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Committee Date: 11th December

File No: CHE/17/00477/FUL
Plot No: 2/4325

ITEM 3

PROPOSED CONSTRUCTION OF A THREE BEDROOM DETACHED DWELLING WITHIN THE CURTILAGE OF 8 PARK VIEW (REVISED DRAWINGS RECEIVED 02.11.2017) AT 8 PARK VIEW, HASLAND, CHESTERFIELD, S41 0JD FOR NICK IBBOTSON DEVELOPMENTS

Local Plan: Town, District and Local Centre
Ward: Hasland

1.0 **CONSULTATIONS**

Ward Members	No Comments
Site Notice/Neighbours	1 representation received – see report
Forward Planning Team	Comments received – see report
Environmental Services	Comments received, No objection– see report
Design Services (Drainage)	Comments received, No objection– see report
Yorkshire Water	No Comments received
DCC Highways	Comments received, No objection– see report
Urban Design Officer	Objection – comments made on basis of original submission for two dwellings - see report

2.0 **THE SITE**

- 2.1 The site subject of the application is located on Park View which is situated to the south of Mansfield Road and is within the defined local centre of Hasland. Park View streetscene is comprised of a vehicular access lane which terminates adjacent to No 28 Park View. The street has no footway and a central channel is marked by stone setts. The lane provides rear access to the high street of shops located on Mansfield Road and the residential dwellings on Park View.
- 2.2 No's 10 to 28 Park View consist of a row of terraced houses, arranged so that the principle elevation faces south (towards what would have once been the historic grounds of Hasland Hall) and the rear elevations face towards Park View. No's 2 to 8 Park View comprises of two pairs of semi-detached houses (circa 1905), arranged to face towards Park View and which are the only properties on the street orientated towards the lane. Although altered, each pair of houses largely retains its symmetry and original form, which includes a two-storey side element set back from the front elevation.
- 2.3 The dwelling subject of this application is a two storey, semi-detached dwelling set back approximately 8m from the edge of the street, which is defined by a low red brick wall. The entrance door to No 8 is currently positioned on the side (east) elevation facing towards No 10 Park View. The existing dwelling is faced in pebble dash render with white upvc windows.
- 2.4 The application site is formed of the side garden of No 8. The site is broadly rectangular in shape, measuring 5.5m in width and approximately 165 square metres in area.



3.0 **SITE HISTORY**

3.1 None relevant

4.0 **THE PROPOSAL**

4.1 The application started as a proposal for two dwellings but which was amended by the applicant as a result of discussions on the submission.

4.2 The application as revised proposes the erection of a 2/3 bed, two storey detached dwelling located to the east of No 8 Park View. The proposed dwelling is formed of a dual pitched roof with intersecting gable to the principle elevation and features a decorative porch with roof canopy. The proposal measures 8m in height to the ridge and is set down from the ridge of No 8 Park View. The eaves of the proposal are in line with the eaves of No 8, measuring 5.1m in height.

4.3 Two parking spaces are proposed for the new dwelling and two spaces are shown for the existing dwelling.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

5.2 **Chesterfield Local Plan: Core Strategy 2011 – 2031 ('Core Strategy')**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Managing the Water Cycle

- CS8 Environmental Quality
- CS18 Design

5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)
- SPD 'Successful Places: A Guide to Sustainable Housing Layout and Design' (adopted July 2013)
- Technical Housing Standards (Department for Communities and Local Government, revised May 2016)
– not formally adopted by the Local Planning Authority

5.4 **Key Issues**

- Principle of development;
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;

5.5 **Principle of Development**

Relevant Policies

- 5.5.1 The application site is situated within the built settlement of Hasland. The area is predominantly residential in character therefore policies CS1, CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.5.2 Policy CS1 states that *'The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.'*
- 5.5.3 Policy CS2 states that when *'assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:*
- a) adhere to policy CS1*
 - b) are on previously developed land*
 - c) are not on agricultural land*
 - d) deliver wider regeneration and sustainability benefits*
 - e) utilise existing capacity in social infrastructure*

*f) maximise walking / cycling and the use of public transport
g) meet sequential test requirements of other national / local policies'*

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

5.5.4 Policy CS18 (Design) states that *'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context'* and development should have *'an acceptable impact on the amenity of users and neighbours.'*

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

5.5.6 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.

