley Old English Rose Rustic Brick walls, China Slate 687 and white UPVC windows and doors, as detailed in the supporting documents unless alternative materials are submitted for consideration under condition 5 of the outline planning permission.

Reasons for Conditions

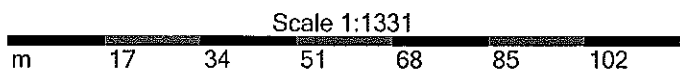
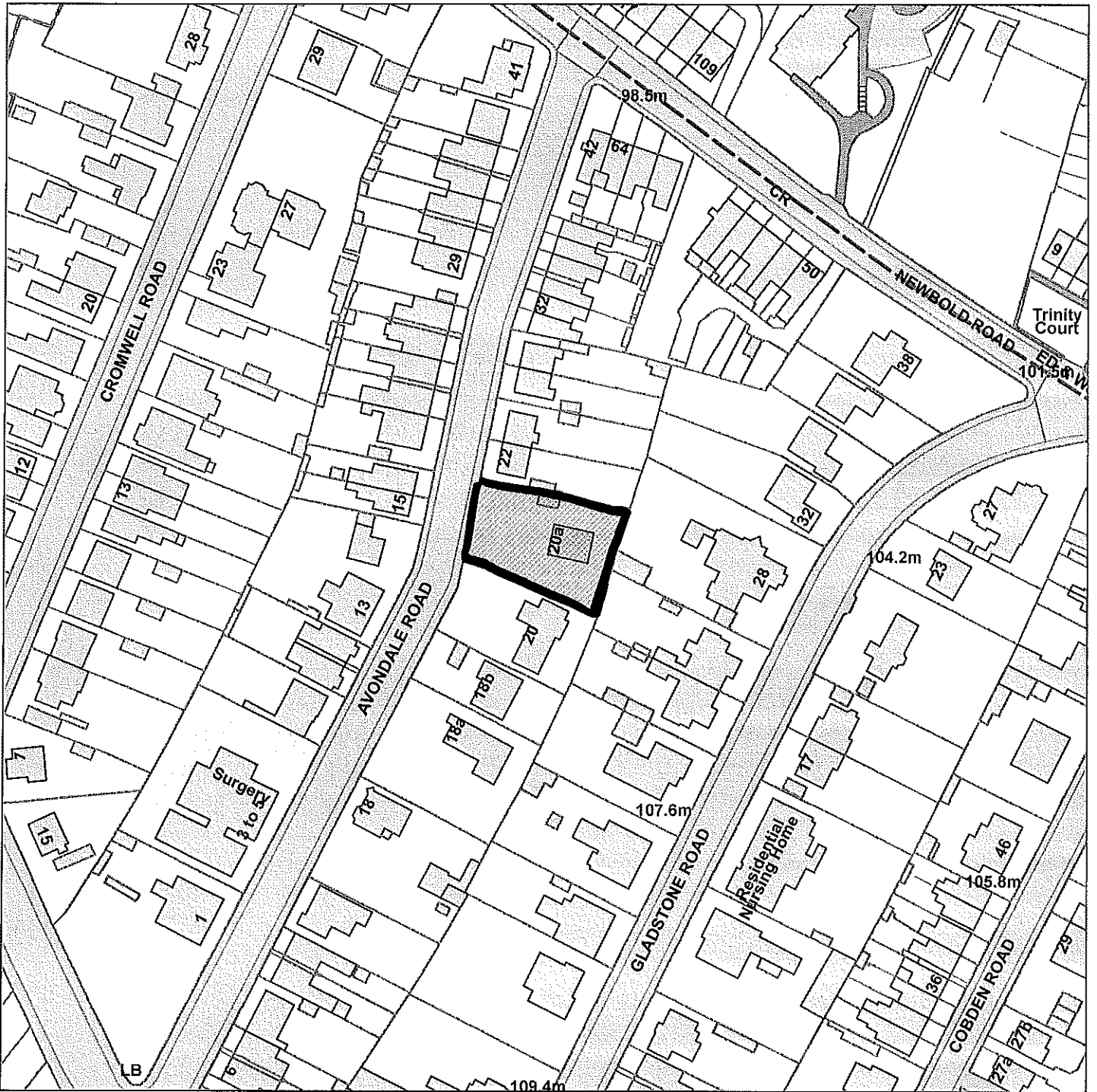
1. In order to clarify the extent of the planning permission in the light of guidance set out in “Greater Flexibility for planning permissions” by CLG November 2009.
2. In the interests of highway safety.
3. In the interests of highway safety.

4. In the interests of the amenities of occupants of adjoining dwellings.
5. In the interests of the appearance and amenity of the area.

Notes

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
2. 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.
3. 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.

CHE/17/00891/REM



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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 3rd April 2018

File No: CHE/17/00769/FUL
Plot No: 2/1339

ITEM 6

ADDENDUM / UPDATE REPORT

DEMOLITION OF EXISTING BUILDING AND ERECTION OF EXTRA CARE ACCOMMODATION FOR OLDER PEOPLE, LANDSCAPING AND CAR PARKING (REVISED PLANS RECEIVED 10TH, 16TH, 22ND AND 25TH JAN '2018; AND 14TH, 19TH AND 20TH MARCH '2018) AT SITE OF FORMER NORTH EAST DERBYSHIRE DISTRICT COUNCIL OFFICES, SALTERGATE, CHESTERFIELD, DERBYSHIRE, S40 9TA FOR YOUR LIFE MANAGEMENT SERVICES LTD

Local Plan: Town / District / Local Centre
Ward: Brockwell

1.0 **CONSULTATIONS**

Urban Design Officer	Comments received 20/03/2018 – see report
North Derbyshire CCG	Comments received 19/03/2018 – no objections / no change to contribution sought
Tree Officer	Comments received 21/03/2018 – see report

2.0 **BACKGROUND**

2.1 On 29th January 2018 Planning Committee resolved to approve a planning application (subject to S106 agreement) under application reference CHE/17/00769/FUL for the following development:

‘Demolition of existing building and erection of extra care accommodation for older people, landscaping and car parking at site of Former NE Derbyshire District Council Offices, Saltergate, Chesterfield, Derbyshire, S40 9TA for Your Life Management Services Ltd’.

2.2 Following the Planning Committee meeting negotiations have taken place to progress the S106 agreement; however on the 28th

February 2018 the applicant contacted the LPA to ask if an amendment to the design of the scheme the subject of the committee resolution could be considered.

2.3 On the 14th, 19th and 20th March 2018 revised plans were received with a summary of the proposed changes as follows:

- Revised access road arrangement;
- Car parking amended to suit revised access road arrangement;
- Grasscrete turning head added for existing sub-station;
- Public Art location on Saltergate removed (this is being dealt with via an off-site commuted payment);
- Additional 1-bed unit added to ground floor;
- Position of 'restaurant/bistro', '2-bed unit' and 'guest suite' on ground floor revised to improve communal areas;
- Size of 'restaurant/bistro' amended;
- First, second and third floor layouts and roof plan drawing amended slightly to reflect ground floor changes; and
- Elevation drawings amended to reflect changes to ground floor and other floors.

2.4 The following plans have been received:

NW 2425 01 AC 001 Rev B – Location & Context Plan
NW 2425 01 AC 004 Rev C – Site Layout
NW 2425 01 AC 005 Rev D – Elevations 1 of 2
NW 2425 01 AC 006 Rev F – Elevations 2 of 2
NW 2425 01 AC 007 Rev F – Ground Floor and First Floor Plans
NW 2425 01 AC 008 Rev F – Second and Third Floor Plans
NW 2425 01 AC 009 Rev C – Roof Plans
NW-2425-01-LA-001 Rev B – Landscape Layout

2.5 The purpose of this report is to update Members on the revised set of drawing submitted and highlight / consider the planning merits of the changes made to the scheme.

