

ITEM 1**REVISED SCHEME FOR 1 DETACHED DWELLING (DRAWINGS SUBMITTED 28.09.2023) AT LAND AT CROSS LONDON STREET, CROSS LONDON STREET, NEW WHITTINGTON, CHESTERFIELD, DERBYSHIRE**

Local Plan: Unallocated

Ward: Whittington

1.0 CONSULTATIONS

Ward Members	Councillor Thornton – asked to represent residents of Cross London Street as they have objections to the planning application. Would like to attend the planning committee meeting to put forward the residents concerns.
Strategic Planning	Development is acceptable in principle. The site is located in proximity to range of key services and access to public transport links. Public amenity space is located 350m from the site and the Trans Pennine Trail is approximately 500m from the site (CLP1). The proposal would also accord with CLP2 criteria a) to h) owing to compliance with spatial strategy, utilisation of land and accessibility to public transport/active transit routes. Appropriate conditions should be used to cover: the water efficiency standard, the provision of electric vehicle charging points, secure cycle parking and the provision of a measurable net gain for biodiversity. The development would be CIL liable.
Environmental Health	No adverse comments to make. Condition controlling hours of construction recommended due to proximity to residential dwellings.
Design Services Drainage	The site should be developed using separate systems of foul and surface water drainage. Sustainable drainage principles should always be the first option in the hierarchy of surface water disposal. Any new connections to the public sewerage system will require prior approval from Yorkshire Water

The Coal Authority	Site does not fall within the Development High Risk Area, standing advice applies
Local Highway Authority	There are no highway safety objections to the above mentioned planning application as long as the description on the planning portal is amended to propose 1 dwelling instead of 3 dwellings. Conditions and informative notes recommended
CIL Officer	CIL paperwork provided
Representations	6 letters of representation submitted between 26.05.2023 and 20.06.2023 from 8 neighbours with comments made on the basis of the original proposal for 3 dwellings. The neighbours were re-consulted on the revised scheme for 1 dwelling and no further letters of representation have been received. All representations submitted contain concerns regarding material planning considerations and therefore will still be considered as part of the committee report in section 6.0 below.

2.0 THE SITE

- 2.1 The site subject of this application is situated on the north side of Cross London Street. The site is broadly rectangular in shape and a turning head serving the street forms the site frontage. Fixed bollards to the east of the site prevent vehicular access to Albert Street, turning Cross London Street into a cul-de-sac. The site extends to approximately 0.02 hectares in area (240m²) overall. Historical imagery suggests the site has been vacant since at least 2007.
- 2.2 The surrounding streetscene comprises of predominately terraced residential dwellings. New Whittington Community Primary School is located to the north of the site. The site is in a sustainable location approximately 200m walking distance of New Whittington service centre which offers a range of facilities and services. The application site is not allocated for a specific use on the Chesterfield Borough Council adopted local plan policies map 2018-2035 and is within the defined built up area (Policy CLP3).



Aerial photograph of site taken from Google ©



Site photographs

3.0 **SITE HISTORY**

- 3.1 CHE/1286/0737 - Permission for change of use to doctors surgery chemist shop / pharmacy and car park at 12 Cross London Street & land adjacent New Whittington Chesterfield for Dr. B. Singh & Mr. Mason – **Conditional permission (26.02.1987)**

