

Case Officer: Chris Wright  
Tel. No: (01246) 345787  
Planning Committee: 11<sup>th</sup> December 2017

File No: CHE/17/00747/FUL  
Plot No 2/3026

## **ITEM 6**

### **Residential development at Land to Rear of 109 Middlecroft Road, Staveley, Chesterfield**

Local Plan: Unallocated  
Ward: Middlecroft and Poolsbrook

#### 1.0 **CONSULTATIONS**

DCC Highways	No objection subject to condition
Design Services	No objections subject to condition in relation to permeability tests.
The Coal Authority	Material Consideration. No objection subject to conditions.
Environmental Services	No objection subject to the completion of a contaminated land desktop study and site investigation and another condition in relation to working hours.
Ward Members	No comments received
Derbyshire Wildlife Trust	Requested an ecological assessment to be completed.
Neighbours/Site Notice	Three representations received

#### 2.0 **THE SITE**

2.1 This application relates to land positioned to the rear of no.109 Middlecroft Road, which comprises a former Coal

Merchants Yard. The Coal Merchants Yard is no longer trading and has lain unused since that use ceased.

2.2 The site is accessed via a driveway that runs along the southern boundary of no.109 Middlecroft Road. The site forms the rear boundaries of no.109 and 111 and the side boundaries of land previously under the ownership of no.107 and 113. The rear boundary of the site adjoins St Joseph's Catholic and Church of England primary school. The site boundaries are served by a mixture of timber fencing and mature hedging on some sides with an open boundary with no. 113 at present. There was a porta cabin and some larger coniferous trees on site when the site was last visited.

### 3.0 **RELEVANT SITE HISTORY**

- STA/249/1 – Garage for use of housing lorries in connection with coal, coke and haulage merchant. 1949
- CHE/1188/890 – Improved vehicular access and used land for parking and turning. Permission refused and subsequent appeal dismissed. 1988.
- CHE/0800/0472 - Outline application for residential development. Conditional Permission. 26.02.2001
- CHE/1102/0675 - Erection of 3 detached dwellings with detached garage block. Withdrawn. 15.07.2003
- CHE/14/00853/OUT - Outline application for planning permission to redevelop former Coal Merchants Yard for two dwellings (All Matters Reserved). Approved. 06.02.15
- CHE/16/717/FUL – Residential Development for 4 dwellings – Refused – 07/02/17. The decision was appealed and was dismissed.

## 4.0 **THE PROPOSAL**

- 4.1 The proposal seeks permission to erect 3 detached two storey dwellings. These dwellings would all be 3 bedroom houses. Each property would be 6.2m wide and 11m in depth. To the front would be a ground floor projecting section, this would have a flat roof and it would also form a canopy over the front door area. French doors would be sited towards the rear
- 4.2 The rear gardens for plots 1 and 2 would be 70 sqm and for plot 3 would be over 90 sqm. Access is possible to these areas from the front of the houses. 1.8m high fences will surround these gardens and the whole site. To the front of the site there will be two parking spaces per dwelling sited upon a block paved area. Some soft landscaping is provided also.
- 4.3 It is proposed to use red brick on the ground floor and render on the 1<sup>st</sup> floor, with Marley Modern grey tiles on the roof.
- 4.4 The access way is between 4.2m and 4.8m in width including a footpath area. No information has been provided regarding the bin dwell areas for bin collection days and other days as well as more detailed information in relation to soft landscaping.
- 4.5 The application is a resubmission scheme following the previously refused application for 4 dwellings under application number CHE/16/00717/FUL.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

- 5.1.1 The site is situated within the Middlecroft and Poolsbrook ward of Chesterfield. This area is predominantly residential in nature. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's 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.

5.1.5 After reviewing the application against the relevant policies and previous applications the principle of the proposal is considered to be acceptable. It is within a residential area and a development in this location would support the council's spatial strategy of 'concentration and regeneration' by re using a brownfield site in a location well served by a range of facilities and methods of transport, this ensures the proposal is in line with CS1 and CS2.

## 5.2 **Design, Visual and Residential Amenity**

5.2.1 Use - The use of the site for residential purposes has been established previously through the granting of permission for houses in 2001 and more recently in 2015 for two dwellings.

5.2.2 Amount - The site area measures 1046sqm. The development of three houses on site produces a scheme that allows for reasonable levels of amenity for residents, as the previous scheme of four houses had multiple issues related to increased density.

5.2.3 Layout - The layout comprises three detached properties positioned centrally within the main section of the site which face on to the rear of the gardens on Middlecroft Road. A communal parking and turning area is shown located in front of the houses to form a parking forecourt. The rear gardens are approximately 10m in depth (variable) and back onto the grounds of the neighbouring Primary School immediately to the east. The layout has been amended since the previous application in order to enlarge the rear gardens of each plot as these were below previously below the minimum size guidance of 70sqm identified within the Successful Places SPD (2013).