3.0 **CONSIDERATIONS**

3.1 The images below are extracts of the application drawings which show / compare the previously approved plans against the latest proposed plans:

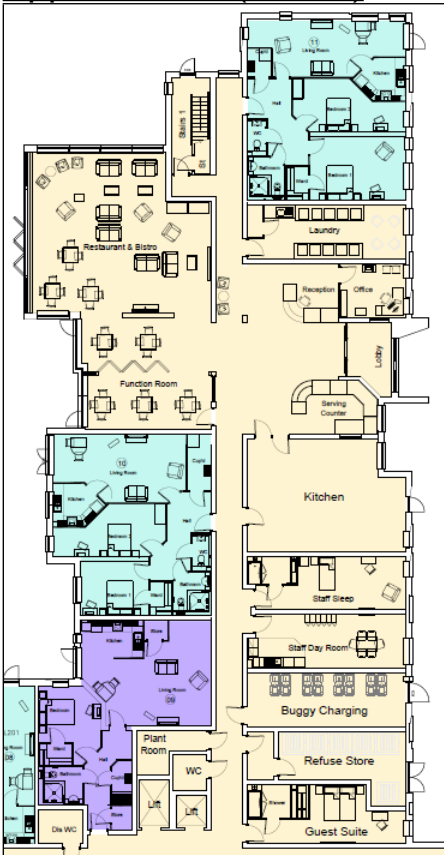
Approved Site Layout (Rev B)



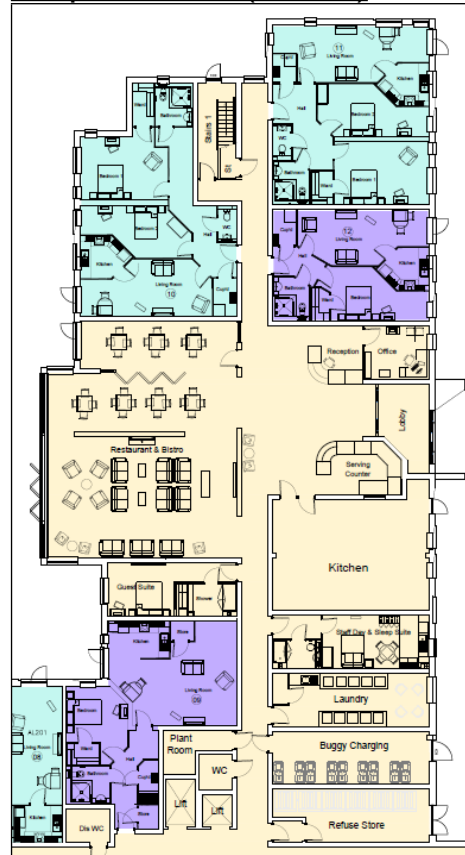
Proposed Site Layout (Rev C)



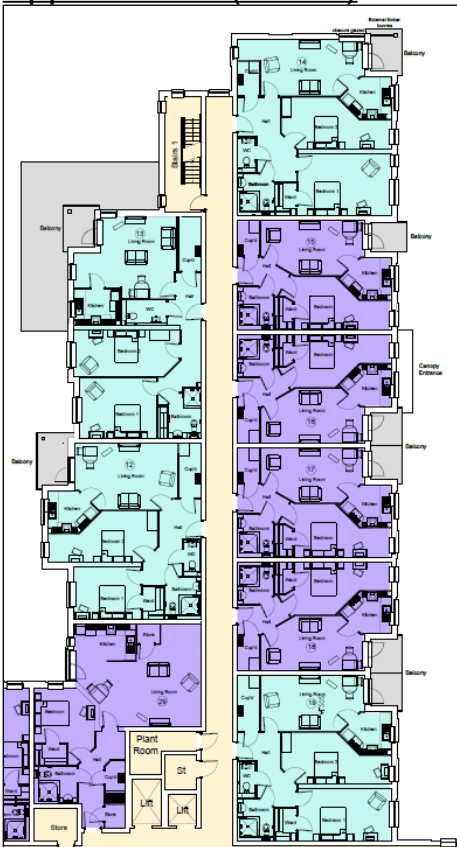
Approved GF (Rev D)



Proposed GF (Rev F)



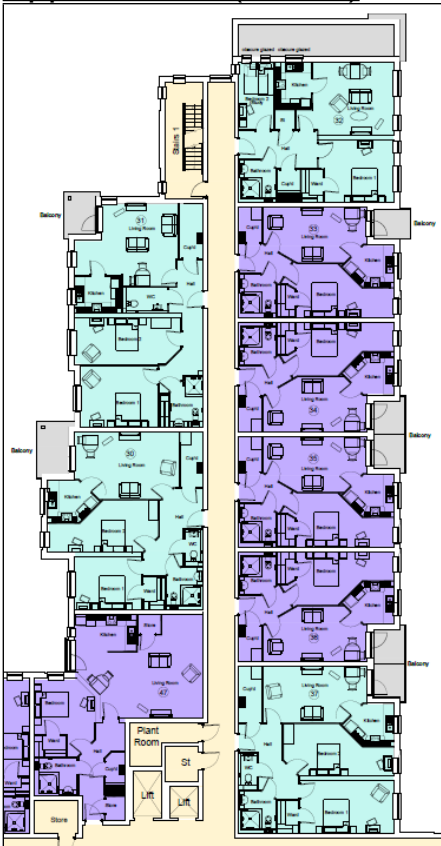
Approved FF (Rev D)



Proposed FF (Rev F)



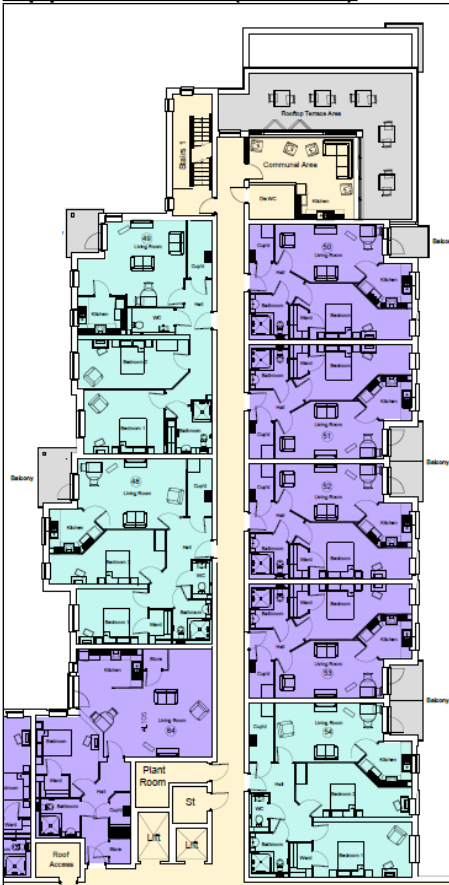
Approved SF (Rev D)



Proposed SF (Rev F)



Approved TF (Rev D)



Proposed TF (Rev F)



Approved West Elevation (Rev D)



Proposed West Elevation (Rev F)



Approved East Elevation (Rev C)



Proposed East Elevation (Rev D)



3.2 The alterations to the scheme do not materially affect the principle elevation of the development (Saltergate frontage), and the modest changes to the reconfigured layout have minimal impact upon the

appearance of the east and west elevations. The impacts of the development upon the closest neighbours which have already been closely considered retain the same relationship as previously agreed and are considered to be acceptable.

3.3 The site layout changes amend the layout of the access road to be taken off Saltergate to provide a formed access into the adjacent future development site; as well as reconfiguring the car parking layout serving the development. 34 no. car parking spaces are retained despite the reconfiguration and this is acceptable.

3.4 Having regard to the developments proximity to the protected trees which are located on the periphery of the application site boundary it is not considered that the changes proposed will have any greater impact upon the rooting environment of these trees. Conditions 17, 18 and 19 of the original recommendation remain unaltered and the tree protection details which are required in accordance with these conditions will need to reflect the latest proposals. The **Tree Officer** has confirmed he is satisfied the original conditions address any outstanding matters he had previously raised and therefore the changes are acceptable to him. The removal of the tarmac around the existing substation and its replacement with grasscrete is also in principle acceptable, but this will need to be employed with an above ground construction method of construction and this methodology can be managed through condition 17, 18 and 19 as well.

3.5 The **Urban Design Officer** has also reviewed the amended proposals and offered the following comments:

‘Overall, the proposed design changes are not considered to adversely impact the appearance of the building in comparison with the design that was previously considered by the Planning Committee. Provided that the privacy measures previously required to maintain neighbour amenity are implemented, the amenity of occupiers of the adjacent development should also be preserved to an acceptable standard.

One inappropriate alteration relates to the layout of the entrance road and the introduction of 3 parking spaces at the end of the driveway/road. It is unclear whether these spaces are intended to serve the proposed care facility or the adjacent site identified for

future redevelopment? It would be helpful if this could be clarified by the applicant.

These parking bays result in the terminating vista at the end of the proposed new street being defined by the presence of parked cars, which is generally poor practice. Furthermore the first parking bay (on the left as viewed from Saltergate) would require vehicles entering or leaving the space to overrun the pedestrian footpath. This represents a conflict with pedestrian and buggy movements at the nearby pedestrian access gate. In light of the above comments, it is recommended that:

- 1. The first parking bay is omitted from the end of the access road and replaced by landscaping.*
- 2. That a suitable hard surfaced path is provided along the outside edges of each remaining parking bay to prevent any adjacent soft planting from being trampled. This will enable users to enter and leave parked cars without the need to walk on planted areas, which is both impractical and results in damage to landscaped areas designed to enhance the amenity of the scheme.*
- 3. A landscape margin should be introduced between the end of the parking spaces and the boundary wall with taller shrubs planted to provide a more appealing terminating vista at the end of the new street/access road, that can be seen above any parked cars. This could be achieved by reducing the footway around the turning head to a simple/narrow service margin to free up a strip of land that could be used for soft planting.*

The entrance into the building itself and the car park arrangement are less well resolved than previously proposed and the more formal entrance threshold/space is somewhat diminished, although this in itself is not considered sufficient grounds on which to raise an objection.

