



Please ask for Charlotte Kearsey
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The Chair and Members of Planning Committee

Councillors Hollingworth and Rayner -
Site Visit 1

Councillors Hollingworth and Rayner -
Site Visit 2

Councillors D Collins and L Collins –
Site Visit 3

Councillors Bellamy and T Gilby –
Site Visit 4

Councillors Hollingworth and Rayner -
Site Visit 5

22 March 2019

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 1 APRIL 2019 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE FOLLOWING SITE VISITS.

Planning Committee Members should assemble in Committee Room 1 at 12:15pm. Ward members wishing to be present should attend on site as indicated below:-

1. 12:25 Rear of 203 Keswick Drive
CHE/18/00842/FUL

2. 12:45 WM Davis Site, Dunston Road
CHE/18/00805/FUL
3. 13:20 Rear of 36 Bellhouse Lane
CHE/18/00642/FUL
4. 13:45 26 Chesterfield Road
CHE/18/00817/REM
5. 14:10 Rear of 14 Avenue Road
CHE/18/00756/OUT

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it

Ward members are invited to attend on site and should confirm their attendance by contacting Charlotte Kearsey on tel. 01246 345236 or via e-mail: charlotte.kearsey@chesterfield.gov.uk by 9.00 a.m. on Monday 1 April, 2019. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 12)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 13 - 156)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 157 - 170)

6. Applications to Fell or Prune Trees (P620D) (Pages 171 - 176)
7. Appeals Report (P000) (Pages 177 - 180)
8. Enforcement Report (P410) (Pages 181 - 184)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', with a stylized flourish at the end.

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE

Monday, 11th March, 2019

Present:-

Councillor Brittain (Chair)

Councillors P Barr
Bingham
Brady
Callan
Catt
Caulfield

Councillors Davenport
Dickinson
T Gilby
Hill
Sarvent
Simmons

The following site visits took place immediately before the meeting and were attended by the following Members:

CHE/18/00772/FUL - Proposed change of use to community café/pizzeria and alterations to front elevations at former garage and premises, New Queen Street, Chesterfield for Mr C De Girolamo.

Councillors Barr, Bingham, Brittain, Callan, Catt, Caulfield, Davenport, Dickinson, Terry Gilby, Hill, Tom Murphy (ward member), Sarvent and Simmons.

*Matters dealt with under the Delegation Scheme

113 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miles and Wall.

114 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

Councillor Brady declared an interest as his daughter was related to the applicant through marriage.

115 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 18 February, 2019 be signed by the Chair as a true record.

116 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

*The Committee considered the under-mentioned applications in light of reports by the Development Management and Conservation Manager and resolved as follows:-

CHE/18/00772/FUL - PROPOSED CHANGE OF USE TO COMMUNITY CAFÉ/PIZZERIA AND ALTERATIONS TO FRONT ELEVATIONS AT FORMER GARAGE AND PREMISES, NEW QUEEN STREET, CHESTERFIELD FOR MR C DE GIROLAMO

That the officer recommendation be upheld and the application be refused for the following reason:-

1. In the opinion of the local planning authority the proposal is not acceptable having regard to the limited local parking opportunities available for staff and customers and which is likely to result in indiscriminate parking in the area contrary to the best interest of highway safety and residential amenity. The proposal is therefore considered to be in conflict with policy CS2 and CS18 of the Chesterfield Local Plan Core Strategy 2011 – 31 and the wider National Planning Policy Framework 2019.

117 BUILDING REGULATIONS (P880D)

*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

Approvals

19/00167/DEXFP	Loft conversion at 602 Chatsworth Road Chesterfield
18/06532/DEXFP	Single storey extension to the rear at 9 Cranleigh Road Woodthorpe Chesterfield
19/00098/DEXFP	Extension to rear elevation at Pottery House 21

Lancaster Road Newbold Chesterfield

19/00590/DEXFP	Single storey rear extension, installation of stud wall between sitting room and dining room and formation of cloakroom at 95 Manor Road Brampton Chesterfield
19/00658/DEXFP	Single storey rear extension with pitched roof at 7 Craglands Grove Holme Hall Chesterfield
19/00660/DEXFP	Internal alterations at 13 Somersall Lane Somersall Chesterfield
19/00538/DEXFP	Single storey extension to rear, two extensions to side, loft conversion and porch at 4 Miriam Avenue Somersall Chesterfield
18/05964/DEXPI	Two storey side extension at 74 Foljambe Avenue Walton Chesterfield
19/00814/DEXFP	Single storey extension at the rear at 665 Chatsworth Road Chesterfield
19/00961/DEXFP	Removal of loadbearing wall between kitchen and dining room and single storey entrance hallway extension at 1 Cedar Avenue Brockwell Chesterfield
19/00473/DEXFP	Loft conversion at 6 Farnsworth Street Hasland Chesterfield
19/01011/DEXFP	Single storey extension with internal alterations at 78 Hady Crescent Hady Chesterfield
18/03039/OTHFP/1	Fit out of bespoke shell building to form distribution warehouse and associated film preparation and offices at land off Dunston Way Chesterfield

118 **APPLICATIONS FOR PLANNING PERMISSION - PLANS
DETERMINED BY THE DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER (P140D)**

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

CHE/18/00387/FUL	Removal of existing roof structure and formation of new first floor and pitch roof residential extension forming two flats - Revised drawing received 15.06.2018, noise and odour assessments received at 15 Lowgates Staveley Chesterfield S43 3TT for Mr Yakup and U Akyuz and Baris
CHE/18/00630/RET	Timber patio cover over decking at 18 Harehill Road Grangewood Chesterfield S40 2JA for Mr Noel Marsh
CHE/18/00695/FUL	Construction of new 3 bedroom detached house to land at side of 45 Wythburn Road - Revised information received 22.11.18 and as agreed on 31.01.19 at 45 Wythburn Road Newbold Chesterfield S41 8DP for Mrs J Quinn
CHE/18/00736/FUL	Rear single storey flat roof extension, loft conversion with 3 front facing small dormer windows and conversion of garage at 257 Hasland Road Hasland Chesterfield S41 0AA for Mr Liam Gavan
CHE/18/00739/LBC	Proposed internal alterations to ground and basement floors to accommodate new Coroners Courts. Internal non loadbearing metal stud partitions erected to create separation between two court rooms, and separation between Coroners accommodation and third party accommodation at Town Hall Rose Hill Chesterfield S40 1LP for Derbyshire County Council
CHE/18/00755/RET	Retention application - To renew and extend original garage with pitched roof - revised

drawings received 21/01/2019 at L Etacq 37
Belvedere Avenue Walton Chesterfield Derbyshire
S40 3HY for Mr Christopher McHale

CHE/18/00781/COU	Change of use to accommodate Coroners Court on part of the ground floor and basement within the Town Hall at Town Hall Rose Hill Chesterfield S40 1LP for Derbyshire County Council
CHE/18/00818/FUL	Erection of front porch at 14 Carsington Close Holme Hall Chesterfield S40 4RH for Mr and Mrs P and T Barnett
CHE/18/00823/FUL	Single storey side/rear extension at 19 Hampton Street Hasland Chesterfield S41 0LH for Mr David Coleman
CHE/18/00834/RET	Retention of the amendments made to CHE/14/00141/FUL (two storey extension to dwelling) to include reduction in ridge height of extension, reduction in width of extension and insertion of 2 additional velux windows in side and rear at 76 Storrs Road Chesterfield Derbyshire S40 3PZ for Mr Andrew Barlow
CHE/18/00837/FUL	Single storey extension to rear at 8 Brookfield Avenue Chesterfield S40 3NX for Mr and Mrs Hicken
CHE/18/00844/FUL	Installation of temporary QUBE spray booth and associated works to the site at Fiat Professional Vanworld Station Road Old Whittington Chesterfield S41 9EG for Stoneacre
CHE/18/00865/FUL	Single storey extension to rear of existing dwelling together with widening driveway width to rear northern site boundary at 593 Newbold Road Newbold Chesterfield S41 8AA for Mr and Mrs France
CHE/18/00870/FUL	Proposed two storey extension to rear of existing dwelling at 99 Ringwood Road Brimington

	Chesterfield S43 1DF for Mr and Mrs Parker
CHE/18/00875/FUL	Single storey rear extension at 2 Stanford Way Walton Chesterfield Derbyshire S42 7NH for Mr Adrian Hall
CHE/19/00002/FUL	Extension to front of dwelling at 12 Oakley Avenue Brockwell Chesterfield Derbyshire for Mr S Randall
CHE/19/00003/FUL	Proposed two storey front and side extension at 7 Somersall Park Road Chesterfield Derbyshire S40 3LD for A Holmes
CHE/19/00050/TPO	Beech (T2) 30% reduction of entire crown and a further 10% reduction to every other branch below the original reduction to allow a secondary level of regrowth at 3 Ashleigh Close Old Whittington Chesterfield Derbyshire S41 9NA for Mr Neil Smith

(b) Refusal

CHE/18/00873/FUL	Re-configuration of car park entrance at Tennyson Avenue, creation of a new car park access to east boundary; and re-arrangement of parking layout at Avenue House Surgery 109 Saltergate Chesterfield Derbyshire for Avenue House and Hasland Partnership
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119 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

*The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned application in respect of the felling and pruning of trees:-

CHE/19/00050/TPO	Consent is granted to the pruning of one Beech tree reference T2 on the order map for Mr Smith of 3 Ashleigh Close, Old Whittington.
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120 APPEALS REPORT (P000)

The Development Management and Conservation Manager reported on the current position in respect of appeals which had been received.

***RESOLVED -**

That the report be noted.

121 ENFORCEMENT REPORT (P410)

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	1 APRIL 2019
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 1 APRIL 2019**

- ITEM 1 -** **CHE/18/00642/FUL - Erection of two dwellings – Proposal amended to one dwelling 20.11.18 - Residential Mining Report received 23.01.19, Arboricultural Impact Assessment received 28.02.2019 on land to the rear of 36 Bellhouse Lane, Staveley for Mr T Connor.**
- ITEM 2** **CHE/18/00842/FUL – Erection of a 4 bed detached bungalow with garage on land to the rear of 203 Keswick Drive, Newbold for Mr D Wood**
- ITEM 3** **CHE/18/00756/OUT - Erection of dwelling house on land rear of 14 Avenue Road Whittington Moor for Mr Grant.**
- ITEM 4** **CHE/18/00805/REM - Reserved Matters submission for the erection of 200 dwellings and associated landscaping on land west of Dunston Lane Newbold for William Davis Ltd.**
- ITEM 5** **CHE/18/00817/REM - Access, scale, layout, external appearance and landscaping relating to CHE/18/00044/OUT - residential development of 5 dwellings. (revised drawings submitted 17.01.19 and revised layout 20 3 2019 at Ravensdale 26 Chesterfield Road Brimington S43 1AD for Woodall Homes Ltd.**

Case Officer: Joe Freegard
Tel. No: (01246) 345580
Committee Date: 1st April 2019

File No: CHE/18/00642/FUL
Plot No: 2/2673

ITEM 1

**Erection of two dwellings - Proposal amended to one dwelling
20.11.18 - Residential Mining Report received 23.01.19,
Arboricultural Impact Assessment received 28.02.2019 at land to
rear of 36 Bellhouse Lane, Staveley, Derbyshire for Mr T Connor.**

Local Plan: Open Countryside & Other Open Land
Ward: Lowgates & Woodthorpe

1.0 CONSULTATIONS

Ward Members	No comments
Strategy Planning Team	Comments received – see report
Environmental Services	Comments received – see report
Design Services	No objections
Yorkshire Water Services	No comments
DCC Highways	No objections
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Neighbours/Site Notice	2 representations received – see report

2.0 THE SITE

- 2.1 The site to which this application relates is land to rear of 36 Bellhouse Lane off Lowgates in the Staveley area of Chesterfield. The site is roughly square-shaped in footprint, is overgrown with grass and vegetation, and comprises a detached garage that is positioned in the south western corner of the plot.
- 2.2 The land is residential curtilage in association with No.36 Bellhouse Lane. The site is situated on a relatively flat gradient, with timber fences forming the boundaries. A detached garage is situated to the North of the site, with open fields and a public footpath located beyond. The extended garden of 3 Victoria Avenue is situated to the East of the site, and the additional curtilage of 36 Bellhouse Lane is situated to the South of the site. The roadway of Bellhouse Lane is situated to the West of the site, with a grass verge located between the site and the road itself.
- 2.3 A tree subject to a Tree Preservation Order covers a Black Poplar which is situated just outside the site, to the North.





3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/07/00440/OUT – Outline application for demolition of existing dwelling and erection of four no. dwellings – Approved 2007.
- 3.2 CHE/08/00502/CLUD – Use of land as residential curtilage – Certificate of Lawful Use Granted 2008.
- 3.3 CHE/14/00674/OUT – Residential development at 36 Bellhouse Lane – Approved 2014.

4.0 **THE PROPOSAL**

- 4.1 The application started as a full application for the erection of two dwellings on the land however this was amended to one dwelling as a result of discussions with officers and the application has subsequently progressed on this basis.
- 4.2 The site layout indicates that the proposed new dwelling would measure approximately 5.4M in height, 5.1M in width and 4.9M in depth. The dwelling is proposed to be situated approximately 7.5M away from the boundary to the North of the site, 7M away from the boundary to the East of the site, 3M away from the boundary to the South of the site and 2M away from the boundary to the West of the site.
- 4.4 The new dwelling is proposed to comprise hallway, living room, WC, utility room, and kitchen at ground floor level, with three bedrooms and a bathroom at first floor level. The internal spaces appear to be appropriate and fit for purpose. Areas of garden are proposed to surround the property, with sizeable areas of garden to the North and East of the site. A driveway is proposed to the South West corner of the site, leading from Bellhouse Lane. The demolition of the existing garage on the site would be required to cater for the proposed development.
- 4.5 The amended plans indicate that the new dwelling would be constructed using red facing brick, with a pitched grey tiled roof and UPVC windows and doors. Casement style windows are proposed throughout, with a canopy porch to the front elevation and a set of bi-fold doors to the rear

elevation. Fenestration is proposed on both floors to all elevations except the Southern side. The application form indicates that 2M close boarded timber fences would form the boundaries to the site, although full details of landscaping and boundary treatments and bin storage have not been provided.

