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

ITEM 3

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

Local Plan: Unallocated
Ward: Brimington South

1.0 CONSULTATIONS

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

Neighbours/Site Notice

2 representations received –
see report

2.0 **THE SITE**

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

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









3.0 **RELEVANT SITE HISTORY**

3.1 No relevant applications.

4.0 **THE PROPOSAL**

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

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

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

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

5.3 Having regard to the nature of the application, policies CS1, CS2, CS10 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

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

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

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

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

- 5.7 Policy CS10 (Flexibility in Delivery of Housing) states that planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if they accord with the strategy of 'Concentration and Regeneration' as set out in policy CS1 and the criteria set out in policy CS2 (as stated above).
- 5.8 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.
- 5.9 In addition to the above, the NPPF places emphasis on the importance of good design stating:
- 'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*
- 5.10 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.11 The proposed development site is situated within walking and cycling distance from Brimington and is located on land that is currently utilised as residential curtilage. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and adheres to the policies CS1, CS2 and CS10 in this sense.

6.0 **Strategy Planning Team**

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

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

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

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

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

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

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

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

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

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

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

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

8.0 **Environmental Services**

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

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

9.0 **Drainage**

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

10.0 **Highways Issues**

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

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

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

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

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

11.0 **Coal Mining Risk**

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

12.0 **Trees**

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

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

13.0 **Community Infrastructure Levy (CIL)**

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

14.0 **REPRESENTATIONS**

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

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

15.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

17.0 **CONCLUSION**

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

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

18.0 **RECOMMENDATION**

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

Conditions

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

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

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

- ecologically beneficial landscaping, with native shrubs and trees.

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

Reasons for Conditions

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

Notes

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

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