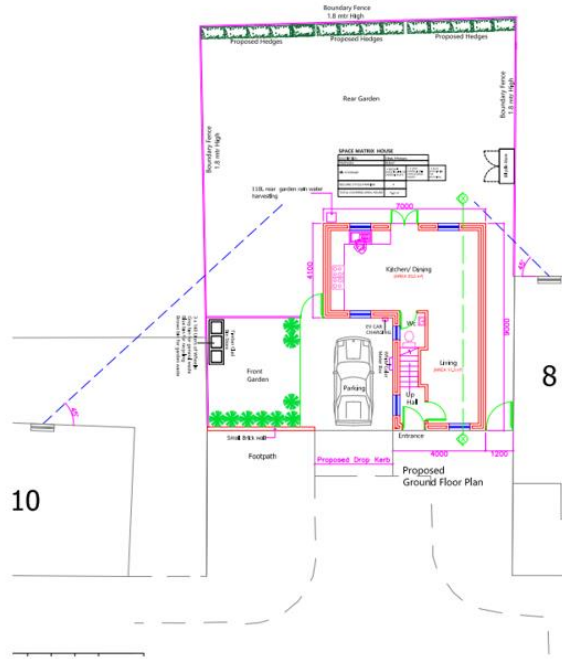
4.0 THE PROPOSAL

- 4.1 The revised application proposes the erection of one detached dwelling. The original scheme submitted (15.05.2023) proposed a row of three dwellings forming a terrace and resulted in the loss of the turning head serving Cross London Street. Amended plans were provided on the 22.05.2023 following discussion between the Agent and the Local Highways Authority (Derbyshire County Council) legal team. It was subsequently confirmed that development was prohibited on the land serving the turning head and pavement. The scheme proposed moving the 3 dwellings 2m further north in the site to retain the turning head (drawings dated 22.05.2023)
- 4.2 The Local Planning Authority raised concerns regarding the proposed scheme for three dwellings stating that the submission was considered to be an overdevelopment of the plot, resulting in adverse impacts on highway safety, parking provision and would add pressure to existing on-street parking spaces. Further concerns were also raised regarding potential impacts on the amenity of existing residents, separation distances between the proposed dwellings and existing properties. The overall design, height, scale, massing, orientation and siting/layout of the scheme was considered to be unacceptable.
- 4.3 In response to the concerns raised by the Local Planning Authority the agent submitted revised plans on the 28.09.2023 proposing one dwelling on site with revised site layout and parking plan. The application is assessed on the basis of the revised plans for a single dwelling.

Revised plans for one dwelling

- 4.4 The application proposes a two storey detached 'L-shaped' dwelling, comprising of an open plan kitchen/dining/living room at ground level with two bedrooms (one with en-suite), bathroom and a store room at first floor. Additional storage space is also provided within the loft space. The gross internal area of the dwelling is approximately 84sqm overall (including additional storage space in loft).
- 4.5 The proposed dwelling is served by a large garden which exceeds the minimum recommended size for private amenity space. A small front garden area is proposed to provide space to store bins enclosed by a small brick wall. The enclosed front garden space will also ensure the pavement/footpath remains accessible with a single point of vehicular access and dropped kerb from the turning head. The proposal also includes electric charging provision and secure bicycle storage in the rear garden.

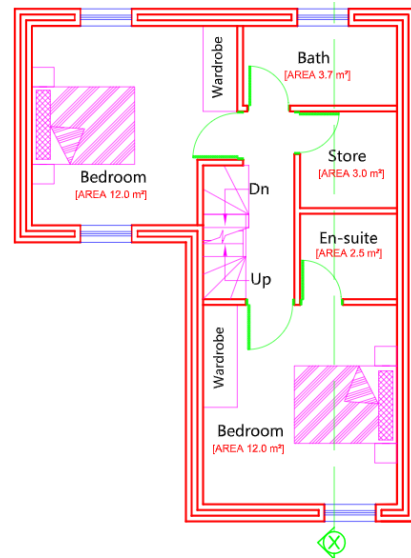
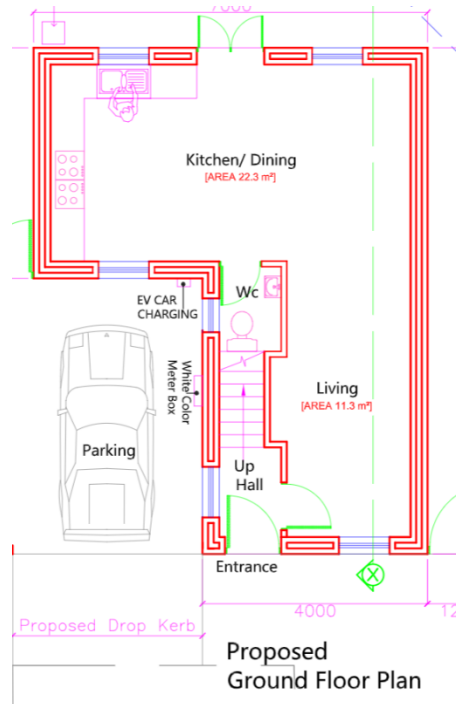
Proposed Site Plan