- 4.6 The application is assessed on the basis of the application form, Design and Access Statement, site location plan, plans and elevations, coal mining risk assessment and the arboricultural impact assessment.

5.0 **CONSIDERATIONS**

Local Plan Issues

- 5.1 The site is situated within the built settlement of Lowgates and Woodgate. This immediate area is predominantly residential in nature, although open countryside is situated to the North and East. The site is designated as open countryside and other open land, however it is situated in close proximity to Staveley centre and its services and facilities. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
 - b) are on previously developed land
 - c) are not on agricultural land
 - d) deliver wider regeneration and sustainability benefits
 - e) utilise existing capacity in social infrastructure
 - f) maximise walking / cycling and the use of public transport
 - g) meet sequential test requirements of other national / local policies

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

- 5.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.
- 5.4 In addition to the above, the NPPF places emphasis on the importance of good design stating:
'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'
- 5.5 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.6 In so far as the planning policy position the application site is a residential garden and is considered a greenfield site and would not meet the definition of previously developed land set out in the NPPF. The NPPF specifically excludes private residential gardens within built-up areas from the definition of previously developed land (annex 2: Glossary). The site is also shown on the Policies Map as being within Open Countryside and subject to saved policy EVR2. The Chesterfield Borough Core Strategy does not include specific policies on the development of residential gardens; instead the primary considerations are policies CS10 in terms of the principle of development, CS1 and CS2 in terms of the location and CS18 in terms of design and impact upon the environment and amenity.

- 5.7 Policy 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, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots. In addition, the site is subject to EVR2 which would not permit residential development. However the NPPF is also clear that “Local planning authorities should approach decision-taking in a positive and creative way to foster the delivery of sustainable development” (NPPF para 38). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals. Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. The site is approximately 800m from the nearest designated centre at Staveley. The site therefore meets the requirement of CS1.
- 5.8 Due to the continuing linear residential development in a northerly direction along Bellhouse Lane, development of the site would not have the appearance of encroaching into open countryside, despite being designated as such.
- 5.9 Whereas the proposal is contrary to CS10 and EVR2 the location of the site does accord with CS1, and it is considered there is scope to consider a sensitive, well designed development of one single storey dwelling on the site to the north of the existing original brick garage. The proposal is considered to be a logical infill plot which is partly previously developed and is also garden land. The proposed dwelling would follow the typical building line of development along Bellhouse Lane, and a garage already exists on the site, and it would be possible to construct outbuildings and extensions on this area of garden land without the need for planning permission. It is also worth highlighting that permission for residential development on the site was

granted in 2014, although this consent has now lapsed. On the basis of these matters, it is considered that the site is appropriate for a modest development of one house.

Design and Appearance (Including. Neighbour Effect)

- 5.10 It is considered that the design and materials of the proposed new property are of an appropriate quality that would complement the architecture of the surrounding locality. The plans indicate that the proposed new dwelling would be constructed using red brick with a pitched tiled roof to match other houses in the locality. It is considered that the design and materials of the proposed new dwelling are entirely appropriate to the locality. Details of the proposed materials have been provided as part of this application, so a condition requiring the submission of details of the material samples is not required.
- 5.11 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to 36 Bellhouse Lane. The new dwelling would be situated approximately 9M away from this house, so it is not considered that there would be any significant issues in terms of overshadowing or an overbearing impact. A first floor side window is proposed to the North elevation, so it is considered that a condition is required for this to be obscure glazed and non-opening to prevent any issues with overlooking. It is not considered that these plans would result in any issues with overlooking, overshadowing or an overbearing impact for other neighbouring properties, as there are no other properties located in close proximity. The new dwelling may result in some minor issues with overlooking onto the extended garden of 3 Victoria Avenue, however this appears to be a secondary garden area only. On this basis the plans are considered to be acceptable.
- 5.12 The 'Successful Places' SPD indicates that a new three bedroom dwelling would require a minimum of 70 Square Metres of outdoor amenity space. This level of provision would be comfortably accommodated on the site and is therefore considered to be acceptable. It is not considered that 2M close boarded timber fences would be appropriate in terms of boundary treatments, and full details of landscaping,

boundary treatments and bin storage have not been provided. As such, it is considered that a condition should be imposed requiring the submission of these details. The plans also indicate that at least two parking spaces can be accommodated on the site, which is considered to be an acceptable level of provision.

- 5.13 Overall it is accepted that development will impose an impact upon boundary sharing neighbours however this impact would be minimal, due to the proposed design and the relationship between properties. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development can be designed to prevent any significant adverse impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours. As such, the development is considered to be acceptable in terms of these policies. Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

Environmental Services

- 5.14 Environmental Services has commented that to minimise noise impacts on the existing residential dwellings, that 'construction work' shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out 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. NB - The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.
- 5.15 In so far as Air Quality, as the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), Environmental Services ask that infrastructure for electric charging points be installed as part of the build phase.

5.16 Land contamination – Should planning permission be granted for this proposal, I would strongly recommend that the developer ensure the site is 'suitable for use' by completion of: -

- a) a Phase 1/desk study
- b) a Phase 2/intrusive site investigation
- c) a Remediation Strategy (if necessary) and
- d) a Validation report

All the reports a) to d) shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the development commencing.

5.17 All the Comments from Environmental Services are accepted and it is considered that the suggested conditions are required in the interests of noise, air quality and land contamination.

Drainage

5.18 Design Services and Yorkshire Water were consulted on this application and they raised no objections. It was commented that 'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. Any connections to the public sewerage network will require prior consent from Yorkshire Water'.

DCC Highways

5.19 DCC Highways was consulted on the original application and they confirmed no objections to the scheme. They commented that the site has been the subject of previous applications and has benefitted from an outline consent. The Highway Authority would point out that the application form indicates no new or altered vehicular or pedestrian access although clearly such will be required. There are no objections to the proposal subject to the following conditions being included in any consent.

1. Prior to occupation of the dwellings, new vehicular and pedestrian accesses shall be formed to Bellhouse Lane in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4 metres from the

carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

2. Prior to occupation of the dwellings, a minimum 2m wide footway shall be constructed across the site frontage. Such works will be required to be the subject of an Agreement under Section 278 of the Highways Act 1980

3. The proposed dwellings shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Thereafter, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

4. There shall be no gates or other barriers on the accesses.

5. The proposed accesses/driveways to Bellhouse Lane shall be no steeper than 1:14 over their entire length.

5.20 The comments from the DCC Highways are accepted. It is considered that the suggested conditions are required in the interests of highway safety and parking.

Coal Authority

5.21 The Coal Authority has raised no objections to the proposal confirming that they concurs with the applicants agent that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. The results of such investigations should inform any remedial measures necessary to ensure the safety and stability of the proposed development. Should planning permission be granted for the proposed development, a condition should therefore require the following 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 shallow coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and
- * The implementation of those remedial works.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition to secure the above.

- 5.22 The conditions suggested are considered to be necessary in the interests of coal mining legacy and safety.

Tree Officer

- 5.23 The Tree Officer has commented that the revised site plan layout now locates the proposed dwelling and car parking outside the designated 18 metre root protection area (RPA) of T1 Poplar. An Arboricultural Impact Assessment by Jon Coe Tree Services Ltd reference JC/177/190218 and dated 18th February 2019 has also been submitted. The assessment goes into great detail regarding the tree and the tree protection measures to be implemented on the site before any construction commences and throughout the development and associated landscaping. The Tree Officer therefore confirms no objection to the application as long as the following conditions are attached for the protection of T1 Poplar:

1. Tree Protection Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work including land clearance), the scheme for the protection of T1 Poplar of Tree Preservation Order 96 as detailed in the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd reference JC/177/190218 and dated 18th February 2019 shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details within the Arboricultural Impact Assessment unless otherwise agreed in writing.

2. Landscaping Condition: Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of 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) Details of the landscaping methodology within the root protection area of T1 Poplar and as referred to in section 6.4 of the submitted Arboricultural Impact Assessment by Jon Coe Tree Services Ltd reference JC/177/190218 and dated 18th February 2019

b) a scaled plan showing vegetation to be retained and trees and plants to be planted:

c) proposed hardstanding and boundary treatment:

d) a schedule detailing sizes and numbers of all proposed trees/plants

e) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained tree unless agreed in writing by the Local Planning Authority. 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 (unless the Local Planning Authority gives its written consent to any variation).

Derbyshire Wildlife Trust

5.24 Derbyshire Wildlife Trust has confirmed that they have no objections on the basis of the suggested Root Protection Area of 15 m which would be sufficient to protect the black poplar tree. Providing that the RPA is sufficient and is adequately protected with fencing during construction, and

providing that no direct works are required to the tree e.g. pruning, then the Wildlife Trust do not require any further ecological survey. Should any pruning be required, this should be undertaken outside the bird breeding season which falls between March and August inclusive or be preceded by a nesting bird check. The rot cavity in the trunk should also be avoided. If works are required to this feature, an inspection for roosting bats should be undertaken by an ecologist.

6.0 Community Infrastructure Levy (CIL)

- 6.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and the development is therefore CIL Liable.
- 6.2 The site the subject of the application lies within the low CIL zone (£20/sqm index linked) and therefore the CIL Liability would be calculated using the gross internal floor space of 83 square metres on this basis.

7.0 REPRESENTATIONS

- 7.1 As a result of neighbour notification, representations have been received from 2 neighbours. A letter of comment has been received from the occupant of 35 Wharf Lane in relation to the protected Black Poplar tree, and a number of letters of objection have been received from the occupants of Bell House.
- 7.2 The representations raise concerns with regards to the impact of the proposal on the following issues
- protected tree including the safety of the tree;
 - coal mining risk;
 - covenants on the land;
 - concerns that the land may be used as a traveller site;
 - personal issues with the applicant;
 - that the land is open countryside/that the land is green belt;
 - that the local authority has a 5 year housing supply;
 - loss of property values;
 - timber fences as boundary treatments;
 - impact on wildlife;

- that the application is contrary to policy;
- that the design does not fit in with Bell House;
- overshadowing;
- legal matters;
- noise and disturbance;
- parking;
- impact on drainage and
- disruption during construction.

7.3 *With regards to the impact on the protected tree and the safety of the tree, there have been no objections from the Tree Officer to these amended plans following the submission of an arboricultural impact assessment and the tree is not considered to be unsafe at present. With regards to coal mining risk, a coal mining assessment has also been submitted and there have been no objections from the Coal Authority to the amended plans. Any covenants on the site, impact on property values, legal issues or personal issues would be civil matters rather than material planning considerations.*

7.4 *There is no indication that the land would be used as a traveller site and this is not what has been applied for. It is acknowledged that that the land is classed as open countryside and that the local authority has a 5 year housing supply and that the application is technically contrary to policy. In this instance, it is considered that an exception can be made as the site is a logical infill plot, is partly previously developed and is also garden land that could potentially be developed using permitted development rights. It is acknowledged that the use of timber fences as boundary treatments would be inappropriate, and as such a condition can be imposed requiring the submission of boundary treatment details.*

7.5 *In terms of the impact on wildlife, Derbyshire Wildlife Trust was consulted on this application and they raised no objections to the revised plans subject to the imposition of conditions. It is accepted that the proposed design does not necessarily reflect that of Bell House, however there are several similar examples within the streetscene. It is not considered that there*

would be any issues with overshadowing, due to the level of separation between the proposed new property and Bell House. Ample parking would be provided on site, and there have been no objections from DCC Highways to these plans. With regards to the impact on drainage, here have been no objections to these plans from Drainage or Yorkshire Water.

8.0 HUMAN RIGHTS ACT 1998

8.1 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

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

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

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management

Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

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

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

10.0 CONCLUSION

10.1 The proposals are considered to be appropriate in terms of scale, form and materials, and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is sufficiently sustainable, is in a largely built up area and is adequately served by public transport and amenities. Although the land in question is open countryside, it is considered that an exception can be made as the site is a logical infill plot, is partly previously developed and is also garden land that could potentially be developed using Permitted Development rights

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance in respect of Highways, design, landscaping, tree protection ecology and coal mining legacy. This application would be liable for payment of the Community Infrastructure Levy.

11.0 RECOMMENDATION

11.1 That a CIL Liability notice be issued as per section 6.0 above.

- 11.2 That the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved amended plans with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
5. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
6. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.
7. 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

8. Details of the proposed site cross sections showing existing and proposed land levels and the proposed finished floor level of the dwelling shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
10. Prior to occupation of the development hereby approved the first floor window in the North elevation shall be non-opening and obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. The obscured glazing shall be maintained as such thereafter.
11. Infrastructure for electric charging points shall be installed as part of the build phase of this development.
12. No development shall take place until a land contamination assessment is submitted to and approved in writing by the

Local Planning Authority. The assessment shall include the following;

- a) a Phase 1/desk study
- b) a Phase 2/intrusive site investigation
- c) a Remediation Strategy (if necessary) and
- d) a Validation report

13. Prior to occupation of the dwelling, new vehicular and pedestrian accesses shall be formed to Bellhouse Lane in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
14. Prior to occupation of the dwelling, a minimum 2m wide footway shall be constructed across the site frontage. Such works will be required to be the subject of an Agreement under Section 278 of the Highways Act 1980
15. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Thereafter, such spaces shall be maintained free from any impediment to their designated use for the life of the development.
16. There shall be no gates or other barriers on the accesses.
17. The proposed accesses/driveways to Bellhouse Lane shall be no steeper than 1:14 over their entire length.
18. Prior to the commencement of the development hereby approved (including demolition and all preparatory work including land clearance), the scheme for the protection of T1 Poplar of Tree Preservation Order 96 as detailed in the Arboricultural Impact Assessment by Jon Coe Tree Services

Ltd reference JC/177/190218 and dated 18th February 2019 shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details within the Arboricultural Impact Assessment unless otherwise agreed in writing.

19. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of 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) Details of the landscaping methodology within the root protection area of T1 Poplar and as referred to in section 6.4 of the submitted Arboricultural Impact Assessment by Jon Coe Tree Services Ltd reference JC/177/190218 and dated 18th February 2019
- b) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- c) proposed hardstanding and boundary treatment:
- d) a schedule detailing sizes and numbers of all proposed trees/plants
- e) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained tree unless agreed in writing by the Local Planning Authority. 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 (unless the Local Planning Authority gives its written consent to any variation).

