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File No: CHE/19/00200/FUL  
Plot No: 2/3168

#### **ITEM 4**

**Residential development of six dwellings in two terraces of three units, designated off road parking with new access from Sydney Street and Springfield Avenue, bin-stores and garden sheds and landscaping at St Mark's Vicarage, 15 St Mark's Road, Chesterfield. S40 1DH**

Local Plan: Unallocated  
Ward: Holmebrook

#### 1.0 **CONSULTATIONS**

<b>Local Highways Authority</b>	Comments received 30/04/2019 – no objection, advises 3 conditions
<b>CBC Tree Officer</b>	Comments received 03/04/2019 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 08/05/2019 repeats earlier comments – see report
<b>Yorkshire Water Authority</b>	Comments received 23/04/2019 – advises 2 conditions
<b>Coal Authority</b>	Comments received 25/04/2019 – previous mining report still valid – no objections advises 1 condition
<b>Crime Prevention Design Advisor</b>	Comments received 02/05/2019 – no objections
<b>DCC Lead Flood Authority</b>	Comments received on 26/04/2019 - as this is a minor dev – no formal comment required
<b>CBC Drainage</b>	Comments received 29/04/2019 – Site not at flood-risk. Drainage details required
<b>CBC Environmental Health</b>	Comments received 01/05/2019 – no adverse comments – advises 1 condition

<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	3 representations received

## 2.0 **THE SITE**

2.1 The site the subject of the application comprises an open area of land to the east of St Mark's Vicarage, on which there is a current outline permission for the erection of 4 dwellings.

2.2 The site is within a residential area close to a primary school and has 2 road frontages on to Springfield Avenue and Sydney Street.

Photos showing existing site and road frontages/proposed entrances



2.3 Each road frontage is dominated by mature hedgerows, and Sydney Street is narrow with roadside parking. The roads are congested at school start/leaving times.

2.2 The surrounding land is in residential use and is within the Holmebrook area of Chesterfield. The immediate surroundings of the site are defined by the terraced housing, most having no off-road parking.

### 3.0 **RELEVANT SITE HISTORY**

3.1 The only relevant Planning History is the previous permission - CHE/18/00697/OUT - Erection of four houses with enclosed gardens, designated off road car parking and communal bin stores with new access from Sydney Street - Approved 08.01.2019

### 4.0 **THE PROPOSAL**

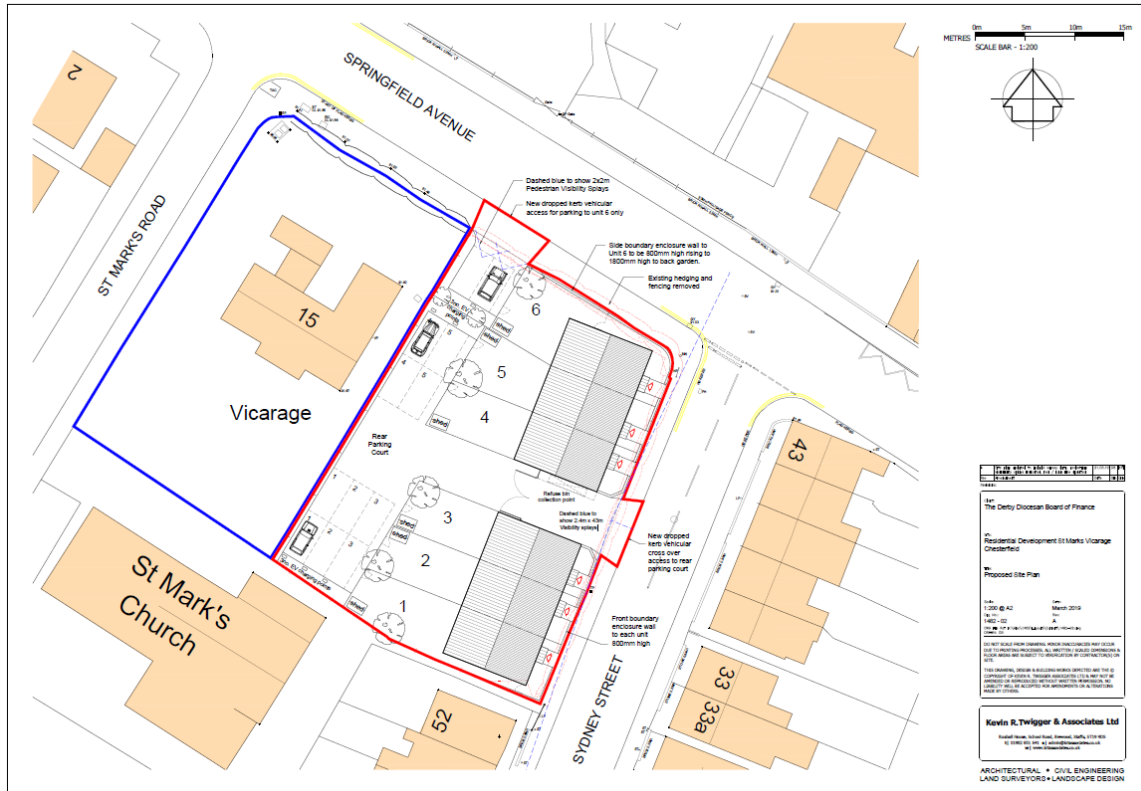
4.1 The application submitted seeks full planning permission for the erection of 6 dwellings in 2 blocks of 3 houses, of 2-storey proportions.