Principle of Development

5.5.7 The site is located within the defined local centre of Hasland and therefore has access to a range of shop/services within walking distance. The Strategy Planning team were consulted on the scheme and they commented that:
The proposal is for a residential use in a location that is within walking distance of the Local Service Centre at Hasland, and is therefore in principle meets the requirements outlined by the Spatial Strategy (CS1).' However, all development proposals are expected to meet the policy requirements regarding amenity as set out in CS2 and the criteria as set out in Policy CS18 (Design) and they confirmed that they shared the

concerns of the Urban Design Officer and consider that as it stands the proposal does not comply with these policies. It represents over development and subject to comments from the Highways Authority, I do not consider the parking and highways access and safety to be acceptable.'

5.5.8 *'No information has been provided on how the proposal meets the requirements of CS6. Although the Code for Sustainable Homes has been abolished, the criteria a to d of policy CS6 remain relevant and the applicant should be asked to submit additional information setting out how the proposal meets these criteria.'* *'The development would be subject to the Community Infrastructure Levy (CIL). The proposed development falls within a 'medium' CIL zone and would therefore be eligible for a levy of £50 per m² of the gross internal floorspace.'*

5.5.9 In response to the revised scheme for a single dwelling they commented that *'they offer an improvement, but in my view, the proposal still does not comply with CS2 CS18 and regarding amenity.'* *'The private rear garden size remains below the SPD recommended size of 70m² for a three bedroomed house, and the private rear garden of the existing property would also be below the recommended size. These sizes include patio area, which is likely to be used for bin storage, reducing the area available for amenity use.'* *'Subject to comments from the Highways Authority, the amount of proposed parking is sufficient. The Highway Authority will need to confirm whether the dimensions (providing additional width but not the recommended length) are adequate. My previous comments still stand re CS6 and sustainable design.'*

5.5.10 Comments received from the Strategy Planning Team reference policy CS6 and suggest that the applicant must set out how the proposed development will meet criteria a to d of this policy. Local Plan policy CS6 requires that residential development meets level four of the Code for Sustainable Homes (Level 5 will be required if built from 2017), however following the Deregulation Act and removal of the Code for Sustainable Home, this is no longer a requirement that can be applied or required. Criteria a to d of policy CS6 are now covered by different legislation, predominately Building Regulations. It is therefore not considered necessary to require

the applicant to submit further information to satisfy policy CS6 to the proposal.

5.5.11 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7). The proposal is considered to accord with policy CS1 of the Core Strategy and is acceptable in principle.

5.6 **Design and Appearance of the Proposal**

Relevant Policies

5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*

5.6.2 Core Strategy Policy CS2 states that *'all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts'*

5.6.3 The Urban Design Officer provided comments on the proposal in respect of the original submission for the erection of two dwellings on the site, a summary of the response is listed below however no further comments have been provided on the revised drawings.

5.6.4 *'In its present form the application should be refused or withdrawn on the basis that a number of areas remain unsatisfactory in terms of urban design considerations. Alternatively, the application could be reviewed and amended taking account of these comments before progressing to a decision ... In light of the above comments it is considered that the proposed development represents an over-development of the site that would:*

1. *Appear as a jarring and incongruous addition to the existing house and within the streetscene.*
2. *Provide inadequate amenity space resulting in unacceptable living conditions for future occupiers.*
3. *Appear detrimental to the appearance of the street scene as a result of the parking dominated frontage to the site.*
4. *Provide poor rear access, bin storage and collection arrangements that would be likely to result in bins being stored on frontages.'*

5.6.5 *'The current submission is contrary to Policy CS18 and guidance contained within the Successful Places (2013) SPD. As such, it is recommended that the application should be refused or withdrawn. An alternative proposal for one detached dwelling may potentially be more suited to this site. However, the applicant would need to explore whether a less intense form of development can be designed in a manner that is capable of overcoming these concerns identified.'*

Design and Appearance of the Proposal

5.6.6 The proposed dwelling is formed of a dual pitched roof with intersecting gable to the principle elevation and features a decorative porch with roof canopy. The principle elevation of the dwelling incorporates two windows at first floor level and two at ground floor level.

5.6.7 The adjacent houses display mainly vertical window proportions with stone cills and deep overhanging gable verges. The proposed design indicates a square window pattern, with plain solid brick headers and cills. The proportions and proposed detailing are therefore considered to contrast with the adjacent dwelling. Observation of the surrounding streetscene suggests that Park View is not uniform in character, particularly as the dwellings to the east (No's 10 to 28 Park View) are orientated away from the lane with rear elevations facing onto the street. It is therefore accepted that design of the proposal in respect of window proportions does not accord with the adjacent dwelling but when viewed in respect of the surrounding streetscene this is considered to be acceptable.

