

Case Officer:	Sarah Kay	File No:	CHE/17/00119/MA CHE/17/00120/MA
Tel. No:	(01246) 345786	Plot No:	2/310
Ctte Date:	24 <sup>th</sup> April 2017		

## **ITEM 2**

### **CHE/17/00119/MA - MATERIAL AMENDMENT OF HOUSE TYPE ON PLOTS 1 AND 2 AND SITING OF PLOT 2 OF CHE/15/00514/REM; AND CHE/17/00120/MA - MATERIAL AMENDMENT OF HOUSE TYPE, SITING AND LANDSCAPING TO PLOT 3 OF CHE/15/00514/REM**

### **AT 246A ASHGATE ROAD, ASHGATE, CHESTERFIELD, DERBYSHIRE, S40 4AW FOR ANTHONY ASTON BUILDERS LTD**

Local Plan: Unallocated  
Ward: West

#### **1.0 CONSULTATIONS**

DCC Highways	Comments rec'd 24/11/2016 (to CHE/16/00747/MA) – see report
Ward Members	No comments received
Site Notice / Neighbours	33 letters/emails of objection and 20 letters/emails of support received

#### **2.0 THE SITE**

- 2.1 The application site relates to a parcel of land between the Crispin Inn and the residential property at No 246 Ashgate Road which was previously occupied by an industrial unit. The unit on the site was previously occupied by Character Windows and were used as an industrial use for the manufacture of UPVC windows however this use ceased when the site ascertained planning permission for residential development which commenced in mid-2016.
- 2.2 The site extends southwards from the Ashgate Road frontage adjacent to the rear boundaries of the gardens of properties along Churston Road. The southernmost edge of the site is adjacent to open playing fields and a protected sycamore tree exists within the back corner of the site. The existing properties along Ashgate

Road benefit from long gardens and the site extends along the site boundary of these gardens (inc. part of gardens to No's 250 – 256 Ashgate Road which benefit separately from planning permission for a detached dwelling which would form a fourth plot to the development the subject of this application).

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/16/00747/MA - Material amendment of house types and siting of houses approved under planning permission  
CHE/15/00514/REM. Refused by planning committee on 31<sup>st</sup> January 2017 for the following reason:  
01. In the opinion of the local planning authority the design of the buildings constructed on plots 1 and 2 are inappropriate having regard to the details and proportions of the windows and the additional brickwork between the upper floor windows and eaves level. The consequential increased eaves and ridge heights present an overbearing impact to the detriment of the amenities of the neighbours to the east on Churston Road. The local planning authority consider therefore that the development does not respond to and integrate with the character of the local area and is therefore at odds with policies CS2 and CS18 of the Core Strategy 2011 - 2031 and the National Planning Policy Framework.
- 3.2 CHE/16/00306/FUL - Construction of one new dwelling on land to the rear of 246 Ashgate Road. Approved 31<sup>st</sup> August 2016.
- 3.3 CHE/16/00227/DOC - Discharge of conditions 6 (site investigation), condition 7 (drainage), condition 8 (drainage), condition 18 (materials) and condition 24 (coal mining) of CHE/13/00507/OUT. Approved 8<sup>th</sup> June 2016 (Conditions 6, 18 and 24) and 4<sup>th</sup> August 2016 (Conditions 7 and 8).
- 3.4 CHE/15/00514/REM - Residential development - reserved matters application for CHE/13/00507/OUT. Approved 27<sup>th</sup> October 2015.
- 3.5 CHE/13/00507/OUT – Renewal of existing consent  
CHE/10/00531/OUT - proposed residential development in 6 units. Approved 19<sup>th</sup> November 2013 (expires 18<sup>th</sup> November 2016).
- 3.6 CHE/10/00531/OUT - Proposed residential development in 6 units. Approved 23<sup>rd</sup> November 2010.

- 3.7 CHE/08/00196/OUT - Proposed residential development of eight units. Refused 10<sup>th</sup> March 2009. Subsequent Appeal - Dismissed 28th January 2010.
- 3.8 CHE/04/00925/COU - Proposed change of use of land from industrial to A3 public house and change of use of part of public house curtilage to industrial and construction of improved access. Approved 9<sup>th</sup> February 2005. (implemented)
- 3.9 CHE/0389/0177 Permission for conversion of factory to 10 nursery units with communal facilities. Approved 16<sup>th</sup> May 1989.
- 3.10 CHE/1087/0603 Permission for residential development comprising 20 flats on land at rear of 250 - 256 Ashgate Road. Approved 19<sup>th</sup> February 1988.

#### 4.0 **THE PROPOSAL**

- 4.1 This report is prepared in respect of 2 no. applications submitted under Section 73 of the Town and Country Planning Act 1990 for Material Amendments to the previously approved planning permission CHE/15/00514/REM comprising changes to the house types and their siting.
- 4.2 In respect of the changes proposed to the house types there are two different style houses approved as part of the scheme. Type 1 is the house approved on Plot 1 and 2 towards the front of the site and Type 2 is the house type approved on Plot 3 towards the rear of the site.
- 4.3 Changes to the Type 1 house type include an increase in the eaves and ridge height of the property and alterations to the fenestration details and proportions approved affecting the first floor windows.
- 4.4 Changes to the Type 2 house type include a reduction in the eaves and ridge height of the property and alterations to the fenestration details and proportions approved.
- 4.5 In respect of their siting the Site Layout has been changed in respect of Plots 2 and 3 with the footprint of Plot 2 being moved marginally to the south and Plot 3 being twisted clockwise on the

front corner of the property moving is further away from the boundary with properties to Churston Road. The latest material amendment applications also details that there has been a reduction in the floor level of the house built on Plot 2 and Plot 3; furthermore landscaping details have been submitted in respect of Plot 3 to demonstrate a reduction in levels and the creation of a garden area to this dwelling.

- 4.6 This latest submission is separated into 2 no. applications which relate to works undertaken in respect of plots 1 and 2 (CHE/17/00119/MA); and works undertaken in respect of plot 3 (CHE/17/00120/MA). These applications follow the Council's decision to refuse planning permission for material amendments in January 2017 under application reference CHE/16/00747/MA (see site history above).
- 4.7 The latest submissions are accompanied by the following documentation:  
CHE/17/00119/MA:  
Application Form  
Site Plan 15-532-05D  
House Type 1 Plans and Elevations 15-532-21B  
Cross Section Drawing Plot 2 to No 11 Churston Road  
Supporting Planning Statement – Plots 1 and 2  
  
CHE/17/00120/MA:  
Application Form  
Site Plan 15-532-05D  
House Type 2 Plans and Elevations 15-532-41B  
Cross Section Drawing Plot 3 to No 17 Churston Road  
Supporting Planning Statement – Plot 3  
Plot 3 Landscaping Proposals P17 0374 01
- 4.8 In the supporting planning statement it is stated that the applicant has chosen not to appeal the previous material amendment refusal as upon examining the submitted plans it was apparent that there were errors and omissions on the plans and it was also considered that a supporting statement might assist the Council in re-considering the material amendment application. The applicant considers that the previous inaccurate drawings may have misled the committee resulting in the decision which was taken. The applicant has also noted that the previous reasons for refusal do

not refer to any issues with regard to plot 3 and therefore this is why the applicant has chosen to submit two separate applications.

## 5.0 **CONSIDERATIONS**

### 5.1 **Policy Issues**

5.1.1 The site the subject of the application lies within the built settlement of Ashgate which is predominantly residential in nature, however the site and that of the adjoining public house are commercial in nature. Having regard to the nature of the application proposals the 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.

5.1.2 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.

5.1.3 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.'*

- 5.1.4 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.

## 5.2 **Design and Appearance Considerations**

- 5.2.1 Having regard to the physical design and appearance of the properties and the scale and nature of the amendments from the previously approved scheme which are being sought it is not considered that the changes in design are significant.
- 5.2.2 Looking at each house type in turn the design and proportion of the fenestration to house type 1 (plots 1 and 2) has been amended taking the appearance of the windows at the first floor level from having a vertical emphasis (taller and narrower) to a more horizontal emphasis (similar in height and width). As a result of this amendment the elevational design is not as visually complimentary to the two and half storey scale of the dwelling as approved.
- 5.2.3 There is no doubt that had the properties on plots 1 and 2 been built as previously approved it is considered that the design proportions would have reflected more coherently with the scale of the property. Notwithstanding this however what must be considered as part of this material amendment application is whether the changes made are visually unacceptable. Planning Committee decided in January that the window proportions were inappropriate partly resulting in the refusal.
- 5.2.4 In respect of house type 1, the changes also being sought relate to an increase in the height on the dwellings eaves and ridge line which result in the dwellings built on plots 1 and 2 being taller than previously approved. In the previous material amendment application it had been reported (based on the plans submitted)

that the houses were 300mm taller than previously approved, however the latest application (CHE/17/00119/MA) demonstrates that the height difference on plots 1 and 2 are marginally different. This is due to the fact plot 2 has been built with a finished floor level 150mm lower than was approved under the reserved matters application. Overall this means that the latest plans submitted show plot 1 is 286mm taller; and plot 2 is 211mm taller than previously agreed.

Figure 1: Plot 1



Figure 2: Plot 2



5.2.5 When taking into account the package of amendments that are sought to house type 1 what appears the most jarring of the design alterations is the fact the increase in eaves height with squatter windows results in a larger expanse of brickwork above the heads of the first floor windows and this was a concern of planning committee in its January decision. This is less prevalent to the front elevation due to the insertion of eaves intersecting dormer windows which offer a visual relief but this is not echoed in the rear elevation which is viewed by the neighbouring properties along Churston Road.

5.2.6 It is accepted that traditionally the siting of first floor windows to two storey properties are tucked underneath the eaves. However as a result of most modern houses now accommodating rooms in the roof space this means that (due to required head space / clearance) the floor levels of such rooms are often tied internally to the external walls meaning windows have to be positioned lower so the ceiling of the first floor and floor height of the roof space



floor does not intersect the window opening. This is commonplace on dwellings with more than two floor levels.

5.2.7 In the context of the narrative above, in design terms, the changes to house type 1 comprise of an overall marginal increase in the height of the dwelling as reported and a change in the proportion and style of fenestration. Overall however the changes do not include insertion of any new windows openings, they are still in the same location on the elevation as previously proposed and there were always rooms in the roof space proposed. It is considered that on balance the significance of these elements overall would not be sufficient to refuse planning permission.