20. Should any pruning be required, this should be undertaken outside the bird breeding season which falls between March and August inclusive or be preceded by a nesting bird check. The rot cavity in the trunk should also be avoided. If works are required to this feature, an inspection for roosting bats should be undertaken by an ecologist.

Reasons

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. 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. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
4. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
5. In the interests of residential amenities.
6. In the interests of the amenities of occupants of adjoining dwellings.
7. In the interests of coal mining legacy and safety
8. In the interests of residential amenities.
9. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
10. To safeguard the privacy of adjoining residents

11. In the interests of air quality.
12. In the interests of land contamination.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. In the interests of tree protection.
19. To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality
20. In the interests of ecology.

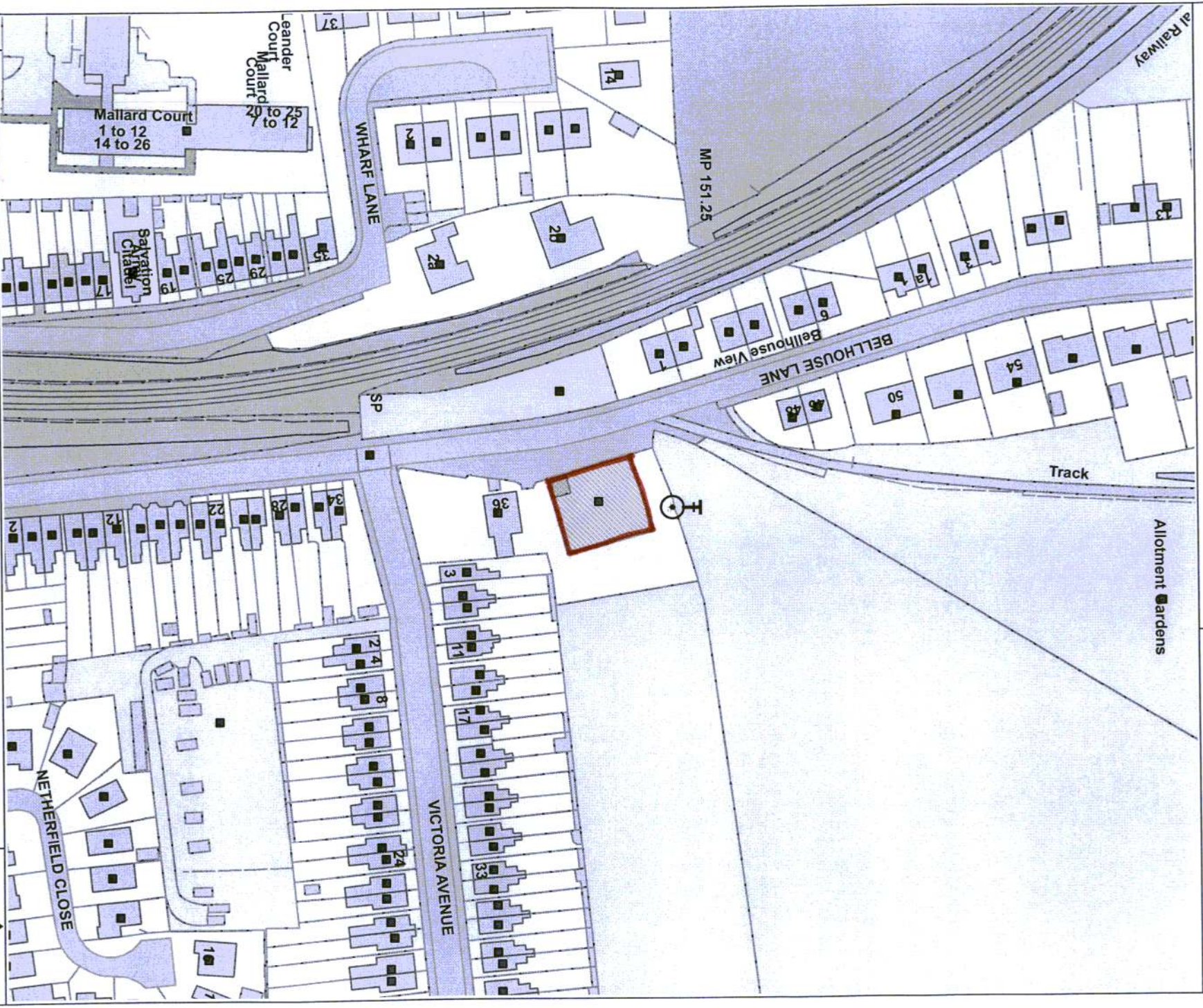
Notes

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.

03. 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.
04. 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.
05. The application site is affected by a Public Right of Way (Footpath 24 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.
- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 - Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.
06. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
07. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
08. The applicant should be aware that the proposed route of HS2 passes within 200m of the site and should contact the relevant Authority if further information is required.
- E-mail HS2enquiries@hs2.org.uk
Telephone the Help Desk on 02079444908 or write to
High Speed Two (HS2) Ltd
Two Snow Hill
Queensway
Birmingham B4 6GA
09. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
10. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website

(<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from www.planningportal.gov.uk/cil) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.



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Case Officer: Sarah Kay File No: CHE/18/00842/FUL
 Tel. No: (01246) 345786 Plot No: 2/313
 Ctte Date: 1st April 2019 (deferred from 18th February 2019)

ITEM 2

PROPOSED ERECTION OF A 4 BED DETACHED BUNGALOW WITH GARAGE (CMRA RECEIVED / AMENDED 01/02/2019, 14/02/2019, 18/02/2019 AND 05/03/2019) AT LAND TO THE REAR OF 203 KESWICK DRIVE (FORMER CBC GARAGE SITE), NEWBOLD, DERBYSHIRE, S41 8HQ FOR MR D WOOD

Local Plan: Unallocated
 Ward: Dunston

1.0 CONSULTATIONS

Local Highways Authority	Comments received 30/01/2019 – see report
CBC Strategic Planning	Comments received 30/01/2019 – see report
CBC Environmental Health	Comments received 10/01/2019 – see report
CBC Estates	Comments received 10/01/2019 – see report
CBC Design Services (Drainage)	Comments received 10/01/2019 – see report
Yorkshire Water Services	No comments received
Coal Authority	Comments received 21/01/2019, 13/02/2019, 15/02/2019, 01/03/2019 and 12/03/2019 – see report
Ward Members	No comments received
Site Notice / Neighbours	One representation received

2.0 THE SITE

2.1 The application site comprises a former garage site, which was previously owned and operated by the Council, but has been sold to Woodall Homes who are developing the site immediately adjacent to it for a development of 9 no. bungalows which were granted full planning permission in 2016 (see site history below).

- 2.2 The site is approximately 0.046ha in area and lies behind No 203 Keswick Drive and is currently served by a driveway / access which runs between No 203 and the Moonraker PH. The site is being used at present as a site compound for Woodall Homes and is fenced / gated. The photographs below show the site as a garage site in 2016; and as it appears now.

Photographs 1, 2 and 3 – Garage Site 2016



Photographs 4, 5, 6 and 7 – Site in January 2019



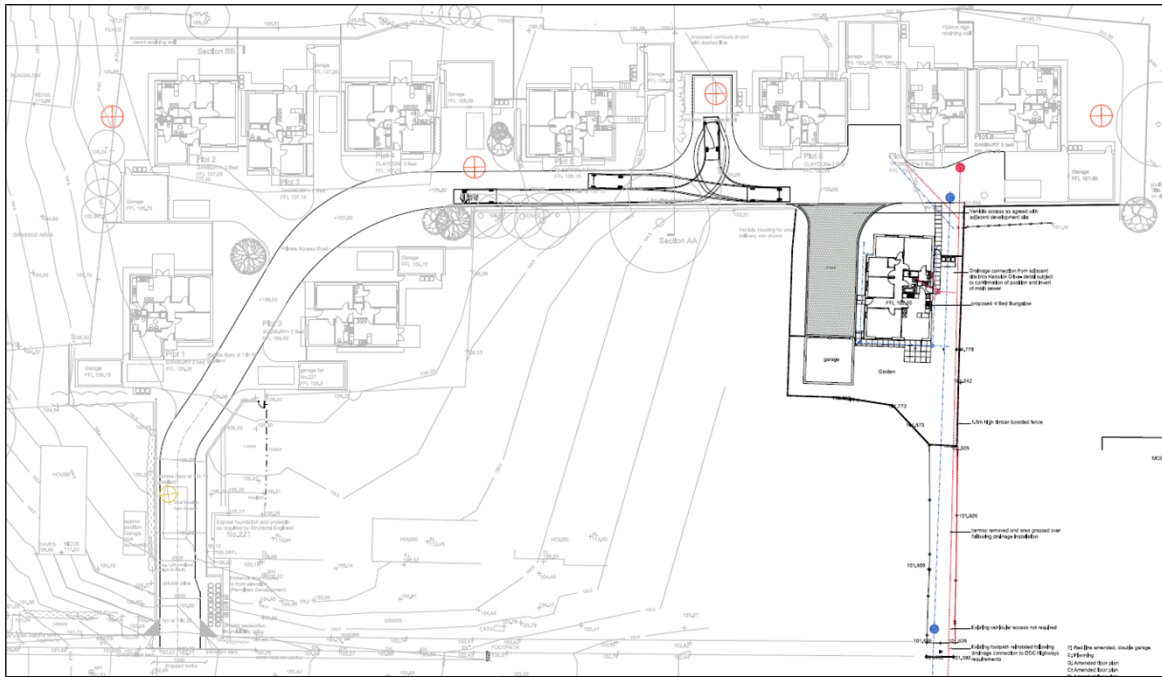


3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/18/00839/DOC - Discharge of conditions 3 (drainage), 5 (remedial work), 6 (remediation scheme), 9 (root protection), 10 (location of construction vehicles), 11 (site layout plan), 12 (bat survey), 13 (ecological enhancement strategy), 15 (lighting), 16 (on site storage), 22 (maintenance of streets) and 25 (materials samples) of CHE/16/00121/FUL.
- conditions 5, 6, 12, 15 agreed 31/01/2019
 - condition 22 agreed 13/02/2019
 - condition 3 agreed 28/02/2019
 - conditions 9, 10, 11 and 16 agreed 12/03/2019
 - condition 13 still outstanding
- 3.2 CHE/16/00121/FUL - Residential development of 9 bungalows, demolition of a garage, creation of a new access from Keswick Drive, internal road layout and associated landscaping (ecology report received 4th May 2016). Approved conditionally 08/06/2016.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed erection of one four bedroom bungalow with garage, which will front onto the new development being undertaken by Woodall Homes on the adjacent parcel of land and will be served from the new driveway / access associated therewith (see site layout extract below).



4.2 The bungalow proposed will include entrance hallway, kitchen / diner, lounge, master bedroom (with en-suite), bathroom and three other bedrooms. The property will be served by a detached double garage and driveway parking in advance which will then adjoin the end of the new access driveway serving the adjacent development site. The current access driveway leading off Keswick Drive will be utilised by the developer to provide a drainage connection to the application site and wider development and will be fenced off to form the rear garden of the new bungalow.

4.3 The application submission is accompanied / supported by the following plans / documents:

18-569-P01 REV G – Site Plan

18-569-P02 REV F – Plans & Elevations

Coal Mining Risk Assessment (received 01/02/2019)

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Dunston in an area predominantly residential in nature. 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), 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**

5.2.1 The site the subject of the application was a former garage site, located in the built settlement of Dunston accordingly the site is regarded as previously development land (as defined in the NPPF 2018).

5.2.2 As new residential development the development should be considered against the provisions of policies CS1 and CS2 of the Core Strategy.

5.2.3 The site is within walking/cycling distance of the designated Newbold local centre and the Littlemoor local centre, therefore meeting the sequential approach to development and the proposal would result in the redevelopment of a vacant brownfield site. It therefore accords in principle with the Spatial Strategy set out in Core Strategy Policy CS1 and criteria (a) to (f) of policy CS2 and is therefore acceptable.

5.3 **Design and Appearance Considerations (inc. Neighbouring Impact / Amenity)**

5.3.1 The development the subject of this application clearly sits as an addition / component part of the wider / adjacent sites development and in this respect the principles of accepting the scale and nature of development are already established. This application site lies at a lower level to the adjacent development, which follows the lie of the land and explains the indication of drainage connection for the whole development as part of this application site boundary.

5.3.2 It considered that the relationship as indicated is an acceptable one (given the development is for a bungalow) and that appropriate separation distances between the proposed development and all of the neighbouring properties are achieved in accordance with the Councils adopted SPD.

- 5.3.3 Details of landscaping are currently limited to boundary treatments, therefore appropriate conditions would need to be imposed if permission is granted to secure further details of hard and soft landscaping.
- 5.3.4 The existing site context comprises predominantly 20th century bungalows to the west and post war housing to the east. The area generally has an established character in terms of its architectural style and appearance. The proposed bungalow is of a similar scale to those already accepted and is a further variance in house type to those also accepted on the site adjacent.
- 5.3.5 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies. Notwithstanding this however, it is noted that due to the proximity of some of the adjoining and adjacent neighbouring properties it could be possible that permitted development extensions may pose a threat to privacy and amenity and therefore it is considered necessary to impose a condition removing these rights to maintain control over the future relationship any such extensions or alterations would have upon the neighbours.

5.4 **Highways Issues**

- 5.4.1 The application submission has been reviewed by the **Local Highways Authority** (LHA) who provided the following response:

It is noted that the proposed access route to the site is not included in the area the subject of the application or within the area in the ownership/control of the applicant. No doubt you will ensure that vehicular and pedestrian access to the property would be available.

Although this proposed property is to the rear of No. 203 its access is to be taken from a new private drive which is adjacent to No. 221 which was approved under application 16/00121. The existing access to the site will, therefore, require to be closed by the provision of a full height kerb with any associated works to the satisfaction of the Highway Authority

Subject to access being available, there are no objections to the proposal and it is recommended that the following conditions are included in any consent.

