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Committee Date: 3rd April 2018

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

ITEM 1

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

Local Plan: Unallocated
Ward: Inkersall and Hollingwood

1.0 CONSULTATIONS

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The Coal Authority	Objection withdrawn following submission of required Coal Mining Risk Assessment - see report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

2.0 THE SITE

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

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

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

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



Photo taken facing south



Photo taken facing north



Application site outlined in red (for illustrative purposes only)

3.0 RELEVANT SITE HISTORY

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

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

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

4.0 THE PROPOSAL

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

5.0 CONSIDERATIONS

5.1 Planning Policy Background

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

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

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS6 Sustainable Design
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green infrastructure and biodiversity
- CS18 Design
- CS20 Influencing the demand for travel

5.3 Other Relevant Policy and Documents

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

5.4 Key Issues

- Principle of development (section 5.5)
- Design and appearance of the proposal (section 5.6)
- Impact on neighbouring residential amenity (section 5.7)
- Highways safety and parking provision (5.8)
- Flood risk and drainage (5.9)
- Land stability and coal mining legacy (5.10)

5.5 Principle of Development

Relevant Policies

- 5.5.1 The application site is situated within the built settlement of Inkersall. The area is predominantly residential in character therefore policies CS1, CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.5.2 Policy CS1 states that *'The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.'*
- 5.5.3 Policy CS2 states that when *'assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:*
- a) adhere to policy CS1*
 - b) are on previously developed land*
 - c) are not on agricultural land*
 - d) deliver wider regeneration and sustainability benefits*
 - e) utilise existing capacity in social infrastructure*
 - f) maximise walking / cycling and the use of public transport*
 - g) meet sequential test requirements of other national / local policies'*
- 'All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*

Principle of Development

- 5.5.4 The site is located within a reasonable walking distance of a centre, approximately 1.0 mile from Inkersall Green Local Centre. The Strategy Planning Team (Forward Planning Team) were consulted on the proposal and provided comments on the principle of development with respect to planning policy. Comments received state that the proposal accords with the Local Plan and policy CS1. The proposal is therefore considered to be acceptable in principle.

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

5.5.6 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7)

5.6 Design and Appearance of the Proposal

Relevant Policies

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

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

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

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

Design and Appearance

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

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

- 5.6.9 It is acknowledged that due to the orientation of the site the proposal will result in a degree of overshadowing to the front garden of the adjacent property, No 23 Bluebell Close. Adverse impacts on the residential amenity of the occupiers of No 23 will be discussed in section 5.7 below.
- 5.6.10 Having consideration for the observations above the proposal is considered to be acceptable with respect to layout and design and would not result in significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.2 The application site is adjoined by No 8 and 6 Westwood Drive Gardens to the south and No 18 Westwood Drive Garden to the north. The rear/side gardens of No's 21 and 23 Bluebell Close bound the application site to the north and west. No's 7a, 7, 5 and 3 Westwood Drive Gardens face the application site to the east on the opposite side of Westwood Drive Gardens.

Impact on No 23 Bluebell Close

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

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

Impact on No's 5 and 7 Westwood Drive Gardens

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

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

Impact on all other boundary sharing neighbours

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

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

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

5.8 Highway Safety and Parking Provision

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

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

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

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

- 5.8.5 *2. Prior to any other works commencing, the entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2m into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway. The situation shall be maintained thereafter for the life of the development.*
- 5.8.6 *3. The proposed dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.*
- 5.8.7 *4. The garage hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.*
- 5.8.8 *5. There shall be no gates or other barriers on the access/driveway, unless otherwise agreed in writing by the Local Planning Authority.*
- 5.8.9 *6. The proposed access/driveway to Westwood Drive Gardens shall be no steeper than 1:14 over its entire length. d [gradient] thereafter.*
- 5.8.10 *In addition, 3 notes should be included for the benefit of the applicant.*
- 5.8.11 Having regard to the comments of the LHA detailed above it is noted that concerns were raised regarding the location of the proposed off-street parking area and associated access point. To address these concerns revised drawings submitted propose moving the off-street parking area to the north of the site. No further comments have been received from the LHA and given that no formal objection was raised this is considered to be acceptable.
- 5.8.12 The comments received from the LHA request a condition requiring the provision of space within the site *'for storage of plant and materials, site accommodation, loading, unloading and manoeuvring*

of goods vehicles, parking and manoeuvring of employees and visitors' vehicles'. It is considered necessary to require the applicant to submit details of a site compound due to the constraints surrounding access to the cul-de-sac. A number of objections have also raised concerns regarding the width of the existing road resulting in difficulty parking and manoeuvring. The application site is considered large enough to comfortably accommodate a site compound which doesn't impede on the development and will avoid the need for construction vehicles to park on the narrow highway.