Subject to the amendments recommended above, there is no fundamental objection on urban design grounds to the suggested alterations to this development. The conditions previously recommended should also be applied to this proposal in the event that permission is recommended for approval.'

3.6 Having regard to the comments of the UDO above, the applicant has been provided with a copy of the comments made above and the issues in respect of the three car parking spaces located at the end of the access road currently remain unresolved. It is however considered that this matter can be resolved by ongoing negotiation (whilst the S106 is resolved – delegated to officers) and by suitably worded condition if the S106 is signed without resolution (it is noted the access road and three parking spaces are being influenced by the adjacent landowner – rather than the developer of this scheme).

4.0 **RECOMMENDATION**

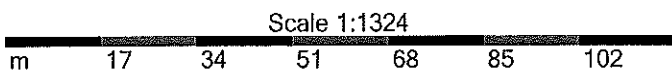
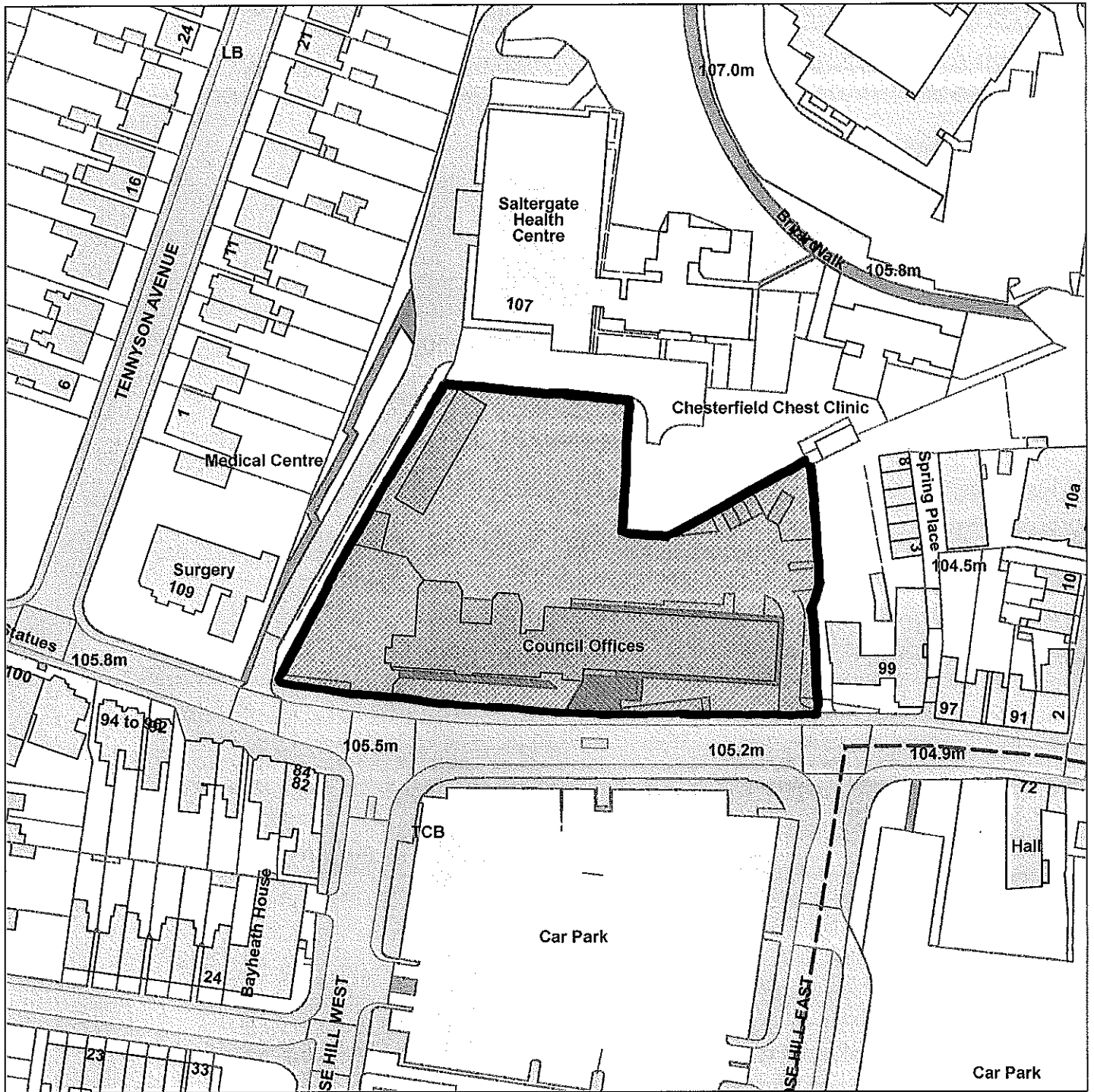
4.1 That the revisions to the scheme as detailed are accepted and the application is approved subject to the progression of the S106 agreement / negotiations and the list of conditions as previously recommended are imposed with the exception of the approved plans condition 2 which should be revised as follows:

02. 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.
 - NW 2425 01 AC 001 Rev B – Location & Context Plan
 - NW 2425 01 AC 002 – Street Scene
 - NW 2425 01 AC 003 – Perspective View From Saltergate
 - NW 2425 01 AC 004 Rev C – Site Layout
 - NW 2425 01 AC 005 Rev D – Elevations 1 of 2
 - NW 2425 01 AC 006 Rev F – Elevations 2 of 2
 - NW 2425 01 AC 007 Rev F – Ground Floor and First Floor Plans
 - NW 2425 01 AC 008 Rev F – Second and Third Floor Plans
 - NW 2425 01 AC 009 Rev C – Roof Plans
 - NW-2425-01-LA-001 Rev B – Landscape Layout
 - 030117JC-01 - Site Survey
 - SK1000 P1 - Preliminary Drainage Strategy
 - Planning Statement
 - Design & Access Statement
 - Statement of Community Involvement
 - Transport Statement
 - Arboricultural Report
 - Heritage Statement
 - Phase I and Phase II Ground Reports

Phase I Extended Habitat Report

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.

CHE/17/00769/FUL



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Case Officer: Paul Staniforth
Tel. No: 01246 345781
Ctte Date: 3rd April 2018

File No: CHE/17/00800/FUL
Plot No: 2/3991

ITEM 7

RETENTION OF EXTERNAL WORKS AND CONVERSION OF FIRST AND SECOND FLOOR TO THREE SELF CONTAINED RESIDENTIAL UNITS AT 2 YORK STREET, HASLAND, CHESTERFIELD, DERBYSHIRE, S41 0PN FOR MR NIGEL CHADWICK.

Local Plan: Unallocated
Ward: Hasland

1.0 CONSULTATIONS

DCC Highways	Comments received – No objections – see report
Ward Members	no representations received
Neighbours/Site Notice	7 letters of objection and 3 letters of support - see report

2.0 THE SITE

- 2.1 The application site relates to the premises of 2 York Street at Hasland which is situated at the junction of York Street with Hampton Street. It is a late c19 / early c20 two storey building built as a corner shop with self-contained living accommodation above which was accessed from the rear.
- 2.2 The building is of a traditional 2 storey design with stone dressings beneath a slate roof as a continuity of the character of buildings in the immediate vicinity. The shop unit s fronting the corner junction is now occupied by a beauty type use but was previously occupied by a safe cracker and Hasland Carpets before that.
- 2.3 The shop unit forecourt area contains two vending machines which are the subject of a current Enforcement Notice and appeal process.
- 2.4 The premises has a side extension and double garage which have been erected recently and which have previously been considered

and accepted by planning committee (see history below). Further changes to the roof and upper storey were also the subject of a report to planning committee and which is also referred to below. The upper floor of the premises has been a residential unit for many years.



- 2.5 The site is within an area which is generally of residential terraced housing and where the public highway is generally used for parking purposes due to the absence of off street parking opportunities. The pavements in the vicinity of the site are generally narrow reflecting the tight knit turn of the century suburb area.
- 2.6 With reference to the Policies Map of the adopted Local Plan the site is not subject to any land allocation or designation.
- 3.0 **RELEVANT SITE HISTORY**
- 3.1 In 1996 planning permission was granted for use of the shop unit as a takeaway however this was not implemented (CHE/0996/0516).