Proposed Streetscene

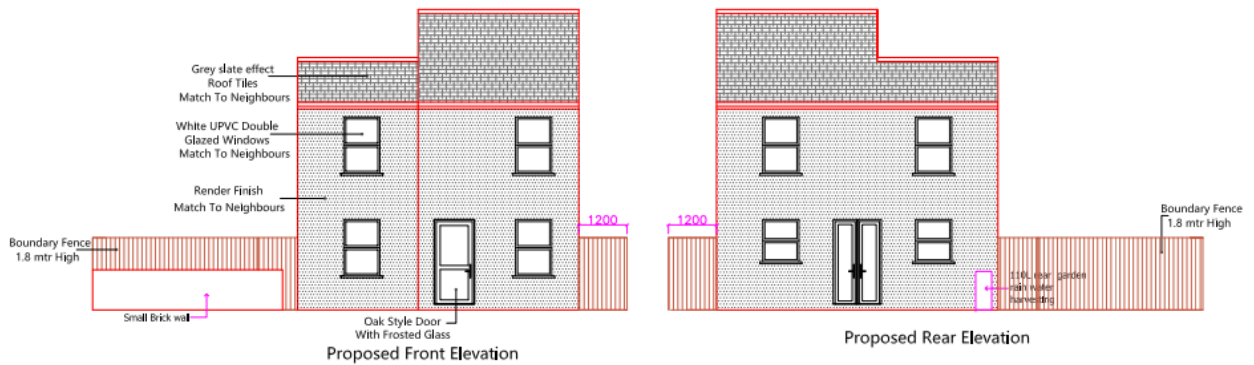


Proposed Floorplans

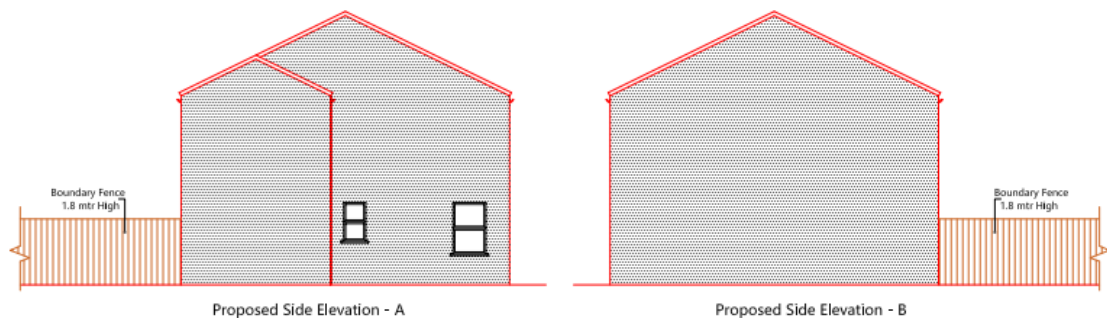


Proposed First Floor Plan

Proposed Elevations (Front and Rear)



Proposed Elevations (East and West side)



- 4.6 The design of the proposal responds to the character of the prevailing built form. The proposal comprises of 2 storey building with dual pitched roof and side gables. Submitted plans indicate red facing brick with grey slate effect roof tiles and white upvc windows.

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 Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP3 Flexibility in Delivery of Housing
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure

- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF) 2023
 - 5. Delivering a sufficient supply of homes
 - 8. Promoting healthy and safe communities
 - 9. Promoting sustainable transport
 - 12. Achieving well-designed places
 - 15. Conserving and enhancing the natural Environment
- ‘Successful Places’ Supplementary Planning Document

5.4 **Principle of Development**

Relevant Policies

- 5.4.1 The application site is unallocated and is positioned within the built up area of New Whittington therefore policies CLP1 and CLP2 are of relevance.
- 5.4.2 Policy CLP1 states that *‘The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas.’*
- 5.4.3 Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council’s Spatial Strategy (policy CLP1);*
 - b) are on previously developed land that is not of high environmental value;*
 - c) deliver wider regeneration and sustainability benefits to the area;*
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
 - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals*

*Local Plan and shown on the Policies Map;
h) are not on the best and most versatile agricultural land;'*

- 5.4.4 The principle of development however remains compliant with the latest version of the NPPF.