5.2.8 Looking secondly at House Type 2 on plot 3 the resulting amendments to the fenestration on this property are more complimentary and coupled with the fact this dwelling has been constructed with a lower eaves and ridge height (800mm) the changes provide for a more balanced elevational proportion (see Figure 3 below). Similarly as was the case with house type 1 the changes do not include insertion of any new windows openings, they are still in the same location on the elevation as previously proposed and there were also always rooms in the roof space proposed. It is therefore considered that the changes sought in respect of house type 2 are acceptable and not inappropriate.

Figure 3: Plot 3



5.2.9 Looking from a design perspective at the final component of the amendments being sought, there have been changes made to the

siting of the properties and the overall site layout. These include a slight re-positioning of the built footprint on plot 2 – moving the property 0.7m to the south and the twisting of the siting of the built footprint on plot 3 in a clockwise direction away from the boundary with neighbouring properties on Churston Road.

- 5.2.10 Overall it is considered that the siting amendments which are being sought are considered to be acceptable given that the relationship with neighbouring properties is not materially different. Just because a different design has been implemented does not mean it is inappropriate in planning terms. Whilst such an approach to development is a risk there is an opportunity in the regulations for the developer to make retrospective planning applications and this is what is currently being considered. In planning terms the changes (marginal increase in wall height of 286mm for plot 1 and 211mm for plot 2 and different proportioned/size windows) are insignificant and not sufficiently damaging to either the design or appearance for the neighbours to warrant a refusal of planning permission.

### 5.3 **Neighbouring Impact / Siting and Amenity**

- 5.3.1 In the context of the design considerations detailed above, it is necessary to consider whether any of the changes impose any adverse impact to neighbouring amenity above and beyond what was already deemed to be acceptable by the granting of the original planning permission.
- 5.3.2 In this case these issues relate fundamentally to the increase in height of the dwellings on plots 1 and 2 as reported above; the changes to the design and proportions of the windows and the change to the positioning of the dwellings affecting the site layout.
- 5.3.3 Members will be fully aware that as a method of securing adequate privacy and acceptable outlook to adjoining neighbours, minimum separation distances of 21m between facing windows of habitable rooms and 12m from habitable room windows to blank walls are sought as desirable. These principles are echoed in the Council's adopted Housing Layout and Design SPD 'Successful Places' and these measures were applied to reach a conclusion regarding the siting, scale and design of the approved scheme which was considered to be acceptable.

- 5.3.4 In applying these principles which are still applicable, the development proposals as built and amended fall within acceptable siting, separation and design parameters and therefore they have to be similarly concluded that they are acceptable against the provisions of policies CS2 and CS18 of the Core Strategy and the Councils Housing Layout and Design Guide.
- 5.3.5 Whilst it is noted that almost all of the residents along Churston Road have objected to the material amendments sought, all of these properties have back gardens which measure at least 21m in length without taking into account any additional separation offered by the set back of the new houses within the application site. Whilst it is accepted that the new properties are of a larger scale to the houses on Churston Road, the two and half storey scale and finished floor levels they are built at were accepted under the previous proposals.
- 5.3.6 It is therefore concluded, taking into account the fact these houses already have permission in a two and half storey form and the changes being sought are minimal in planning terms, that there cannot be a substantial argument made that the marginal increase in height of the property on plot 2; and the change in the design of the windows and the siting amendments affecting plots 2 and 3 would be of such additional harm to the amenity of the neighbours as to warrant refusal of planning permission.
- 5.3.7 It is noted that the application relating specifically to plot 3 (CHE/17/00120/MA) includes details of the proposed landscaping and levels treatment to the rear garden of this dwelling. This detail is required to be considered under conditions 20, 21 and 22 of the outline planning permission and should therefore be part of the separate discharge of conditions application (CHE/16/00227/DOC) and be considered separate to the material amendments being sought.

## 5.4 **Highways Issues**

- 5.4.1 The application has been reviewed by the **Local Highways Authority (LHA)** who has commented on the details as follows:

*'No objections to the proposals subject to 3 no. off street parking spaces (2.4m x 5.5m and 2.4m x 6.5m in front of a garage door) being provided per dwelling and being maintained clear of all*

*obstructions to their designated use and areas designated for manoeuvring of vehicles.'*

- 5.4.2 The amendments to the dwellings previously approved do not increase the number of bedrooms per property and do not change the original number of parking spaces / garage spaces or significantly change the driveway layout. It is not therefore considered that in the context of policies CS2 and CS18 of the Core Strategy there is any adverse highway safety issues arising from the design amendments sought.

## 6.0 **REPRESENTATIONS**

### 6.1 **CHE/17/00119/MA**

- 6.1.1 The application above has been publicised by site notice posted on 13/03/2017 and by neighbour notification letters sent on 09/03/2017.

### 6.2 **CHE/17/00120/MA**

- 6.2.1 The application above has been publicised by site notice posted on 13/03/2017 and by neighbour notification letters sent on 13/03/2017.

- 6.3 As a result of both the applications publicity there has been 33 letters of objection and 20 letters of support received as per the summary tables below:

<b><u>REPRESENTATIONS OF SUPPORT</u></b>		
1 A&B	SIMS – DE4 4FD (by public access) - 22/03/2017	A. These houses are beautiful, the workmanship and the quality is outstanding. It's improved the area. B. Surely better than looking at a run-down factory? Beautiful houses and the quality is outstanding.
2	SPENCER – 15 Hady Hill (by public access) - 27/03/2017	These homes improve the area, so much better than looking at a run-down factory. I support this 100%
3	GREAVES – S44 5BL (by public access) – 28/03/2017	Same group who stopped the Crispin Pub now it's derelict. Best new builds I've seen in a while.

4	WILSON – DE4 4DE (by public access) – 28/03/2017	I'm a developer agree windows need to be bigger to soften outlook otherwise they work. High quality homes.
5	BARLOW – S40 5BK (by public access) – 29/03/2017	Regularly walk my dog on Inkerman park, attractive homes, improvement from run down factory.
6	SIMPSON – S40 2JJ (by public access) – 02/04/2017	Fully give my support for these amendments and to a small business. Really attractive homes.
7	VARNEY – No Address (by email) – 02/04/2017	I am writing this letter in support of the development on 246A Ashgate Road. I grew up and lived in the area until I met my husband and moved away however I still visit family and friends regularly at least once a week, so over the past year I have took an interest in this site not only as a former resident but potentially a buyer as there's not many properties in the area what would suit my families size or the type of home we would like to live in but this new development certainly fits the bill for what we are looking for.
8	REDFORD – No Address (by email) – 30/03/2017	I have followed this development from the early stages as I lived in the area for 25 years and now wish to return with my family. I am looking for a new build in this particular area. I heard through the grape vine on some issues made by certain neighbours. I looked into these in detail, and after seeing the ridiculous article in the newspaper today I feel I had to make comment.
9	FEBRERO – 14 Periwinkle Road (by letter / email) – 03/04/2017	<p>I am writing in connection with the proposed planning application amendments. I have examined the plans and know the site well. I wish to offer my full support to the proposal for the reasons below.</p> <p>I recently visited the site to view the houses on Ashgate Road, as my step daughter goes to school in the area and we wish to move so she is in walking distance to her school.</p> <p>My initial reaction was the superb quality of the new builds and the attention to detail.</p>

		<p>The developers were very honest and said they currently had an issue with planning amendments and were unable to accept offers at this moment in time.</p> <p>I decided to investigate further as I am very interested in plot 1.</p> <p>Upon my investigations, I came across privacy issues from the objectors. From a buyers point of view this was the least of my worries, the site is new, the landscape needs time to mature and grow, the developer told me they had put smaller windows in than what was initially on the plans as they were worried bigger windows would be more overlooked from the neighbors point of you, I agree with this, in some of the objection letters I have seen the neighbours commenting at being overlooked surely having bigger windows will be more so overlooked?</p> <p>I also came across the height issue, I do not see a problem with this the houses are attractive and fit in with all the other houses in the area, they are set back from the road, I work close to the area and remember what the site looked like with the old factory on it, they have done a fantastic job in providing the area with 3 high quality homes which improve the area and surroundings. I have visited a few more new build sites in the area and this is the only one where the developers haven't crammed too many houses in and is the least overlooked with ample garden space.</p> <p>We are on a time scale to find a property as we have now sold and it's such a shame we are unable to make an offer on the property until these issues are resolved.</p> <p>I wish the developers luck.</p>
10	FAULKNER – No Address (by email) – 04/04/2017	<p>Please can you pass on my support to the above housing amendments.</p> <p>I viewed these properties a month ago and was saddened to hear of issues with the</p>

		<p>neighbours. I saw the article in the paper and had to laugh, my house is currently up for sale in Wingerworth as 180 new builds are being built in front my house, so compared to all new developments I have viewed these are the least overlooked and the highest quality I have no doubts these will sell quickly. If the developers changed plans my instinct is that it would to suit the site and not themselves. As full planning was already passed.</p> <p>I hope the council passes these slight amendments quickly and efficiently.</p>
11 A&B	JONES – 343 Ashgate Road (by public access) – 04/04/2017	<p>A. Best thing to happen to Ashgate Road in a long time the house overlooking the park is my favourite.</p> <p>B. Support these new build. Improve residential area. High standard of living and good to see factory go.</p>
12 A&B	HANCOCK – No Address (by email and public access) – 05/04/2017	<p>A. As a small building company I came across this site when it was up for sale and I was put off at the issues with the residents of the Tesco campaign they had going. As you know, small companies do not have the time or money to wait for slight amendments in planning and it quite normal for the builders to change things while they go through. No wonder all these little local businesses keep going under when people are trying to sabotage us. I've looked over the plans again after reading the Derbyshire Times, and I support what the builder has done he has moved a plot a meter away from the boundary so it's not overlooking which to any of us makes full sense, and making the windows smaller helps the privacy issue, do the neighbours realise if the original windows are put in it will be more over looked?</p> <p>Regarding the height I'm sure that's to do with building regulations which we must abide by.</p> <p>From what I can gather he has only</p>