- 3.2 In 1998 a further application was made to convert the vacant shop into a flat and which was approved however the consent lapsed and the conversion was not implemented (CHE/0198/0036).
- 3.3 In 2000 the basement of the premises was the subject of an application to convert to a flat which was again approved but never implemented (CHE0500/0313).
- 3.4 The shop unit was subsequently used by Hasland Carpets under a previous ownership and up to the current owners possession (Mr N Chadwick). The shop was then occupied by a professional safe cracker (Technique Safes Ltd) and now by "*Be You Tiful Boutique*".
- 3.5 Planning Committee considered a report at its meeting on 17th July 2017 and which considered the planning merits of an unauthorised side extension, a double garage and the introduction of two vending machines on the property forecourt. Whilst it was agreed that it was not expedient to take any action regarding the side extension and garage it was resolved to secure removal of the vending machines via formal enforcement action. An Enforcement Notice was served on 1st August 2017 requiring the two vending machines to be removed however the property owner lodged an appeal which is currently awaiting a decision.
- 3.6 Planning Committee considered a further report at its meeting on 9th October 2017 and which considered the works being undertaken in connection with conversion and extension of the roof space to provide an independent self-contained residential unit. Authority was granted for the issue of an Enforcement Notice requiring the removal of the unauthorised extension of the roof and external works.

4.0 **THE PROPOSAL**

- 4.1 The application is submitted partly in retrospect and proposes the retention of alterations to the roof of the building to create an additional three lettable self contained units over the existing first and proposed second floor of the premises. The first floor would provide two single bed units with a further single bed unit at second floor.
- 4.2 The proposed accommodation relies on existing windows and doors at ground and first floor level. All alterations are to the

interior of the property and access to all the flats is to be internal via a new staircase. The second floor flat relies on the additional space created by extending the roof from a hipped design to a gable. The applicant indicates that the balcony and canopy can be removed if required.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 The site is situated within the built settlement of Hasland in an area which is mainly residential in nature. It is however very close to the Hasland District Centre which is just a couple of minutes walk away. Having regard to the nature of the application policies CS1 (Spatial Strategy), CS2 (Principles for Location of Development), CS3 (Presumption in Favour of Development, CS18 (Design) and CS20 (Influencing the Demand for Travel) of the Core Strategy and chapters 1, 2 and 7 of the wider National Planning Policy Framework (NPPF) apply.

5.1.2 The National Planning Practice Guidance is also of relevance to the case.

5.1.3 **Key Issues**

- Principle of the development;
- Impact on neighbouring residential amenity;
- Design of the proposal; and
- Highways Safety and Parking Provision.

5.2 **Principle of Development**

5.2.1 The site is situated close to Hasland District Centre and within easy walking or cycling distance of all the services and facilities on offer. The centre is also well served by public transport, parks and open spaces and schools which are all easily accessible. The site is considered to be sustainable and meets the locational and concentration requirements referred to under policy CS1, CS2 and CS3.

5.2.2 Conversion of the upper floor of a mixed use premises to incorporate residential flats is considered to be entirely appropriate in terms of the principle of the development. The site is located within a built-up area where new housing development would be

considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature. There are no policy objections in principle to the conversion of the upper floors of the property to residential units subject to the detailed assessment of other material considerations in accordance with remaining policies CS2, CS18 and CS20 of the Core Strategy which are dealt with below.

5.3 **Design / Appearance**

- 5.3.1 Core Strategy Policy CS2 states that *'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.'* Policy CS18 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.'*

In addition to the above, the NPPF places emphasis on the importance of good design stating:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

- 5.3.2 The only external component of the scheme is the rear/side facing roof extension with balcony and canopy which are visible from York Street and surrounding gardens to property on York Street, Hampton Street and Kent Street. It is clear that the works undertaken to date require planning permission however works on site were suspended when concerns were expressed and the applicant changed the original intention to construct an external spiral stair to the top floor flat.
- 5.3.3 At planning committee in October 2017 it was argued that the extension of the property appeared as a dominant out of place addition and which compromised the street scene and that this would be exaggerated by the spiral stair which would appear as a dominant and incongruous addition to the building. Reference was

made to the considerable overlooking opportunities from the platform, staircase and the windows which will be unneighbourly for the local neighbours but especially for those at 8 York Street to the west and 14 Hampton Street to the north. It was on this basis that an Enforcement Notice was recommended and agreed however submission of the current planning application has held that action pending its outcome.



- 5.3.4 The roof extension on its own would not be so incongruous that a refusal could be justified in planning terms. The change from what was originally a hipped design to a gable design reflects the design of neighbouring properties and actually respects the local character. If the balcony and canopy were to be removed and the french doors were to be changed to an obscured window then the extension of the building would not be so damaging to the street scene to the point that planning permission should be refused. Such changes referred to above could be required by condition of any planning permission granted and which would result in an external appearance which would not be concluded as being in conflict with policies CS2 and CS18 of the Core Strategy and the advice contained within the National Planning Policy Framework.

5.4 **Neighbouring Amenity (excluding highways impact)**

- 5.4.1 Core Strategy Policy CS2 states that when assessing planning applications for new development, proposals will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.
- 5.4.2 Core Strategy Policy CS18 also states that, 'Development will be expected to, inter alia, have an acceptable impact on the amenity of users and neighbours'.
- 5.4.3 There is clearly no impact arising from the roof extension to the side/rear of the premises on the neighbouring properties which face the front of the premises on Hampton Street (evens). The main properties affected are those at the eastern end of York Street (odd and even) and the even numbered properties to the north of the site on Hampton Street.

York Street

- 5.4.4 Property at the eastern end of York Street can see the external changes however if the balcony and canopy were to be removed and the French door changed to an obscured window then the visual impacts would not be significant in the context.
- 5.4.5 As well as resolving an appearance issue as referred to above, this would also remove any significant opportunity to overlook the immediate neighbours. The outlook from the existing french doors is primarily either over York Street or towards the rear gardens of properties on the even side of York Street. The photographs below show other property on York Street with second floor windows overlooking the street and property opposite. They also show that the nearest property at 4 York Street has no habitable rooms in its side gable and therefore no outlook from within the dwelling towards the application proposal.



5.4.6

It is the case that there will always be an opportunity in a tight knit residential area for potential overlooking of neighbouring properties and gardens, especially from the upper floor windows. This is generally accepted and is common place. In this case it is

considered that this can be generally removed by the conditions suggested above changing the French doors to an obscured window.

5.4.7 There will be no overshadowing impact on any neighbours due to the extension being at roof level. It is considered that any impacts upon boundary sharing neighbours on York Street will be minimal due to the relationship between the properties and the orientation of the site.

5.4.8 On balance, it is considered that subject to the conditions suggested above, the impact of the development on these neighbouring properties is not sufficiently harmful such that a refusal of planning permission is warranted. It is not considered that this development would cause any major issues in terms of overshadowing, overlooking or an overbearing impact and in the context of the provisions of policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the proposals are acceptable.

Hampton Street

5.4.9 The only impact arising from the extension of the property on Hampton Street relates to possible overshadowing, overlooking and overbearing presence as perceived by the nearest neighbour at No. 14 Hampton Street.



- 5.4.10 The photograph above shows the windows in the side of the roof extension however there is no real opportunity to look into any windows or gardens of any neighbouring property. The outlook is over the roof of the neighbouring properties. The resident of 14 Hampton Street support the applicant in his proposals.
- 5.4.11 It is the case that there will always be an opportunity in a tight knit residential area for overlooking of neighbouring properties and gardens, especially from the upper floor windows. This is generally accepted and is common place however in this case the it is considered that the development will have little impact upon the neighbours on Hampton Street and the development is not sufficiently harmful such that a refusal of planning permission is warranted. It is not considered that this development would cause any major issues in terms of overlooking, overshadowing or an overbearing impact and in the context of the provisions of policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the proposals are acceptable.
- 5.4.12 In summary the development has limited adverse impacts on the surrounding residential neighbours and a refusal based on such impacts cannot be justified in planning terms. The development is sufficiently in accord with the requirements of policy CS2 and CS18.

5.5 **Highways Issues**

- 5.5.1 Policy CS20 seeks to influence the demand for travel and seeks to locate development in areas where more sustainable travel choices can be made. Policy CS18 expects developments to provide adequate and safe vehicle access and parking facilities.
- 5.5.2 The premises is currently authorised as a shop with 2 bed flat above but which relies on the street for parking as do the majority of properties in the vicinity. The applicant has however constructed a detached double garage which provides limited off street parking provision.
- 5.5.3 It is accepted that the area in general is heavily parked due to the terraced nature of properties and the absence of any meaningful off street parking provision. This situation has existed for many years and is unlikely to improve.