- 5.6.8 The proposed dwelling has been designed to respond to the adjoining properties in respect of height and scale. The proposal measures 8m in height to the ridge and is set down from the ridge of No 8 Park View. The eaves of the proposal are in line with the eaves of No 8, measuring 5.1m in height.
- 5.6.9 The application form and associated plans states that the proposed dwelling will be faced in brick and the application drawings state that the roof tile specification is '*to be agreed by the local planning authority*'. The dwellings within the immediate vicinity of the application site are mixed in character predominately incorporating brick, which has been painted or rendered. The proposed materials are therefore considered to be acceptable and a condition could be attached to the decision requesting the submission of materials.
- 5.6.10 The block/layout plan shows that the principle (north) elevation of the dwelling will be set approximately 3m forward of the principle elevation of No 8 Park View and 1m forward of the rear elevation of No 10 Park View. No 10 Park View appears to have been previously extended by way of a two storey side extension and as a result the rear elevation is stepped in design.
- 5.6.11 The block/layout plan shows a rear garden measuring 33.5m² in area will be provided. The 'Successful Place' SPD details the recommended minimum size outdoor amenity space for a new dwelling. The SPD states that a three bedroom house should normally have a minimum of 70m² of outdoor amenity space and a two bedroom house should have 50m² however this is guidance. The proposed development is described as a three bedroom dwelling, however internal proportions of the dwelling reflect a two bedroom dwelling with an additional study/box room. The new dwelling does not meet the recommended standards for outdoor amenity space and the proposal will significantly impact the outdoor amenity space of No 8.
- 5.6.12 On the basis of the above observations it is therefore necessary to consider the site within the context of the surrounding area. Park View is mainly characterised by a typical high density terrace of properties, each served by small 'yards' as outdoor amenity space. The 'yards' serving the dwellings are smaller than the amenity space provided by this

application. Viewed within this context the proposed amenity space is not considered to be unreasonable. Adverse impacts on the residential amenity of the occupiers of No 8 and future potential occupiers of the dwelling will be discussed in section 5.7 below.

- 5.6.13 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

5.7 **Impact on Residential Amenity**

- 5.7.1 Core Strategy Policy's CS2 and CS18 state that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*

- 5.7.2 The application site is adjoined by No 8 Park View to the west and No 10 Park View to the east. The rear garden of the application site is bound by 'The Green' nursing home to the south. No's 26 to 36 Mansfield Road face the site to the north on the opposite side of Park View highway.

Impact on residential amenity of future occupiers

- 5.7.3 The Department for Communities and Local Government has produced technical housing standards with recommended minimum gross internal floor area for new developments (revised in May 2016). It is acknowledged that the Local Planning Authority has not formally adopted these standards for housing purposes, however the recommended minimum standards for a two storey, 2 bedroom, 3 person dwelling is 70m².

The proposed dwelling has a total internal floor space of 77.5m² and although described as a three bedroom dwelling it is considered to be a two bedroom property with an additional study/box room. The proposed internal living accommodation is therefore considered to be acceptable.

5.7.4 The revised scheme has been amended to allow for a shared access to the rear of the proposed dwelling and No 8 Park View. This is considered necessary to allow for bin storage at the rear of the properties, avoiding the need for bins to be left on the frontage which would be detrimental to the appearance of the site and the streetscene. The gap between the dwellings measures 0.85m this is considered to be sufficient for a standard size wheelie bin.

Impact on No 8 Park View

5.7.5 The proposal will result in a loss of outdoor amenity space for the occupiers of No 8. The proposed dwelling will reduce the private amenity space of the dwelling to 30.5m² and will incorporate some additional landscaping to the frontage. The revised scheme incorporates alterations to No 8 to minimise the impact of the development.

5.7.6 The agent/applicant have also made alterations to No 8 Park View to enable the occupiers to have an acceptable level of amenity. The revised scheme incorporates moving the main access door of No 8, from the side (east) elevation dwelling to the principle elevation of the dwelling (in the same location as the adjoining semi No 6). The revised proposal also includes the installation of a secondary window to serve the kitchen of No 8 and provide a more acceptable outlook.

5.7.7 It is therefore acknowledged the proposal will have an adverse impact of the occupiers of No 8 is respect of outdoor amenity space. The existing site is entirely hard surfaced and is not considered to provide high quality amenity space. Viewed within this context and observations contained in paragraph 5.6.11, the loss of outdoor amenity space is not considered harmful enough to warrant a refusal.

Impact on No 10 Park View

5.7.8 No 10 Park View is a two storey end of terrace, situated to the east of the application site. The dwelling appears to have been previously extended by way of a two storey, flat roof rear extension which is located adjacent to the shared boundary of the No 10 and the application site. There are no windows in the side elevation of the extension facing towards the application,

mitigating potential adverse impacts of overshadowing arising as a result of the development. There are also no windows proposed within the side (east) elevation of the dwelling facing towards No 10, this is considered to be acceptable.