		<p>amended these to suit the neighbours I don't know how he would benefit himself from it all.</p> <p>I do hope you back this small business or these big building companies will just take over.</p> <p>B. Pass on my support to a small business, good luck.</p>
13 A&B	SHORT - S40 4DA (by public access) – 06/04/2017	<p>A. I support for the simple reason anything looks better than that dump that was there before! Thanks.</p> <p>B. Also 98% of the objections having nothing to do with the amendments, which this is all about!</p>
14 A&B	WILLIAMS – S44 5BL (by public access and email) – 08/04/2017 and 08/04/2017	<p>A. Nice homes. Polite young lads say hello every time I walk past. Seem a nice family business.</p> <p>B. I saw in the newspaper about this particular site and couldn't believe what I was reading I walk past here everyday and watched these homes grow;</p> <p>The 2 younger men on site always say hello and are always polite. These buildings are a credit to Ashgate Road. They look executive and expensive, unfortunately the neighbours just don't like the fact they are behind their houses; and</p> <p>I give credit where's it given and these houses deserve their place on Ashgate road and could do with more quality homes like these.</p>
15	BRIDGES – No Address (by email) - 06/04/2017	<p>I saw the article of these houses in the paper and was very confused. It sounded as if the building company built these without any planning permission whatsoever. When I went on your website it turned out in fact they have full planning permission and just applying for amendment on under a foot and smaller windows. Why have the council let it get this far? I give my whole support for the changes and hope this gets sorted so these family homes get sold for families to enjoy.</p>
16	ANDREWS – S40 4DE	<p>A. I live in Ashgate and take a keen interest</p>



A&B	(by email and public access) – 08/04/2017	<p>in my area and new developments that go up. This development is the nicest and most well thought of that's been built in a long while. They made use of what was basically a dump and built 3 high spec homes; and I've read the objection comments and it's quite simple for all to see the objectors just don't want them there full stop and made use of the amendments to do this. There is also to many contradiction in their comments.</p> <p>B. Too many contradictions in the objections comments. Nice builds and improves the area hugely support.</p>
17 A&B	CLARKSON – DE4 3PY (by public access and email) – 10/04/2017	<p>A. I got asked to write an objection comment but after seeing the development I can't see any reason to.</p> <p>B. We have took a big interested in this site from its initial stages as my fast growing family is growing by the minute, and it's an area I want to continue living in. I got asked to write an objection comment on your website but after looking into this and frequently walking past the site I have absolutely no reason too. The houses are simply stunning. I see the main objection is the height and I've read that the builders where given the wrong plans by a third party. I've seen comments that the objectors think this is a lie, why would the third party company jeopardise their own business and reputation if this isn't true. Please add this to the support pile.</p>
18	JOHNSON – S40 4AL (via 3C's system) – 10/04/2017	Support for the Development at 246A Ashgate Road.
19	HAINES – No Address (via email) – 10/04/2017	I am writing this in support of the development on Ashgate road, as a local resident I regularly walk my dog past both sides of this site, after having looked at the objections it is plain to see the objectors just simply don't want these houses there regardless of size or shape; and

		I would just like to add one observation made by myself, some of the objections talk about overlooking issues on the plot nearest the Inkerman, I don't see how this is any different to anyone walking on top of the bund what runs around the edge of the park, as when I walk on there you can clearly see into every garden what backs onto the park off Churston road.
20 A&B	SIMMONS –DE4 4FD (by public access system) 11/04/2017	A. High demand for housing in Ashgate and these houses suit the neighbourhood and improve it Support fully. B. Is something going to be done with the Crispin Pub ? It looks very run down now.

## **REPRESENTATIONS OF OBJECTION**

1 A&B	E WELLS LOMAS – 17 Churston Road (by letter) – 15/03/2017 and 20/03/2017	<p>A. I object to this application on already refused grounds and do not believe it should even be considered;</p> <p>The design of the buildings constructed on plots 1 and 2 are inappropriate having regard to the design and proportions of window and the additional brickwork between the upper floor and the eaves. This presents an consequential overbearing impact to Churston Road;</p> <p>The development does not respond or integrate with the character of the local area and is at odds with policies CS2, CS18 and the NPPF;</p> <p>The plots were visited by committee before the previous decision and nothing has changed. The paperwork supporting this application does not alter the appearance of the buildings; and</p> <p>The visual impact is not pleasing, out of character, lacking in design, do not enhance the landscape and overlook directly into Churston Road properties.</p> <p>B. Regarding the application for plot 3 I strongly object to this application. The plot has been developed different to the original</p>
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	<p>approved plans regarding siting, height and fenestration;</p> <p>Condition 11 and 13 of the outline permission remain in breach;</p> <p>There are conflicting statements for this development. Soils are not suitable for reuse due to contaminants, the report states land levels will not be raised significantly, and the description states development is to comprise of three low rise residential dwellings. This is not the image that is conjured up in the eyes of Churston Road residents;</p> <p>Raised levels have caused standing water to run-off onto my property on 3 occasions in the past 12 months stopping me using my vegetable plots. This has an adverse effect on my property;</p> <p>The visual impact is not pleasing, out of character and does not blend in;</p> <p>The re-positioning of plot 3 means there is a path along the side of the house running above the 6ft fence of my garden, and I cannot enjoy the pleasure and privacy of my garden;</p> <p>The re-positioning of the house is of no benefit to me, only to the developer;</p> <p>I enclose a picture of the view from my garden which put into context the issues I have highlighted;</p> <p>I am worried about what will be done to support the raised garden levels against my boundary fence. Surely it needs to be structurally safe;</p> <p>I note the originally proposed 1.8m fence has not been replaced with a hedgerow. Will this be the only border between my garden fence and the site; and</p> <p>I now have what looks like an infrared camera affixed to plot 3 directed onto my property. If this records it is a breach of human rights and data protection. It is also an invasion into my personal space and needs to be directed away.</p>
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<p>2 A&amp;B</p>	<p>BARTHORPE – No Address (by email) – 21/03/2017 and 31/03/2017</p>	<p>A. I do not live in the vicinity of the development but regularly attend the area visiting a friend on Churston Road; I have heard this development has not been built as the original plans. Is this the way forward now for planning, to disregard plans, build what you like, then submit plans after the development is almost complete and assume they will be approved?; I object to the houses because the height of them just looks like a huge mass of brickwork, badly designed in my opinion and do not fit in with where they are built. They certainly don't look nice from the rear of them, they seem to be quite close together and dominate and overlook the neighbouring properties on Churston Road; and The previous refusal reasons should still apply. I believe the term is they are detrimental to the residential amenity to the adjoining Churston Road properties.</p> <p>B. I regularly attend the Inkerman Park adjoining the development &amp; Churston Road. I have heard this development has not been built to the original plans. Is this the way forward now for planning, to disregard plans, build what you like, then submit plans after the development is almost complete and assume they will be approved?; I support the residents in their objections, I have seen this build from the very beginning and do not understand why it has been allowed to build a house so high on the corner of the park which sticks out when all the other properties around blend in with the surrounds of the edge of the playing field; All the trees were removed from this site and they even attempted to get rid of the sycamore tree. Why would anyone build a house under a tree?; and The house looks direct into the gardens, is completely out of character and provides no privacy screening for adjoining neighbours</p>
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		<p>which is detrimental to them. They are built very close together and the front windows of the house look onto a brick wall, not a very nice outlook.</p>
<p>3 A&amp;B</p>	<p>C BATES – 9 Churston Road (by email / letter) 21/03/2017 and 30/03/2017</p>	<p>A. My wife and I are now retired and for the 9<sup>th</sup> year running we find ourselves involved in this dispute;          We purchased our property in 1982 and built our house into something to be proud of. However after many years these oppressive structures, both higher and unlike anything in the surrounding area, threaten this;          The developer has deceived the local Planning Office and his attitude to alter the system of planning applications forever could create a dangerous precedent. The list of rules the firm has broken is frankly unbelievable and his total arrogance has reared its head by continuing to build his project despite calls from local residents and the planning department;          We can twist around technical jargon all day long to make it look like all the conditions have been met, as I am sure the developer will try and show, but try telling that to an 85yr old lady living a No 7 Churston Road. She has lived there all her life. We have become so worried about political correctness and legal implications it seems we have lost the human ability to just do what we think is right. All she can see is an eyesore, which should never be allowed to continue to be built, but is now complete;          We were allowed to attend the last planning committee meeting and saw local government at work. The developer was able to give evidence to committee and explained he could not afford to have staff idle. Now we are being asked to believe his vastly experienced architect submitted the wrong plans;          The reason he has re-sited the dwelling on plot 2 is to fit in the garage, which would have been too close to the Tesco fence;</p>

