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Planning committee 23<sup>rd</sup> April 2018

File No: CHE/18/00012/OUT  
Plot No: 2/542

### **ITEM 3**

## **OUTLINE APPLICATION FOR REDEVELOPMENT OF EXISTING SITE FOR ONE RESIDENTIAL UNIT. (REVISED ON 08/02/18) LAND AT MIDDLECROFT ROAD, STAVELEY, DERBYSHIRE FOR MR MATTHEW PASK**

Local Plan: Unallocated  
Ward: Staveley

### 1.0 **CONSULTATIONS**

Ward Members	No comments
Town/Parish Council	No comments received
Strategy Planning Team	No objections
Environmental Services	No comments
Design Services	Additional information sought in terms of surface water drainage and general drainage on site.
DCC Highways	Do not support the loss of parking on site, but do not object.
Coal Authority	Material Consideration
Urban Design Officer	No objections in principle.
Neighbours/Site Notice	2 representations received – see report

## 2.0 **THE SITE**

2.1 This application concerns a garage site which is to the north of Chadwick Court on Middlecroft Road in Staveley. The land currently has 4 garages to the west of the site and is open to the east, with access onto Middlecroft Road.

2.2 The site is within a residential area. To the north of the site there is a parking area which is utilised by local residents on an ad-hoc basis, but is owned by the owners of the Jubilee Works site on the opposite side of Middlecroft Road (to the east), which is currently being converted to residential use. The Jubilee Works site includes a two storey building which fronts the highway and has had a mix of uses over time, but has now been agreed as a residential conversion. There are also terraced houses which are fronting the footpath further to the south. To the west of the site there is a row of terraced houses fronting Chesterfield Road. To the south of the land there is Chadwick Court comprising of two, storey buildings comprising 15 flats and which includes a parking courtyard within the centre of the site.

2.3 The site extends to an area of 218 square metres.

## 3.0 **RELEVANT SITE HISTORY**

3.1 No relevant applications.

## 4.0 **THE PROPOSAL**

4.1 The application is an outline planning application for a dwelling on the site. Access is indicated as being from Middlecroft Road in the position of the existing site access. The original application included an indicative layout for 2 houses, but this was amended to one unit.

4.2 An indicative layout was included but as appearance, landscaping, layout and scale are not part of this process then this drawing is not part of the approval. This does demonstrate that one dwelling, parking and a rear garden is possible on site.

## 5.0 **CONSIDERATIONS**

### **Local Plan Issues**

- 5.1 Having regard to the nature of the application, policies CS1, 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

5.5 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.'*

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

5.7 The site is situated within the built settlement of Staveley. This area is predominantly residential in nature, and is situated within walking and cycling distance to Staveley Local Centre. The land is also previously developed ground as former buildings have been demolished and the land is used currently as a garage court and parking area. The site is located within a built-up area where new housing development would be considered appropriate in principle and, as such, this proposed development site is considered to be sufficiently sustainable for a development of this nature in compliance with policies CS1 and CS2.

### **Strategy Planning Team Response**

5.8 The Strategy Planning Team were consulted on the application and they stated that on the basis that the site is .....*on a previously developed site and is within walking distance (approx. 500m) of Staveley Town Centre and close to regular bus routes to Chesterfield Town Centre, the principle of development meets the requirements of the council's Spatial Strategy as expressed in policies CS1 and CS2.*

*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 the development.*

*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 'Low' zone (charged at £20 per sqm index linked), subject to any exemptions sought for affordable housing or custom/self-build.*

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

- 5.9 The proposal has been amended from the original scheme for 2 dwellings on the site to a single dwelling. The indicative layout shows two parking spaces to the north side of the site with the rest of the land to the rear assumed to be private amenity space.
- 5.10 The Council's Urban Design Officer confirms that the site is suitable for the siting of a dwelling however further discussions would be required relating to the detail and design as part of a reserved matters application.
- 5.11 Because there is no information as part of this application concerning the design and appearance of the scheme, it will be a matter for consideration as part of the reserved matters proposal. It is clear that the site is of such a size and position to be able to accommodate a dwelling which would be appropriate in design terms and in so far as the impact on surrounding neighbours.
- 5.12 Overall the principle of the scheme is considered to be acceptable and appropriate respecting the streetscene, local character and neighbouring residential amenities.

## **Environmental Services**

- 5.13 Environmental Services were consulted on this application and they did not object however they requested that conditions are included in terms of noise, contaminated land and air quality.
- 5.14 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. It is also appropriate to include conditions to deal with any ground condition issues.