Impact on all other boundary sharing neighbours

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

Environmental Health Comments

- 5.7.10 The Council's Environmental Health team has raised no objections to the proposal. Due to the close proximity of the site to residential properties a condition to restrict the hours of work on site is considered to be reasonable to protect the residential amenity of the neighbouring properties.
- 5.7.11 Overall it is accepted that the proposal will impose an impact upon boundary sharing neighbours, No 8 Park View. Adverse impacts arising as a result of the proposed development are not considered to be significant enough to warrant a refusal. The proposal is considered to be appropriately designed and therefore accords with the provisions of policy CS2 and CS18 of the Core Strategy and the wider SPD.

5.8 Highways Safety and Parking Provision

- 5.8.1 DCC Highways consultation made the following comments on the basis of the original submission. DCC Highways were re-consulted on the revised scheme and provided no further comments;

- 5.8.2 *'Whilst Park View is publicly maintainable highway, it does have geometrical limitations e.g. exit visibility, lack of margins, footways etc. However, given the existing nature and level of use of the street, coupled with there being no reported injury accidents within the last 3 year period, it is considered unlikely that any objection on the grounds of increased vehicular use could be sustained for the scale and nature of the development being proposed.'*

- 5.8.3 *'Notwithstanding, due to the existing limitations of the street, it is considered that the proposal should be provided with adequate off-street parking in order to reduce the likelihood of vehicles being parked on Park View, a situation that would be considered against the best interests of safe and efficient operation of the public highway. It's recommended that off-street parking is provided on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling respectively. Although current guidance for parking space dimensions is 2.4m x 5.5m, it's suggested that spaces within this site may need to be adjusted in length and/or width to ease manoeuvring due to the lack of highway width that is further constrained by the presence of vehicles parked on opposite side of the street i.e. it's recommended that an aisle width of 6.0m is available to the rear of spaces for manoeuvring and, where this can't be achieved, spaces are widened accordingly (swept path analysis may assist in demonstrating adequacy of the proposed layout).'*
- 5.8.4 *'Therefore, taking into consideration the above recommendations and site/ highway constraints, it's considered that the proposals as submitted represent an overdevelopment of the site and it's suggested that the applicant is given opportunity to submit further details demonstrating an adequate level of off-street parking provision for the scale of development proposed.'*
- 5.8.5 *'However, should you be minded to approve the proposals as submitted, it's recommended that the following conditions are included within the consent:-*
- 1. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*

2. *Before any other operations are commenced (excluding Condition 1 above), the existing vehicular access shall be modified in accordance with the approved application details with all areas of the site between the highway boundary and existing/ proposed dwellings being surfaced in a manner suitable for vehicular use and maintained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.*

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

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

5. *There shall be no gates or other barriers within 6.5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*

6. *No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.*

7. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.'

5.8.6 The comments from the Highways Officer have been noted. The 'Successful Place' SPD details the minimum size off-street parking space and the minimum number of spaces required is contained within appendix G of the Core Strategy (p146). Appendix G states that for a 2/3 bedroom dwelling a minimum of 2 spaces are required. The development will provide 2 off-street parking spaces measuring 2.4m x 5m for the proposed dwelling and 2 off-street parking spaces for No 8 Park View. The proposed spaces therefore meet the requirements of the 'Successful Places' SPD and Core Strategy.

5.8.7 Based on the observations listed above the proposal is considered to accord with policies CS2 and CS18 of the Core Strategy. Overall, no adverse highway safety concerns arise as a result of the development.

5.9 **Flood Risk and Drainage**

5.9.1 Design Services (Drainage) were consulted on this application and raised no objection to the proposal. The site is not shown to be located within an area at risk of flooding on the environment agency flood maps. The Design Services (Drainage) Officer requests that the applicant seeks approval from Yorkshire Water to connect to the public sewer. A note will be attached to the decision notice to make the applicant aware of the minimum standards for drainage in the Chesterfield area.

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

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

5.10 Community Infrastructure Levy (CIL)

5.10.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and the development is therefore CIL Liable.

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

plot	Proposed floorspace (GIA in Sq.m)	calculation	Total
1	77.5	78 x £50	£3900
Total			£3900

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters sent on 25.07.2017, deadline for responses 15.08.2017. Following the receipt of revised drawings neighbours were re-consulted on 08.11.2017, deadline for responses 22.11.2017. A site notice was also displayed on 10.08.2017, deadline for 31.08.2017. As a result of the neighbour notification, one letter of representation has been received.