		<p>We can see straight through plot 2 and we have now been presented with a 'blacked out' bedroom window which we believe allows them to see out but us not see in. This is totally unacceptable;</p> <p>Recently my wife (who is disabled and has mobility / balance problems) has an accident with a boiling hot bowl of soup; but was too distressed at the thought of someone observing her from the windows she didn't remove her clothing and suffered burns;</p> <p>The developer said at the last meeting he wasn't aware of previous land levels, an usual comment from a qualified developer. I enclose a picture of the difference in levels between our garden and the site. Also he has built fences around his own development far higher than the surrounding properties. This ruins the appearance of our own fence and they are not detailed on the plans which have been submitted;</p> <p>Due to the height of the properties we will no longer be able to sit outside for our evening meals, due to the claustrophobic look of these buildings that overlook our property and impact upon privacy we have enjoyed all these years. Sunlight will also be blocked out;</p> <p>The re-siting of plot 2 appears to have compromises the distance between the habitable windows of plot 3 and this house. The recommended distances don't appear to apply to this development?</p> <p>To grant this development would send out a message that the developers behaviour is perfectly acceptable. He even asked his consultant to plead for the financial loss of his business which should occur if the application is refused. It is down to him and no one else; and</p> <p>I am obviously objecting to the application for plot 1 and 2 as they lack in design, massing in brickwork, are oppressive, overlooking, domineering and overbearing. They are</p>
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		<p>inappropriate having regard to the details and proportions of the windows and the additional brickwork between the upper floor windows and eaves level – consequentially overbearing and detrimental to amenity at odds with policies CS2, CS18 and the NPPF.</p> <p>B. In our considered opinion plot 3 is the ‘jewel in the crown’ as far as our objections go. It is an eyesore that any visitors to the site are most appalled by;</p> <p>This is down to the sheer level the land has been raised to, to the damage that has been caused by burying asbestos roof sheeting from the old factory, raising the ground around the protected tree, contaminated soils remaining on site, putting the building on a plateau, causing flooding to neighbouring gardens and now irreparably ruining local families lives forever;</p> <p>In our view the only reason the developer has split the two applications is that he believes he has a better chance to achieve a more favourable verdict if he splits the applications – yet again trying to manipulate the system;</p> <p>If the original levels of the land was were the developer has built this monstrosity then when No’s 17 and 19 opened their gates they would surely have been met by soil;</p> <p>Condition 13 is being breached by raising land levels in the RPA of the protected tree (which has been built too close to, was poisoned and subject to an application to remove – which was rejected), the developer was using people fences to hold back the tipped soils which also extend beyond the site onto the Inkerman Park;</p> <p>There are features incorporated into the design of plot 3 which are not shown on the submitted drawings (roof light to front), the landscaping to plot 3 will only benefit the future occupant and not the adjoining residents. This also highlights the changes in land levels, and the fact the development is</p>
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		<p>built on unacceptable higher land levels; Many trees, hedges and grass were destroyed to make way for the development, now the developer appears to be relying on new landscaping to 'cover up' his mistakes. Hopefully if we are around in 10-15 years' time, the landscaping may have just matured to a height to blot out the developer. All we will be left with is the rest of the house to tower over us; and</p> <p>Attached to the objection are also pictures chronologically illustrating the points made above.</p>
4	JESSOP – 8 Churston Road (by letter) – 21/03/2017	<p>I would like to complain about the development taking place;</p> <p>The builder appears to have ignored the plans that were passed and made significant changes to the design which have a great impact upon the adjoining properties on Churston Road; and</p> <p>The builder should not have made such significant changes without prior consultation and the attitude 'I've done it now so it should go through'.</p>
5 A&B	SINCLAIR – 5 Churston Road (by letter) – 21/03/2017 and 21/03/2017	<p>A. I strongly object to the proposals; Plot 2 overlooks the Churston Road properties and this leads to a loss of privacy and impacts upon the peaceful enjoyment of their homes and gardens. The houses are oppressive, overbearing and no what you want peering into your garden;</p> <p>The previous application was refused and surely it still applies irrespective of the changes in the submitted application. There have been no changes on site since the decision;</p> <p>The fact the developer is stating they have not worked to the approved plans is unbelievable. Who is responsible for a development that does not have planning permission?;</p> <p>Plot 1 is no 286 higher and plot 2 now 361 higher. This creates a non-impressive design with a vast amount of brickwork above first</p>



		<p>floor windows and domineering brick gable ends, especially plot 2;</p> <p>I believe the application should be refused the same reasons as stated previously.</p> <p>B. Plot 3 overlooks my neighbours properties and leads to a loss of privacy and certainly impacts upon the peaceful enjoyment of their home and gardens. The house is overbearing and not what you want peering over and into your garden from the top of your fence;</p> <p>The repositioning of the plot has resulted in a path alongside the house which is above the 6ft fence level. Anyone walking on here appear above the fence, taking away all privacy. Admittedly they have long gardens but that is there outdoor space to enjoy in a private and peaceful manner, not to be directly overlooked;</p> <p>The visual impact of this plot is not pleasing and out of character. It is domineering on the corner of the Inkerman Park; and</p> <p>Why submit revised plans if you are going to build whatever you want. The amendments will not result in a less significant impact upon the amenity of neighbouring properties and should still be refused.</p>
6	WIDDOWSON – 112 Old Hall Road (by letter) – 23/03/2017	<p>I walk my dog on Inkerman Park, but it is spoilt by the overwhelming presence of the new houses, particularly plot 3;</p> <p>I have a town planning degree and I cannot see how these buildings contribute to the community. They detract from the local environment and blight the park;</p> <p>Other houses around the park do not have such an overbearing presence, these make you feel like you are being watched;</p> <p>The houses on Churston Road must feel like their privacy has been invaded, as well as marring any positive aspect on the backs of their properties;</p> <p>I understand the developer has not kept to the plans which were approved. How can such a blatant disregard for planning have been</p>

		<p>allowed to go unchecked?; and</p> <p>I object in strong terms to the development, particularly plot 3 and also for the privacy of the properties on Churston Road to be addressed. It must be very distressing and will be detrimental to my walks and any outing to the park which is an important green space spoilt by the development.</p>
7	P SIDDON – 7 Churston Road (by letter) – 24/03/2017	<p>A. I object to the amendments to plot 3. They have not been built to the approved plans, the developer took it upon himself to change the layout, include extra doors and introduce overlooking into neighbours gardens; Neighbours can no longer enjoy and privacy in their own gardens, and the design of the houses looks nothing like houses around the area;</p> <p>They have been refused once, so why should they be approved now?;</p> <p>They have been built close together and are a bad design – separation of windows etc;</p> <p>It has come to light the developers were building to the wrong plans, not those submitted for approval. Where are the plans he used?; and</p> <p>The houses do not meet planning policy, where there is an aim to ensure development has an acceptable impact on the amenity of neighbours, as it sits on the top of the adjoining six foot fencing.</p> <p>B. I object to the amendments of plots 1 and 2; In addition to the issues already raised above the development does not meet policies which state development should be visually attractive as a result of good architecture and appropriate landscaping; and Permission should be refused for development of poor design that fails to take the opportunity available for improving character and quality of an area and the way it functions.</p>
8	J SIDDON – 7 Churston Road (by	<p>A. I write because if I did not you will assume that I have no objections, which would not be</p>

	letter) – 24/03/2017	<p>true;</p> <p>Regarding plot 3 the house sits above the top of my neighbours fence and I question how he can now enjoy any privacy in his own garden as he is overlooked;</p> <p>How can builders build what they want when they have plans to follow?; and</p> <p>This should never have been allowed, it towers and overlooks the gardens to Churston Road.</p> <p>B. Regarding plot 1 and 2 the houses look ugly as they are too high and they should not be allowed to build what they want. The houses do not fit in on a small bit of land and they are all brickwork with very small windows towering over neighbours gardens and houses.</p>
9	OXLEY – No Address (by email) – 29/03/2017	<p>I'd seen the houses being built and am amazed how high they are at the bottom of people's gardens;</p> <p>I hear they've been refused for not being built right, so I'm also writing to object to approval of them because they're so tall and so close together;</p> <p>The one on the corner of the park stands out, being built very high and it doesn't blend in with other houses in the area. It looks over the fence and into the neighbours garden;</p> <p>Also the other two houses are way too high. They aren't visible from Ashgate Road but definitely tower over Churston Road and take away the neighbours privacy;</p> <p>They should be built as approved, plots 1 and 2 have too much brickwork and plot 3 needs a 15ft fence;</p> <p>From a google search I understand the correct terminology is negative effect on amenity, overlooking, loss of privacy, out of character, negative / adverse visual impact, detrimental effect on character of local area, design issues i.e bulk, massing, local design guide ignored, overbearing, out of scale, does not respond or integrate; and</p>

		I always thought you had to build what you got approval for, not build whatever you want and admit to using the wrong plans.
10 A, B, C, D & E	PEARSON – 19 Churston Road (by letter / email) – 30/03/2017, 02/04/2017, 03/04/2017, 06/04/2017 and 07/04/2017	<p>A. I object to the proposals and the previous reasons for refusal are re-iterated;</p> <p>The continuing raising of land levels to the rear of Churston Road is detrimental and should be re-instated;</p> <p>The mass, bulk and proximity to the rear and side elevations present an overbearing and intrusive element;</p> <p>The plans submitted are house structure based and aim to avoid representing the actual site regarding hard and soft landscaping detail. The fencing already erected is not shown on the plans;</p> <p>The Councils SPD states FF rear windows should be positioned 10.5m from garden boundaries but plot 2 is positioned much closer;</p> <p>The buildings have not moved, changed in design, layout or height since the last site visit and committee. Is the developer questioning the decision made by committee? Why does the previous refusal not still apply?</p> <p>The SPD states that quality of life is a consideration yet we have lost all our privacy and cannot enjoy the pleasure and privacy of our homes without being overlooked. The development is unduly imposing and does not integrate with the character of the local area. Plot 2 overlooks its neighbours, it is domineering and its height has not been limited to reduce its impact (as the SPD suggests);</p> <p>The distances between plots 2 and 3 appear to fall short of the SPD recommendations as its front habitable windows face side wall of the porch of plot 2;</p> <p>Various pictures showing the relationship between the houses and those on Churston Road are included to highlight the points made above;</p>