Considerations

- 5.4.5 The application site is unallocated and is positioned within the built up area of New Whittington therefore policies CLP1 and CLP2 are of relevance. The Planning Policy/Strategic Planning team reviewed the application and confirmed that the proposal would not be a departure from the Local Plan and would accord with the broad location principles of the Local Plan policies CLP1 and 2 and the NPPF.
- 5.4.6 The application site is located within walking and cycling distance of key services located in the defined New Whittington service centre with access to public transport therefore the proposal is considered to accord with the principles of CLP1. Public amenity space is located 350m from the site and the Trans Pennine Trail is approximately 500m from the site. The proposal would also accord with CLP2 criteria a) to h) owing to compliance with spatial strategy, utilisation of land and accessibility to public transport/active transit routes.

5.5 Design and Appearance of the Proposal

Relevant Policies

- 5.5.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context 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.'*
- 5.5.2 Successful Places SPD provides further guidance on minimum standards and design considerations.

Considerations

- 5.5.3 The application proposes the erection of a 2 storey building formed of a L-shaped footprint positioned towards the eastern boundary of the site. The proposal is set back from Cross London Street and is served by off-street parking for one vehicle. The revised proposal has been designed to respond to the traditional architectural character of the surrounding dwellings with a dual pitched roof form and side gables.

- 5.5.4 The dwelling will be faced in brick with slate effect roof tiles to match the prevailing palate of materials. The building is 2 storeys in height. The scale and massing are considered to be acceptable within the site context. It is recommended that a condition be imposed requiring the submission of specific materials (roofing and walling) and windows prior to ordering.
- 5.5.5 The proposal will create a dwelling which would provide acceptable levels of living accommodation for future occupiers. The dwelling will have a rear garden which significantly exceeds the minimum recommendations for a two bedroom dwelling. Landscaping details have been provided indicating areas of proposed planting, hard surfacing and boundary treatment. Specific details of type/numbers of plants and materials have not been provided and therefore should be controlled by condition.
- 5.5.6 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and the Council's SPD

5.6 Impact on Residential Amenity of Surrounding and Future Occupiers

Relevant Policies

- 5.6.1 Local Plan policy CLP14 in part states that '*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts*'.
- 5.6.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*'

Considerations

- 5.6.3 The application site is predominately bound by residential and commercial premises. The revised scheme now proposes one dwelling with amended footprint and overall massing to mitigate impacts on the amenity of the surrounding occupiers. Windows have been limited to ground floor only in the west (side) elevations to minimise potential overlooking impacts. The revised scheme provides a larger rear garden which helps to provide additional separation between existing properties and the proposed dwelling.

- 5.6.4 The revised site plan proposes a small increase to the width of the access path between the side elevation of the dwelling and No 8. The revised plan indicates the proposal will accord with the 45 degree rule in respect of windows serving No 8 Cross London Street.
- 5.6.5 It is recommended that conditions requested by the Environmental Health Officer covering construction working hours be imposed on the decision in the interests of the amenity of the surrounding occupants.
- 5.6.6 Having consideration for the observations above the proposal is considered to be appropriately designed and subject to conditions would not cause any significant injury to the residential amenity of the other boundary sharing neighbours. The proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Highways Safety, Vehicle and Cycle Provision and Air Quality

Relevant Policies

- 5.7.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking;*' and '*h) provide safe, convenient and attractive environment for pedestrians and cyclists*'.
- 5.7.2 Local Plan policy CLP22 details the requires '*To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision*' and seeks '*e) provision of opportunities for charging electric vehicles where appropriate.*'

Considerations

- 5.7.3 The revised scheme seeks to retain the turning head and provide off-street parking for one vehicle. Access to the parking space will be taken from the turning head and as such it is considered this will serve to prevent vehicles parking in the turning head and will ensure it remains available for use.
- 5.7.4 The Local Highway Authority were consulted on the original scheme and raised concerns regarding the proposal. The Highway Authority were consulted on the revised scheme for one dwelling and raised no objections subject to conditions. Conditions were requested covering the following; pre-commencement construction management plan, creation of new vehicular access before any other operations are commenced, provision of parking space in accordance with plans prior

to occupation of dwelling, no gates/barriers on the driveway and gradient of the driveway.