- 5.5.4 Derbyshire County Council Highways has been consulted on this application and they have commented that the garage is not set back 6.1 metres to allow doors to be opened clear of the highway and that the use of the eastern most garage is hindered by a telegraph pole. They recommend that the telegraph pole should be relocated and the garages should be either removed to create parking spaces or the doors removed to create car port parking. The Highway Authority also makes reference to the intensification of parking arising from the increase in flats at the site. They say York Street and surrounding streets already suffer from high demand for on street parking however on the basis of the small scale of the proposal the Highway Authority considers an objection on this basis would be unsustainable accepting that the proposal may have some adverse effect on the highway parking situation.
- 5.5.5 The Highway Authority recommends the imposition of 3 conditions as follows:
- No occupation until the telegraph pole is relocated;
 - No occupation until space provided to park 2 vehicles on site;
 - Provision of barriers to site frontage and any doors adjacent to the highway to open inwards only.
- 5.5.4 The application does not relate to the garage which has previously been accepted on the site. Notwithstanding this the garages are capable of being used and provide off street parking opportunity which can be taken into account as part of the application. The Highway Authority accepts that it is not uncommon for parking in such urban areas to be at a premium and users and occupants of the area have to rely on the street for parking. It is accepted that the change from a single flat to 3 flats increases parking demand from potentially 1 space to 3 and which therefore puts additional pressure on parking capacity in the local area however it is considered this will have an insignificant impact overall and a refusal could not be justified on these grounds.
- 5.5.5 Objectors have referred to the problem of parking in the area. They refer to the situation being a nightmare. It is accepted that this is common place within an area of late c19 / earlyc20 terraced housing with narrow streets and pavements and no off street parking opportunities for the majority of houses fronting the street.

5.5.6 The NPPF requires any highway safety harm to be 'severe' before permission is refused on these grounds, accepting that this generally relates to more substantial schemes. It is considered that the proposal for 2 additional flats is unlikely to contribute so much to the acknowledged existing problems in the area that the specific impact could be regarded as a 'severe' harm to the safe operation of the highway network in this instance.

5.5.8 On balance the likely minor impact arising as a result of the proposal, it is considered that the presumption in favour of supporting sustainable development should prevail and that planning permission should be given.

5.5.9 On the basis of the above, the proposal generally accords with the requirements of Policy CS18 criteria (g) of the Local Plan: Core Strategy.

6.0 **REPRESENTATIONS**

6.1 The proposal was publicised by site notice on 30th November 2017 and neighbour letters on 20th November 2017. The statutory period of publicity has expired and resulted in 7 letters of objection and 3 in support.

6.2 **Objectors**

6.2.1 3 York Street:

Would be nice to see something done for repairs as its awful. I have never seen anything done since 1962 and the flats are dirty and damp and not fit to be called flats.

6.2.2 19 York Street:

- Invades privacy of property on York Street and Kent Street and is a safety issue as the tenants gain access via a ladder secured by a rope.
- Parking problems made worse by Mr Chadwick leaving vans and trailers parked and not moved for days then only to be replaced by Mr Chadwicks other vehicles.
- The ground floor has been opened as a shop doing beauty treatments but also selling food and drink. What about health and hygiene.

6.2.3 21 York Street:

- Invasion of privacy from balcony to property on York Street and all first floor windows on odd numbered side of street. It also overlooks gardens on the even numbered side.
- Aesthetically the extension is an eyesore detracting from potential buyers wanting to move to the area.
- Also concerns regarding future parking issues which will be created by additional tenants. Already insufficient parking in the area and existing residents already struggle to find parking space. The area is always congested throughout the day. The vendor also continuously parks his commercial vehicles at the end of York Street and which has resulted in other residents (some elderly) having to park 400-500 yards away from their property. This is unacceptable.
- The second floor flat has been occupied by a gentleman using the ladder as access. This is dangerous. Construction of a staircase would be impeded by the garages now constructed.
- CCTV has been installed around the property without consultation with local residents with a number of the cameras having viewing capabilities into neighbouring road facing windows.
- Works carried out to the dropped kerb are substandard leaving the pavement and kerb a health and safety hazard.
- The vendor has been physically and verbally aggressive towards local residents when challenged about the works.

6.2.4 11 Hampton Street x 2

Works already carried out in breach of regulations. Concerns regarding health and safety issues. The separate units were sharing heating and electric supply with one electric meter for the whole building. Ignoring Health and Safety appears to be a common occurrence for Mr Chadwick. There is already a separate case subject to appeal regarding the vending machines. He has also built 6 self-contained units to the rear of Hasland Hotel and it is considered that a full review of Mr Chadwicks activities should be undertaken before further breaches occur.

6.2.5 17 Hampton Street

Concern regarding access which appears unsafe. Also concerns regarding future parking issues which will be created by additional tenants. Already insufficient parking in the area.

6.2.6 19 Hampton Street
Concern regarding the external works. The balcony is too high, extremely dangerous as access is by a ladder tied on with rope. The vendor doesn't seem to adhere to any health and safety standards. Also concerns regarding future parking issues which will be created by additional tenants. Already insufficient parking in the area and existing residents already struggle to find parking space. The area is always congested throughout the day.

6.3 Supporters

6.3.1 249 Prospect Road
Its good that more low cost accommodation is available in Hasland area. The building was in a poor state of repair but now the owner has done a real fab job and now looks great.

6.3.2 54 York Street
Sister needs a one bed flat and these plans look good.

6.3.3 applicant
Two comments supporting the proposal have been received from the applicant confirming that externally the building looks updated and improved with the new shop windows and solar pv. Reference is also made to a need for low cost rental accommodation which is safe and clean and well managed.

Comments

The majority of comments received in opposition refer to the same issues and which are dealt with through the considerations section of this report. Whereas a number are of relevance a number of representations received refer to matters which are not material to the determination of the submission. (the shop, CCTV, metering of buildings, relationship between applicant and locals for example). The works carried out within the highway to lower kerbs were undertaken by DCC.

The parking issues are dealt with at paragraph 5.5 above and accept that there will be an impact however this will not be substantial enough to warrant a refusal of planning permission. Properties have been sold in the area since the works have been undertaken however residents will chose when buying or renting their homes to live in properties with no off road parking.

The considerations section of the report responds to the concerns regarding the visual and appearance issues and the impact on neighbours. A number of objectors refer to the access being via the ladder which has now been removed as a result of notice being served on the owner by the Council (Housing). Access to all three flats will be internal within the building by a traditional fire protected staircase.

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 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

7.3 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest. The applicant has a right of appeal against a refusal of permission or imposition of conditions.

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 The local planning authority offers a free pre-application advice service and, in this instance, the applicant did not engage in any pre-application discussions or enquiries regarding this proposal. The applicant has been informed of the concerns raised during the consideration and has been afforded the opportunity to respond.

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

9.0 **CONCLUSION**

9.1 The site is sustainably located and would provide good quality small flats above a shop in an existing residential area and which is generally supported by policies within the Core Strategy. Subject to alteration to the balcony, canopy and French doors the scheme would not be so harmful in design and appearance terms to warrant a refusal of planning permission. The scheme would also have very limited impacts on the nearest neighbours in so far as their amenities are concerned. The main issues concern parking provision which is accepted as being finely balanced however on balance the proposal presents an insignificant overall impact on what is an existing urban area where the street is relied upon for parking and to which the Highway Authority accept could not be sustained as part of a refusal. As such, the proposal accords sufficiently with the requirements of Core Strategy policy and the NPPF and planning permission should be granted.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be approved subject to the following condition.

1. Within 1 month of the date of this permission details showing removal of the west facing balcony and canopy and any consequential amendments to the building at second floor level shall be submitted to the local planning authority for consideration. The detail agreed in writing by the local planning authority shall be carried out within 6 months of the date of this permission.
2. Within 1 month of the date of this permission details showing removal of the west facing French doors at second floor level and replacement with a shall be submitted to the local planning authority for consideration. The new window shall be obscurely glazed to a minimum of Pilkington level 3. The details agreed in writing by the local planning authority shall be carried out within 6 months of the date of this permission and which shall be retained as such thereafter for the life of the development.