Representation received 11.08.2017 – 10 Park View

6.2 *'I am writing to inform you that we the residents at 10 Park View object to the proposed planning application. We have lived at number ten park view since 1969, we believe that to develop the existing building and add two further dwellings would not only affect our privacy as in all our years at Park view that land has either been used as a garden or a car standing space. We believe that the proposed development is out of scale to the existing properties surrounding number 8 and will look a monstrosity a case of garden grabbing will have occurred with loss of space and greenery to the front and side of the property.'*

- 6.3 *'We would ask you to take in to consideration the volume of traffic, Park view also serves the properties of Mansfield road, many of these properties are shops and receive a daily stream of deliveries including a 28 tonne lorry and countless vans. Access to the street from either entrance is difficult and at times dangerous, frequently blocked by the volume of traffic using it if not parking there. The application and subsequent plans highlight changes to vehicle and pedestrian access; we would ask that you reconsider how safe the siting of this will be see (Section 6). Similarly, the application refers to one extra parking space. There have only ever been two cars on this drive that would mean that an already busy, dangerous street would have three extra cars using the public highway.'*
- 6.4 *'We object to the development as this year Yorkshire Water have been out to the Main Drain on many occasions, we note that in the application the response to disposal of foul sewage is an unknown factor.'*
- 6.5 *'We hope that you will consider the effect of building further properties on a street that is already struggling to process foul waste from the food and takeaway outlets and the residents of the streets.'*
- 6.6 *'In section 15 – Trees and hedges, there are trees adjacent to the property behind it which act as a wildlife corridor and sound barrier to the nursing homes laundry and staff rooms. Some of these trees have a preservation order on them as they belonged to the old Hasland Hall. Hasland does not require any more private sale housing sales or rentals, it requires social housing but not at the cost of garden grabbing.'*
- 6.7 **Officer Comments – The comments received above have been noted. The adjoining neighbours were re-consulted on the revised scheme for one detached dwelling. No further representations have been received. DCC Highways have provided comments on the principle of two dwellings on the site and made recommendations for parking arrangements. The proposal will provide off-street parking for two vehicles which is considered to be acceptable. Yorkshire Water were also consulted on the proposal and no comments were received. A note will be attached to the decision notifying the applicant that any potential**

connections to public sewers require consent from Yorkshire Water. There are no protected trees within the immediate vicinity of the site which are considered to be at risk as a result of the development.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

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

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

9.0 CONCLUSION

9.1 Overall, on balance the proposal is considered to be acceptable in design and appearance. The location of the proposed development site is relatively sustainable, sited within a residential area with access to local services. It is not considered that that the proposal would result in significant adverse impacts on the residential amenity of the neighbouring properties. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal is considered to accord with policy CS1, CS2, CS7, CS8 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy.

10.0 RECOMMENDATION

10.1 That the CIL Liability Notice referred to within section 5.10 above be served.

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

Conditions

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing No 102 Revision D, with the exception of any approved non material amendment.

Reason – *In order to clarify the extent of the planning permission in the light of guidance set out in “Greater Flexibility for planning permissions” by CLG November 2009*

03. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

Reason – *In the interests of highway safety*

04. Before any other operations are commenced (excluding Condition 1 above), the existing vehicular access shall be modified in accordance with the approved application details with all areas of the site between the highway boundary and existing/ proposed dwellings being surfaced in a manner suitable for vehicular use and maintained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason – *In the interests of highway safety*

05. Notwithstanding the details shown on the approved plans 102 Revision D, the first floor bathroom window proposed in the side elevation of the dwelling facing No 8 Park View to the west shall be only be fitted with an opening above 1.7m high (measured internally) and shall be installed obscurely glazed

with a minimum level 4 obscurity, both windows shall thereafter be retained as such in perpetuity.

Reason – In the interests of the amenity of the adjoining occupiers

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

Reason – In the interests of highway safety

- 07.** Working hours - Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason – In the interests of residential amenity

- 08.** There shall be no gates or other barriers unless otherwise agreed in writing by the Local Planning Authority.

Reason – in the interests of highway safety

- 09.** Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

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

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190. Such works shall also include the reinstatement of any redundant vehicular access.
4. The Highway Authority recommends that the first 5m of the proposed accesses/driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street

sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

6. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site
7. The applicant should be aware that relocation/diversion/protection of any street furniture or Statutory Undertakers apparatus will be at their expense.
8. Any foul connections must be agreed with Yorkshire Water.
9. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from www.planningportal.gov.uk/cil) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.
10. Attention is drawn to the Council's 'Minimum Standards for Drainage'.