- 5.7.4 The comments from the Local Highways Authority have been noted. It is recommended that the conditions proposed by the Highways Authority be imposed on the decision with the exception of the condition covering the gradient of the parking space. The submitted drawings indicate that the site will be levelled as part of the development therefore it is anticipated that the parking space can be provided at an acceptable gradient.
- 5.7.5 The applicant has provided a revised plan showing electric charging provision on site, as electric charging provision is now covered by building regulations it is no longer necessary to impose this requirement by condition.
- 5.7.6 The revised scheme also includes secure cycle storage in the rear garden, which should be controlled by condition.
- 5.7.7 Subject to conditions covering the matters raised above the proposal is considered to accord with the requirements of CLP20 and CLP22.

5.8 Flood risk, Drainage and Water Efficiency

Relevant Policies

- 5.8.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals and site allocations will:*
- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
 - b) be directed to locations with the lowest impact on water resources;*
 - c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- 5.8.2 Local Plan policy CLP13 states that *'Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.'*

Considerations

- 5.8.3 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council's Design Services (Drainage) Team for comments in respect of flood risk and drainage/waste water
- 5.8.4 The Design Services (Drainage) Team reviewed the application and highlighted that the site is not shown to be at risk of flooding according to the Environment Agency maps and requested to see full drainage details prior to full approval of how the developer intends to dispose of surface water and foul drainage from the site. The site should be developed using separate systems of foul and surface water drainage. Sustainable drainage principles should always be the first option in the hierarchy of surface water disposal. Any new connections to the public sewerage system will require prior approval from Yorkshire Water.
- 5.8.6 Subject to the imposition of relevant conditions covering water efficiency the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.9 **Ground Conditions**

Relevant Policies

- 5.9.1 Local Plan Policy CLP14 requires consideration of land stability, coal mining risk and land contamination.

Considerations

- 5.9.2 The application site is not located in an area considered to be at 'high risk' of former Coal Mining Legacy therefore standing advice applies. The Council's Environmental Health Officer raised no concerns were raised regarding land contamination requiring further information. The proposal is therefore considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

5.10 **Biodiversity including Trees and Landscaping**

Relevant Policies

- 5.10.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity;*
 - *and*
 - *provide a net measurable gain in biodiversity'*

5.10.2 The NPPF also requires net gains in biodiversity (paragraph 180 d).

Considerations

5.10.3 The site previously comprised of scrub with self-set trees, some site clearance has recently been undertaken to remove self set trees. The existing site therefore has limited biodiversity value.

5.10.4 The application is supported by a proposed landscaping and site boundary treatment plan however this does not go into extensive detail regarding the number of plants/species etc. It is recommended that a detailed landscaping plan be submitted with additional measures to enhance biodiversity in accordance with the information contained within the submitted appraisal. It is considered that there is scope for new planting within the site including potential for wildlife friendly planting and native hedge to provide enhanced botanical diversity and food sources for wildlife. Additional biodiversity enhancements such as bat bricks/roosts built within the house and swift bricks to encourage nesting birds should be included.

5.10.5 It is therefore recommended that a condition be imposed requiring the development to demonstrate a measurable net gain in biodiversity in accordance with the requirements of CLP16 and the NPPF.

5.11 Developer Contributions and Community Infrastructure Levy

5.11.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and is therefore CIL Liable.