Reasons

1. In the interests of the design and appearance of the building and to avoid a conflict with neighbouring residential amenity.
2. In the interests of residential amenity

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 RD APRIL 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only.
Anyone requiring further information on any of the matters
contained in this report should contact:-

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00437/FU	Hasland	Erection of 3 bungalows on land at the green, in place of the existing Methodist church which has been granted demolition (CHE/17/00324/DEM). Revised description and drawings received 16.01.17 At Q House The Green Hasland Derbyshire S41 0LJ For Mr Richard Palfreyman	CP	05/03/2018
CHE/17/00816/FU 5041	Walton	Extension to existing kitchen and addition of w.c. and wash basin At 222 Walton Road Walton Derbyshire S40 3BS For Mr Murray White	CP	02/03/2018
CHE/17/00818/DOC 813	St Leonards	Discharge of condition 3 (materials), 5 (layout), 7 (windows), 8 (brise soleil), 9 (surface water drainage), 10 (archaeological site investigation)of CHE/16/00425/FUL -Demolition of 15 - 17 West Bars and erection of replacement building with retail outlet on ground floor and 2 apartments on 1st and 2nd At 15-17 West Bars Chesterfield Derbyshire S40 1AQ For FAW Ltd		05/03/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00839/OUT 415	Old Whittington	Outline application for planning permission for one dwelling tied to the existing boarding kennels At Broomhill Farm Broomhill Road Old Whittington S41 9EA For Broomhill Farm Kennels Ltd	REF	15/03/2018
CHE/17/00842/FU 313	Dunston	Rear single storey extension and dormer roof extension to front (revised plans received 22.01.2018) At 11 Thirlmere Road Newbold Derbyshire S41 8EH For Mr Jaisankar Lakshmipathi	CP	13/03/2018
CHE/17/00844/FU 2/1597	St Leonards	Two storey side extensions with single storey extension At 1 Rosedale Avenue Chesterfield S40 2UY For Mr M Rogers	CP	27/02/2018
CHE/17/00848/FU 2/1597 2/2880	St Leonards	Convert and upgrade the existing 3m segregated cycle route across the Rother Washlands to create a 5m wide shared cycle route. At Land North Of Storforth Lane To The East Of Derby Road Chesterfield Derbyshire For Derbyshire County Council	CP	15/03/2018
CHE/17/00849/FU 2210	West	Extensions and alterations to rear of property At 49 Somersall Park Road Chesterfield Derbyshire S40 3LD For Mr P Dodds	CP	05/03/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00869/AD 2044	St Leonards	Shop fascia and hanging signs and new shop awning At 5-7 High Street Chesterfield S40 1PS For Mr Andy Singleton	CP	07/03/2018
CHE/17/00870/FU 822	Old Whittington	Two storey side extension, single storey rear extension with new front porch - Revised drawing received 16.02.18 At 7 High Street Old Whittington S41 9JS For Mr Steve Clarke	REF	06/03/2018
CHE/17/00871/FU 2/5574	Walton	Rear extension and alterations including revised ridge height At 9 Raneld Mount Walton Derbyshire S40 3RE For Mr Phil Thompson	CP	05/03/2018
CHE/17/00887/FU 131	Loundsley Green	Re-submission of CHE/17/00198/FUL - two storey side extension At 9 Purbeck Avenue Brockwell Chesterfield S40 4NP For Mr Chris Armstrong	CP	27/02/2018
CHE/18/00002/FU 3319	St Leonards	Side extension and extension to garage At 6 Spital Brook Close Spital Chesterfield Derbyshire S41 For R Stevens	CP	27/02/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00005/COU	Dunston	Change of use from commercial to residential At Harmony Blinds 156 Keswick Drive Newbold Derbyshire S41 8HH For Mr David John Moore	CP	05/03/2018
CHE/18/00007/TP 2656	West	T1-T3 Sycamores 3Nr to crown lift and crown clean, T4 Blue Cedar crown lift and crown clean, T5 Weeping Birch to undertake a light prune At The Ambulance Station Old Road Chesterfield S42 7JT For Premier Facilities Maintenance	CP	28/02/2018
CHE/18/00008/FU 3458	Hollingwood And Inkersall	Two storey side extension to existing dwelling (Revised drawings received 08.03.2018) At 42 East Crescent Duckmanton Derbyshire S44 5ET For Mr and Mrs Siddall	CP	13/03/2018
CHE/18/00014/DOC 953	St Leonards	Discharge of planning conditions 7 (external lighting), 10 (bird and bat boxes), 12 (soft landscaping), 21 (waste storage) of CHE/16/00737/FUL -New Ford dealership comprising 2 storey showroom/service/MOT building and single storey car valet building with associated facilities including workshops, compound, customer and staff parking, used car sales display area, access roads and appropriate landscaping At Land To South Of Spire Walk Chesterfield Derbyshire For Perrys East Midlands Ltd	DPC	02/03/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00016/TP	Dunston	<p>Red Oak (T1 on Arb Report) - Remove and replace with suitable low water demand species at a suitable location, Norway Maple (T3 on Arb Report) - Remove and replace with suitable low water demand species at a suitable location. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability. Estimated costs of repair to the building are ?50,000.00 if the influence of the tree(s) remain and ?5,380.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e). Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = ?55,380.00 is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the</p> <p>At 10 Sherbourne Avenue Newbold S41 8TL For Subsidence Management Services</p>	REF	09/03/2018

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Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00019/DOC 3065	Dunston	Discharge of planning conditions 4 (site construction plan) and 10 (Delivery Management Plan) of CHE/15/00024/FUL - Demolition of existing public house and erection of a single storey convenience store (class A1) with associated car parking, landscaping, plant and ATM machine. Additional plans received 14.02.2018. At 74 The Wheatsheaf Newbold Village Newbold Road Newbold S41 8RJ For NewRiver REIT		12/03/2018
CHE/18/00025/NMA 2397	Brimington South	Non material amendment to CHE/17/00158/FUL (single storey rear and two storey side extension) to replace side entrance door with a window, omit rear french doors and substitute with window and bi fold doors and install 2 velux windows in side extension rear roof elevation. At 108 Manor Road Brimington Derbyshire S43 1NN For Mr Jason Toyne	CPNMA Z	12/03/2018
CHE/18/00026/TP 308	West	T1 Lime, crown thin by 20% to remove crossing branches and deadwood, to allow light onto At 1 Pine View Ashgate Chesterfield Derbyshire, S40 4DN For Mr Jack Church	CP	28/02/2018
CHE/18/00028/FU 2092	Dunston	Proposed single storey rear and side extension At 34 Levens Way Newbold Derbyshire S41 8HZ For Mr and Mrs Nichols	CP	19/03/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00029/DOC 469	Brimington South	Discharge of planning conditions 3 (external materials) and 7 (surface water run off) for application CHE/17/00546/FUL - three bedroom bungalow with garage At Land To Rear Of 11 Chesterfield Road Brimington For Mr James Chapman	DPC	05/03/2018
CHE/18/00030/AD 319	West	1 internally illuminated fascia with the CO-OP logo illuminated, 2 internally illuminated Co-op logos, 6 none illuminated wall mounted flat aluminium panels amd 1internally illuminated 3.5m totem At Land At Former Crispin Inn 240 Ashgate Road Chesterfield Derbyshire S40 4AW For Co-operative Food	CP	09/03/2018
CHE/18/00032/TP	Linacre	Single storey rear dining room extension with pitched roof At 12 Butterson Drive Holme Hall Chesterfield Derbyshire S40 4UW For Mr Jamie Grocutt	PR	05/03/2018
CHE/18/00037/AD 2056	St Leonards	Signage associated with Premier Inn Hotel At Chesterfield CO-OP Knifesmithgate Chesterfield Derbyshire S40 1RF For Whitbread Group	UP	15/03/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00038/AD 271 S41 7JL	Moor	3 fascia signs At Unit 6 Chesterfield Trade Park Lockoford Lane Chesterfield Derbyshire For Mr Christopher Dell	CP	15/03/2018
CHE/18/00039/TP	Brockwell	T1 Deodar Cedar - To crown lift crown by approx. 6m from ground level not exceeding cuts above 100mm. Also to reduce x2 lateral limbs on property side of canopy by approx. 1m to give a 2m clearance from property. All work to BS 3998 standards. At 21 Gladstone Road Chesterfield S40 4TE For Mr Chris Davies	CP	28/02/2018
CHE/18/00042/TP 4168	Hasland	T29 - Yew - Crown lift and girth reduction to maintain shape of tree. Crown lift by 3.5m. Deduction of branches towards Mansfield Road. Clear main stem of growth. At 84 Mansfield Road Hasland Derbyshire S41 0JF For Mr David Smith	CP	28/02/2018
CHE/18/00043/FU 2769	Brimington North	Erection of a garage At 42 Station Road Brimington S43 1JT For Mr Moore	CP	14/03/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00045/TP	West	Remove lower branches on T6 Sycamore referred to as No1 Sycamore on submitted plan. Remove dead wood T49 and T50 Horsechestnut referred to as 2 Chestnuts on submitted plan. At Somersall Farm Somersall Hall Drive Somersall Derbyshire S40 3LH	SC	28/02/2018
CHE/18/00046/LB 1088	West	Replace 5 windows within domestic property - current windows are beyond repair and require immediate replacement. At Rose Cottage 481 Chatsworth Road Chesterfield S40 3AD For Mr Anthony Anderson	CP	19/03/2018
CHE/18/00049/CA	West	Sweet Chestnut referred to as No2 Sweet Chestnut crown reduce. Tree identified as a Walnut not Sweet Chestnut At Somersall Farm Somersall Hall Drive Somersall Derbyshire S40 3LH	UP	28/02/2018
CHE/18/00054/TP	Brockwell	Copper Beech (T19) - Crown lift to reduce any potential for damage during construction works At Saltergate Health Centre 107 Saltergate Chesterfield Derbyshire S40 1LA For Woodall Homes	CP	13/03/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00055/TP	Walton	Crown cleaning and removal of dead wood and re-shaping of crown where required At 30 Foxbrook Drive Walton Derbyshire S40 3JR For Mrs Anne Molloy	CP	28/02/2018
CHE/18/00064/TP	Walton	Crown thin and drawing back branches which are overhanging conservatory of property. Also will help re-balance tree after parts died off. Re - Oak tree at back of 7 Sandstone Avenue. At 7 Sandstone Avenue Walton Derbyshire S42 7NS For Mrs Anne Spencer	CP	28/02/2018
5587				
CHE/18/00067/TP	Barrow Hill And New Whittington	T1-T8 Poplars (Don't appear to have been numbered on TPO)- Crown reduction. Trees grown to excessive height, branches breaking off- noted by LPA officer on site visit At 228 Handley Road New Whittington Derbyshire, S43 2ER For Mr David Bardsley	CP	28/02/2018
1943				
CHE/18/00077/TP	Dunston	Oak tree to be cut back from council Structure At 4 Ennerdale Crescent Newbold Derbyshire, S41 8HL For Chesterfield Borough Council	CP	12/03/2018
CHE/18/00078/TP	Dunston	Oak tree to be cut back from council Structure At 2 Ennerdale Crescent Newbold Derbyshire, S41 8HL For Chesterfield Borough Council	CP	12/03/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00097/TP 1456	Brimington South	Single storey rear extension to provide a sun lounge At 368 Brimington Road Tapton Derbyshire S41 0TF For Mr and Mrs D Wall	PANR	16/03/2018
CHE/18/00123/TP	West	T22- Ash tree with 2 stems. Fell both stems at ground level to prevent structure failure, due to large area of decay instem and root At Manor Offices Old Road Chesterfield Derbyshire S40 3QT For DXC Technology	CP	12/03/2018

