

Case Officer: E Casper  
Report Date: 23<sup>rd</sup> May 2019

Application No: CHE/19/00021/FUL  
Committee Date: 10<sup>th</sup> June 2019

## **ITEM 2**

### **ERECTION OF A ONE BEDROOM DETACHED BUNGALOW TO PROVIDE SELF CONTAINED ACCOMMODATION ANCILLARY TO THE EXISTING DWELLING. REVISED DRAWINGS RECEIVED 16.05.2019 INCLUDING A REVISED PARKING PLAN AND REVISED LAYOUT AND FRONT ELEVATION AT 2 WESTFIELD CLOSE, CHESTERFIELD, DERBYSHIRE, S40 3RS FOR MS DAWN ANDERSON**

Local Plan: Unallocated  
Ward: West  
Plot No: 2/1909

#### **1.0 CONSULTATIONS**

DCC Highways	Comments received – see report
Ward Members	No comments received
Design Services Drainage	No objection – see report
The Coal Authority	Comments received – see report
Neighbours and Site notice	Representations received from 9 neighbours (11 letters in total)

#### **2.0 THE SITE**

- 2.1 The site subject of this application is situated on the north side of Westfield Close and consists of a detached 2 storey dwelling, set back from the public highway. The application site was previously known as '43 Vincent Crescent' and has been renamed '2 Westfield Close'.
- 2.2 The site is bound by Westfield Infant School to the west and a residential development known as 'Spruce Close' to the north and east. Residential dwellings also face the application site to the south, on the opposite side of Westfield Close highway. The surrounding streetscene is mixed in age and character.

- 2.3 The existing dwelling is faced in brick and stone with white u-PVC windows and brown pan roof tiles. The site is served by off-street driveway parking for two vehicles and a small integral garage.



Photo taken facing north towards the application site and the principle elevation of No 2 Westfield Close



Photo taken from the application site facing south/south west showing the location of the proposed development

### 3.0 **APPLICATION SITE PLANNING HISTORY**

- 3.1 CHE/07/00158/FUL - New dormer window to front elevation at No 43 Vincent Crescent – **CONDITIONAL PERMISSION (03.04.2007)**

### **SURROUNDING SITE HISTORY**

- 3.2 CHE/0102/0057 - Glenhurst Nurseries, 4 Westfield Close - Outline application for residential development – **CONDITIONAL PERMISSION (23.06.2003)**
- 3.3 CHE/05/00297/REM - Glenhurst Nurseries, 4 Westfield Close - Residential development (19 houses) – **CONDITIONAL PERMISSION (04.04.2006)**

### 4.0 **THE PROPOSAL**

- 4.1 The application proposes the erection of a detached annex within the front garden of the application site. The proposed development will create self-contained living accommodation, consisting of an entrance porch, bedroom, shower room, kitchen and separate sitting/dining room.
- 4.2 The proposal measures a maximum of 6.6m x 9m in footprint. The structure is formed of a dual pitched roof measuring approximately

2.4m to the eaves and a maximum of 4.05m to the ridge and a smaller intersecting dual pitched gable to the north elevation.

- 4.3 Revised plans show the south elevation faced in brick with the remaining elevations faced in render with brick quoins. The proposal features three windows within the west elevation including a high level window serving the sitting room an obscurely glazed window serving the shower room and a larger window serving the bedroom. A secondary smaller window is proposed to serve the bedroom within the north elevation. The west elevation features a single window serving the kitchen and french/patio doors serving the sitting room.
- 4.4 Pre-application advice was sought by the applicant prior to the submission of the application. It was concluded that the principle of development could be acceptable and the design of the proposal was considered to reflect existing outbuildings within the streetscene.
- 4.5 The application submission is supported by the following plans and documents;
- Application form
  - Design and Access Statement (dated January 2019)
  - Site Plan (received 28.01.2019)
  - Block Plan (received 28.01.2019)
  - Mining Report and Assessment (dated January 2019)
  - ~~Vehicle Parking Layout, drawing number DSC.691.A3.04 (dated October 2018) - superseded~~
  - ~~Proposed Layout and front elevation, drawing number DSC.691.02 Revision (dated October 2018) – superseded~~
  - Proposed Layout and front elevation, drawing number DSC.691.02 Revision A (dated May 2019)
  - Proposed Layout and elevations, drawing number DSC.691.03 (dated July 2018)
  - Vehicle Parking layout, drawing number DSC.691.A3.04 Revision A (dated May 2019)

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in

accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

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

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS18 Design

## **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)
- SPD 'Successful Places' (adopted July 2013)

## **5.4 Key Issues**

- Principle of development and design of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Coal mining risk;
- Flood risk and drainage

## **5.5 Principle of development and design of the proposal;**

5.5.1 The application site is positioned within a residential area wherein the principle of development, in particular works to a domestic property, is considered to be generally acceptable subject to policies CS1, CS2 and CS18 of the Core Strategy, as well as the wider objectives of the NPPF.