5.11.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
Development type	Proposed floor space (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 2020	CIL Charge
Residential (C3)	84	0	84	£50.00 (Medium Zone)	355	288	£5177

Calculation:

CIL Charge (E) is calculated as outlined below:

$$\frac{\text{Net Area (A) x CIL Rate x BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of charging schedule) (D)}}$$

Therefore, the CIL charge liable for this application is as follows:

$$\frac{84 \times \text{£}50 \times 355}{288} = \text{£}5177$$

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters. 6 letters of representation submitted between 26.05.2023 and 20.06.2023 from 8 neighbours with comments made on the basis of the original proposal for 3 dwellings. The neighbours were re-consulted on the revised scheme for 1 dwelling and no further letters of representation have been received. All representations submitted contain concerns regarding material planning considerations, therefore the main points raised are summarised below (letters available to read in full on website);

- **Highway safety/parking concerns**

- Cross London Street is a small road with already insufficient parking. There is nowhere else to park around the road due to the surrounding roads also having residential homes. It's already difficult to park on the street for the residents as it is, if this goes ahead, 5 parking spaces will be taken and more spaces will be taken if the new residents have more than one car.
- Only one property on Cross London Street has off-street parking, all remaining properties rely on on-street parking.
- The building will also remove the turning point of the road which is currently a cul de sac. This will then mean cars reversing out of the street onto another road which causes safety issues with poor visibility.
- The Applicants "Design and Accessibility" document section "Local Parking stress analysis" total misrepresents the true nature of this area. (a.) Their analysis is based on satellite imagery taken at midday (northerly shadows on all images) at this time most car owners are at work. The picture is totally different on evenings, nights and weekends, with all available parking spaces used and resident having to park in neighbouring streets. Also, at school drop off and pickup time the availability of parking can cause dangerous interactions with the large numbers of pedestrians who walk to and from the school. (it should also be noted that the school entrance to the rear from back south street has not been considered. (b.) They have identified parking spaces available at the lowest parking stress time to present a less than 50 percent stress level. They

have included 8 available spaces on Back South Street to achieve this figure where there are none. Vehicular access to Back South Street is by Easement for limited use only. The parking spaces available are for the sole use of the occupants of the bungalows on South Street. The other two spaces identified would totally block vehicle access to Back South street. The markers on the image supplied (are on the Kitchen and garden of No 2 Cross London Street.

- The Applicant stresses the lack of incidents in the area by referencing the "Crash Map" Data. The development during the construction phase and use of the site could impact this. It should be considered that this street is currently a safe walking route to the school, both entrances London Street and Back South Street could be impacted. In particular: (a.) Vehicles having to reverse back out of Cross London street and out on to London Street. With no turning space available this would be inevitable. (b.) Proposed house 3 does not have the required visibility splay to cross the pavement. At times this pavement is very busy with children, parents and prams. Cars from this property also would not be able to reverse in so would have to reverse out further reducing the splays and have no space in the road to turn. The other two properties may also drive in forwards so would have to reverse out on to a busy pedestrian area without having the benefit of guaranteed viability splays at all times.
- Cross London Street has a total of 20 residential dwellings and a small block of flats, and is a narrow Cul De Sac divided into two halves, by bollards and a pedestrian area. The half affected, has 13 of these houses. There is already insufficient parking along the street, and the development will exacerbate this situation. Only one household has a drive on which to park their vehicle (No 10), whilst all other vehicles have to park in the little available space there is. Most of the households have at least 2 vehicles, leading to parking on adjacent streets, occurring frequently. The half affected by the above proposed development, has a turning a space at the end. Therefore, this space will disappear if the development goes ahead, and the Street will not be wide enough for any vehicle to attempt to execute a 3 point turn without this available turning space, due to the number of vehicles parked along the street. Thus ensuing them to either reverse onto the street or reverse off the street. Reversing off Cross London Street on London Street, would be a safety issue as it is at a right angle to Cross London Street, or onto Fallowfield Road. The highway code also notes: Do not reverse from a side road into a main road. Both of these roads have impaired visibility due to having numerous vehicles parked on them, including some from Cross London Street. As a household, we have already suffered financial losses, on several occasions, due to vehicles

reversing or driving into our parked vehicles, whilst attempting a three point turn. Access for emergency vehicles is already somewhat reduced and the above mentioned development would cause this reduced access to become severely restricted.