1. Prior to occupation of the dwelling, a new vehicular and pedestrian access shall be formed to the private drive off Keswick Drive as a standard splayed dropped crossing and provided with visibility sightlines of 2.4m x maximum achievable over the site frontage in both directions. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

2. Prior to occupation of the dwelling the existing vehicular and pedestrian access to Keswick Drive shall be permanently closed and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

3. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Once provided, the spaces shall be maintained free from any impediment to its 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 garage hereby permitted 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. The proposed access/driveway to the private drive off Keswick Drive shall be no steeper than 1:14 for the first 5m and shall not exceed 1:12 thereafter.

6. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the

agreed details and the facilities retained for the designated purposes at all times thereafter.

7.No work on the proposed dwelling shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved by the local planning authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

5.4.2 Having regard to the comments made by the LHA above the Local Planning Authority is satisfied that the new proposed access to the site is available and is within the ownership of the applicant (Woodall Homes) who are also developing the site adjacent. A number of the conditions the LHA has recommended above are already imposed on the consent for the adjacent site and therefore they do not need to be replicated on this additional planning permission. It is also unclear why the LHA are suggesting the garage should be maintained exclusively for parking when the driveway in advance of it will allow for adequate dedicated parking to this dwelling without reliance upon the garage.

5.4.3 Having regard to the detail of the application proposals it is considered that the development is afforded an appropriate level of off street parking which can be provided within the plot without compromising the associated driveway and area for turning. Having regard to the requirements of policies CS20 of the Core Strategy and the Housing Layout and Design Guide SPD the development proposals are acceptable. Conditions can be imposed on any consent issued to require the necessary parking to be provided prior to dwelling being occupied and retained thereafter. The development proposal will clearly have a direct link to the adjacent site and therefore it is assumed that the plot the subject of this application will utilise the bin store which is shown to be provided at the new access point.

5.5 **Flood Risk / Drainage**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the Core Strategy), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely

to be at risk from flooding. In respect of drainage, the application details that the development is to be connected to existing mains drains for both foul and surface water.

- 5.8.2 The Councils **Design Services** (DS) team and **Yorkshire Water Services** (YWS) were both consulted on the application and no objections were received. Details of the proposed site drainage strategy will need to be submitted for approval in accordance with the Council 'Minimum Standards for Drainage'.
- 5.8.3 Full drainage details have not been submitted for consideration as part of the planning application submission however these matters are ordinarily dealt with by appropriate planning condition.

5.6 **Land Condition / Contamination**

- 5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.
- 5.6.2 In respect of land condition the **Coal Authority** (CA) were consulted on the application submission who initially objected to the application, requesting the submission of a coal mining risk assessment (CMRA) for the site.
- 5.6.3 Following the deferral of the application from Planning Committee held on the 18th February 2019 a series of exchanges between the applicant, the LPA and Coal Authority were undertaken to work to resolve issues raised by the Coal Authority concerning the investigation, identification and remediation of recorded mine entries on the site adjacent. The Coal Authority's concerns centred around whether any of the recorded mine entries on the adjacent site would have a zone of influence affecting the footprint of the proposed bungalow.
- 5.6.4 Under the terms of the planning permission granted on the site adjacent, the applicant has already undertaken intrusive site investigations to identify the mine entries and remediate them to allow the adjacent development to take place. This was agreed in consultation with the Coal Authority. On this basis the LPA queried why the Coal Authority was maintaining their initial objections to the scheme the subject of this application.

5.6.5 The Coal Authority subsequently confirmed the following:

In terms of the adjacent development for 9 bungalows approved under CHE/16/00121/FUL, the Pressure Grouting Report (November 2015, prepared by Eastwood & Partners) submitted in support of the discharge of condition application (CHE/18/00839/DOC) confirms that 4 mine entries were located, all of which will require some form of treatment. However, it would appear that none of the 4 mine entries located correspond with the shaft (436373-001) closest to the additional plot, which was searched for on the adjacent site but not located (as confirmed on page 22 of the Report).

*On the basis that the Pressure Grouting Report confirms that the 2 shafts not located are considered to be underground mineshafts or located off-site, which shaft 436373-001 is very unlikely to be, when considering its' departure from the source data, The Coal Authority **is able to withdraw its objection to this planning application.** However, this is **subject to the LPA imposing a condition to ensure that the recommended remedial measures to address shallow mine workings underlying the plot are implemented prior to the commencement of development.***

5.6.6 In addition to the comments of the CA, the Council's **Environmental Health Officer (EHO)** was consulted and raised no objections subject to the applicant submitting a contaminated land survey and the construction hours of the development being restricted to protect the amenity of nearby residential neighbours.

5.6.7 Having regard to the comments detailed above from the CA and EHO appropriate planning conditions can be imposed on any permission issued to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition, contamination and noise.

5.7 **Biodiversity / Trees**

5.7.1 The application site is previously developed land which was occupied by garage structures and bound by peripheral trees (which stood on the adjacent development site).

5.7.2 In preparation for the development of the adjacent site the majority of the common boundary trees were removed and the boundary opened up between that site and the application site to allow a compound to be created (see site photographs). The trees were not protected.

5.7.3 Under the provisions of policy CS9 of the Core Strategy new development is required to secure a net gain in biodiversity enhancements and therefore in accepting the principle of the development proposals it will be necessary to require this site to contribute ecological enhancement. Measures such as bird and bat boxes can be required along with boundary fencing which allows small mammal passage (hedgehog highway). Given the association of this proposal with the adjacent site it would make sense to include these measures in the details of ecology enhancement which are required to still be discharged on the adjoining development.

5.8 **Community Infrastructure Levy (CIL)**

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling 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 has been calculated (using calculations of gross internal floor space [GIF]) as follows:

		A	B	C	D	E
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
Total = 116sqm	0	116	£50 (Medium Zone)	317	288	£6,384

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 site notice posted on 11/01/2019 and by neighbour notification letters sent on 08/01/2019 and 21/01/2019.

6.2 As a result of the applications publicity there has been one representation received raising the following concerns / queries:

203 Keswick Drive

Concerns raised over their ability to maintain their garden boundary (fence and wall) which adjoins the application site and is shown in part to become an enclosed rear garden;
Also query who is going to maintain any gap between their boundary wall and the boundary fence of the new property;
Are also concerned about the issues raised by the Coal Authority and the mine entries mentioned as they have experienced issues in the past with their own extension moving and needing to be pinned and worry about further movement caused by such features and also the trees on the southern boundary; and
Also worry about works taken to the access / driveway and vehicles moving up and down this route creating further instability / movement issues.

Officer Response: The case officer liaised between the owner of 203 Keswick Drive and the Estates team at CBC (who were the previous owner of the garage site prior to its sale) to seek further advice.

The maintenance of a private garden boundary between two private parties is a civil matter. It is understood that if indeed the neighbouring property does have any access rights over the application site to maintain their garden boundary, these rights will have passed from the previous owner (CBC) to the new owner and they will be obliged to allow the relevant access for maintenance. It is accepted that whilst the boundary of No 203 was originally open to the garage site to allow No 203 free access, it is likely that the passage of any right by deed will simply mean the new owner of the site (the occupier of the new bungalow / or the maintenance company who retain the access driveway strip) will be required to give No 203 free access to continue to do the same. This however

is not a material planning consideration and is a private / civil matter. No 203 have been advised of this.

The matter concerning the Coal Authority and mine entries affecting the development site have now also been resolved.

- 6.3 Comments were also made by Kier on behalf of **CBC Estates** as follows:

As you know, the Council sold the garage site last October to Woodall Homes to facilitate drainage for the development site at the rear. I understand they are intending to build a bungalow on the former garage block. At the time of the sale, I requested from the developer and received confirmation that this did not become a through route for the whole development. Having looked at the plans, the positioning of the proposed garage to the bungalow would prevent that. Secondly, any openings/windows/outdoor space etc, should not adversely affect the existing amenity of the surrounding Council housing and pub garden, which is also in the Council's ownership.

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 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.

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

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 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 objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS11, CS13, CS18, CS19 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 CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

10.0 **RECOMMENDATION**

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

Time Limit etc

01. 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 Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

18-569-P01 REV G – Site Plan

18-569-P02 REV F – Plans & Elevations

Coal Mining Risk Assessment (received 01/02/2019)

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.

Drainage

03. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, 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:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection;
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change; and
- d) details of either the proposed diversion of the public sewer which crosses the site and its easement protection which accords with the requirements of Yorkshire Water Services, or confirmation of a build over agreement approved with Yorkshire Water Services.

Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of

surface water from the development prior to the completion of the approved surface water drainage works.

Reason - To ensure that no drainage discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Site Investigations

04. Development shall not commence until a scheme of remedial works have been prepared and submitted in accordance with the recommendations of the Coal Mining Risk Assessment Report (dated 18 February 2019, prepared by Eastwood & Partners) for approval in writing by the Local Planning Authority. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason - To ensure that site is remediated to an appropriate standard prior to any other works taking place on site.

Contaminated Land

05. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
- II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other

contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

Highways

06. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Once provided, the spaces shall be maintained free from any impediment to its designated use for the life of the development.

Reason – In the interests of highway safety.

07. Prior to occupation of the dwelling the existing vehicular and pedestrian access to Keswick Drive shall be permanently closed and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

Ecology

08. Prior to the commencement of development, a biodiversity enhancement strategy as outlined in the ecology report shall be submitted to and approved in writing by the Council, to ensure no net loss for biodiversity and aim for a net gain (NPPF 2018). Such approved measures should be implemented in full and maintained thereafter. Measures may include:
- details of bird and bat boxes will be clearly shown on a plan (positions/specification/numbers).
 - hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
 - summary of ecologically beneficial landscaping (full details to be provided in Soft Landscape Plans).

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

Others

09. Construction work (inc. demolition works) shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason – In the interests of residential amenity.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

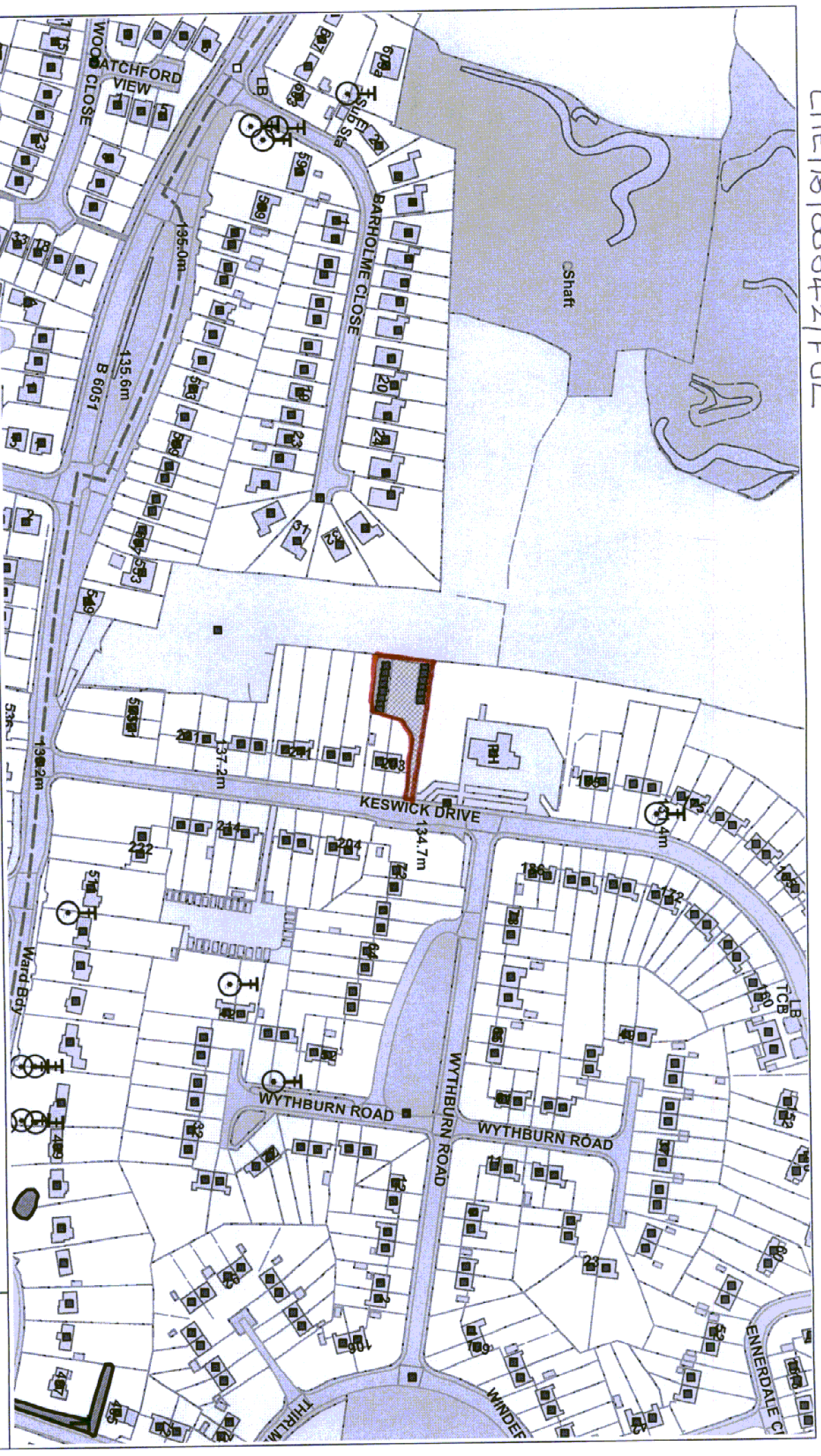
Notes

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.
03. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management at Derbyshire County Council - telephone 01629 538686.
04. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall 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 dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
05. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
06. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to

Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three month's notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.

CHE/18/00842/FUL



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BOROUGH COUNCIL

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ITEM 3

Case Officer: Paul Staniforth
Tel. No: (01246) 345781
Planning committee: 1st April 2019

File No: CHE/18/00756/OUT
Plot No: 2/2668

Outline application with all matters reserved for a single detached dwellinghouse on land to rear 14 Avenue Road, Whittington Moor, Chesterfield for Mr Grant.