5.5.2 Core Strategy Policy CS1 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.'*

5.5.3 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.'*

- 5.5.4 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials'*
- 5.5.5 The application proposes the erection of a single storey annex forward of the principle elevation of the host dwelling and the existing building line. The existing dwelling is set back from the public highway and a large pavement separates the site from the carriageway. The application site is the first residential property on the north side of Westfield Close and is of a different age and character to the nearest residential dwelling (No 2 Spruce Close). The front garden of the site is enclosed by hedging to east and west boundaries and the southern boundary is relatively open with a low brick wall along the frontage.
- 5.5.6 Observation of the surrounding streetscene identifies multiple examples of attached and detached garage structures which are forward of the principle elevation of the associated dwelling houses. It is acknowledged that the proposal is not for a detached garage but the overall design and character of the scheme has visual similarities. A key example is the detached garage serving No 1 Spruce Close which occupies a prominent corner location, at the junction of Spruce Close and Westfield Close. The garage structure is visible from the application site (see photo below). The introduction of a similar style structure at No 2 Westfield Close is therefore considered to respond to the character of the surrounding streetscene, reflecting the existing detached outbuilding and serving to terminate the run of dwellings. The site is also set back further from the carriageway which is considered to lessen the visual impact and prominence of the proposal.



Photo taken facing north east towards the application site and garage at No 1 Spruce Close



Photo taken on Spruce Close showing example of another detached garage



Photo taken on Westfield Close showing examples of other garage structures forward of the principle elevation of the host dwelling

- 5.5.7 The application form and associated plans state that the proposal will be faced in render with brick quoins and the south elevation of the structure will be faced in brick. The facing brick on the south elevation is considered to respond to the character of the host dwelling and lessen the visual appearance. The introduction of render on the remaining elevations is not out of character within the wider streetscene, particularly on Vincent Crescent.
- 5.5.8 On balance, whilst the proposed development will be forward of the principle elevation of the existing building, it is considered that the overall character reflects outbuildings within the vicinity of the site. The north side of Westfield Close has a fragmented building line and as the application site forms the first residential dwelling it is relatively isolated from the surrounding properties.
- 5.5.9 Having regard to the observations above the proposal is considered to be appropriately designed and would not cause significant adverse impacts on the visual amenity and character of the area. It is recommended that a condition be attached to the decision requiring the submission of material prior to construction in accordance with the application drawings. The proposal will therefore accord with the provisions of policies CS1, CS2 and CS18 of the Core Strategy.

## **5.6 Impact on Neighbouring Residential Amenity**

- 5.6.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*.
- 5.6.2 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 application site is adjoined by Westfield Infant School to the west and Nos 2 and 4 Spruce Close to the north and east. No 39 Vincent Crescent faces the application site to the south, situated on the opposite side of the public highway.

### **Impact on boundary sharing neighbours**

- 5.6.4 The application proposes the installation of windows within the east and west elevations facing towards No 2 Spruce Close and Westfield Infant School. The site is enclosed by existing hedges along the east and west boundaries therefore restricting potential adverse overlooking. The proposed development is situated adjacent to the western boundary therefore potential adverse impacts of overshadowing are considered to be directed towards the grounds of Westfield Infant School and are considered to be minimal.
- 5.6.5 Due to the siting and orientation of the proposed development relative to the other boundary sharing neighbours, it is not considered that the development would cause any significant injury to the amenity of the adjoining occupiers in terms of overlooking or overshadowing.
- 5.6.6 Having consideration for the observations above, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the provisions of policies CS2 and CS18 of the Core Strategy.