	<p>The application now reports that the heights of the plots have changed again, now the floor level is lower – yet another variation from what was approved (tables and graphs are included to illustrate the differences in each application);</p> <p>The fact the floor height has changed does not lower the amount of brickwork which is seen above the FF windows. This continues to have an unacceptable impact on the amenity of adjoining residents regarding design, appearance and overlooking;</p> <p>Having regard to the SPD the re-siting of the plots appear to have compromised the separation distances – do they still comply? Furthermore do the properties have adequate private amenity space – as per the SPDs recommendations? Various extracts of the SPD are quoted;</p> <p>In respect of the Design and Access Statement I dispute the comments about contours and heights not adversely impacting upon the built form of Ashgate Road.</p> <p>Furthermore good practice statements of the SPD, the D&amp;As and the Human Rights Act have all been ignored;</p> <p>There have been conflicting statements in the geo-technical report compared to what has been built on site in respect of land levels not being significantly raised – who is misleading who?</p> <p>Plots 1 and 2 are more visible from the rear gardens of Churston Road than from Ashgate Road, overlooking into neighbouring living space. There may be a mixed design of properties locally but they follow contours of similar ridge heights (these have been measured and are compared in a graph);</p> <p>Regarding the supporting statements submitted – the fact the developer was using the wrong plans is whose fault? The developer accepted at the committee meeting he had made changes and in hindsight he</p>
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		<p>should have requested planning approval. There had been several visits by the planning dept to bring to his attention the disparities, so why continue to build? Why continue to waste taxpayers money when the plans have already been refused?; and</p> <p>Pictures showing the fence which has been erected are enclosed, these all show how the levels have been raised.</p> <p>B. My objection is to the landscaping proposal submitted for the development to the rear of my property. How could anyone contemplate raising the levels at the rear of someone's property when knowing of the consequences and damage this will cause by water runoff. Furthermore that the planning dept will consider approval of such proposals when they are also aware of the original land levels and have seen water damage pictures. This is against any human rights to force someone to suffer unnecessarily and I query whether this is also a legal or environmental issues, rather than just planning?;</p> <p>The area to the rear of my garden has always been wet and boggy after heavy rainfall, but the water has never run onto my property until the levels were raised. Original topographical reports show what the levels were like previously and they should be reinstated;</p> <p>The proposed landscaping with a hedgerow and three trees will not provide adequate screening / privacy. How many years will it take for these to grow? Screening should be permanent and take immediate effect. The path around the house resembles a balcony from the patio doors and overlooks neighbouring gardens;</p> <p>The proposed wall and patio areas shown will be within the root protection area and damage the protected tree;</p> <p>My fence was erected many years ago and the land levels were the same on the opposite side as my garden. This boundary is shown</p>
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		<p>on my deeds, so if I remove the fencing it will only show how high the land levels have been increased;</p> <p>The raised level of 98.55 will still be higher than the bottom of my garden fence and the original level. The landscaping proposals are vague, what is the height of the proposed fence? And</p> <p>I used to love my home and garden, now I cannot wait to get away due to this development. I have no privacy, I am overlooked from a height. My whole home is ruined by this high rise development peering into my life. If this is not an adverse effect I do not know what it?</p> <p>C. I object to the material amendments and screening landscaping proposals which adversely affect my property – see separate letters regarding land levels;</p> <p>The previous application was refused and I re-iterate the reason for refusal;</p> <p>The re-siting of plot 3 encroaches into the root protection area of the protected tree which is cause damage to its roots;</p> <p>I object to the overlooking balcony style walkway which runs around this property and would not have been in situ had the house been built in its approved location;</p> <p>Plot 2 and 3 have both been re-sited and this compromises their relation as well, having regard to separation distances;</p> <p>The whole development is unduly imposing and overbearing to neighbouring properties;</p> <p>The proposals do not confirm to policies of the local plan by an acceptable density and form that respects and enhances the local area, results in a loss of landscape features (boundaries etc) and does not create reasonable levels of privacy;</p> <p>This also applies to Plot 3 where the GF levels are visible above the 6ft fence line to neighbouring garden which is domineering and a total invasion of privacy;</p>
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		<p>There appears to be something in the roof of plot 3 (front) which is still not shown on the application drawings and it is not clear if frosted glass has been installed in the side elevations of plot 3 as previously shown;</p> <p>Why is plot 4 still being shown on the site plan when it is not relevant to these applications?</p> <p>The objector repeats a number of issues which are already highlighted in objection A. above relating to compliance with the SPD, Human Rights Act, disputes with the Design and Access Statement, the raising of land levels, the ridge heights in the surrounding area;</p> <p>Further concerns are raised about the protected tree and the fact the developer has not complied with conditions regarding protective fencing and root protection areas. The re-siting of plot 3 further jeopardises the trees health and means full compliance with this condition cannot be achieved as the building is sited 7m from the tree (so a 10m barrier cannot be in place);</p> <p>Comments in respect of the landscaping proposals and the change in levels are also raised highlighting through pictures / extracts of various planning drawings how the site has changed and how this adversely affect their property in respect of surface water flooding, the dumping of contaminated soils and overlooking issues. The objector states the NHBC warranty cannot be valid until the contamination is removed;</p> <p>It is commented that the drawings are clearly prepared to avoid detailing the actual steepness of the slope / bank / garden and hard landscaping at the side of plot 3 and the rear of No 17. How will the ground be supported and what is it made up of? What will stop water running straight off onto my garden? The side of the house and slope appears quite frankly unmaintainable; and I maintain my objection that the material</p>
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		<p>amendments should be refused as nothing has changed. The changes to plot 3 have an overbearing impact and result in a total loss of privacy to neighbours. Conditions are attached to planning permission for a reason and plans should be adhered to, not ignored. The fact the development was built ignoring these makes a mockery of the whole planning process.</p> <p>D. This further objection relates to plots 1 and 2 and their garages on the plots. These are shown on the site plan drawing. The dimensions of these garages are 5.56m x 5.05m according to the estate agents. A double garage should have a minimum dimension of 6m x 6m and a door width of 4.2m to be counted as a parking space (extract from SPD inserted) so the garages do not meet the required standard or the 6C's highways design guide. Furthermore there is clearly a door in the back of plot 2's garage which is still not shown on the drawings submitted or included in the latest application.</p> <p>E. The proposal is to raise the land levels which will direct the flow of surface water onto my property. There is no evidence provided and to confirm overland flows will not flood properties or discharge onto neighbouring land.</p>
11	BIRTLES – 17 James Walton View, Halfway (by letter) – 30/03/2017	<p>I'm a regular visitor to Churston Road and the area has seen little change in 25 years, however upon entering the house I visit I am shocked and upset at the view;</p> <p>There is no privacy accorded to the residents thanks to a building development which has apparently been built without correct planning regulations. I am conveying my objections, not just because my friends are upset, but because their home is now blighted by this development and they have lost all their privacy;</p> <p>It now seems anyone can submit plans, build whatever they like and then have them</p>

		<p>passed at a later date. People of Chesterfield deserve to be protected from behaviour like this as rules are there to be followed;</p> <p>When I last visited in February I was told the applications had been refused. It seems an awful waste of taxpayers' money that an applicant can resubmit without any rectification work being carried out;</p> <p>I reiterate the reason for refusal of the previous application; and</p> <p>I am sure that I would have no problem making a hollow apology to the Council for my behaviour if I knew my actions would yield me £1.3 million.</p>
12	<p>HEATH – 100 Mansfield Road, Hasland (by letter) – 30/03/2017</p>	<p>I have been told an unbelievable story by a friend who lives on Churston Road which I would like to share with you. A developer submit plans to build three houses which were approved probably because he was only building three and not the six which had previous permission. Had anyone noticed on the plans the floor levels were a metre higher or taken into account the lower land levels on the adjoining properties? The developer proceeded to build his plans, but they were not the ones approved by the planning dept. Nevertheless thinking no-one would notice he continues. Someone contacts the planning dept and an enforcement officer turns up to look at what he is building and advises a new application is necessary. To cut the story short (as it could be a full length novel) five months later he applies and the application is refused by planning committee, but he doesn't give up, decides not to appeal and submit two new applications and declares he has built them to the wrong plans regarding the height; For all adjoining neighbours the properties are overlooking and an invasion into their privacy. Regarding plots 1 and 2 they have been built too tall and are a mass of brickwork. Plot 3 looks as though it is sat on top of the neighbours fence. They look ridiculous and</p>

		<p>are totally out of character;  They should be built as per the approved plans;  I really like the new outlook for planning though, submit something similar to what you intend to build, build what you want and then assume it will be approved. When it is refused submit a further set of plans. It could catch on; and  My objections are as the original reasons for refusal.</p>
13 A&B	<p>WOMBLE – 3  Richmond Grove,  Handsworth, Sheffield  (by email and public access) – 29/03/2017  and 29/03/2017</p>	<p>A. Buildings are too elevated leading privacy issues and flooding due to inability of natural drainage.  B. I write regarding the above planning applications and my objections to the buildings on these plots. As a site manager for a building company it amazes me that Chesterfield City Council has allowed this builder to flaunt planning regulations and build properties unrelated to the original plans. The current dwellings are intrusive to other residents and provide no privacy due to the raised elevation on all plots. I have also seen photographs of flooding in the neighbouring gardens and this is due to the hardcore which has been used to raise the elevation, thus preventing natural drainage.  I am concerned that if this builder is allowed to continue with the dwellings, which have obviously been changed dramatically from the original plans, this will set a precedence for other builders to build dwellings which do not comply with the original plans  There are, as I can vouch, builders who follow legislation to the letter and allowing such blatant disregard for these regulations by this builder will allow the flood gates to open for other disreputable builders to follow suit.</p>
14	<p>LOMAS – 61 Church Lane, Calow (by letter / email) – 04/04/2017</p>	<p>I would like to raise my concerns regarding the development plans. I have confirmation from numerous sources that the developer changed and used a different set of plans to</p>

		<p>the original which were submitted many years ago;</p> <p>The developer has ignored planning approval, used contaminated soils, caused flooding, not implemented drainage, raised ground levels by 6ft (causing overlooking / privacy issues), installed infra-red cameras, removed trees, back filled soils against the neighbours fence, the design of properties are not in keeping and not pleasing on the eye;</p> <p>How is a developer allowed to ignore planning approval?</p> <p>How does allowing the properties to be built allow privacy in an area for the adjoining residents?</p> <p>What compensation will the owners of the neighbouring properties receive from the developer?</p> <p>What are the consequences of all the above points to the developer?</p> <p>All of the above have resulted in the devaluation of 17 Churston Road – how is this fair?</p> <p>As a council I would expect you to represent the majority and not favour the lucrative proposals for the benefit of a company and the attached list of 31 signatures all agree with my above points.</p>
15	HALL – 11 Churston Road (by letter / email) – 31/03/2017	<p>I am great believer in brownfield sites being developed instead of choosing cheaper greenfield options, what I am not a believer of is the bodies in place to implement regulations and guidelines on developers and builders to ensure development fit in to their surroundings;</p> <p>When I purchased my house I was under the impression the houses heights and designs were going to be in keeping with the surrounding houses. I was informed the houses would be 2.5 storey town houses. But my suspicion started to grow when the guttering weren't directly above the 1<sup>st</sup> floor windows. At this point we had a meeting with</p>

		<p>the planners to state our concerns; My concerns is that the houses were too high and had been built even higher, looking like 3 storey houses. The windows had also been changed and we felt the builders had no regard for the plans and were building what they wanted; Plot 2 in particular has been built too high (almost half a metre) and looks hideous with such a high brick to window ratio. The house is also being marketed as a three storey executive town house; Had I known the builder was going to ignore the approved plans and build what they wanted I would not have bought my house the price I did. They should have to amend the house height or compensate me for the change in value; and I would like to add I feel let down by the whole system and that no one has listened to me or the local residents to put a stop to this before it got to this stage. This has caused me much stress and has led to me being off work, putting the future of the 34 people we employ at risk.</p>
16	WELLS-LOMAS-PAGE – 6 Brecon Close, Loundsley Green (by letter / email) – 02/04/2017	<p>Having been a silent individual regarding the planning and building process I must strongly object to this development and the way the council and other public bodies have handled the whole process; I large number of regulations have been breached and the council are making no efforts to oversee that they are amended asap; The gardens of properties along Churston Road are now suffering as a consequence (esp. No 17) which has been flooded on several occasions; The developer has now admitted to building the houses to plans different to those approved – how can this be ignored and be allowed? The council have in the past made people remove wrongly built properties – this</p>