## **Drainage**

- 5.15 Design Services were consulted on the application and they requested that information in terms of surface water and foul drainage on site should be provided at a reserved matters stage. This can be required by condition.

## **Highways Issues**

- 5.16 The Highway Authority confirm that:

*It is noted that the application form indicates an outline application with all matters reserved whereas the design and access statement states that all matters are to be reserved except for site access. Following a conversation between Mr Wright and Miss Long the response to the application is based on the latter scenario.*

*The Highway Authority does not wish to see the loss of off-street parking, particularly in areas where on-street parking is already at a premium. The design and access statement indicates that the land has already been disposed of by Chesterfield Borough Council, presumably without the benefit of any planning permission for potential re-use of the site. Whilst the site is currently fairly unkempt this does not preclude parking taking place. It is clear that the site could not accommodate the proposal and replacement parking provision.*

*Whilst visibility from the site is not ideal, taking into account the fact the vehicular movements already occur and that vehicle speeds are likely to be reduced owing to the*

*proximity of the junction of Middlecroft Road with Chesterfield Road it is considered it would be difficult to sustain an objection to the proposal in this case.*

- 5.17 The loss of the 4 garages and associated parking on site may well lead to vehicles being displaced from the site onto surrounding public highway. Whilst the 4 garages appear to be fairly dilapidated and possibly not being used, it is accepted that the land in advance of the garages can be and is used for vehicle parking. The Council has however decided to sell the site for development on the basis that the use of land does not deliver a worthwhile revenue stream to outweigh the liability and whilst it may result in displacement of vehicles, this is not a matter which can be controlled by the local planning authority or used in any substantive way as part of a refusal of planning permission.
- 5.18 As the proposal utilises the existing access and is likely to result in no more traffic use than existing it is considered to be acceptable.
- 5.19 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.

### **Coal Mining Risk**

- 5.20 In respect of potential Coal Mining Risk, the site the subject of the application lies within the high risk area, but subject to condition no objection was suggested by the Coal Authority.

### **6.0 Community Infrastructure Levy (CIL)**

- 6.1 Having regard to the nature of the application proposals the development comprises the creation of 1 no. new dwelling and the development is therefore CIL Liable. The site the subject of the application lies within the low CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £20 per sqm (index linked) of gross internal floor area created.

## 7.0 **REPRESENTATIONS**

7.1 As a result of neighbour notification, letters of representation were received from the residents of 65 Chesterfield Road and 69 Chesterfield Road. The resident from no.65 considered that the proposal may overlook into his property. The resident from no.69 considered that a small section of the site was over land that was part of his right of way and that this was utilised by him and other residents of 67-71 Chesterfield Road to take out their bins.

7.2 ***In response, the proposal is an outline and details of the positioning of the house has yet to be decided, so issues of layout, scale and design of the house (including positioning of windows) has yet to be considered and accepted by the Council. In reference to part of the site crossing over unadopted land to the rear of no.69, the officer emailed the agent and he confirmed that there are no intentions to develop or change this land.***

## 8.0 **HUMAN RIGHTS ACT 1998**

8.1 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

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

8.3 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.



8.4 Whilst, in the opinion of the objectors, the development has the potential to affect 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

#### 9.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

9.1 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).

9.2 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.

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

#### 10.0 **CONCLUSION**

10.1 The proposals are considered to be appropriate in principle, as it is considered that there is adequate space on site for 1 dwelling. The location of the proposed development site is sufficiently sustainable on the basis that the site is in a built up area close to a centre and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS1, 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, CS9 and CS20 of the Core Strategy and the wider NPPF in respect of Highways, drainage, coal mining, land contamination and air pollution. This application would be liable for payment of the Community Infrastructure Levy.

11.0 **RECOMMENDATION**

11.1 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. Prior to commencement of the development, 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. The detail to be provided at reserved matters application stage, shall include drawings showing the proposed new driveway and visibility splays of 2.4m x 43m over land the subject of the application/highway in both directions. The area in advance of the sightlines shall be maintained throughout the life of the development clear of any obstruction greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
8. The proposed access driveway to Middlecroft 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. 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.
11. There shall be no gates or other barriers on the accesses/driveways.

12. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
13.
  - A. 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 contamination. Ground gas, ground water and chemical analysis, identified as being appropriate 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.

14. 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 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 stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

### **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 reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

11. In the interests of highway safety.
12. In the interests of highway safety.
13. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.
14. To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.

### **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](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), e-mail [highways.hub@derbyshire.gov.uk](mailto: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. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -  
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)
7. 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 be 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.