## **5.7 Highways Safety and Parking Provision**

- 5.7.1 The Local Highways Authority Derbyshire County Council (DCC) Highways Team were consulted on the proposal and they provided the following comments;
- 5.7.2 *'Comments are given on the basis that the garage is of adequate internal dimensions to be counted as a car parking space. Currently internal dimensions should be a minimum 3m x 6m. The parking layout indicated on drawing number DSC.691.A3.04 could not be accommodated based on spaces measuring a minimum 2.4m x 5.5m although in front of a garage this should be increased to 6.5m unless a roller shutter door or similar is conditioned and required to be maintained. The Highway Authority would, therefore, consider that*



*only two off-street spaces could be provided within the site curtilage. It is felt, however, that as ancillary accommodation with one bedroom it would be difficult to sustain an objection in the event no additional car parking was provided.'*

5.7.3 *'In view of the above, there are no objections to the proposal and it is recommended that the following conditions are included in any consent.*

*1. Before any other operations are commenced, the existing access to Westfield Close shall be modified in accordance with the application drawings.*

*2. The annexe shall only be used in conjunction with the main house and shall not be occupied, let, sold or otherwise disposed of as a separate dwelling.*

*3. A minimum of two off-street parking spaces shall be maintained within the site curtilage for cars to be parked and such spaces shall be maintained free from any impediment to their designated use for the life of the development.*

*4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the existing garage 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. There shall be no gates or other barriers on the access/driveway.'*

5.7.4 *'In addition, the following notes shall be included for the benefit of the applicant.*

*1. 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 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.*

*2. 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.*

*3. 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.'*

- 5.7.5 The comments from the Highways Officer have been noted. The Agent submitted a revised parking plan (received 16.05.2019) showing parking provision for 3 vehicles. It is recommended that a condition be attached to the decision requiring the parking to be made available prior to the occupation of the annex and maintained free from impediment from its intended use. It is not considered necessary to restrict the permitted development rights in relation to the garage as this will no longer be classified as a parking space. It is also recommended that a standard condition be attached to the decision requiring the development to remain ancillary to the host dwelling. The recommended notes should also be incorporated within the decision notice.

## **5.8 Coal Mining Risk**

- 5.8.1 Core Strategy Policy CS8 states that *'The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality.'*
- 5.8.2 The application site is located within an area defined as a referral zone and as such requires consultation with The Coal Authority. The Coal Authority were consulted and initially raised concerns regarding the information submitted with the application (letter dated 20.02.2019). The Agent liaised with The Coal Authority and revised comments were received on 29.04.2019, see below;
- 5.8.3 *'The applicant has submitted a Mining Report and Assessment, dated January 2019. This report identifies that there is the possibility of shallow coal mine workings being present beneath the site. The report author therefore recommends that a thorough ground investigation is carried out on site, including the drilling of boreholes, to establish whether or not shallow coal workings are present. The intrusive site*

*investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exaction situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.'*

#### 5.8.4

##### *'The Coal Authority Recommendation to the LPA*

*The Coal Authority concurs with the recommendations of the Mining Report and Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition should therefore require prior to the commencement of development:*

*\* The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity;*

*\* The submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and*

*\* Implementation of those remedial works.'*

#### 5.8.5

*'The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above**. The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in*

*accordance with paragraphs 178 and 179 of the National Planning Policy Framework’.*

- 5.8.6 Subject to the imposition of a condition covering the above, the proposal accords with the provisions of policy CS8. The Agent confirmed via email on the 17.05.2019 that the required pre-commencement condition would be acceptable.

## **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 Council’s Design Services (DS) team for comments in respect of drainage and flood risk and provided the following comments;

- 5.9.2 *‘Regarding this application; the site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. Any alterations to existing drainage on site may require Building Control approval. Any new connections to the public sewerage network, will require prior consent from Yorkshire Water.’*

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

## **6.0 REPRESENTATIONS**

- 6.1 The application has been publicised by neighbour notification letters sent to 7 boundary sharing neighbours on 07.02.2019, deadline for responses 28.02.2019. A site notice was also displayed on 19.02.2019, deadline for responses 12.03.2019. As a result of the neighbour notification processes 11 letters of representation were received from 9 neighbours and the main points are summarised below;

### **6.2 10 Spruce Close (12.02.2019)**

- Objection raised regarding traffic/highways and visual impacts
- Will add to the traffic chaos already on this road/junction with Spruce Close.
- Will be unsightly.