		<p>should be applied here;</p> <p>The ground levels have been raised by about 6ft and therefore the development overlook the neighbouring properties. This is an invasion of residents privacy;</p> <p>An infra-red camera also overlooks the property of No 17. This should not be allowed and should re-directed to a different area that does not invalid people privacy;</p> <p>Trees and shrubbery have been removed to make way for this development. This has led to a loss in wildlife, birds and bats. Isn't this a crime?</p> <p>The relevant drainage has not been put in place to compensate for the new development. This has led to flooding and residents nearby being unable to grow vegetables and flowers;</p> <p>Contaminated soils have been bought in to be used as back fill and levelling ground. There is risk this could make neighbours ill if they grow vegetables;</p> <p>There is 5ft of back soil to the rear of No 17 which could lead to rotting this fence;</p> <p>The properties along Churston Road have suffered huge devaluation as a result of the development but I bet the developer won't be out of pocket;</p> <p>The character of the development is not in keeping with other properties and the visual impact is not pleasing to the eye;</p> <p>Are the estate agents selling the properties aware of the fact there are breaches / ongoing investigations?</p> <p>It seems to me the correct people were not appointed during the development to make the necessary checks; and</p> <p>No 17 has been my family home for 42 years and will continue to be so. I am disgusted how the whole process has been handled and my father is very ill and should not have to worry about the long term effects of this monstrosity; and</p>
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		I have read a local newspaper article quoting the developer, well a quote from me is that the developer has no intension of putting any of the issue listed above back to there correct state, otherwise he would have done it a long time ago.
17	SIMPSON – No Address (by email) – 02/04/2017	These houses are overlooking and overbearing and they also seem to have been built too high. Its my understanding they have not been built in accordance with the approved plans and surely allowing this to go ahead makes a mockery of the system.
18	CHURSTON ROAD ACTION GROUP – (by letter / email) signed by No 9, 11, 13, 15, 17 and 19 Churston Road – 03/04/2017	<p>The Group Objects to the applications for the following reasons:</p> <p><u>Plots 1 and 2</u></p> <p>CHE/17/00119/MA is invalid because pre-start condition 9 of CHE/13/00507/OUT (which renewed Consent CHE/10/00531/OUT) has not been discharged and yet a material start has been made on site. As a result of this fact and in accordance with advice note 2 attached to CHE/13/00507/OUT, the entire development is unauthorised. A material amendment application is not capable of re-establishing a lapsed consent.</p> <p>Submission and approval of CHE/15/00514/REM responded to Condition 2 of CHE/13/00507/OUT. It did not explicitly request discharge of pre-start Conditions 6, 7, 8, 18 and 24 of CHE/13/00507/OUT and the approval notice did not explicitly discharge them. These pre-start conditions were discharged subsequently and separately under CHE/16/00227/DOC. Nor did submission and approval of CHE/15/00514/REM seek or effect discharge of pre-start Condition 9 and legal discharge is now impossible because a material start on the development has been made. When Condition 1 of CHE/15/00514/REM mandated adherence to external dimensions (which actually vary between the building and site plans cited) it prejudiced much but not all of</p>

		<p>what proper attention to Condition 9 of CHE/13/00507/OUT might have achieved. Scope still existed after Condition 1 of CHE/15/00514/REM was written to establish a better relationship between proposed levels and immediately adjacent land/buildings than has been built by following a simple two-stage process. The first step that could still have been taken was to control under Condition 9 of CHE/13/00507/OUT the amount of obscure glass in windows, the height and form of boundary screens and the levels of footpaths and patios (which are not shown on drawing 15/532/2A). The second step that could have been taken was for the developer to have complied with the scaled layout or the figured external dimensions shown on the approved drawings as mandated by Condition 1 of CHE/15/00514/REM and the design requirements imposed upon proper discharge of Condition 9 of CHE/13/00507/OUT. Unfortunately, that opportunity has now been lost. Noncompliance with condition 1 of CHE/15/00514/REM and a failure to discharge Condition 9 of CHE/13/00507/OUT have imposed severe impacts upon local residents and a great deal of distress that financial compensation will not necessarily resolve. Approval of the current application will do nothing to resolve those impacts, will exacerbate that distress and will be a wholly unacceptable outcome that would set a highly damaging precedent for the built environment of the Borough as a whole. The result of these unfortunate over-sights is that the Committee and officers and the community have all been denied the opportunity to "fully assess the relationship between the proposed levels and immediately adjacent land/buildings" and therefore to control impacts upon residential and local amenity before those impacts were realised on the ground. In hindsight, proper attention to</p>
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	<p>Condition 9 of CHE/13/00507/OUT might have resulted in a bungalow development without windows or patios placed to overlook and overbear neighbouring gardens. Proper review of this unfortunate case might yet yield such a resolution.</p> <p>Over-riding the above, CHE/15/00514/REM is itself null and void because the approved design represents a serious departure from the Core Strategy due to serious unjustified violations of design guidance contained within the Successful Places SPD. According to the guidance on pages 75 and 76 of the SPD the inevitable impact of severely shortened separation distances between the windows and garden patios of this new elevated back-land development and vulnerable garden boundaries of immediately adjacent residences should have been specially justified or have been carefully controlled by means of careful screening, orientation and height limitation. In the subsequent determination neither special justification nor special control is evident and this omission constitutes a serious departure from the Local Plan. Standard development management procedure dictates special notification to the public in these unusual circumstances and yet we find no evidence that pending departure from the Local Plan was properly advertised. This makes the planning decision null and void.</p> <p>Even had the above not been the case the current application is significantly worse in terms of impact upon the outdoor amenity of neighbouring residents than the design mandated by condition 1 of CHE/15/00514/REM. The design of Plot 2 approved under this permission is to be preferred to that currently proposed because the new design is much closer to neighbouring boundaries than the approved design. On Drawing 15/532/2A the average distance</p>
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		<p>measured at right angles from the centre of the rear elevation to the boundary is 6.5m . The same distance on the new drawing is 5.5m. The new design makes a bad situation far worse. The prevailing architectural pattern in the local area is for single household dwellings to be two storeys in height. Three storey dwelling as are currently proposed for plots 1 and 2 are prominently incongruous and their relative shortness of their back gardens makes their scale the more conspicuous. Artificially raised garden elements overlooking neighbouring gardens at a level of natural ground are incongruous in the local area. The predominant local pattern is for gardens to conform to the natural lie of the land and as a result the predominant local pattern is for there to be no privacy concerns between neighbouring gardens. The proposed design is therefore out of keeping with the local area. The supporting statement is unconvincing. Neither local nor national planning policy welcomes brownfield land unreservedly. Good design is required under para. 64 of the NPPF even on brownfield sites. In this case the acid test of good design is whether or not the new development protects existing neighbouring amenity and safeguards local area character and this raises more fundamental questions than consideration of the vertically or horizontally prevailing masonry windows openings, window sub-frames , casement lights and the like. The current design fails both much more important environmental tests so severely that the original condition of the site would have been preferable to local people compared to what they see now. The social and economic benefits of development of this site are not tied to acceptance of the proposed design and the harmful environmental impacts this design demonstrably imposes upon vulnerable neighbours could be avoided by selecting an</p>
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		<p>alternative design. Therefore this development does not qualify as sustainable development and planning permission for its retention should be refused.</p> <p>The proposal is insufficiently different to that recently refused to warrant planning approval. No change to the built facts that committee have already assessed is proposed.</p> <p>Nevertheless, the application has been submitted. If the Council does decide even to let this highly flawed application be determined by its planning committee, then the committee should consider the all the facts of the case on its merits and not consider itself bound only to exercise its judgement upon the very narrow grounds given by the officer for refusal of CHE/16/00747/MA.</p> <p><u>Plot 3</u></p> <p>CHE/17/00120/MA is invalid because pre-start condition 9 of CHE/13/00507/OUT (which renewed Consent CHE/10/00531/OUT) has not been discharged and yet a material start has been made on site. As a result of this fact and in accordance with advice note 2 attached to CHE/13/00507/OUT, the entire development is unauthorised. A material amendment application is not capable of re-establishing a lapsed consent.</p> <p>Submission and approval of CHE/15/00514/REM responded to Condition 2 of CHE/13/00507/OUT. It did not explicitly request discharge of pre-start Conditions 6, 7, 8, 18 and 24 of CHE/13/00507/OUT and the approval notice did not explicitly discharge them. These pre-start conditions were discharged subsequently and separately under CHE/16/00227/DOC. Nor did submission and approval of CHE/15/00514/REM seek or effect discharge of pre-start Condition 9 and legal discharge is now impossible because a material start on the development has been made. When Condition 1 of CHE/15/00514/REM mandated</p>
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		<p>adherence to external dimensions (which actually vary between the building and site plans cited) it prejudiced much but not all of what proper attention to Condition 9 of CHE/13/00507/OUT might have achieved. Scope still existed after Condition 1 of CHE/15/00514/REM was written to establish a better relationship between proposed levels and immediately adjacent land/buildings than has been built by following a simple two-stage process. The first step that could still have been taken was to control under Condition 9 of CHE/13/00507/OUT the amount of obscure glass in windows, the height and form of boundary screens and the levels of footpaths and patios (which are not shown on drawing 15 / 532 / 2A). The second step that could have been taken was for the developer to have complied with the scaled layout or the figured external dimensions shown on the approved drawings as mandated by Condition 1 of CHE/15/00514/REM and the design requirements imposed upon proper discharge of Condition 9 of CHE/13/00507/OUT. Unfortunately, that opportunity has now been lost. Noncompliance with condition 1 of CHE/15/00514/REM and a failure to discharge Condition 9 of CHE/13/00507/OUT have imposed severe impacts upon local residents and a great deal of distress that financial compensation will not necessarily resolve. Approval of the current application will do nothing to resolve those impacts, will exacerbate that distress and will be a wholly unacceptable outcome that would set a highly damaging precedent for the built environment of the Borough as a whole. The result of these unfortunate over-sights is that the Committee and officers and the community have all been denied the opportunity to "fully assess the relationship between the proposed levels and immediately adjacent land/buildings" and therefore to</p>
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	<p>control impacts upon residential and local amenity before those impacts were realised on the ground. In hindsight, proper attention to Condition 9 of CHE/13/00507/OUT might have resulted in a bungalow development without windows or patios placed to overlook and overbear neighbouring gardens. Proper review of this unfortunate case might yet yield such a resolution.</p> <p>Over-riding the above, CHE/15/00514/REM is itself null and void because the approved design represents a serious departure from the Core Strategy due to serious unjustified violations of design guidance contained within the Successful Places SPD. According to the guidance on pages 75 and 76 of the SPD the inevitable impact of severely shortened separation distances between the windows and garden patios of this new elevated back-land development and vulnerable garden boundaries of immediately adjacent residences should have been specially justified or have been carefully controlled by means of careful screening, orientation and height limitation. In the subsequent determination neither special justification nor special control is evident and this omission constitutes a serious departure from the Local Plan. Standard development management procedure dictates special notification to the public in these unusual circumstances and yet we find no evidence that pending departure from the Local Plan was properly advertised. This makes the planning decision null and void.</p> <p>Even had the above not been the case the current application is significantly worse in terms of impact upon the outdoor amenity of neighbouring residents than the design mandated by condition 1 of CHE/15/00514/REM. In the case of the building on plot 3 the likelihood that external patios and footpath will be elevated above natural</p>
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		<p>ground levels is much greater than would be the case if the design shown on drawing 15/532/2A were to be executed. Drawing 15/532/2A does not show the intended levels of external footpaths and patios but does confirm that these items will be constructed in brick pavements on a hardcore base. The specified hardcore base strongly suggests ground supported structures at natural ground level since hardcore is not normally included in balcony construction, no details of retaining walls are provided and a 1.8m high conc. Post and timber boarding fence is normally sufficiently strong enough to support any floor load. It is therefore reasonable to conclude that the design intention in drawing 15/532/2A is for patios at natural ground level screened by the existing 1.8m high fence. Such a design solution would at least minimise overlooking and overbearing problems between garden elements. In the new design shown on drawing 15/532/05D paths and patios are not shown but it is reasonable to conclude that the footpaths and patios will be maintained in the elevated positions they now occupy – a position made possible by increasing the separation distance between the dwelling and the eastern boundary. The effectiveness of the fence as a screen is completely defeated in the proposed and built design whereas it retains its effectiveness to some degree in the approved design. A permanent screen is required along the full length of the eastern boundary to protect the existing outdoor amenity and no living screen can provide that permanence and no council can reasonably enforce its permanent retention. It is doubtful whether a hedge could even establish itself in such heavy soil at the base of an artificial incline on plot 3. The minor improvement in overlooking and overbearing problems arising from moving the dwelling the short distance from the boundary</p>
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	<p>to its current design compared to the approved design such that windows are still too close to the boundary are slightly further from the boundary are more than off-set by the proposal to create a permanent overlooking problem from elevated footpaths and patio. Artificially raised garden elements overlooking gardens at the level of natural ground are incongruous in the local area. The predominant local pattern is for gardens to confirm to the natural lie of the land and as a result the predominant local pattern is for there to be no privacy concerns between neighbouring gardens. The proposed design is therefore out of keeping with the local area. The supporting statement is unconvincing. Neither local nor national planning policy welcomes brownfield land unreservedly. Good design is required under para. 64 of the NPPF even on brownfield sites. In this case the acid test of good design is whether or not the new development protects existing neighbouring amenity and safeguards local area character and this raises more fundamental questions than consideration of the vertically or horizontally prevailing masonry windows openings, window sub-frames, casement lights and the like. The current design fails both much more important environmental tests so severely that the original condition of the site would have been preferable to local people compared to what they see now. The social and economic benefits of development of this site are not tied to acceptance of the proposed design and the harmful environmental impacts this design demonstrably imposes upon vulnerable neighbours could be avoided by selecting an alternative design. Therefore this development does not qualify as sustainable development and planning permission for its retention should be refused.</p> <p>The proposal is insufficiently different to that</p>
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		<p>recently refused to warrant planning approval. No change to the built facts that committee have already assessed is proposed. Nevertheless, the application has been submitted. If the Council does decide even to let this highly flawed application be determined by its planning committee, then the committee should consider the all the facts of the case on its merits and not consider itself bound only to exercise its judgement upon the very narrow grounds given by the officer for refusal of CHE/16/00747/MA.</p>
19	<p>LONGMATE – 81 Ashover Road, Old Tupton (by letter) – 03/04/2017</p>	<p>I object to the application as the increase in height, change in shape and size of the windows and moving the plots all have a great impact upon the houses of Churston Road; and</p> <p>As a builder we have to follow plans to the last detail, we do not have approved plans then build what we want. I am astonished by this builders attitude 'we have built them so approve them', commenting he is only a small local business. Plans are put in place for a reason</p>
20	<p>BATES – 9 Churston Road (by letter) – 30/03/2017</p>	<p>As one of the local residents objecting to this development I wish to reply to the support comments from people who are not in a position to have any idea of what the local residents are having to put up with, seeing as this can only be seen from the back of their houses;</p> <p>We are nothing to do with the Crispin campaign, we had nothing to do with it and this is not going to stay derelict as tesco have won their appeal and have already started work;</p> <p>We are fighting to the have the same rights as I sure they would be doing and if they would like to see the true effects they are more than welcome to visit our properties and see for themselves; and</p> <p>They then may be able to send a formal letter rather just tick box form which we could get</p>