5.2.4 Parking Forecourt - The parking forecourt is awkward in shape and contains little to relieve its appearance. The extent of hard surfacing is likely to result in a stark and unappealing outlook for future occupiers. Some soft landscaping has been included, but a condition has been included to seek to maximise greenery within this space and soften the area. The parking spaces are arranged in front of the dwellings, perpendicular to each plot. However, the spaces serving Plot 1 will result in residents reversing across

the frontage of the other two dwellings to leave the site in a forwards gear. This is not ideal, but as the parking spaces and turning circles for the other dwellings is acceptable this is considered acceptable.

- 5.2.5 Rear garden sizes – The gardens measure between 70 and 100 sqm in size and are acceptable garden sizes for three bedroom houses as set out within the Successful Places SPD (2013).
- 5.2.6 Servicing - The distance between Middlecroft Road and the parking forecourt is approximately 45m. The track is narrow with no footways and would be unlikely to be adopted as public highway. Refuse collection vehicles (RCV's) will not normally enter private land to undertake waste collections. It would appear that the shape of the site and the space available would restrict the ability to turn an RCV within the site, although it has not been demonstrated through tracking. Given the length of the track and its narrow dimensions, reversing an RCV into the site is also unlikely to be acceptable. It would therefore be necessary to place bins at the edge of the adopted road on collection day. Bin carry distances should not normally exceed a maximum of 30m, whereas the distance between Middlecroft Road and the nearest dwelling measures 57m, well in excess of the maximum threshold. In addition, it would be necessary to provide a bin presentation point where waste bins can be placed on collection day ready for emptying. This would need to be sufficient to hold six 240 litre bins on double bin collection days. Unfortunately, the narrow width of the access track leaves no room to provide such as presentation point. Whilst existing properties place their bins on the footway, if the proposed development were to follow the same practice, the number of bins involved would be likely to be problematic in terms of obstructing the footway and potentially leaving bins on the frontage to avoid moving them the distances involved. A condition has been included to request information in relation to a bin dwell areas.
- 5.2.7 Scale and massing - The proposed dwellings are two-storeys in height and this is compatible with the scale of houses in the immediate context on Middlecroft Road.

- 5.2.8 Landscaping - Few details of landscaping are provided at this stage. The majority of the communal space in front of the dwellings is designed for parking and turning. Enclosures around the communal parking area will have a timber fence boundary treatment. A combination of hard surfacing, parking and fencing, together with some soft landscaping is likely to create a confined and visually unappealing environment, often associated with poorly designed rear parking courts. As such, on the basis of the current details, to ensure that the communal forecourt area is an attractive place for future occupiers a condition has been included to request more information.
- 5.2.9 Appearance - Development on the frontage with Middlecroft Road is from the inter-war period and comprises houses with brick and render elevations under mainly plain tile roofs. The proposed dwellings are an improvement in comparison to the previous application, with a mixture of brick and render and more finishing details included.
- 5.2.10 Access - The developable part of the site is accessed via a long narrow entrance track, the width of this has been clarified on a detailed drawing and the reduction in dwelling numbers from 4 to 3 has lessened the requirements for the width of this driveway. Derbyshire Highways Authority has no objections to the scheme.
- 5.2.11 In its revised form this proposal is considered to be an improvement on the previous scheme.
- 5.2.12 In terms of overlooking or overshadowing there is not considered to be any specific issue. No objections have been received from the residents in terms of this. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not significantly impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.
- 5.2.13 In reference to an objection to overlooking of the dwellings into land associated to the Primary School to the east, any potential for overlooking will be into part of the school site

that is not considered to be sensitive e.g. not a playground. Also, no objections were received directly from the school in reference to the proposal.

- 5.2.14 Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

### 5.3 **Highways Issues**

- 5.3.1 Highways Authority officer comments: *You will be aware that the site has a long history and a recent application for four dwellings was refused and subsequently dismissed at appeal although the principle of residential development has been accepted.*

*It is acknowledged that a driveway width of 4.1m has been previously accepted and on this basis the width is considered acceptable. It is noted that a pedestrian route has been included although at 0.8m this is rather narrow, footways usually being 2m in width.*

*Vehicular swept paths are shown but it is unclear for what type of vehicle this relates to. The dwellings will be some distance from the publicly maintainable highway and manoeuvring should be provided for, at a minimum, smaller service/delivery vehicles e.g. supermarket delivery. Whilst this is likely to be accommodated within the area available the applicant should liaise with the refuse/recycling collection Authority as to whether such vehicles would enter the site. Should they do so then manoeuvring will have to accommodate such vehicles to allow entry and exit in a forward gear and avoid overlong reversing manoeuvres. In the event such vehicles will not enter the site then the Highway Authority would look for the provision of a bin dwell area for refuse/recycling collection day. This should be clear of the public highway and access and be of adequate dimensions to accommodate the maximum number of bins on any one collection day. You will of course appreciate that occupiers of the properties will be required to take their bins some considerable distance.*



*In order to ease vehicular movements to and from parking spaces it is recommended that the 'turning head' area is increased slightly in size and that two of the parking spaces are relocated slightly as indicated on the attached plan. Subject to the above, there are no objections to the proposal.*