### **6.3 8 Spruce Close (13.02.2019)**

- Objection raised regarding traffic or highways and visual impacts

- Will add to the traffic chaos already on this road/junction with Spruce Close.
- Will be unsightly.

#### 6.4 **16 Spruce Close (14.02.2019 and 19.02.2019)**

- Objection raised regarding residential amenity, traffic or highways and visual impacts
- Unsightly and shanty town looking if given permission spoil approach to surrounding houses
- Traffic
- The bungalow is at the side of Westfield Infants school a very busy place at drop off and pick up, the worry is reversing out from the bungalow that is already there is dangerous this will be increased two fold.
- The approach to our estate Spruce close and Westfield close will be blighted by the erection of a farcical building in some ones front garden and will affect the value of our homes.
- There are no buildings of this kind in front gardens in the surrounding area, ie: Vincent Crescent, Stores Road, Chatsworth Road, Spruce Close, Westfield Close, so why allow this application to go through.

#### 6.5 **4 Spruce Close (15.02.2019)**

- Objection raised regarding traffic or highways and visual impacts
- Further the traffic chaos and access to Spruce Close.
- Unsightly.
- Compromise access to the school.

#### 6.6 **18 Spruce Close (19.02.2019 and 20.02.2019)**

- Objection raised regarding noise, policy, traffic or highways and visual impacts.
- The site is inadequate for this development and the proposals are inappropriate.
- There would be a very detrimental visual impact on the area and existing properties
- There would be a lowering of property values of Westfield and Spruce Closes.
- The proposals must surely be outside the regulations/restrictions/guide lines covering "building lines". If approved this development could open the door to similar applications.
- There would be significant detrimental and dangerous effects on highway users. The proposals would result in aggravating problems

with parking at and associated with the school. This would be particularly difficult and dangerous during any site investigation and construction as materials and construction plant and traffic would have to use [block?] the footway and possibly the highway over a period of 3-6 months probably. There would be appreciable danger to pupils at Westfield and Brookfield schools as this is a very busy route to and from the schools.

- The parking capacity indicated is questionable. At present if there is more than one car at the property the other car [s] park on the highway now. The impact outlined above would therefore continue after construction.

**6.7 10A Queen Street (28.02.2019)**

- Objection raised regarding traffic or highways and visual impacts
- Obstruction for traffic on busy road
- Bad to build in front garden, set poor precedent, add to rear.

**6.8 Neighbour, No address provided (11.03.2019)**

- I am aware that local authorities have a duty to ensure adequate housing is provided and under national governance CBC must grant approval for a certain number of new homes be built locally over the coming years. However, this application does not fall under any policy to supply such housing. This is simply a poor perception that a front garden could be deemed a building plot.
- The immediate area has lots of homes with front gardens equal to, or greater than the plot proposed in this planning application - how visually horrendous would the whole area be if everyone were to do the same, if the precedent was set by allowing this development.
- The property (number 2 Westfield) is situated directly next to the school vehicular access and a few metres from the junction of Spruce Close; therefore the safety and traffic impact would be extremely dangerous. The proposed building application - if granted - would block the view of the road, in both directions for those vehicles entering and exiting the school site and the 20 houses on Spruce Close. This would be so dangerous for the safety of those using the footpath and vehicles in the immediate area. The footpath is used by many school children daily for both the immediate infant school and those of Brookfield Community School, adding an obstruction like this would be particularly dangerous for those trying to cross at an already busy pinch point.
- I am concerned that Highways hasn't raised this in their response to the planning application.

6.9

**6 Spruce Close (20.02.2019)**

- The erection of a bungalow in the front garden would appear to be totally unreasonable and unwise as for a start it is in front of the building line of the two existing properties and would therefore block the view onto a busy road of vehicles coming out of the school service area to other road users.
- Also with the school run in term time this road is blocked by car users parking irresponsibly all over the side roads around the school, some car users even park on the corners of the Close at various times of day.
- if you allow this one then other people will also want to do the same.

6.10

**39 Vincent Crescent (18.02.2019)**

- Visually the bungalow in the front garden will not be aesthetically pleasing, it will look incongruous. The view from the road of a bungalow with a house in the immediate background will not be pleasant. It will be close to the road and very close to the existing house, the view from the lounge window of the existing house will be very unpleasant, the bungalow will be very close to the window. The view from the house next door of the bungalow in the front garden will be unpleasant (2, Spruce Close). The bungalow will be rendered and hence different from the other houses in the neighbourhood.
- Traffic will be increased in an area already giving traffic problems at the start and end of the school day
- The house next door to the bungalow will have reduced sunlight in its front garden
- If people are allowed to build houses in their front gardens many very pleasant roads in Chesterfield could soon look very higgledy piggledy.