- **Amenity impacts – overshadowing/loss of privacy**
 - objection as no development should intrude over a line drawn at an angle of 45° in the horizontal plane from the midpoint of the nearest window of a habitable room - the Applicant's revised plan falls foul of this code as they have omitted from their drawing my kitchen window to the back of my property no.10 Cross London Street.
 - The building will be block light to properties either side and the occupants will lose privacy
 - The houses proposed to being built will take away the privacy of my home and other homes and will be looking straight into our bedroom windows. The top floor of these 3 new builds will be affecting number 13, 15 (my house) and 17s privacy as their top floor will be looking into our bedrooms
 - The houses will also be looking over onto the school playground which I expect most parents wouldn't like. New Whittington Primary School is at the bottom of the development site, and the Playground and Classrooms will be overlooked. This is an issue regarding the welfare and safety of the children
- **Disruption/safety concerns during construction**
 - With regards to the actual building of the properties, the road is not designed for large lorries, and this would also disrupt the parking and residents that live on the road. When building the houses, it will make it getting onto our own street horrendous as we won't be able to park or get up and down it with ease due to work vans, material delivery trucks and even skips.
 - There would be significant noise and disruption from the building works and construction traffic, and the street is not wide enough to cope with large delivery vehicles and construction vehicles.
 - Cross London Street is also frequently used by parents and guardians of school children attending New Whittington Primary School, as a safe drop off and pick up point. Many children regularly walk along the street before and after school, and the construction vehicles would pose a threat to their health and safety, compromising a safe route to school.
- **Use of land**
 - The land has never been used for residential use and use to have a church on it. This land could be used for better use e.g. more parking, nature reserve, patch of grass for the children to play on, flower garden.
 - The site of the land in the proposed development, has never been used for residential properties. Online records show that the land used to house a local Methodist Church and Sunday School. We

have already had a lack of consideration and respect when the land was being cleared

6.2 Officer comments – the above comments have been noted

- **Highway safety/parking concerns** - revised plans submitted seek to retain the turning head and provide dedicated off-street parking for one dwelling. Access to the parking space is taken from the turning head which should prevent parking in the turning facility. No highway safety concerns have been raised by the Local Planning Authority subject to conditions as set out.
- **Amenity impacts** – the revised scheme proposed a single two storey dwelling which is set back from the turning head creating a larger separation distance between existing dwellings. The massing and scale of the development has been reduced which serves to lessen potential impacts of overshadowing/loss of light to adjacent properties.
- A separation distance of approximately 21m exists between the rear elevation of the proposed dwelling and the boundary of the School to the north. The separation distance accords with the generally accepted principles as set out in the adopted SPD.
- **Disruption/safety concerns during construction** – disturbance during construction is controlled via conditions on operating hours and vehicle management as recommended.
- **Use of land** – requests for alternative land uses have been noted. Each application is assessed on its own merits.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

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

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2023 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

8.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 **CONCLUSION**

9.1 The application site is situated in a sustainable location and the proposal would introduce additional housing within the existing built up area of New Whittington and therefore meets the strategic requirements of Local Plan policies CLP1, CLP2 CLP3 and the NPPF. Subject to conditions the proposal will therefore accord with the provisions of policy Local Plan policies CLP14, CLP20 and CLP21. Adequate off-street parking is proposed as part of the development and retention of turning head with secure cycle parking for future occupants, therefore subject to conditions the proposal therefore accords with the requirements of CLP20 and CLP22. Subject to conditions the proposal is considered to accord with the principles of CLP13, CLP14, CLP16 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

Standard time frame

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

Reason - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All

external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Site Location Plan, drawing number 113
- Proposed Ground Floor Plan, drawing number 101 (dated 05.09.2023)
- Proposed First Floor Plan, drawing number 102 (dated 05.09.2023)
- Proposed Loft Plan, drawing number 103 (dated 05.09.2023)
- Proposed Roof Plan, drawing number 104 (dated 05.09.2023)
- Proposed Front and Rear Elevations, drawing number 105 (dated 05.09.2023)
- Proposed Side Elevations, drawing number 106 (dated 05.09.2023)
- Proposed Street Scene, drawing number 109 (dated 05.09.2023)

Reason - In order to clarify the extent of the planning permission.