		anyone to do.
21	BOSTON – 21 Churston Road (by letter) – 03/04/2017	<p>I have lived here for 50 years and for as long as I can remember the land were plot 3 is built has flooded frequently after heavy rain. Prior to plot 3 being built this was not really an issue for me as the waters eventually soaked away, however as soon as work began on plot 3 a third of my garden and others were severely flooded;</p> <p>Plot 3 has not been built to the original plans and I find it unacceptable for a builder to just build something how they want and then apply afterwards. This makes a mockery of the process;</p> <p>The height and overall size of plot 3 has such an overbearing impact on my property. I find is unacceptable the base level of the house is above peoples 6/7ft fences; and</p> <p>Even though plot 3 is not at the bottom of my garden its raised foundations cause it to have a major impact upon my privacy and that of my neighbours.</p>
22	DERRETT – Plaice Hills Farm, North Lane, Doncaster (by public access) – 31/03/2017	He's built what he wanted against his plans and your going to pass it!! Come on! Can we all do that?
23	BARNES – 13 Churston Road (by email) – 31/03/2017	<p>My main issue is with the house situated right at the bottom of my garden. My home is now totally overlooked by what is a very large and imposing 3 storey home. The back windows look directly into my garden where my 2 young children play daily. The second floor windows also look directly into my entire home and I feel it is positioned far to close to my border to allow for any privacy. As a single mum of 2 young boys I am very uncomfortable with the proximity and positioning of the development and in particular the house situated at the bottom of my garden;</p> <p>I have several habitable windows facing my property and they are looking straight into my home and all the bedrooms upstairs including the bedroom of my children. This leaves me</p>

		<p>in a very vulnerable position in my own home; and</p> <p>I am very concerned about the impact this development will have on the value of my property. To have an imposing house at the bottom of the garden will inevitably affect how future buyers will see the house in terms of a family home. Prior we had a lovely family home which was perfectly suited to family life. One of the key selling points was the sizeable garden and the privacy this garden provided us to ensure our children the freedom to play safely and privately. The development has undoubtedly compromised this. It is the first thing you see when you look out of any of my back windows and is commented on (negatively) by anyone who visits my home.</p>
24	PEARSON – No Address (by email / letter) – 30/03/2017	<p>How many times is this developer going to ignore the council procedures? Amendments for this site have already been submitted and refused and if he doesn't agree with the previous decision then he should be appealing through the correct channels. The developer will clearly do what he wants whilst making a mockery of the whole council planning system. As nothing has changed on site it doesn't matter what documents are resubmitted or what new measurements are presented, we have policies and procedures to follow. The council have already made the decision on the 30<sup>th</sup> January 2017 but the developer is now trying to split the plots to gain separate approvals;</p> <p>If we treat this as a new application, then we have the very fortunate opportunity to see what the buildings would look like after the development. They would always get refused due to their overpowering nature, overbearing looks and the vast amount of area which is now overlooking into neighbouring properties. We could also question why the land levels were being increased by 2 metres and what was in place for the surface water run off</p>

		<p>which both somehow got missed by the council on the first application. All previous applications that were approved for this site took into consideration the natural fall in the land to the south of the site;</p> <p>Viewing what has been built with the degree of overlooking and overbearing 99% of people would object to this development. The residents of Churston Road have been let down</p> <p>by the governing bodies put in place to protect them;</p> <p>To make things worse for the residents of Churston Road the developer ignored his approved plans and used another set to build his houses with a higher degree of 'ugliness' which included higher ridges and balcony style walkways around the properties for the new residents to overlook and watch the neighbouring gardens, whilst not complying with CS2 or CS18 of the Core Strategy policies;</p> <p>I don't know enough technical jargon about the ridge heights on plots 1 and 2 but I support the committee's decision to refuse them and see this application as a total waste of the council's time. The developer is questioning the committee's ability to make the previous judgement or else he would have appealed;</p> <p>Plot 3 is another story, this build has given my mother the worse 13 months of her life and when will it end? You only have to stand on the Inkerman playing fields or Churston Road to see this monstrosity. From flooded gardens, verbal abuse from the family / staff of Anthony Astons and unsubstantiated claims of planting evidence, the list goes on. Not only does she now suffer to the rear of her property with the loss of privacy but passers-by on Churston Road often stop and look down her garden pointing and passing comment at the Monstrosity, once again invading her personal</p>
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		<p>space and adding to the feeling of being watched. At 61 she should be able to enjoy her privacy and comfort of her own property and not be forced to fight with this unscrupulous developer who hasn't once shown any sympathy for her or tried to offer a solution;</p> <p>In no way from her perspective does the new positioning of the house benefit her. There is now a walkway around the property which can only be described as a 'pervy balcony' for them to perv and look down upon her and the rear garden is being increased to unacceptable levels;</p> <p>Having seen the Datum points on all previous applications for this site it is clear the landscape proposals are a total joke. The SE corner of the site was previously given at 98.30 and the SW 98.20. The rear garden on plans submitted previously were also showing at 98.27 which is lower than my mother's property and the Council's planning department are fully aware of this. Why do these plans raise the land knowing the problems already caused to the neighbouring properties? There is also no landscaping proposal to show how they are going to backfill up against the border they removed on the east boundary. The residents of Churston Roads house deeds clearly show it as their boundaries and they erected their own fence in front of a fence that the developer chooses to remove. Anything pressed against the Churston Road residents fence would leave him open to lawsuits and other problems in the future and once again shows the clear lack of thought going into this development. If anyone should suffer from the developers arrogance and ignorance on this occasion it's certainly not the residents of Churston Road and I only hope the planning department see that and make the right decision.</p>
25	GRIFFITHS – 15	Our main reason for objecting is privacy, or