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

5.9 Flood Risk and Drainage

- 5.9.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to Yorkshire Water Services (YWS) and the Council's Design Services (DS) team for comments in respect of drainage and flood risk.
- 5.9.2 Design Services (Drainage) were consulted on this application and raised no objection to the proposal. The site is not shown to be located within an area at risk of flooding on the Environment Agency flood maps. The Design Services (Drainage) Officer requests that the applicant seeks prior approval from Yorkshire Water for connection to the public sewer and states that any new drainage for the development may require Building Control Approval. An informative note should be attached to the decision notice to make the applicant aware of the minimum standards for drainage in the Chesterfield area.

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

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

5.10 Land Stability and Coal Mining Risk

5.10.1 Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the planning application site lies in an area covered by the Coal Authority's Referral Area and as such it was necessary to consult The Coal Authority on the proposal

5.10.2 The Coal Authority initially objected to the proposal due to the lack of a coal mining risk assessment. A coal mining risk assessment was subsequently produced by Eastwood & Partners and submitted on 26.02.2018. The Coal Authority were re-consulted on the proposal and the outstanding objection was withdrawn. The proposal is therefore considered to accord with policy CS8 of the Core Strategy.

5.11 Community Infrastructure Levy (CIL)

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

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

		A	B	C	D	E
Development Type	Proposed Floor space (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Residential (C3)	202	202	£50 Medium Zone	317	288	£11,117

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

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

6.0 **REPRESENTATIONS**

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

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

6.2.1 **3 Westwood Drive Gardens**

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

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

6.2.2

5 Westwood Drive Gardens

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

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

6.2.3 **6 Westwood Drive Gardens**

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

2nd letter re revised plans

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

6.2.4 **7 Westwood Drive Gardens**

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

6.2.5

8 Westwood Drive Gardens

- Overlooking – loss of privacy
- Loss of daylight/sunlight or overshadowing
- Scale and dominance
- Layout and density of buildings
- Appearance and design of development and materials proposed will not blend in with other properties
- Highway safety and parking issues – road is single track only 4.3m wide (minimum is 4.8m) no space for visitor to park leading to congestion
- Large vehicles using private drives to turn due to width of road
- Too congested for emergency vehicles to access
- Noise and dust
- The plot was supposed to a landscaped garden
- The proposed bungalow will be imposing and overbearing

6.2.6

Additional comments from 8 Westwood Drive Gardens

- Query regarding what type of wall is going to be in front of house and materials/brick which should be the same as surrounding bungalows

6.2.7

20 Westwood Drive Gardens

- Comments about the design of the building
- Separation distance between site and existing properties
- Access on road – gets blocked with deliveries already
- Original plans for cul-de-sac the plot was going to be a garden
- Concerns about cars parked on the road

6.2.8

22 Westwood Drive Gardens

- The proposed bungalow will impact the front aspect of our bungalow due to the orientation of the garden and living/bedroom windows
- Concerned about the height of the building and the impact this will have on our outlook up the street
- The property will only be 15.2m from the nearest properties not the recommended 21m leading to a loss of privacy.
- The proposed bungalow will be very imposing on the small site and will dominate the cul-de-sac leading to a loss of visual amenity and open aspect.
- The design and appearance of the building has not been thought through and is very modern in design which is not in-keeping with the traditional streetscene

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

6.2.9 **26 Westwood Drive Gardens**

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

6.2.10 **Additional comments received from No 26**

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

6.2.11 **28 Westwood Drive Gardens**

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

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

6.3 **Petition**

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

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

6.4.1 **Amenity impacts**

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

6.4.2 **Design, siting and layout**

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

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

6.4.3 Highway and parking issues

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

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

9.0 **CONCLUSION**

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

10.0 **RECOMMENDATION**

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

Conditions

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

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

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

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

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

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

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

Reason - In the interests of residential amenities.

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

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

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

Reason – In the interests of highway safety.

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

Reason – In the interests of highway safety.

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

Reason – In the interests of highway safety.

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

Reason – In the interests of highway safety.

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

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

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

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

Reason – To protect the amenity of the adjoining residential occupiers

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
04. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
05. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

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

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

06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available by email ETENetmanadmin@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp
07. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
08. The applicant should be aware that the potential relocation of the street lamp column (which may be required to widen the driveway and provide parking) would be at their expense.
09. The proposed access/driveway to Westwood Drive Gardens shall be no steeper than 1:14 over its entire length.