Pre-commencement construction management plan

3. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Arrangements for turning vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason – In the interests of highway safety in accordance with Local Plan policies CLP20 and CLP22.

Creation of access prior to commencement of other operations

4. Before any other operations are commenced a new vehicular access shall be created to Cross London Street in accordance with the application drawing 101.

Reason – In the interests of highway safety in accordance with Local Plan policies CLP20 and CLP22.

Hours of construction

5. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1700 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason - *To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14*

Approval of Materials

6. Prior to the development hereby permitted commencing above foundation level precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason - *To ensure a satisfactory external appearance of the development in accordance with CLP20 and CLP22 of the Local Plan*

Landscaping

7. Prior to the development hereby permitted commencing above foundation level a scheme shall be submitted to the Local Planning Authority for the treatment of all parts on the site not covered by buildings to be 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. Details shall include:
 - a. a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include details of ecologically beneficial landscaping to provide a biodiversity enhancement.
 - b. proposed hardstanding surfacing materials
 - c. elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.
 - d. a schedule detailing sizes and numbers of all proposed trees/plants, sufficient specification to ensure successful establishment and survival of new planting.
 - e. Location and type of bird/bat boxes

Reason - *In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance it in accordance with policies CLP16 and CLP20 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 174 of the National Planning Policy Framework.*

Biodiversity enhancement scheme

8. Prior to the development hereby permitted commencing above foundation level, a scheme (including a programme of implementation and maintenance) to demonstrate an enhancement of the sites biodiversity primarily through the soft landscaping of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The enhancement shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason - *In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 174 of the National Planning Policy Framework.*

Landscaping maintained for 5 years

9. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason- *To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16*

Water efficiency

10. The dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason - *To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 153 of the National Planning Policy Framework.*

Parking provision

11. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings 'Proposed Ground Floor Plan, drawing number 101 (dated 05.09.2023)' for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason - *In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22.*

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage forward of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - *To ensure appropriate visibility is retained with low level boundary treatments across the site frontage in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.*

Bicycle store

13. The development, the subject of the application, shall not be occupied until space has been provided within the application site for the storage/parking of bicycles. Details of the proposed bicycle store shall be submitted to the Local Planning Authority for written approval and shall be installed prior to the occupation of the development and thereafter be maintained free from any impediment to its designated use.

Reason - *In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22.*

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. 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.
3. 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).
4. Section 184 Licence. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.
5. 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.
6. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

7. 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.
8. If construction works are likely to require Traffic Management, advice regarding procedures should be sought from the County Council Traffic Management Team and 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
9. The applicant should be aware that if any of the site is subject to a covenant which protects that land indicated on any approved drawing, obligations on the land owner and the protection of future access and maintenance rights for the Highway Authority which will pass with successors in title.
10. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

11. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
12. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the relevant legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
13. In accordance with conditions 7 and 8 above appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - Bird/owl/bat boxes

- (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
- You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
- The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
- Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
- (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

Species	Potential Enhancement Measure	Notes
Wildflowers	<p>Native wildflower meadow areas: as an alternative to amenity grassland.</p> <p>Wildflower verges.</p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes. Advice for creating and maintaining a wild patch is available on the Wildlife Trust website and through Flora Locale.</p>
Birds	<p>Bird Boxes and other nesting features: (such as stone ledges and wooden cladding).</p> <p>Native species planting and boundary features: Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</p> <p>Generally, boxes should be sheltered from prevailing wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.</p>
Invertebrates	<p>Bug hotels and log piles with stones: particularly near ponds.</p> <p>South facing banks: with some bare ground.</p> <p>Rough or natural stone walls with holes for</p>	<p>Examples of living roof projects are available on the Buglife web page: https://www.buglife.org.uk/our-work/living-roof-projects/</p>

	<p>invertebrates to use. Brown roofs with a range of substrates these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.</p>	
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