4.2 The development will be served by 2 new accesses on to Sydney Street and Springfield Avenue. The main access on to Sydney Street is to serve 5 of the 6 units - with a communal turning area - and each dwelling has 2 parking spaces (as tandem parking), access to the rear garden, a storage shed and a bin-storage area.

4.3 The dwellings are 3 bedroomed units with a front entrance porch and modest rear gardens.

4.4 The terraced dwelling at the northern end of the site has its own access drive on to Springfield Avenue, with 2 parking spaces as a side-by-side arrangement, a larger garden access to the rear garden, a storage shed and a bin-storage area. It would be private by means of an enclosing side wall 1.8m in height.

4.5 The Proposed Site Layout is shown below



The proposed plans and elevations are shown below:-



4.6 The application submission is supported by a Design and Access Statement which concludes that:-

- The development will make a positive contribution to the character of the area. The proposal has taken into account the design considerations of the surrounding area and existing site. It is considered sympathetic to the character and appearance of the surrounding area, creating a community with a 'sense of place';
- The development will provide Quality of Design;
- Create a sense of place by responding to the character and appearance of the existing residential area;
- Integration with the community;
- Reflect the existing density, form, height, materials of the local area;
- Create a development which respects the amenities and privacy of the surrounding houses;
- Create suitable access point and entrance feature into the site;
- Integrate the development into its surroundings and the local community;
- Access and Movement and Car Parking;
- Provide a safe access with low traffic speeds;
- Provide sufficient off street parking for residents;
- The details set within this design and access statement considers that the proposed scheme will positively integrate within the neighbourhood and provide additional housing for Chesterfield.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated within West ward in an area which is unallocated in the Local Plan and is predominantly residential in nature.

5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality),

CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS18 (Design) and CS20 (Demand for Travel) 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.

## 5.2 **Principle of Development**

### **Local Plan Spatial Strategy**

- 5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are viewed to be in date and relevant to the proposal.
- 5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking distance, the site is around 950m to the west of Chesterfield Town Centre and 150m to the north of the Chatsworth Road District Centre and is close to the Primary school via a well-used and lit route. Given the distance and route, this is considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There are bus stops in close proximity and good cycle routes to the centres.
- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites. In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **CS10** states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.” As the council is currently able to demonstrate a five year supply of deliverable housing sites, policy

CS10 would indicate that planning permission should *not* be granted for the development of residential gardens or small scale greenfield urban infill plots such as that proposed. Accordingly the proposal would not strictly accord with policy CS10, and whilst favouring the development of previously developed sites, the NPPF is not so restrictive as to rule-out the development of greenfield sites.

5.2.5 In this case the use of this land for housing purposes has already been accepted with an outline planning permission granted this year. It is the case however that the current application is a full submission rather than a reserved matters submission and local plan policy on the principle can therefore still be taken account of. Given that the Local Plan has relevant policies that are not out of date there is no strict requirement to apply the approach of the presumption in favour of sustainable development as set out in policy CS3 and paragraph 11 of the NPPF.

5.2.6 In this case when considering policies CS1, CS2 and CS10 together, there is a tension between policy CS1 and CS10. The proposal would accord with policy CS1 and the majority of the criterion in policy CS2 would also be met. However, it would not accord with CS10. In such a circumstance it is for the decision maker to attribute weight to the policies taking into account the facts of the particular case and in this instance it would seem reasonable to apply greater weight to policy CS1 than CS10 on the basis that (in a cumulative manner): -

- The majority of criteria in policy CS2 are met;
- The site is within reasonable walking distance of a local centre;
- The site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or 'open countryside' functions so its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality;
- The application site is situated within a residential area close to a school;
- It would add to the availability of housing land – boosting supply as required by the NPPF, and provides modest-sized 3 bedroomed family housing;
- The site already has the benefit of an extant consent which establishes the principle of development of the site;

- Given the above the proposal would not prejudice the spatial strategy and strategic objectives.