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Delegated List - Planning Applications

Key to Decisions

Code	Description
AC	Historic
AP	Historic
APPRET	Application returned to applicant
CI	Called in by secretary of state
CIRNO	Circular 18/84 no objection
CNOCO	Circular 18/84 no objs but conditions
CONCOM	Confirmation Compliance with Conditions
CP	Conditional permission
CPEOTZ	Conditional Permission Extension of Time
CPMAZ	Conditional consent for material amendment
CPRE1Z	Conditional Permission Vary Conditions
CPRET	Conditional Approval Retrospective
DPC	Discharge of Planning Conditions
FDO	Finally Disposed Of
GR CLOPUD	CLOPUD Granted
GRANT CLUD	CLUD Granted
GRNTEX	Permission Granted with Exemption
ND	Non Development
OBJ	Other Council objection
OC	Other Council no obj with comments
OW	Other Council no obj without comments
PA	Prior Notification Approval
PADEM	Prior Notification Demolition Approve
PD	Found to be Permitted Development
PR	Prior Notification Refusal
RAP	Retrospective Application Refused
RARETZ	Retrospective Application Approved
RC	Application Refused
REF	Refused
RETAP	DO NOT USE
RETRFZ	Retrospective Application Refused
RF CLODUP	CLOPUD Refused
RTN	Invalid Application Returned
S106	S106 Approved pending planning obligation
SC	Split decision with conditions
SU	Split decision - approval unconditional
UP	Unconditional permission
UPRET	Unconditional Approval Retrospective
WDN	Withdrawn
XXXXXX	Recommendation Pending

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 RD APRIL 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact:-

Applications to Fell or Prune Trees	Steve Perry	345791
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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/18/00016/TPO TPO 4901.24 09/03/18	The felling of two trees reference T2 Oak and T4 Maple on the Order map for Simon Greener of Environmental Services on behalf of Mr Nind of 10 Sherbourne Avenue. The trees are allegedly causing damage to 10 Sherbourne Avenue and the detached garage.	Consent is refused to the felling of two trees because there is insufficient evidence to link the two trees to the damage to the main dwelling and although it is accepted that the damage to the detached garage is related to the trees the garage was constructed with very shallow foundations to a thickness of 100mm and not to the specifications approved for planning application CHE/785/419 which was granted consent in 1985.
CHE/18/00123/TPO TPO 4901.52 12/03/18	The felling of on Ash tree reference T22 on the Order map for HRJ Gould Ltd on behalf of DXC Technology, Manor Offices, Old Road, Brampton. The tree has severe decay at the base, Innonotus fungus brackets on the main stem which causes root decay. Due to the size and height of the tree and residential dwellings within falling distance the only option is to remove the tree due to public safety.	Consent is granted to the felling of one Ash tree with a condition to plant an Oak tree as a replacement in the next available planting season. An advice note has also been attached to survey the tree for bats due to the cavities in the tree.

CHE/18/00077/TPO TPO 4901.112 12/03/18	The pruning of one Oak tree reference T11 on the Order map for Chesterfield Borough Council Housing Services at 4 Ennerdale Crescent, Dunston.	Consent is granted to the reduction of branches growing towards 4 Ennerdale Crescent to give a 2 metre clearance from the structure pruning back to suitable replacement branches.
CHE/18/00078/TPO TPO 4901.112 12/03/18	The pruning of one Oak tree reference T10 on the Order map for Chesterfield Borough Council Housing Services at 2 Ennerdale Crescent, Dunston.	Consent is granted to the reduction of branches growing towards 2 Ennerdale Crescent to give a 2 metre clearance from the structure pruning back to suitable replacement branches.
CHE/18/00054/TPO TPO 4901.261 13/03/18	The pruning of one Beech tree reference T19 on the Order map for Woodall Homes to facilitate the development and avoid any accidental damage to the lower branches of the tree with construction traffic.	Consent is granted to the crown lifting of the tree by 3 metres pruning back to suitable replacement branches and leaving a well-balanced crown.
CHE/18/00051/TPO TPO 4901.281 22/03/18	The coppicing of 4 Ash tree stems to 30cm in height within G3 on the Order Map and which are situated between plot 29 of the former GKN Sports Ground now known as Pomegranate Park and Newbold Back Lane for Trueman Tree Services Ltd on behalf of Mr & Mrs Elliott of 10 Newland Gardens.	<p>Consent is refused to the coppicing of two of the four Ash trees because there is no justification for their removal/coppicing to 30cm in height and which would leave a large gap in the group of trees which was protected as a screen and wildlife corridor for the new development.</p> <p>Consent is granted to the coppicing of two Ash stems which are growing from a decayed stem for safety reasons. Although they are not</p>

		considered to be dangerous at the present time, future growth could lead to them failing at the base.
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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 3RD APRIL 2018
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

TITLE

LOCATION

Non exempt papers on files
referred to in report

Development Management
Section
Planning Service
Town Hall Chesterfield

1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of
appeals being dealt with by the Council.

**PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER**

These are reported to Planning Committee for information only.
Anyone requiring further information on any of the matters
contained in this report should contact Paul Staniforth on 01246
345781.

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APPEALS

<u>FILE NO.</u>	<u>APPLICATION CODE & WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/3991	Hasland ward	Mr N Chadwick	2 York Street Two vending machines. Enforcement Notice (Grounds (a), (b), (c) and (f)). Planning permission ought to be granted, the matters alleged have not occurred, there has been no breach and the steps required are excessive.	Planning Committee	09/08/17	Written Reps	
2/1192	Brockwell ward	Peppermint Grove Ltd	CHE/17/00421/FUL – 12 dwellings at 46 Newbold Road – the Shrubberies - Refusal	Planning Committee against officer advice	12/12/17	Written Reps + Full Costs application	

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FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 3RD APRIL 2018

REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

WARD: As listed in the report

FOR PUBLICATION

TITLE: D255 and Non-exempt papers (if any) on relevant files

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 To update members, and get further authority, on formal enforcement.

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Planning Service.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

Enforcements currently Authorised: 6

ENFORCEMENT REPORT

22 March 2018

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Enforcement Notice		<i>Total currently Authorised: 4</i>			<i>Authorised to Issue Average: 15.5 days</i>				
Pottery Lane West	10 09/01/17 <small>437</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>99</small>	13/03/18 <small>9</small>	Appeal dismissed. Council seeking details of method for compliance.	<input type="checkbox"/> <small>28/02/18</small>	
Walton Works	27/06/16 <small>633</small>	use for war and horror style games					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. 12/12/16 Committee approval for Section 106 planning obligation to regulate unauthorised use. Seeking confirmation as to who now acting for operator.	<input type="checkbox"/> <small>08/01/17</small>	Wa
York Street	2 17/07/17 <small>248</small>	2 vending machines		01/08/17 <small>15</small>			2 unauthorised vending machines. Issued. Appeal.	<input type="checkbox"/> <small>07/09/17</small>	Ha

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
York Street	2	09/10/17 164	conversion and extension of roof space					About to be issued. Application received for flat conversion CHE/17/00800/FUL to be considered by Committee	<input type="checkbox"/> 11/12/17	Ha

Stop Notice

Walton Works

27/06/16
633

Total currently Authorised: 1 Authorised to Issue Average: days

use for war and horror style games of game play

See notes for Enforcement Notice.