	<p>Churston Road (by email / letter) – 30/03/2017</p>	<p>lack of since the buildings went up. We believed they were two storey houses, but they a three storey now built. The height means not only is our garden completely overlooked but all three of our bedrooms; We have three children and what attracted us to this house was the garden to the rear and the privacy it was afforded. This is now entirely gone and we do not feel this is fair. We should not have to close our curtains to maintain privacy;</p> <p>The development is also completely out of keeping with the local area. You have to travel quite a distance to see a development of modern three storey red brick detached houses;</p> <p>We are also worried about flooding as last year our neighbour at No 17 suffered from this. To our knowledge this has never happened previously and given the height of the houses we are worried this will affect the way in which we use our garden in the future; We understand that devaluation of our property will not be considered, but an adverse amenity impact will. This development is overbearing, out of keeping in appearance and size and an invasion on the privacy of existing neighbours;</p> <p>Unsurprisingly we still strongly object to this development. There is some confusion over which plans the builder built to, but as residents should we be the ones who have to suffer?;</p> <p>We have put on hold plans to landscape our own back garden to wait and see if this matter is resolved; and</p> <p>There have been an increase in land levels, an unresolved issue of contaminated soils and far too many aspects of the build are not to the original plans to allow retrospective permission to be passed. If so this basically says to the general public, build what you want and don't worry about planning. A</p>
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		dangerous precedent to set.
26	BLUNDELL – 276 Abbeydale Road South, Sheffield (by letter / email) – 30/03/2017	My in laws live at 9 Churston Road and I have been taking an interest in the development behind their house. I am a property developer who abides by the planning rules and I believe this developer should be made an example of to discourage developers acting in a similar manner.
27	BATTERHAM – No Address (by email) – 03/04/2017	The previous reason for refusal is quoted and as far as I'm aware the houses are still the same, just the paper plans have changed slightly. I support the refusal.
28	PEARSON – School Board Lane, Brampton (by letter) – 04/04/2017	<p>I strongly object to the material amendment. Had the plans be followed the sycamore tree would be in better health and there would have been no need to pollard it;</p> <p>As a family we have enjoyed using Inkerman park on a daily basis and my children enjoy playing in their nans garden to access the field;</p> <p>Before the development during winter months the area where plot 3 is built was often boggy which gave habitat to flora and fauna which have all been displaced by this development;</p> <p>TPO legislation exists to protect trees from damage and I believe not enough has been done by the Councils officers to protect the sycamore tree which stood proud in the corner of Inkerman Playing fields from harm (not protective fencing, diggers running over roots and lands levels raised);</p> <p>The builder has shown a blatant disregard to the rules and regulations in respect of building to approved plans and putting measures in place to protect the tree (despite being asked); and</p> <p>Rather than right his wrongs the developer has gone ahead and prepared plot 1 for sale (I expect hanging baskets etc when you visit).</p> <p>The application should totally dismissed until all breaches of conditions on site are met and dealt with. We await the rain and surface water run off once again and if the developer</p>

		goes into liquidation he should take a look in the mirror as he will only have one person to blame.
29	GREEN – No Address (by email) – 04/04/2017	<p>I am sending this email in disgust with the development on 246a Ashgate Road Chesterfield, I grew up and lived in the area, often playing on the Inkerman and cutting through the said area to the rear of the Crispin, it was quite a handy shortcut. Over the past year I have taken an interest in this site not only as a former resident but potentially a buyer, I am disappointed the bedrooms are no longer en-suite as per the original plans as they were just what we was looking for. Having actually read some of the letters from people supporting this site it is clear to me they are more concerned in trying to put down our comments or letters than actually supporting the prison-like type houses, all I can remember being there was bushes and wildlife with a building hidden behind the greenery.</p> <p>I also shouldn't be able to comment on the site as I have moved away and I'm sure the site has changed over the years, surely only people from Churston Road would have a true opinion of what was and has been for the last few years. If I was to choose to move back to Chesterfield my comments and desires would make no difference to the outcome of this process as it appears to have breached plans and regulations and after all, is that not why we have rules and regulations?</p>
30	BROWN – Manor Road (by email) – 04/04/2017	<p>We are writing to you in support of the residents on Churston Road affected by the above. We live near the recently built properties and heard from our local councillor, Keith Falconer, about how the developer did not use the approved plans and as a result the buildings tower above the houses and gardens of the residents whose properties back on to the site. They even succeed in dominating the Inkerman field! The residents'</p>

		lives have been blighted by these monstrosities since they first appeared, growing ever taller including a window close to the top to ensure there is no privacy. There is nothing the residents can do to improve the impact these buildings have; no fence or tree would be tall enough.
31 A, B & C	ROBINSON – 3 Bournebrook Cottage Hill Farm, Tamworth (by public access) – 05/04/2017	<p>A. I am astounded that these houses were ever allowed to be built, they have been built too high and too near &amp; lack design re windows.</p> <p>B. Buildings are too tall and an intrusion on neighbouring properties.</p> <p>C. It is disgusting that houses can be built that bear no resemblance to the submitted plans.</p>
32	LUMB – 51 Hurst Rise, Matlock (by letter / email) – 05/04/2017	<p>Why have these houses not been built the same as they were approved? Why has the builder made so many changes? They are not minor changes, the height, layout and design has been changed all to the detriment of the residents on Churston Road;</p> <p>The material amendments submitted for plot 1 &amp; 2 is not for the actual buildings as they have not changed since they were refused. It must be for administration errors previously submitted by the developer;</p> <p>The material amendments for plot 3, is also for administration errors previously supplied by the developer, as the buildings are exactly as they were in January when they were refused approval; and now to raise the ground levels at the rear of Churston Road properties disguised on a submitted landscaping proposal;</p> <p>Plots 1 &amp; 2 - They are not 2 floors with roof space as described on the drawing 15/532/2.RevA; they are 3 floor houses and are being marketed as three floor exclusive, high quality, detached, executive family home. The re-siting of plot 2 regarding the angle, siting of the house is nearer to the boundaries of Churston Road properties and overlooks which is an invasion of privacy. The re-siting</p>



		<p>of plot 2 has reduced the distance between this and plot 3 which has reduced the proximity. The whole design, size and position of windows and doors has changed from the approved plans.</p> <p>They have been built far higher than the approved plans with excessive brick work above the first floor windows. Floor levels and ground levels have changed from the approved plans. Eaves and ridge heights have altered from the approved plans. Internal layouts have also been altered. Plots 1 &amp; 2 are now not identical style houses 15/532/2.revA. No 1.8m fencing erected;</p> <p>Plot 3 - The re-siting of the plot, building it under the tree causing damage to the tree. Making a raised balcony / path at the bottom of adjoining gardens, total invasion of privacy. Changes in the position of the windows, additional door and window. Internal layout changed from the original plan. Alteration to the finished floor level. Change to the eaves and ridge heights. Complete change to the front elevation. 1.8m fencing non-existent as detailed on the approved plans. Repositioning of the plot. Raised ground levels causing water damage to adjoining gardens. These are all changes from the approved plans and have no benefit at all to the residents on Churston Road;</p> <p>Plots 1 &amp; 2 - The changes have made the houses too tall, overpowering, overlooking, domineering, massing in brickwork and an invasion into their privacy. They lack in design, are quite close together, small gardens for the size of the house especially plot 2, and do not blend in with the space. Plot 2 is too near to the bottom of the adjoining gardens;</p> <p>Plot 3 - The changes have made the house a total invasion of any privacy into the neighbouring gardens. It is overlooking, causing water damage with water runoff,</p>
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		<p>raised balcony walkways at the top of adjoining fence. It has caused damage to the protected tree and built over the root protection area; and</p> <p>Why submit plans when you know at the start you are going to change what you have on paper. If they have already been refused, is the builder resubmitting to question the previous decision, as the buildings have not been altered. Plans and conditions not adhered to.</p>
33	FALCONER – 64 Walton Drive (by email) – 03/04/2017	<p>I've read the supporting statement re the new application for this site. Surely, the defence that the buildings were built to the wrong plans can't be plausible. This development has been in process for well over a year, there has been many exchanges and communications between residents and CBC Planning staff, and I would think between the developers, builders, and your staff and no-one has been aware that the wrong plans have been used. Surely this isn't possible? As I have several friends on Churston Road and know the area well, I must protest at the way the Churston Road residents, affected by this development, have been treated, and I hope that the latest application is refused.</p>

**Comments:**

***See response to material planning considerations as contained within the main body of the report above.***

**7.0 HUMAN RIGHTS ACT 1998**

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

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

- The interference impairs as little as possible the right or freedom

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 is inappropriately designed and 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 principle of development is established by the existence of the outline planning permission CHE/13/00507/OUT and reserved

matter approval CHE/15/00514/REM and which is a planning fall-back position that must carry significant weight. Having regard to the parameters set by the agreed consents the material amendments sought are considered to be appropriate in respect of scale, appearance, layout and access and the changes are not so significant in planning terms that a refusal of permission can be substantiated. The proposals will not adversely impact upon adjoining neighbouring amenity or the character of the local area to the point that the development is inappropriate. The development is considered appropriate in the context of the streetscene and will not be detrimental to any acknowledged planning interest. The proposals are considered to accord with the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider NPPF.

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that both applications be **GRANTED** subject to the following:

**CHE/17/00119/MA**

**Conditions**

01. All external dimensions and elevational treatments shall be as shown on the approved plans, 15-532-05D, 15-532-21B and the Cross Section Drawing Plot 2 to No 11 Churston Road, with the exception of any approved non material amendment.

**Reason**

01. 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.

**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 permission is granted further to an earlier grant of outline planning permission and reserved matters planning permission to which any developer should also refer.

### **CHE/17/00120/MA**

#### **Conditions**

01. All external dimensions and elevational treatments shall be as shown on the approved plans, 15-532-05D, 15-532-41B and the Cross Section Drawing Plot 3 to No 17 Churston Road, with the exception of any approved non material amendment.

#### **Reason**

01. 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.

#### **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 permission is granted further to an earlier grant of outline planning permission and reserved matters planning permission to which any developer should also refer.