- 5.3.2 The officer agrees with the highways officer comments, and subject to the discharge of relevant conditions the proposal will be acceptable.
- 5.3.3 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is considered that the development proposals do not pose an adverse risk to highway safety.
- 5.4 **Flood Risk/Drainage**
- 5.4.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding. The Council's Design Services Team has sought additional information in regards permeability rates for the proposed soakaways on site. A condition has been included to deal with this aspect of the scheme.
- 5.5 **Land Condition/Contamination**
- 5.5.1 The site the subject of the application is currently developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.
- 5.5.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area. The Coal Authority was consulted on the application and agreed with the Coal Mining Report findings that site investigation works should be undertaken prior to development.
- 5.5.3 In respect of contaminated land it has been requested that a desktop study and site investigations be completed.

## 5.6 Ecology/Wildlife

- 5.6.1 Derbyshire Wildlife Trust was consulted in regards this application. They have requested that an Ecology Assessment be completed for the site. A condition has been included to request for this to be completed before the commencement of development, as the previous use of the site and the position of surrounding dwellings and a school is not considered to lead to an ecologically sensitive site.

## 6.0 REPRESENTATIONS

- 6.1 As a result of neighbour notification, three letters of representation have been received with the following comments:
- 6.2 Someone (of unknown address) comments that the issues with the previous development should be dealt with as part of this process. ie: that the part of the land which is to the rear of 113 (which is not part of the scheme) should be fenced off and not impacted by the development.
- 6.3 The resident of 113 Middlecroft Road objects on the basis that the development will overlook towards the school (to the rear) and that the entrance access is narrow and not capable of accommodating the development.
- 6.4 A local Chesterfield resident supports the redevelopment of the vacant brownfield site so long as the scheme addresses the issues raised on the previous refusal.
- 6.5 ***In response to the comments made, it is considered that the primary school grounds to the rear of the proposed buildings are not a sensitive part of the school site, and thus any overlooking into the site will not be a significant issue. The boundary treatments for the north and south of the site would be 1.8m high timber fencing.***

## 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.

## 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 and 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, and requested changes to make the scheme acceptable.

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 **CIL LIABILITY**

9.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

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

Plot	New GIF sqm	Calculation	Total
Plot 1	122.5	123 x £20	£2,460
Plot 2	122.5	123 x £20	£2,460
Plot 3	122.5	123 x £20	£2,460
Total			£7,380

## 10.0 **CONCLUSION**

10.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS18 of the Core Strategy and the wider NPPF in respect of Highways, the Coal Authority, drainage, and ecology.

## 11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in liner with the details at paragraph 9.0 above.

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

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans:
- Entrance Plan,
  - Site Plan OS4A and OS3B,
  - Proposed Scheme;
- 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 works are commenced, the applicant shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority a revised plan slightly extending the manoeuvring area, a slight relocation of 2 No. off-street parking spaces and demonstrating a bin dwell area if required or vehicular swept paths for a refuse vehicle.

*Reason – In the interests of highway safety.*

04. The existing access shall be provided with a 2m x 2m x 45° pedestrian intervisibility splay on the northern side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object.

*Reason – In the interests of highway safety.*

05. No dwelling shall be occupied until space has been laid out within the site in accordance with the drawing approved under Condition 3 above for cars to be parked and for vehicles to manoeuvre such that they may enter and leave the site in a forward gear. The parking and manoeuvring space shall be maintained free from any impediment to their designated use for the life of the development.

*Reason – In the interests of highway safety.*

06. 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.

*Reason – in the interests of highway safety.*

07. 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 designed use throughout the construction period.

*Reason – in the interests of highway safety*

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

*Reason – in the interests of highway safety*

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

*Reason - In the interests of residential amenities.*

10. 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.*

11. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

- I. A desktop study/Phase 1 report documenting the previous land use history of the site.

- II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

- B. If, during remediation works any contamination is identified that has not been considered in the

Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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

12. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the remediation / stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

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

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out



as approved. The details shall include proposed tree types, plant types and the amount of soft landscaping upon the frontage and in the parking area.

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

14. No development approved by this permission shall be commenced until permeability tests are carried out with sizing calculations provided, in accordance with BRE Digest 365, and approved in writing by the Local Planning Authority.

*Reason: To prevent the increased risk of flooding.*

15. Prior to determination of this application it is recommended that a Preliminary Ecological Appraisal is undertaken of the site in order to establish the habitats that are present on site and to determine the presence or absence of protected species i.e. bat building assessment. The field survey work should be supported by a desk study and the survey work should be undertaken by a suitably qualified and experienced ecologist. The format and content of the ecology report should follow current guidelines - such as CIEEM Ecological Report Writing and British Standards BS:42020. The survey report should provide details of any appropriate mitigation and compensation measures; and in line with guidance within the NPPF should provide details of enhancement opportunities and how the development will result in a net gain for biodiversity. If further surveys are required, these will be required prior to determination.

*Reason: In the interests of biodiversity within the district.*

## Notes.

01. 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.
02. 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.
03. 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.