Local Plan - Unallocated
Ward - Diunston

1.0 **CONSULTATIONS**

Ward Members	No representations received
Environmental Services	Comments received recommending conditions.
Design Services	Flood Risk assessment and soakaway infiltration tests will be required.
Yorkshire Water Services	No comments to make.
Lead Local Flood Authority	No comment to make. Refer to standing advice.
Environment Agency	No comments to make
DCC Highways	Comments received – no objection in principle.
Coal Authority	No objection. Conditions requiring site investigation.
Neighbours/Site Notice	1 representation received – see report

2.0 **THE SITE**

2.1 The application site concerns a rectangular plot to the rear of 14 Avenue Road but which is accessed off Martins Walk. The plot is approximately 29 metres in length by 5.3 metres in width. The application site comprises a single storey building constructed partly of brick with a pitched corrugated roof and partly of concrete panels with a flat roof. The building is accessed via double doors directly off Martins Walk which is a public thoroughfare linking Avenue Road to the east through to Wordsworth Road to the south west.

2.2 The houses on Sandringham Close are situated to the south of and back onto Martins Walk. The site is surrounded by residential premises including the large rear garden of 14 Avenue Road which forms the northern boundary of the application site.

2.3 The site is separated from Martins Walk by the front section of the building wall and a palisade fence. The buildings and the ground within the site appear as neglected with significant amounts of rubbish accumulated to the detriment of the local area. Within the site there are also a number of self-set hawthorn, sycamore and alder trees to the side and rear of the building.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/1287/0739 – Retention of office accommodation in association with applicants Derbyshire Flooring Contractors business – Approved with conditions 16th June 1988.

4.0 **THE PROPOSAL**

4.1 The proposal is for an outline planning application with all matters reserved for one three bed dwelling sited within land. An indicative layout demonstrates an approximate location of the dwelling to be in line with the gable end of 24 Sandringham Close with equivalent sized areas to front and rear gardens. The dwelling is shown to be 4.5 metres wide by 7.5 metres deep. Access would be taken from Avenue Road via Martins Walk.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

- 5.2 The site is situated within the built settlement of Whittington Moor within a predominantly residential area and which is situated within easy walking and cycling distance to the Whittington Moor District Centre.
- 5.3 Having regard to the nature of the application, policies CS1, CS2 and CS18 of the Core Strategy and the wider revised National Planning Policy Framework (NPPF) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.4 Policy CS1 (Spatial Strategy) states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.
- 5.5 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
 - b) are on previously developed land
 - c) are not on agricultural land
 - d) deliver wider regeneration and sustainability benefits
 - e) utilise existing capacity in social infrastructure
 - f) maximise walking / cycling and the use of public transport
 - g) meet sequential test requirements of other national / local policies
- 5.6 All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.
- 5.7 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In

addition it requires development to have an acceptable impact on the amenity of neighbours.

- 5.8 In addition to the above, the NPPF places emphasis on the importance of good design stating:

“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.” (para131)

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents” (para 130).

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

- 5.10 The proposed development site is situated within easy walking and cycling distance from Whittington Moor District Centre and is therefore located close to all services and facilities available within the centre including frequent public transport links in and out of the town centre area. The site is located within a built-up area where new housing development would be considered appropriate in principle.

- 5.11 Policy CS2 sets criteria for assessing proposals for development on unallocated sites and which sets criteria for assessing proposals for such development. In relation to criteria (a), as mentioned above, the site can be considered a good walking and cycling distance from a centre, and therefore such a scheme contributes to delivering the spatial strategy. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would also make a contribution to delivering that, albeit small. The

site is within the existing built up area and is a site which is considered to be on previously developed land (criteria b). The site is also not on the best or most versatile agricultural land (criteria c). Although sustainably located being on the edge of the Whittington Moor District centre and other community facilities in the area, the proposal does not however, offer wider regeneration benefits to the area other than a tidying of what is a poorly maintained site (criteria d). Provided contributions are made to providing additional infrastructure capacity through Community Infrastructure Levy (CIL) payments the proposal would also accord with criteria (e). Whilst it is not necessary for a development to meet all of the requirements set out in policy CS2 in order for a proposal to be acceptable, weight should be given to the extent that they are able to. As such, this proposed development site is considered to be sufficiently sustainable for a development of an additional dwelling and which adheres to the policies CS1 and CS2 of the Core Strategy.

Design and Appearance (Including Neighbour Effect)

- 5.12 The site does not occupy a prominent position within the street scene and is located in a back land area between existing built up cul de sacs. It is suggested that a single two storey dwelling could replicate and continue the design and layout principles established on the neighbouring Sandringham Close scheme. A two storey dwelling would not appear dominant or overly cramped within the wider context. There would be no over bearing or overshadowing impact and the design of the building can be such that the privacy of neighbours can be safeguarded. Such a layout is reflected in the indicative scheme accompanying the application however the design and appearance of the scheme would not be considered until the reserved matters submission.
- 5.13 Removal of the existing business premises within the residential area would significantly improve the living conditions of the adjacent local residents given the buildings commercial use. The site is also a visual mess with the accumulation of rubbish alongside the public thoroughfare and the opportunity arises to provide a proper boundary treatment and tidy up this area.

- 5.14 Overall the principle of the development of the plot of land is considered to be of an appropriate size to accommodate a dwelling, but no further assessment can be made of the site until additional information is supplied in a reserved matters application. A proposed development is considered to be able to be provided with sufficient space standards and which responds to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

Environmental Services

- 5.15 Environmental Services were consulted on this application and they have raised no objections subject to conditions requiring the terms of working hours, contaminated land and air quality. It is considered that such conditions are appropriate and can be imposed on any planning approval.

Drainage

- 5.16 Design Services requested a Flood Risk assessment which was subsequently submitted by the applicant. This was produced by UK Flood Risk Consultants and which concludes that the risk of surface water flooding to the site is low and has the potential to be improved by implementing appropriate SuDS as part of the development. The site is outside of any flood zone and the Environment Agency, Yorkshire Water and the Lead Local Flood Authority all confirm that they have no objections to the proposal. Detail of surface water and foul drainage on site will be a matter for consideration at a reserved matters stage and is a matter therefore dealt with by condition.

Highways Issues

- 5.17 The Highway Authority comment that the location is not ideal given that Martins Walk is relatively narrow and the site is somewhat constrained to provide a dwelling, parking and manoeuvring. The Highway Authority is also mindful of the current office use and this could continue or be converted under Prior Notification procedure to a dwelling. On this basis the Highway Authority confirm that they could not sustain a recommendation for refusal and they recommend conditions covering the following:

1. A Construction Management Plan (CMP) or construction Method Statement dealing with parking of vehicles for site operatives and visitors, routes for construction traffic, hours of operation, method of preventing debris being carried onto the highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for turning vehicles.
2. Space for parking and manoeuvring of vehicles.
3. No gates or barriers on then driveway.
4. The Driveway to Martins Walk being no steeper than 1 in 14 over its entire length.

5.18 The suggested conditions can be imposed as conditions on any approval. It is considered that a CMP is crucial given that the only access to the site is via Martins Walk however space can be provided on site such that the route of Martins Walk would not be obstructed by materials during the construction process. This can be designed and required to ensure the safety of users of Martins Walk. Martins Walk varies in width along its length however it is between 3 and 4 metres wide for the majority of its length. Access to the plot is restricted to be from the Avenue Road direction because of the presence of barriers on the Wordsworth Road side of the thoroughfare. There is already a vehicular access along Martins Walk to the rear garden area of 14 Avenue Road where a double width gate exists. The site is of sufficient dimensions to provide a couple of parking spaces side by side however it would not be possible due to the narrow width of the plot (approximately 5.3 metres) to provide useable on site turning facilities. Martins Walk is a popular and busy cut through used by residents in the area connecting housing areas to Whittington Moor commercial facilities. It would be crucial therefore to ensure that turning facilities are provided to avoid a situation where vehicles have to be reversed along the length of Martins Walk which would not be in the best interest of users of Martins Walk. The entrance to the plot from Martins Walk is at a corner on the thoroughfare and this appears to be the only opportunity to be able to turn a vehicle however this may well end up being a 4 point turn and which would be at a point where visibility of pedestrians and cyclists on Martins Walk will be very limited. It is accepted however that this situation may well occur now with the office use of

the existing building however it is clear that a new family 3 bed dwelling is likely to be more frequently visited by vehicles when compared with the very limited use of the existing office. Furthermore it is accepted that the General Permitted Development Order Class O introduces a Prior Approval process in connection with conversion of such an office into a C3 dwelling however the Council would be entitled to consider the transport and highway impacts of a development and such concerns raised in the paragraph above would be material. It is not considered that there is necessarily a realistic fallback position with regard to Class O in this case.

5.19 The junction of Martins Walk with Avenue Road has reasonable visibility in the direction towards Whittington Moor (right) however it is restricted to the left by the narrower footway, vehicle parking and the boundary treatment to the front of 14 Avenue Road. Notwithstanding this the proposed development has to be considered against the traffic associated with the existing commercial use the fact that the highway authority do not recommend refusal and it is not considered therefore that a refusal could be substantiated on this basis.

5.20 Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is considered that the development proposals pose any adverse risk to highway users safety on the basis of insufficient space being available on or off site to be able to provide an adequate level of turning.

Coal Mining Risk

5.21 In respect of potential Coal Mining Risk, the site the subject of the application is situated within the high risk area and the applicant has submitted a Coal Mining Risk Assessment. This has been accepted by the Coal Authority as appropriately considering the risks and which identifies the risk posed by unrecorded shallow workings beneath the site which could cause instability problems at the surface. Intrusive site investigations are recommended and the Coal Authority concur with the recommendations. No objections are therefore raised subject to the imposition of conditions requiring the site investigation process.

Trees

- 5.22 There are a number of self set trees on the site which together form a small group however the trees are not protected and do not contribute in any significant way to the amenity of the local area. The scheme will involve their removal which is not considered to be a planning problem.

Community Infrastructure Levy (CIL)

- 5.23 Having regard to the nature of the application proposals the development comprises the creation of 1 no. new dwelling and the development is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £50 per sqm (index linked) of gross internal floor area created.

REPRESENTATIONS

- 5.24 As a result of neighbour consultation a letter of representation has been received from 14 Avenue Road raising the following issues.
1. Parking on Avenue Road is overcrowded. This would be made worse by the scheme to develop the Travellers Rest with no parking provision.
 2. Concerns regarding access by emergency services such as fire appliance due to the limited narrow access width.
 3. Where will materials be stored? No 14 requires daily access, twice a day to their garage which is located at the bottom of Martins Walk. Concern that their access would be obstructed.
 4. Martins Walk is a public thoroughfare used by a range of people including the elderly and young and mums with pushchairs. The development will have an impact on this relied upon access.
 5. The trees provide privacy, shelter and add to ambience and support wildlife.

6. Retention of the trees would be too close to the dwelling creating a cramped relationship detrimental to amenity and adding pressure to remove the trees.
7. The gov.uk website requires 74 m² floor area for a 3 bed dwelling. The scheme proposes 33.75 m² which is half of what is required.
8. The development will sit on their garden boundary with no gap leading to a breach of privacy and impact on their peaceful enjoyment of their home and garden. The development will also impact unacceptable on other neighbours as a result of overlooking, loss of privacy and overbearing impact.
9. Demolition of the existing building will leave their property open and unsecure.
10. The current office is only used during normal working hours. A dwelling would require 24 hour access potentially causing noise disturbance and light pollution and which would impact on their childrens bedrooms located at the back of the house.

5.25

Comments:

It is accepted that parking takes place on Avenue Road because there are no restrictions. The debate about the Travellers site has moved on now that the building has been demolished however whilst the scheme showed no on site parking space the planning committee imposed a condition which required on site space for parking. The proposal has to be balanced against the existing use and the fallback position of a conversion under Prior Notification procedures.

A CMP would deal with how materials are stored in connection with the construction process.

The impact on users of Martins Walk is of relevance and is a concern as referred to under paragraph 5.18 above however the existing use has to be weighed in the balance of considerations as does the lack of support for a refusal from the Highway Authority.

See paragraph 5.22 regarding the issue of the trees.

In so far as the potential for overlooking, overshadowing and impact on outlook this would be a matter for consideration at the reserved matters stage. The security of the neighbours property would be a matter between the respective property owners and would not

be an issue which influences whether planning permission is granted or not.

The reference to the gov.uk website standards is a reference to standards which have not been adopted by Chesterfield Borough Council and is not a standard which can thereby be relied upon. The objector suggests that the proposal is 50% below the standard however this would not be the case. The applicant refers to a two storey dwelling which would have 33.75 m2 on each floor totalling 67.5 m2. The table attached to the objectors representation suggests that for a two storey 3 bed dwelling that 84 m2 would be required.

6.0 **HUMAN RIGHTS ACT 1998**

6.1 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

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

6.3 The recommended refusal is considered to be necessary in the interests of public safety and which interfere as little as possible with the rights of the applicant. The applicant has a right of appeal against a refusal.

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

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

7.1 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).

7.2 The proposed development conflicts with the principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.

7.3 The conflict with Development Plan policies has led the LPA to conclude the development does not fully meet the definitions of "sustainable development" having regard to local character and amenity and a presumption on the LPA to seek to approve the application is not considered to apply.

8.0 **CONCLUSION**

8.1 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'. In this context the application has been considered against all up to date development plan policies and the wider national planning policy framework as detailed in the report above. In this respect there are a number of fundamental concerns concerning public safety arising from the development proposals which have led the Local Planning Authority to conclude that the application should be refused. The proposal is considered to be in conflict with policy CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework.

9.0 **RECOMMENDATION**

9.1 That the application be **REFUSED** for the following reasons:

1. In the opinion of the local planning authority the application site is of insufficient dimensions to incorporate any on site turning facilities and which will result in either reversing along Martins Walk or tortuous manoeuvring within the Martins Walk public thoroughfare. This will lead to circumstances which are contrary to the interests of highway and public safety. The proposal is therefore considered to be in conflict with policy CS2 and CS18 of the Chesterfield Local Plan Core Strategy 2011 – 31 and the wider National Planning Policy Framework 2019.