6.10.1

**Officer comments in response to the main points raised, see below.**

- **Highways/traffic, access/safety and parking – DCC**  
Highways were consulted on the proposal and they raised no concerns regarding potential obstruction or safety issues. The site is set back from the existing carriageway and a larger than average pavement provides further separation. The agent has submitted a revised parking plan showing 3 off-street parking spaces, this is considered to provide a sufficient parking for the existing dwelling and the one bedroom annex. See section 5.7.

- **Impact on building line, design/visual impacts and materials**  
– The Officer visited the site and noted a number of detached and attached garage/outbuildings which are situated forward of the respective principle elevations. Viewed from the application a detached double garage/converted outbuilding is visible and the proposal is of a similar character. The south elevation of the building will be faced in brick to match the host dwelling and the remaining elevations will be faced in render. Render is a feature of the wider streetscene and is not considered to be out of character. Each application is considered on its own merits and taking into account the site context, the proposal is considered to be acceptable. See section 5.5.
- **Residential amenity and loss of sunlight** – The proposal is situated adjacent to the western boundary of the site and as such potential adverse impacts of overshadowing are considered to be minimal. An existing hedge forms the eastern boundary and prevents direct overlooking. See section 5.6.
- **Building a house in front garden** – The application is for a dependent relative annex not a separate dwelling and the application states it is for a relative. It is therefore recommended that a condition be attached to the decision restricting the use. Future occupiers of the property would also be required to comply with the condition which would prevent the building being used as a dwelling separate to 2 Westfield Close. The condition requires self-contained annexes to *‘Only be occupied by persons with a familial link or demonstrable relationship to the occupants of the main dwelling; not be identified or addressed as a separate postal address; not be occupied in the event the main dwelling is unoccupied; and not be occupied under any form of contract’*.
- **Disruption and disturbance as a result of building works and site investigations** – disruption during the construction period is regarded as a ‘non-material’ planning consideration and cannot be given any weight in the determination of a planning application
- **Impact on house value** – this is also a ‘non-material’ planning consideration and cannot be given any weight in the determination of a planning application



- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 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.

## **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 paragraph 38 of the July 2018 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. The applicant took advantage of the opportunity to discuss matters at a pre application stage.
- 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 acceptable in design and appearance terms. It is not considered that that the proposal would result in an unacceptable impact on neighbouring properties in terms of overshadowing and overlooking. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal complies with CS1, CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## 10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

### **Conditions**

1. 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 Compulsory Purchase Act 2004***

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below), with the exception of any approved non material amendment.
  - Proposed Layout and front elevation, drawing number DSC.691.02 Revision A (dated May 2019)
  - Proposed Layout and elevations, drawing number DSC.691.03 (dated July 2018)
  - Vehicle Parking layout, drawing number DSC.691.A3.04 Revision A (dated May 2019)
  - Design and Access Statement (dated January 2019)

***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.***

3. The self-contained accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on the application site, presently known as 2 Westfield Close in that it shall: -

- Only be occupied by persons with a familial link or demonstrable relationship to the occupants of the main dwelling;
- Not be identified or addressed as a separate postal address;
- Not be occupied in the event the main dwelling is unoccupied;
- Not be occupied under any form of contract.

***Reason*** - *The provision of an independent unit of living accommodation would not safeguard a sufficient degree of residential amenity for the occupants of either the existing dwelling or the proposed accommodation*

4. The proposed self-contained accommodation shall not be occupied until the 3 car parking spaces shown on 'Vehicle Parking layout, drawing number DSC.691.A3.04 Revision A (dated May 2019) are provided and thereafter shall be retained permanently for domestic car parking maintained free from any impediment to their designated use for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

***Reason*** – *In the interests of highway safety*

5. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
  - The submission of a scheme of intrusive site investigations for approval;
  - The undertaking of that scheme of intrusive site investigations;
  - The submission of a report of findings arising from the intrusive site investigations;
  - The submission of a scheme of remedial works for approval; and;
  - Implementation of those remedial works.

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

6. Before 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.*

### **Informative Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. 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 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.