03/03/17

Wa

TPO Prosecution

Victoria Street

Ringwood Centre (former)
21/12/17
91

Total currently Authorised: 1 Authorised to Issue Average: days

damage to roots of T18

Discussing instructions with Tree Officer

19/03/18

BN

Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Hollingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • Wa Walton • We West

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AGENDA ITEM

FOR PUBLICATION

PERMISSIONS IN PRINCIPLE “A NEW PLANNING CONSENT ROUTE” – INTRODUCTION OF NEW LEGISLATION

MEETING: PLANNING COMMITTEE –
3RD APRIL 2018

STANDARDS AND AUDIT COMMITTEE –
4TH APRIL 2018

REPORT BY: DEVELOPMENT MANAGEMENT &
CONSERVATION MANAGER

WARD: ALL WARDS

1.0 **Purpose of Report**

To inform members of the new PIP regime and to seek officer delegations.

2.0 **Background**

2.1 The current process for obtaining permission to develop land is to apply for outline planning permission followed by a reserved matters application or a developer can apply directly for a full permission without going via the outline / reserved matters route.

2.2 The government is introducing a change in its approach as part of its planning reforms to assist in delivery of housing across the UK and following consultation, published the Housing and Planning Act 2016 (Permission in Principle etc.) (Miscellaneous Amendments) (England) Regulations 2017.

2.3 The government has indicated the following key drivers as follows:

- Increasing housing supply;
- The best use of brownfield land;
- To encourage new entrants to the development market;
- To reduce planning risk;
- To improve planning efficiency.

2.4 On the back of the 2016 Regulations three processes were established to promote the establishment of “Permissions in Principle”:

1. via statutory Brownfield Land Register
2. by site allocation in development plan
3. by application

Brownfield Land Register

2.5 From April 2017 the Regulations required local authorities to prepare and maintain registers of brownfield land that is suitable for residential development. The Register was required to have been compiled by 31st December 2017 and which provide up-to-date, publicly available information on brownfield land that is suitable for housing across the UK. This is intended to improve the quality and consistency of data held by local planning authorities which will provide certainty for developers and communities and encourage investment in local areas.

2.6 Local planning authorities are required to have a register covering the area of their local plan. Chesterfield Borough Council produced its Brownfield Land Register on 17th December 2017 and which is available on the Council [website](#). This lists 40 sites which were identifying via the process specified in the Regulations. There is a duty on local planning authorities to have regard to the development plan, national policy and advice and guidance when exercising their functions under the brownfield register regulations.

2.7 Part 1 of the brownfield register should be a comprehensive list of all brownfield sites in a local authority area that are suitable for housing, irrespective of their planning status. However, under the Regulations, Brownfield Land Registers will also be a vehicle for granting Permission in Principle for suitable sites where authorities have followed the relevant procedures including a process of publicity and consultation. If the authority considers that Permission in Principle should be granted for a particular site, then the local authority is required to enter that site into Part 2 of their Brownfield Land Register and include a range of dwelling numbers which are considered to be appropriate. Part 2 is a subset of Part 1 and will include only those sites for which Permission in Principle has been granted.

2.8 In considering sites to be included on part 2 local authorities will need to meet the requirements in relation to environmental impact assessments, habitats protection and protections for other sensitive areas. A site may not be included on Part 2 of the register where development of the site would:

- fall within schedule 1 of the Environmental Impact Assessment Regulations
- has been screened as Environmental Impact Assessment development
- or development would be prohibited under habitats protection legislation ie those sites may not be granted permission in principle through being placed on the register.

2.9 Where a site on a register is considered to be deliverable within 5 years it can be counted towards the 5-year housing supply. Local planning authorities are required to indicate whether sites are 'deliverable' when entering data on their registers. Local authorities are also required to update the information relating to each entry and review the sites on their registers at least once a year. Authorities are encouraged to conduct more frequent updates of the register where they wish to do so. This will ensure the process is proportionate and allow local authorities to respond to particular local circumstances.

- 2.10 When a site has a Permission in Principle a developer would then be required to apply for Technical Details Consent to allow a full detailed assessment of the scheme to be made. Only after a Technical Details Consent is granted is the development capable of being carried out

Site Allocation

- 2.11 A comparative process of Permission in Principle and Technical Details Consent on Brownfield Land Registers also applies to sites which are allocated within a Local Plan.
- 2.12 Both the Brownfield Land Register and Site Allocation routes to Permissions in Principle involve the local planning authority in taking a lead role and is seen as a more proactive route to establishing the principle of a development earlier in the process and thereby de-risking the process from a developers perspective.

By Application

- 2.13 As from 1st June 2018 developers can apply for a Permission in Principle by application on any site. This relates only to minor housing proposals of between 1 and 9 units and the developer must indicate a range of units to be considered on the site. The only information required is a site map showing the site extent, a completed form and a fee based on £402 per 1000m² site area or part thereof. There is no requirement for any other information and whereas the developer can provide additional information this cannot be sought by the local planning authority.
- 2.14 There is a requirement to carry out publicity and consultation giving 14 days on a site notice and an on line notice and a decision is required to be given within 5 weeks of submission. There is scope to seek permission from a developer to extend the time however this is at the discretion of the developer.

- 2.15 The decision notice cannot include any conditions and is valid for a 3 year period. Informatives and notes concerning expectations can be added however they are not binding. There is a right of appeal against none determination and refusal.
- 2.16 Subsequent Technical Details Consent can only be made for a scheme which accords with the range of housing set out in the Permission in Principle and it is not possible to revisit the principle of housing or the number of units as part of the TDC assessment. Consultations undertaken on Permissions in Principle include statutory consultees. Unless they had indicated a need for specific subsequent re-consultation in their response then there is no further requirement to consult with them on the TDC.
- 2.17 For TDCs there is a fee equivalent to a Reserved Matters submission and a decision is required within 5 weeks of submission. Conditions can be attached to a decision and there is also a right of appeal. Like Permissions in Principle there is scope to seek permission from a developer to extend the time however this is at the discretion of the developer.
- 2.18 There are exclusions which prevent PiP and TDC submissions where Environmental Impact Assessment or Habitat Assessment is required and all decisions taken must be in line with the Development Plan and the National Planning Policy Framework (NPPF).

3.0 **Discussion**

- 3.1 The Council has an agreed Brownfield Land Register however there are no plans to proactively promote granting Permissions in Principle for any of the sites.
- 3.2 It is expected that developers will take advantage of this new process which establishes the principle of a residential use and the number of units on a site without the need for any detail, with a lower planning fee and a decision required in a shorter timescale at both PiP and TDC stages.

- 3.3 The current planning application process asks developers to provide substantial amounts of information up-front, even as part of an application for outline planning permission. This means that developers will often have to expend significant time and cost prior to achieving certainty that any development will be able to go ahead in principle. Permission in principle offers an alternative route for providing early certainty on the in-principle matters, the use, location and amount of development. Developers are still able to use the existing outline and reserved matters route to gaining permission.
- 3.4 Permission in Principle and Technical Details Consent applications will be capable of being submitted from 1st June 2018. The main issue for consideration is how they are determined in line with the Councils delegation scheme.
- 3.5 The PiP and TDC processes only permits a 5 week period from submission to decision and the process requires publicity and consultations to be undertaken. Applications must be determined in accordance with the development plan and NPPF and should not therefore be necessarily controversial at PiP stage. Officers are however concerned that a 5 week processing period will be insufficient to allow proper consideration of TDC and that for both PiP and TDC there would not be time to produce reports, with the necessary lead in time, to allow planning committee consideration all within the regular 3 week committee cycle. It is considered necessary therefore for such decisions to be taken at officer level.
- 3.6 It is accepted that this establishes a difference to the delegation of decisions under the existing outline and reserved matters route (where committee consideration is required when any outstanding objection is received) however the process is different and is required in a much shorter timescale.

4.0 **Recommendations**

- 4.1 That the delegation scheme be amended to permit the Development Management & Conservation Manager or the Principal Planner in the absence of the Development Management & Conservation Manager to decide Permissions in Principle and Technical Detail Consents.

P. STANIFORTH
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

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By virtue of paragraph(s) 6a of Part 1 of Schedule 12A of the Local Government Act 1972.

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