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 1st April 2019

File No: CHE/18/00805/REM
Plot No: 2/218

ITEM 4

**RESERVED MATTER APPLICATION FOR CHE/16/00016/OUT –
ERECTION OF 200 DWELLINGS (PHASE 2 AND 3) AND ASSOCIATED
LANDSCAPING (ADDITIONAL INFORMATION RECEIVED 25/02/2019,
26/02/2019 AND 28/02/2019; AND REVISED PLANS RECEIVED 08/03/2019
AND 19/03/2019) AT LAND TO WEST OF DUNSTON LANE, NEWBOLD,
CHESTERFIELD, DERBYSHIRE FOR WILLIAM DAVIS LTD**

Local Plan: Open Countryside / Other Open Land
Ward: Dunston

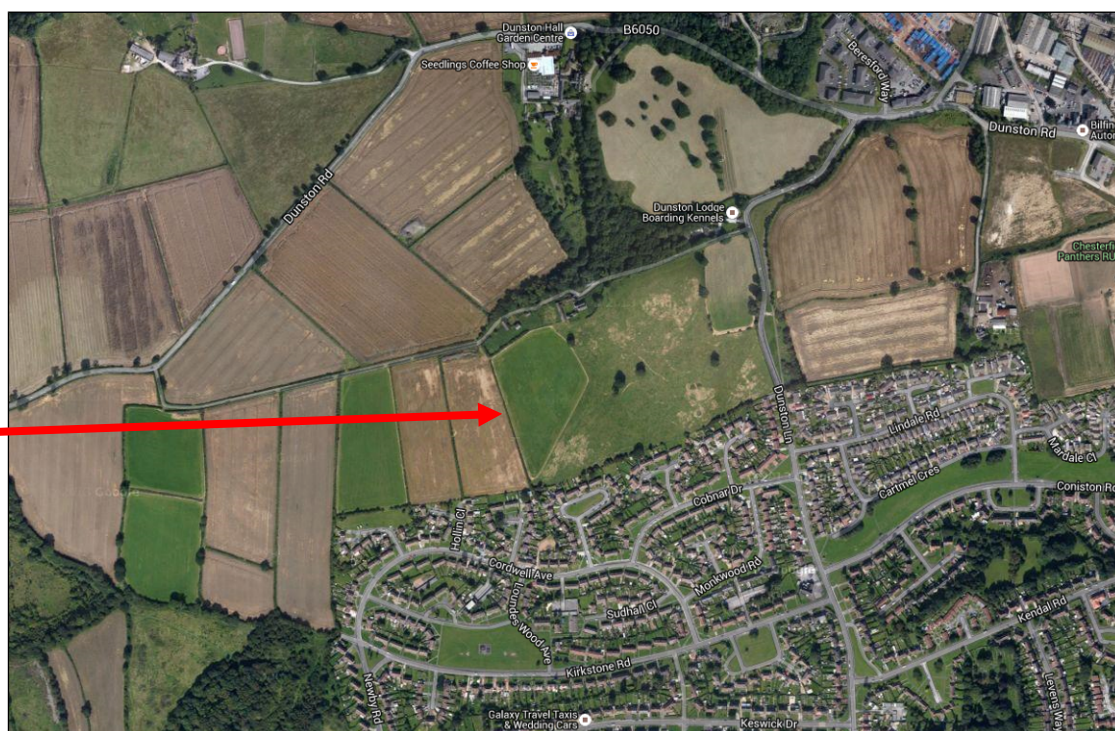
1.0 CONSULTATIONS

Local Highways Authority	Comments received 10/01/2019, 06/02/2019, 19/03/2019, 20/03/2019 and 21/03/2019 – see report
Design Services	Comments received 10/01/2019 – no objections – see section 5.5 of report
Environmental Services	Comments received 04/01/2019 – no objections
Crime Prevention Design Advisor	Comments received 17/01/2019 and 20/03/2019 – see report
Coal Authority	Comments received 21/01/2019 and 08/03/2019 – see section 5.5 of report
Yorkshire Water Services	Comments received 29/01/2019 – no objections - see section 5.5 of report
Derbyshire Wildlife Trust	Comments received 23/01/2019– see report
Lead Local Flood Authority	Comments received 23/01/2019 – see section 5.5 of report
Urban Design Officer	Comments received 19/02/2019 – see report
Tree Officer	Comments received 13/03/2019 – see report

Housing Services	No comments received
C/Field Cycle Campaign	Comments received 02/02/2019 – see report
DCC Archaeologist	No comments received
Derbyshire Fire Officer	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Seven neighbour representations received

2.0 **THE SITE**

- 2.1 The site the subject of the application is an area of agricultural land which is located on the northern edge of Dunston. Access into the site is currently only available from a gated entrance off a private lane leading to Dunston Grange, which adjoins the immediate northern boundary of the application site.



- 2.2 The aerial photograph above shows the application site in its surrounding context. There are residential properties immediately adjoining the southern boundary of the site, the eastern boundary is defined by Dunston Lane, the northern boundary is defined by the private access road which runs from Dunston Lane to Dunston Grange and beyond, and the western boundary is a dividing hedgerow (which runs northerly from the western settlement

boundary edge of Dunston). The site is undulated in part and predominantly slopes down from north to south.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/18/00488/NMA – NMA to CHE/17/00351/REM - Plots 80 and 81 updated to semi-detached; and brock type 1 updated from Terca Oakwood to Terca Blended Red.
Amendment approved on 23/07/2018.
- 3.2 CHE/17/00880/DOC – Discharge of condition 3 (planting) of CHE/17/00351/REM.
Condition 3 approved on 29/03/2018.
- 3.3 CHE/17/00735/DOC – Discharge of condition 2 (roads) of CHE/17/00326/REM.
Condition 2 approved 13/02/2018.
- 3.4 CHE/17/00695/DOC – Discharge of conditions 12 (root protection) and 19 (temporary access) of CHE/16/00016/OUT.
Condition 12 and 19 approved on 16/11/2017.
- 3.5 CHE/17/00681/DOC – Discharge of conditions 4 (drainage) and 24 (estate roads) of CHE/16/00016/OUT.
Condition 4 approved on 08/11/2017.
Condition 24 approved on 13/02/2018.
- 3.6 CHE/17/00449/DOC – Discharge of conditions 7 (phase i geo-environmental assessment report), 13 (site access), 16 (infrastructure), 19 (temporary site access) and 20 (construction method statement) of CHE/16/00016/OUT.
Conditions 7, 13, 16, 19 and 20 approved on 22/08/2017.
- 3.7 CHE/17/00431/DOC - Discharge of planning conditions 2 (reserved matters), 6 (archaeological investigation), 8 (bat survey), 9 (badger survey), 10 (badger protection), 12 (root protection areas), 14 (open space scheme), 18 (materials), 21 (internal site layout), 22 (junction with Dunston Lane), 26 (travel plan), 29 (noise assessment) and 30 (conformity with concept masterplan) of CHE/16/00016/OUT.
Conditions 2, 6, 8, 9, and 10 approved on 09/08/2017.
Condition 26 approved on 30/08/2017.
Conditions 12, 14, 18, 21, 22, 29 and 30 still outstanding.

- 3.8 CHE/17/00381/DOC - Discharge of condition 5 (intrusive site investigations - coal mining) of CHE/16/00016/OUT. Condition 5 approved on 07/07/2017.
- 3.9 CHE/17/00326/REM - Reserved matter application for CHE/16/00016/OUT – erection of 99 dwellings and associated public open space, landscaping and surface water balancing (phase 1). Approved on 19/09/2017.
- 3.10 CHE/16/00016/OUT - Resubmission of CHE/14/00873/OUT - residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site) at land to the west of Dunston Lane, Chesterfield, Derbyshire for William Davis Limited. Approved on 29/03/2016.
- 3.11 CHE/14/00873/OUT - Outline application for residential development, along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site) – additional information received on 16/10/2015 at land to the west of Dunston Lane, Chesterfield, Derbyshire for William Davis Limited. Refused on 19/11/2015.
- 3.12 CHE/14/00641/EIA – Request for screening opinion for proposed residential development at land to the south of Dunston grange, Dunston Lane, Chesterfield, Derbyshire for Pegasus Group. LPA decision dated 23/09/2014 concluded that the proposals were EIA development; however the LPA decision was appealed to the National Planning Casework Unit and subsequently the Secretary of State decision dated 19/11/2014 concluded that the proposals was not EIA development.
- 3.13 CHE/0993/0562 - Outline application for residential development with playing fields and road improvements on land surrounding Dunston Grange Farm, Dunston Lane, Chesterfield. Refused on 10/02/1994.

4.0 **THE PROPOSAL**

- 4.1 In March 2016 planning permission was granted in outline for residential development of up to 300 dwellings on land located to

the west of Dunston Lane. The outline application site measured in 15.81 hectares in area.

- 4.2 In September 2017 reserved matters approval was granted for the first phase of the development for 99 dwellings.
- 4.3 This is an application which seeks reserved matters approval for the second and third phases of that outline planning permission for the erection of 200 dwellings on the remaining two thirds of the outline application site.
- 4.4 The application submitted is supported by the following list of plans / documents (~~struck through~~ plans have been superseded):

House Types

~~Type B – 14-053 TyB-1 (Brick)~~

Type B – 14-053 TyB-1 Rev A (Brick)

Type D – 14-053 TyD-1 (Brick)

Beamish – 14-053 BM-1 (Brick)

Beamish – 14-053 BM-2 (Render)

Dove – 14-053 DE-9 (Render / Gable Option)

Dove – 14-053 DE-7 (Brick / Gable Option)

Denwick – 14-053 DK-2 (Render)

Denwick – 14-053 DK-1 (Brick)

Denwick – 14-053 DK-6 (Brick / Double Gablette Option)

~~Dalton – 14-053 DL-8 (Brick / Soldier Course Option)~~

Dalton – 14-053 DL-8 Rev A (Brick / Soldier Course Option)

~~Hamble – 14-053 HB-1 (Brick)~~

~~Hamble – 14-053 HB-2 (Render)~~

~~Hamble – 14-053 HB-1(S) (Stone)~~

Hamble – 14-053 HB-1 Rev A (Brick)

Hamble – 14-053 HB-2 Rev A (Render)

Hamble – 14-053 HB-1(S) Rev A (Stone)

~~Kildale – 14-053 KD-8 (Brick / Soldier Course Option)~~

Kildale – 14-053 KD-8 Rev A (Brick / Soldier Course Option)

Lea – 14-053 LA-1 (Brick)

Lea – 14-053 LA-2 (Render)

Lydden - 14-053 LN(PC)-(S) (Stone / Chimney Option)

Lydeen - 14-053 LN(PC)-1 (Brick / Chimney Option)

Lydden - 14-053 LN-1 (Brick)

Lydden - 14-053 LN-1(S) (Stone)

Lydden – 14-053 LN(PC)-(S1) Rev B (Brick / Chimney Option) -

Plots 134, 197, 206, 241 + 263

~~Meden - 14-053 MD-1 (Brick)~~
Meden - 14-053 MD-1 Rev A (Brick)
~~Minsmere - 14-053 MM-2 (Render)~~
Minsmere - 14-053 MM-2 Rev A (Render)
Nene 14-053 NN-1 (Brick)
Nene 14-053 NN-2 (Render)
Nene 14-053 NN-2 – (S1) (Render) – Plot 254
~~Rother 14-053 RR-1 (Brick)~~
Rother 14-053 RR-1 Rev A (Brick)
Seaton 14-053 SN-1 (Brick)
Seaton 14-053 SN-2 (Render)
Severn 14-053 SV-1 (Brick)
Severn 14-053 SV-2 (Render)
Severn 14-053 SV-3 (Brick / Tile Option)
Soar 14-053 SR-1 (Brick)
Soar 14-053 SR-1 – (S1) (Brick) – Plots 243, 270 + 280
Solent 14-053 ST-1 (Brick)
Solent 14-053 ST-1-PC (Brick / Chimney Option)
Solent 14-053 ST-6 (Brick / Double Gablette Option)
Solent 14-053 ST-2 (Render)
Solent 14-053 ST-1-PC – (S1) (Brick / Chimney Option) – Plots
200 + 282
Teme 14-053 TM-1 (Brick)
Teme 14-053 TM-2 (Render)
Thirsk 14-053 TS-8 (Brick / Soldier Course Option)
~~Wreton 14-053 WR-8 (Brick / Soldier Course Option)~~
Wreton 14-053 WR-8 Rev A (Brick / Soldier Course Option)

Garages

~~Double Garage Side Gable 14-053 GB02~~
~~Semi Side Garage 14-053 GB03~~
~~Single Front Gable 14-053 GB06~~
Double Garage Side Gable 14-053 GB02 Rev A
Semi Side Garage 14-053 GB03 Rev A
Single Front Gable 14-053 GB06 Rev A

Site Layout

Site Location Plan 14-053 P01
~~Site Layout Plan 14-053 P02 Rev A~~
~~Site Layout Plan 14-053 P02 Rev D~~
Site Layout Plan 14-053 P02 Rev H
~~Materials Plan 14-053 P03~~
Materials Plan 14-053 P03 Rev B

~~Proposed Boundary Treatments Plan 14-053 P04~~
~~Proposed Boundary Treatments Plan 14-053 P04 Rev B~~
 Proposed Boundary Treatments Plan 14-053 P04 Rev D
~~Proposed Hard Landscaping Plan 14-053 P05~~
 Proposed Hard Landscaping Plan 14-053 P05 Rev B
~~Streetscene Elevations 1 14-053 P06 Rev A~~
 Streetscene Elevations 1 - 14-053 P06 Rev C
~~Streetscene Elevations 2 14-053 P07 Rev A~~
 Streetscene Elevations 2 - 14-053 P07 Rev C
 Proposed Phasing Plan – 14-053 P08
~~Soft Landscape Proposals Sheet 1 of 4 GL0123 01A~~
~~Soft Landscape Proposals Sheet 2 of 4 GL0123 02A~~
~~Soft Landscape Proposals Sheet 3 of 4 GL0123 03A~~
~~Soft Landscape Proposals Sheet 4 of 4 GL0123 04A~~
 Soft Landscape Proposals Sheet 1 of 4 GL0123 01C
 Soft Landscape Proposals Sheet 2 of 4 GL0123 02C
 Soft Landscape Proposals Sheet 3 of 4 GL0123 03C
 Soft Landscape Proposals Sheet 4 of 4 GL0123 04C
 Tree Pit Detail GL0123 05
 1800mm Timber Screen Fence 6235 L44 Rev D
 Timber Knee Rail 6235 L59 Rev B
 1800mm Waney Edged Panel Fencing 6235 L62 Rev B
 Metal Boundary Railing 6235 L83 Rev D
 Brick Screen Wall Detail 6235 L89
 S38 Vehicle Tracking DGI-BWB-HGN-02-DR-D-110 S1 P2
 S38 General Arrangement (Sheet 1 of 2) DGI-BWB-HGN-02-DR-D-100 S1 P2
 S38 Longsection (Sheet 4 of 4) DGI-BWB-HGN-02-DR-D-653 S1 P1

Supporting Documents etc

Supporting Planning Statement (P&D Group November 2018)
 Ecological Assessment Rev A (Landscape Science Consultancy Ltd November 2018)
 Noise Assessment (WYG October 2018)
 Landscape Management Plan Rev A – Phase 2 and 3 (Golby & Luck Landscape Architects October 2018)
 Landscape Risk Assessment (Golby & Luck Landscape Architects October 2018)
 Geo Dyne – Supporting Statements dated 21st September 2018 and 6th March 2019
 William Davis Apprentice Vacancy Details – July 2018 Press Release

- 4.5 A package of revised drawings (reflected in the list above) were also submitted on 08/03/2019, 19/03/2019 and 21/03/2019 and the whole submission is also intends to address the requirements of conditions 14, 18, 28 and 29 of the outline planning permission (CHE/16/00016/OUT) with the details submitted.