5.2.7 Having regard to the above therefore whilst the proposal would not accord with policy CS10 and criterion (b) of CS2 due to it not being previously developed land, the proposal is in accordance with the Spatial Strategy and policy CS1 and meets the majority of criteria in policy CS2.

5.2.8 Whilst weight should be given to policies CS10 and CS2, it seems reasonable to give greater weight to policy CS1 (when considering purely the principle of development) in this particular instance, having regard to the small scale of the proposed development, its location and the degree to which it otherwise meets the requirements of CS1 and CS2 and the NPPF and therefore on balance it is considered that the principle of development is acceptable.

### 5.3 **Design and Appearance**

5.3.1 In respect of design and appearance matters the application, the site provides 3-bedroomed family housing in a compact form and the 2 storey terraced blocks as proposed to reflect closely the surrounding character of the terraced houses in Sydney Street.

5.3.2 The dwellings are set-back slightly from the highway with a modest front forecourt with an 800mm high boundary wall and which is similar to the existing housing on the street.

5.3.2 The design is considered to be appropriate in the street scene and the off-road parking, bin-stores and sheds are well screened at the rear and the scheme is visually acceptable.

5.3.4 There are no design matters related to the application which would materially affect crime, disorder or policing,

5.3.4 It is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2 and CS18 of the Core Strategy, the wider NPPF and the Successful Places Design Guide.

### 5.4 **Highways Issues**



- 5.4.1 Whilst the representations received make particular reference to highway safety and in particular, traffic and parking concerns, the development provides adequate visibility splays at the accesses, and off-road parking for each dwelling.
- 5.4.2 The amended plans provide improved pedestrian visibility for the single dwelling access on to Springfield Avenue and the site already benefits from permission for 4 dwellings utilising a similar access arrangement. The Local Highways Authority (LHA) raise no objections to the scheme.
- 5.4.3 Whilst there would be a minor loss of on-street parking at the access points, the proposal is acceptable in highway safety terms.
- 5.4.4 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of highway safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.

## 5.5 **Flood Risk & Drainage**

- 5.5.1 In respect of matters of drainage and potential flood risk, the site does not fall within a flood-risk zone, and the run-off from the site during rainy conditions can be controlled, and the proposal will not impact on drainage or off-site flooding.
- 5.5.2 Whilst **CBC Drainage Section** have indicated that drainage details have not been provided, Yorkshire Water have no objections and drainage can be subject to conditions, and the development complies with the provisions of policies CS2 and CS7 of the Core Strategy.

## 5.6 **Land Condition/Noise(Inc. Neighbouring Impact / Amenity)**

- 5.6.1 The site the subject of the application comprises the former garden area of the adjacent St Mark's Vicarage, and not considered to be 'at risk' from contamination, having regard to policy CS8 of the Core Strategy.
- 5.6.2 In respect of land condition the site lies outside of the Coal Authority's defined high-risk area and a mining report was provided with the previous application, and whilst intrusive investigation will

be needed to determine the type of foundations needed, the site is not one where development should be restricted and subject to conditions. It is considered that the development complies with the provisions of policies CS2 and CS8 of the Core Strategy.

5.6.3 The Council's **Environmental Health Officer** (EHO) raises no objection subject to a working-hours condition for the construction.

5.6.4 The position of the dwellings is such that no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy and no undue noise/disturbance would arise from the use of the accesses.

5.6.5 Subject to the above controls identified above, the proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 of the Core Strategy.

## 5.7 **Other Considerations**

5.7.1 Ecology - The only other issue is the loss of the boundary hedging (the trees on the site had previously been cleared as they were not protected), and the impact on wildlife habitat, although the loss of the hedges would have resulted from the 'approved' scheme, granted permission at the January Committee, however, being the garden to the Vicarage, they are not subject to control under the Hedgerow Regulations and could be removed in any event, and the Council has no control over their removal.

5.7.2 The CBC Tree Officer and Derbyshire Wildlife Trust expressed concerns that the previous scheme would result in a loss of habitat, although it was considered that this could be off-set by new landscaping and the use of mitigation measures (nest-boxes).

5.7.3 Subject to conditions – as previously imposed - it is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

## 5.8 **Community Infrastructure Levy (C.I.L)**

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.

5.8.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space [GIF] as follows:

Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
469	0	469	£50 (medium Zone)	307	288	£24,997

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by means of neighbour letters (publicity period expired 06 May 2019).