5.0 **CONSIDERATIONS**

5.1 **Planning Background / Principle of Development**

- 5.1.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/16/00016/OUT for residential development along with associated access, public open space, landscaping and surface water balancing which was approved on 29/03/2016 subject to 30 no. planning conditions and a unilateral undertaking covering the provision of public art, affordable housing, an education contribution, management of green space and suds infrastructure and highway work.
- 5.1.2 The live outline permission enabled applications for reserved matters approval to be submitted for a period of three years following the date of the outline approval (i.e up to 28/03/2019) and this reserved matters application completes the development and concerns the second and third phases of that development. This application was received before the expiry of the outline permission on 12/12/2018.
- 5.1.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions and the unilateral agreement the issues already agreed and set by the outline permission cannot be revisited. Only the outstanding reserved matters issues concerning appearance, landscaping, layout and scale are to be considered. Access was agreed at the time of the outline planning permission and the subsequent approval of its detail has been dealt with under condition 22 of application CHE/17/00431/DOC. The site access

has since been formed to Dunston Lane under a S278 agreement by the Local Highways Authority.

5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**

- 5.2.1 Having regard to the detailed design and appearance considerations of the proposed reserved matters details alongside the case officers own appraisal of the scheme the Council's Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) were invited to review the submission.
- 5.2.2 Initially the UDO undertook a thorough review the reserved matters submission and offered the following feedback on the submitted scheme:

Use

The principle of residential use of this land was previously accepted with the grant of outline planning permission (16/00016/OUT).

Amount

The outline planning permission (16/00016/OUT) approved up to 300 dwellings. Phase 1 of this site (currently under construction) was granted permission for 99 dwellings. This submission seeks consent for a further 200 dwellings and is therefore within the parameters consented under the outline permission. The site area measures 6.8 hectares. A development of 200 dwellings would equate to a density of 29.4dph.

Layout

Condition 30 of the outline planning permission (16/00016/OUT) required that the reserved matters details shall be in general conformity with the Concept Masterplan Plan Drg No: EMS:2304_003 F.

The general arrangement of the proposed layout broadly follows some of the principles of the Masterplan envisaged and approved at the outline stage, in respect of outward facing edges to the development, introduction of focal point locations, hierarchy of street types, inclusion of amenity green space and pedestrian/cycle routes within the scheme.

Elements of the layout differ from that indicated within the Masterplan due to the presence of cliff walls associated with the previous open casting, which dictate the alignment of the amenity green space due this forming a no build zone. In addition, the removal of three hedgerows has informed an alternative internal layout which is not constrained by the existing hedgerows on site.

While the broad principles of the Masterplan are partially reflected in the current layout, in urban design terms, some of these elements are weak or missing. A number of detailed matters of detail are discussed further below.

Permeability

Internal permeability is provided by a loop road which forms a primary circulation route, although cul-de-sacs and private drives result in limited permeability overall.

Connectivity

Condition 28 of the outline permission (16/00016/OUT) requires details of the provision of a pedestrian and cycle link to Hollin Close or Baines Wood Close.

A link to Hollin Close is shown on the layout plan, although sections should also be submitted to demonstrate that a suitable gradient and level connection will be achieved with the land on the Hollin Close side of the boundary.

Cycle connectivity

A 3m wide shared cycle and footpath route is indicated on the main east west and north-south primary streets. This links back to the main route on Phase 1 of the scheme which is appropriate.

A circulation route is also indicated around the eastern and northern green buffers but is described as a footpath and is shown on the landscape proposals as a mown path only.

However, the Masterplan provided in support of the outline planning permission indicated this as a pedestrian and cycle route. Furthermore, the approved layout for Phase 1 of the development shows a cycle route passing along the northern part of the site along the edge of the balancing ponds / green corridor, past the play area and connecting onto Phase 2.

In the interests of consistency with the supporting Masterplan and providing a more connected development, it is recommended that a surfaced shared cycle and pedestrian path should be introduced through the northern and eastern buffers, forming a secondary pedestrian/cycle path that will promote health and well-being in accordance with the approved Masterplan.

Townscape

The arrangement of spaces and the built form is generally reasonably well considered with buildings arranged to terminate views along most streets.

Where focal point spaces are provided however, the landscape design of these spaces is generally unremarkable and contains little to distinguish these key locations within the wider scheme and set them apart from the general townscape.

The two primary locations that would benefit from a stronger sense of identity are the area west of Plots 122 and 144 and the area at the intersection between Plots 252-254, 261-263 and 288-290. For example, the planting within the triangle west of Plot 144 could utilise a formal line of street trees around the perimeter of the green to echo the approach shown opposite (green edge between Plots 210 and 145) and actually form a genuine tree lined area on both sides of the street at this point. At present the tree planting proposals in this area comprise a more random arrangement that will have limited impact in townscape terms.

Furthermore, the inclusion of suitable means of enclosure, such as vertical railings, to define and enclose these locations is recommended to distinguish them from the generally open plan nature of the majority of the site. For example, this approach has been partially shown in front of Plots 261-263 with railings set out on an 'arc' on one side of the space. However, this is not replicated around the frontages of Plots 252-254 and 288-290 on the opposite side of the junction, which forms the opposite side of this space. The introduction of estate railings to these plot frontages would further reinforce the identity of this space and better define both sides of the street as forming a single space.

The legal agreement accompanying the outline planning permission makes provision for the inclusion of public art and these particular locations would lend themselves well to the inclusion of public art installations. This would raise their status as focal points

of value within the scheme, enhance legibility and strengthen the sense of place and identity of the development.

The proposals for the incorporation of public art are currently unclear, although the development of a strategy and brief, in liaison with the Council, forms part of the legal agreement. It is therefore recommended that this is brought forward in discussion with the LPA, to establish the scope and terms of proposals for public art and how this might be used to enhance the key focal points in this development.

Relationship to edges

The garage of Plot 157 protrudes awkwardly into the green corridor and a smoother more natural transition is recommended. This area should be reconfigured to avoid built forms intruding into the green corridor.

Bin Collection Points

A number of long private drives result in excessive bin carry distances for both residents and operatives. Collection points are generally positioned at excessive distance from the edge of the public highway and would need to be within 15m of the public street. Residents should not normally be expected to carry bin excess of 30m.

A connection path could be provided between Plot 211 and the road to the south to facilitate a short carry distance and enable easy and convenient collection from the public highway.

Elsewhere, connecting private drives to form adoptable roads that provide a continuous loop would overcome this issue and improve the permeability of the development.

Crime and Design

The advice given by the Force Designing Out Crime Officer is supported and the alterations to the design recommended by the FDOC should be implemented through the submission of revised plans.

In addition the terraced house types include long unsupervised rear access paths to afford access to rear gardens. A particularly tortuous example can be seen to the rear of Plots 188-195 and Plots 180-184, which includes a triple line of fences to form two parallel paths in order to serve the back gardens of these

dwelling. This is contrary to guidance contained within Successful Places (2013 – see section 3.19.10) and should be omitted in favour of house types with through passages.

Affordable Housing Layout

The layout incorporates several clusters of affordable houses (40 units in total), mainly situated within separate cul-de-sacs or private drives. These areas have an entirely separate design approach to the rest of this phase.

The affordable housing components appear cramped, comprise car dominated frontages, lack relief or meaningful soft landscape and results in a number of stark vehicle dominated environment for future residents. In some instances the parking for some plots is located in front of the neighbouring property. The parking court to the rear of Plot 211 is also a poor quality space and fails to meet the Council's guidance on parking courts.

The approach to the design of the affordable housing areas represents a poor quality environment and is particularly noticeable in contrast to the market housing. With the exception of Plots 108-113 the affordable housing could not be described as 'tenure blind'.

This is contrary to good practice and the creation of mixed, sustainable and inclusive communities. NPPG advises that: "In well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site". (Paragraph: 039 Reference ID: 26-039-20140306).

There would be a striking visual distinction between market and social housing, which is contrary to national best practice. This part of the layout is wholly unacceptable in its current form and represents poor design. It is recommended that:

- The design of the affordable housing is element is revisited to address the shortcomings identified.*
- The layout and house types are designed to be tenure blind.*
- A reduction in the density the affordable housing is implemented to enable a better design outcome to be achieved in these areas.*

Scale and massing

Scale and massing is generally consistent with that previously agree under Phase I.

Landscaping

Greater use of native species and larger scale trees is recommended that reflect the landscape character of the area. These should be introduced in the open areas and green buffer zones, in lieu of non-native and ornamental species such as Turkish Hazel and Magnolia etc. Species such as lime, beech and hornbeam to be included where space allows in order to support the landscape character, identity and biodiversity enhancement of the site.

Boundary Treatments

The layout generally lacks any meaningful means of enclosure to plot frontages and between public spaces and private areas. Interventions with estate railings are recommended around key focal spaces (see Townscape comments above).

Elsewhere, only knee rails are indicated around the margins of the primary green space. It is recommended that post and rail fencing (height 900mm) is introduced to provide physical separation between the public and private space, together to suitable entry points in logical locations. This style of fencing is suited to the rural context, is relatively inexpensive and easily maintained in the future.

Fencing is recommended to provide enclosure and definition to the central green space and along the edge of the road and driveways that run parallel to the green buffer on the northern and eastern edges of the site.

Appearance

The appearance of the house types reflects that established under the previous reserved matters approval.

Meter Boxes

Meter covers should be located on side elevations, where designs allow, or coloured match the background material if they are only able to be located on the front elevations.

Porch Canopies

Projecting porch canopies with pitched roofs should comprise painted timber frames with tiled pitched roof (not GRP) finished

with a small format tile (such as a plain tile) coloured to match the appearance the main roof covering.

Rear Access Paths

Comments in respect of rear access paths are set out above (see Crime and Design above). A further consequence of awkward rear access arrangements is that waste bins are more likely to remain on frontages, due to the inconvenience and unappealing nature of the rear alleyways. This would be detrimental to the appearance of these areas and further detract from the quality of the environment around areas of affordable housing.

Dual Aspect Units

In addition to the corner plots identified as requiring additional fenestration by the Force Designing Out Crime Officer, Plots 254 and 290 are tilted at an angle to help define the focal space, but as a result exposes their flank walls prominently towards the streetscene. It is therefore recommended that additional fenestration is introduced to the exposed NW elevations. Both house types (Nene and Solent) lend themselves to the addition of a modest bay side window at ground floor, which would also facilitate views from the living spaces towards the green buffer area.

Access

Access is continued from the end of the estate road being constructed under Phase 1. Internally, the acceptability proposed road and access drives will need to be informed by the DCC Highways Engineer.

Conclusion

In light of the above comments, the application in its current form does not achieve an acceptable standard in terms of design quality. The proposals should therefore be amended in response to the issues identified before a favourable recommendation can be made.

5.2.3 The CPDA also provided the following comments:

The footpath/cycle link from the site onto Hollin Close provides connectivity to the south, but links between existing development and new sites often create gathering points which are problematic to neighbouring properties if not sensitively set out. If the link is

ultimately seen as necessary for convenient circulation, it should have an open aspect, without landscape clutter, to keep sight lines open and not encourage gatherings, with as continuous and level passage as possible. In this case potentially being eased slightly from the private boundary of plot 167, adding a section of estate rail along the boundary division.

The following prominent or corner plots require additional fenestration for full supervision of public spaces.

The Lydden has an untreated chimney feature gable end which requires an outlook at plots 134, 197, 206, 241 and 263; The Solent corner plot requires side treatment to lounge and kitchen/diner at plots 200 and 282; The Hamble corner plots at 154 and 234 require the same to ground floor dining and kitchen areas; and The Soar has an untreated short exposed side elevation needing an additional dining room window at plots 243, 270 and 280.

Terraced blocks have a handful of shared garden access routes which are appropriately gated at the point of origin (the lock for plot 221 needs moving out to the side boundary of plot 222 to secure the enclosed access route for this house). There is no gate specification online to accompany the boundaries detail.

Where a ledged and braced timber gate with staple and hasp securing is usually standard for individual gates, these communal gates will require a communal locking schedule, that being key locking from both sides for practicality, and to be additionally framed to be robust enough for continuous communal use and to allow a substantial lock to be morticed into the frame. The plots concerned are 163-165. 181-184, 189-195 and 230-232.