6.2 As a result of the applications publicity, 2 letters of objection have been received from residents of Sydney Street along with an un-addressed letter of support, which make the following points:-

- Support the buildings appearance, they are in-keeping with the surrounding areas
- Object to the above planning application on the following grounds:-
- The only entrance to the development needs to be on Springfield Avenue because Sydney Street is too narrow to allow safe entry and exit from the site, the traffic at school drop off and pick up times is already chaotic and dangerous. The highways department need to review this as a matter of urgency;
- The parking on Sydney Street is already very limited with few residents having off-road parking and losing space will impact on all the residents on the street. Our cars are often damaged when parked in the street – the Sydney Street access will only worsen the situation;

- School staff also use the limited roadside parking. Suggest that you return and visit the street at school start or finish times to see for yourself what chaos already exists?
- I fear that there will be accidents and that a child may be hurt if the entrance is not on Springfield Rd which is wider, quieter and has a better view of oncoming traffic. Children already struggle to cross with many 'near-misses';
- The noise and pollution levels from increased traffic activity on Sydney St will be harmful to health and disruptive to sleep for the night workers who live opposite the proposed development;
- The beautiful hedge will be lost which is home to many species of birds and small animals. We have already lost the trees and do not want to lose the hedge and the birds - Why can the hedge not be preserved?
- The trees have been lost and they had Tawny-Owls residing in them – other wildlife would be lost from the hedges
- The row of six houses will create lack of privacy for the residents living in them and opposite them. Why can the development not face Springfield Avenue preserving everyone's privacy?

6.3 The above comments are responded to in the main report above and do not raise issues which can justify a reason for refusal.

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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 National Planning Policy Framework (NPPF).
- 8.2 Following changes to the Site Layout as a result of pedestrian visibility concerns, and 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

## 9.0 **CONCLUSION**

- 9.1 The proposed development is considered to be an appropriate re-use of this infill site, which already has the benefit of outline permission, and the development has been sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS18, and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.
- 9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS2, CS8, C9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

10.0 **RECOMMENDATION**

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

**Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.  
  
Drawing Number - 1482-01 Rev A - Location/Site Plan;  
Drawing Number - 1482-02 Rev A - Proposed Site Plan;  
Drawing Number - 1482-03 Rev A - Proposed Ground and First Floor Plans and Elevations,  
Drawing Number - 1482-04 - Indicative External Shed.
03. No development shall occur above floor-slab/D.P.C level until details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved have been submitted to, and approved in writing by the Local Planning Authority. 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.
04. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
05. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 3:30pm on a Saturday and at no time on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

06. Prior to the occupation of the dwellings hereby approved, the proposed vehicular accesses to Sydney Street and Springfield Avenue, shall be created in accordance with the application drawings, laid out, constructed and provided with 2.4m x 4.3m visibility splays in both directions, and with 2m x 2m pedestrian splays, the area in advance of the sightlines being 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.
07. There shall be no gates or other barriers within 5m of the nearside highway boundary at the vehicular access and all gates shall open inwards only.
08. No dwelling shall be occupied until the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
09. No development above floor-slab/D.P.C level 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. These details shall conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to  
i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and  
ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

12. 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;
- o The submission of a scheme of intrusive site investigations for approval;
  - o The undertaking of that scheme of intrusive site investigations;
  - o The submission of a report of findings arising from the intrusive site investigations;
  - o The submission of a scheme of remedial works for approval; and
  - o Implementation of those remedial works.

13. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing trees and plants to be planted:
- b) proposed hardstanding and boundary treatment:
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.

14. No development above floor-slab/D.P.C level shall take place until an ecological survey report for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall be undertaken by a suitably experienced and qualified ecologist, to not only determine the existing ecological interest of the site but to also devise a strategy that enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This



could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwellings.

15. A residential charging point shall be provided for each dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

### **Reasons for Conditions**

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. 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. In the interests of residential amenities.
04. 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 in the interest of visual amenity.
05. In the interests of residential amenities.
06. In the interests of highway safety.
07. In the interest of Highway safety
08. In order to ensure adequate parking in the interest of free-flow of traffic and highway safety.
09. To ensure that the development can be properly drained.
10. In the interest of satisfactory and sustainable drainage.

11. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
12. In the interests of coal mining legacy and safety. This condition is a 'pre-commencement' condition and is required to be so in the interest of public safety, as the construction of the dwellings may need to involve special foundations or other measures, that would only be apparent following completion of the required investigation.
13. In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality.
14. In the interests of ecology.
15. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

### **Informatives**

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.