5.2.4

The UDO and CPDA's comments were fed back to the applicant / developer and a subsequent meeting took place whereby the issues highlighted and potential design solutions / responses were discussed. These discussions led to a package of revised drawings being submitted on 08/03/2019 which included the following changes:

Layout:

- Estate railings have been added at appropriate points e.g. corner areas of 289-90 and 252-54;

- Extruding garage removed from plot 157 and alternative parking arrangements proposed with 145/146;
- Private road 'gap' linked-up outside plot 296, to assist with circulation and bin collection;
- Addition of 3m footpath/cycleway to peripheral open space. Surfaces specified (tarmac/pcc edge to central POS and bound gravel/timber edge to peripheral POS);
- Feature timber posts added to drive entrances/POS entrances in key areas (to help delineate the space), tying in with adjoining boundary treatments (estate rail/fencing/hedges) where appropriate;
- Access paths have been revised in relation to plots 180 -196 in-line with Police recommendations, limiting unsupervised rear access;
- Affordable housing blocks and parking spaces have been broken up at plots 180 – 196, with visitor parking bays now opposite to provide balance;
- Block paving added in relation to plots 220 – 233 (including affordable housing) to create a courtyard feel with integrated landscaping;
- All affordable housing design will be upgraded from a design perspective;
- Post and rail fencing have been added/removed at appropriate boundary locations;
- Meter boxes will be painted to match/blend the brickwork, they cannot be moved for practical reasons;
- Areas for public art installations are indicated throughout the phase (currently in the Landscape Scheme), particularly within the high-wall landscaped area.

Dwellings:

- Fenestration/outlook added to 254/290;
- Lydden outlook added to chimney feature gable end at plots 134, 197, 206, 241 and 263;
- Solent corner plot side treatment added to lounge and kitchen/diner at plots 200 and 282;
- Soar side elevation additional dining room window added at plots 243, 270 and 280.

Landscaping:

- Balance of DWT and Dunston Grange Comments regarding boundary planting;

- Consideration of focal green points (west of plots 122 – 144 and intersection between 252 – 254, 261 – 263 and 288 – 290);
- Lime trees added as main avenue tree;
- Additional arc of hornbeams provided at north of central POS to define the space;
- Timber bollards added to FP/cycleway to slow cycles adjoining highway/prevent vehicular use;
- Plots 189-196 parking area formalised - 3no fastigate trees (ornamental pear) added as requested by visitor parking together with formal beds with feature shrubs in frontage lawns and timber bollards to define area/protect verges;
- Plots 175-185 parking area - hedges added to enclose entrance, together with frontage shrub beds and specimen shrubs to increase landscape provision;
- Plots 221-232 parking area - formal hardscape square area created, with trees in hard pits and railings to define/control parking. Entrance defined with hedgerow & railings. Increased shrub planting to plot frontages. Tree pit detail provided for hard pits - GL1023 05.

5.2.5 The package of revisions were forward to the CPDA and the case officer also reviewed these in connection with the comments made by the UDO set out above. Overall the changes made addressed the majority of the UDO comments above. Furthermore the CPDA confirmed that the changes made addressed the majority of his concerns (20/03/2019) but he queried if the railing detail amended to the Hollin Close connection to a ball top rail to discourage ASB (people sitting on top of the fence). These concerns were fed back and the applicant / developer confirmed (20/03/2019) that these amendments would be accommodated and revised plans are to be submitted. A few other disparities between the landscape details and the boundary treatments plans were also noted and the applicant / developer confirmed they would proceed and amend these to ensure all plans corresponded. These revisions will need to be either added as drawings on the approved plans condition or an additional condition will need to be imposed requiring them to be provided. This will be reported to planning committee verbally.

5.2.6 Overall having regard to the amendments presented it is considered that the applicant / developer has sought to address where possible the comments of the UDO and the changes made are welcomed as positive improvements to the design and appearance of the overall scheme.

- 5.2.7 It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved. The application submission is supported by working details of hard and soft landscaping solutions which have been considered and are acceptable in principle. They offer appropriate response and legibility to the streetscene being created. A detailed materials schedule has been prepared by the developer selecting chosen brickwork and finishes to the individual plots – which are considered to be acceptable as they reflect the local vernacular.
- 5.2.8 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design. The details submitted do not at this stage include site levels and therefore these details will need to be conditioned for approval. Levels details will also need to be provided to show the connection between the site and Hollin Close (as per the UDO's comments) and these matters can also be conditioned.
- 5.2.9 Overall it is considered that the development proposals are acceptable. The design, density, layout, scale, mass and landscaping proposals are considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD such that the scheme is acceptable in this regard.

5.3 **Landscaping**

- 5.3.1 The reserved matters submission is also accompanied by hard and soft landscaping details and landscape management proposals which have been prepared by Golby & Luck Landscape Architects. These details have been reviewed by both the Council's Tree Officer (TO) and Derbyshire Wildlife Trust (DWT) who each offered the following comments:

TO - The proposals include native tree and shrub planting around the boundaries and open spaces which provide a good variety of

species and also provide a valuable screen to the neighbouring properties. The scheme also provides a good buffer zone between the proposed landscaping and the new dwellings to remove any conflict.

To enhance the development ornamental tree and shrub species have been used within the site which will provide some visual interest and soften the hard landscaped areas.

Details of the tree pit design specifications have also been provided on drawing GL1023 05 and are suitable for the proposed tree planting.

In general the landscaping proposals are acceptable and discharge the soft landscaping section for the reserved matters of condition 27 attached to CHE/16/00016/OUT.

DWT - When comparing the current proposed layout to Concept Masterplan consented at outline, it is clear that there is a much higher degree of hedgerow loss as there is no attempt to retain the three internal hedges in the western half of the site. Whilst these were not considered 'important' under the Hedgerow Regs. 1997, this still represents a net loss of a habitat of principal importance (NERC Act 2006). Development should be aiming for a net biodiversity gain (NPPF 2018) and we do not consider that the current layout complies with this. This should be revised.

The management prescription for meadow grassland in the Landscape Management Plan states cutting from late-June through August. This should state late-July through August. If a spring cut is required this should be done before the end of April, rather than May. This should also be amended in the Maintenance Schedule Table at the end of the Plan.

We would advise that EM2 meadow grassland seed mix should be used as a minimum, if not EM3. The aim is to create a species-rich grassland of high quality that will remain for years to come and we would not advise that the most basic mix is used.

Tree species planted around the site perimeters in the green buffers should be native and not comprise ornamental species that do not complement the meadow grassland or native shrub mix. Furthermore we would advise that there are too many trees within

the western and northern buffers, which are not appropriate to the wildflower grassland and are likely to add nutrients and increase shade. These should be removed or reduced to ensure high quality swathes of wildflower grassland are created.

We would expect to see bat and bird boxes, along with hedgehog highways, to ensure that opportunities for wildlife are incorporated and work towards a net biodiversity gain. No specifications are included on the Landscape Plans for these. Are these details provided elsewhere?

- 5.3.2 Following receipt of the comments made by DWT above the applicant / agent sought to address some of the issues highlighted alongside revisions to the hard and soft landscaping details. These were reflected in the package of revisions details submitted on 08/03/2019. The applicant / agent did however seek to rebut some of the comments made by DWT in a statement made by their consultant ecologist dated 20/02/2019 where they disputed the comments made by DWT about demonstration of a net gain in biodiversity over the site.
- 5.3.3 With regard to the above the site layout details for Phases II and III of the development do result in the loss of the hedgerows dissecting the site on north – south axis; however this matter was discussed with the LPA prior to the applications submission and was accepted in principle. The loss of the hedgerows were agreed in principle in consultation with the TO subject to the applicant / developer agreeing to strengthen the landscaping proposals across the site layout, concentrating on the edges of the development to the north and west and also enhancing the green corridor created on a north – south axis through the site in conjunction with the position of the former open cast high wall (which is a physical constraint to the site layout proposals).
- 5.3.4 The landscaping proposals submit reflect these discussions and whilst they do not retain the hedgerows as were initially shown in the outline planning permission masterplan as highlighted by DWT the compromise achieved is considered to be acceptable. The latest amendments to the landscaping details in all other respects address the comments made by DWT and whilst there further comments have not been received, the Council's own Tree Officer has offered is support for the scheme of revisions.

5.4 **Highways Matters**

5.4.1 Under the provisions of granting outline planning permission, agreement of the site access details under condition 22 of the outline permission and the subsequent first phase of the scheme under app. reference CHE/17/00351/REM the main site access to Dunston Lane has been formed and implemented under S278 agreement with the Local Highways Authority (LHA). In addition the highway layout of the first phase of development has secured S38 approval (adoption) by the LHA.

5.4.2 Phases II and III the subject of this application are formed as a continuation of the estate road from Phase I and therefore the reserved matters detail the subject of this application must now also be considered by the LHA having regard to the proposed design and layout of the internal access roads / turning heads detailed.

5.4.3 Initially the LHA provided the following response to the reserved matters submission:

The majority of the layout is acceptable in highway terms, however, there are minor elements of the design which should be given further consideration, in order to comply with the requirements of the County Council's current adoptable design guide – condition 21 of the 'parent' outline consent for this site (16/00016/OUT) requires the internal layout of the site to be in accordance with the Highway Authority's current design guide. The following items should therefore be given further consideration:-

The Highway Authority's adopted 'Delivering Streets and Places' design guide suggests a minimum carriageway width of 5m be allocated for new estate streets – this is an increase from the previous minimum of 4.8m. Whilst there will be some streets on this development that have been laid out to the older guidance, all new streets going forward should meet the current criteria. The proposals for phases 2 and 3 include some streets where the geometry should be increased – this is likely to affect the streets serving plots 100-118, 154-241, 243-248, 199-282, 253-255 and 270-244; these streets should be widened to a minimum carriageway width of 5.0m.

Swept path analysis should be provided to demonstrate a large refuse vehicle – minimum 11.6m long – is able to turn at the closed ends of the street. The analysis should show that the vehicle manoeuvre can be wholly contained within the potentially adoptable street limits and does not involve any third party land or shared drives etc to complete the manoeuvre. This should be undertaken particularly for the turning areas identified adjacent plots 188, 247 and 273.

Footways should be provided where there will be a pedestrian demand from frontage development, or to provide continuous links to other existing (or proposed) pedestrian infrastructure. A footway should be provided between plots 154 and 241 – this could be on 1 side of the street only at this stage – this would provide a link to the footways created on phase 1 of the development as well as the proposed new footpath routes within the site. The roads serving plots 243-248, 270-274 and 253-255 should also be provided with at least one footway, given the dimensions of the carriageway are not particularly suited to a shared surface street environment.

The street serving plots 270-274 will also require a radius kerbed junction to be provided to allow satisfactory access for the refuse vehicle and larger delivery vehicles to and from the street.

Consideration should be given to providing connections between the street / private drives and the indicative footpath routes should be shown in order to create a more permeable layout for pedestrians.

A cycle / pedestrian connection is shown to Hollin Close, however, to complete the link requires land outside of the application site boundary (and potentially outside existing highway limits). The developer should clarify how this will be secured / provided.

Visibility at junctions and forward visibilities around the inside of the bends appear to be contained within the street extents and an adequate level of on plot parking appears to be available throughout the development. The proposals are therefore considered acceptable in this respect.

It is recommended that the applicant be given opportunity to submit revised / further details to satisfactorily address the above issues. However, if you are minded to determine the application as submitted, the Highway Authority would be grateful to receive further opportunity to make recommendations.

- 5.4.4 As a result of receiving the comments of the LHA above, a revised package of plans were prepared by the applicant / developer which were submitted for consideration on 08/03/2019. These were forwarded to the LHA who subsequently commented as follows:

The revised drawings address the majority of issues highlighted by the Highway Authority, in its consultation response dated 6/2/2019. However, I have been unable to locate the swept path analysis, which is alluded to in the applicant's e-mail dated 8/3/2019. Please can this be provided to ensure the refuse vehicle is able to access and egress the new streets, as well as turn at the closed ends of the street (all junctions, bends and cul-de-sac turning areas). The applicant should ensure that all turning areas provided contain the entire vehicle turning manoeuvre within the estate street limits and do not rely on adjoining private third party land or private driveways to complete the manoeuvre.

It is assumed the original outline conditions continue to apply to the overall development, in terms of offsite highway improvements, travel plan, pedestrian connections etc. On this basis I would recommend the following highway related conditions and notes be appended to any consent issued, should your Authority be minded to approve the application details:-

- 1. Prior to any works exceeding demolition or site clearance taking place within any phase covered by this application, space shall be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*

2. *Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.*
3. *The streets shall be laid out in conformity with the revised plans and in accordance with a construction / build sequence program first submitted to and approved in writing by the Local Planning Authority prior to any works exceeding demolition or site clearance taking place within the application site.*
4. *The carriageways of the proposed estate roads within the respective phases shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
5. *No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles (including cycle parking). The parking thereafter remaining free from any impediment to its designated use for the life of the development.*
6. *The proposed property access drives shall be no steeper than 1 in 10 for the first 5m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the street.*
7. *Where any plot curtilage slopes towards the new street measures to capture and deal with surface water run-off from*

within the plot, in accordance with details first submitted to and approved in writing with the Local Planning Authority, will need to be installed. The approved details shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

5.4.5 The swept path details were subsequently provided (19/03/2019) and the LHA confirmed (20/03/2019) that these were also acceptable. The developer will also pursue a S38 agreement to the estate layout for Phases II and III under the provisions of associated conditions of the outline planning permission.

5.4.6 Regarding the recommended conditions set out by the LHA above these can be imposed on the reserved matters consent in the interests of highway safety.

5.4.7 In addition to the comments made by the LHA above, comments were also received from the Chesterfield Cycle Campaign (CCC) as follows:

1. Phase 1 of this development which is already occupied will eventually (we believe) have a shared path along the 'main' road into the estate. However there is no safe crossing provided on Dunston Lane to access the already in place shared path there. The Campaign asked for that in the original application. In fact it has been made more dangerous to cross Dunston Lane in that position because the road is now three lanes wide! There are no dropped kerbs to allow cyclists to cross the road either.

2. It is noted from the plans that this application continues the shared path. The Campaign questions whether shared paths within a 'cul de sac' estate provide any benefit? Much better to design the streets to be cycle and pedestrian friendly as happens in many other European countries and the 'little Holland' projects in London.

Unfortunately this is yet another 'car friendly' development that does little to encourage sustainable transport and will simply add to the traffic numbers.

5.4.8 Having regard to the comments made by the CCC above the new site junction to Dunston Lane (formed as part of Phase I of the development) was designed with footway widths sufficient for a shared pedestrian / cycle route and the junction is to be laid out

with islands to provide safe crossing and access to the shared path on the opposite side of Dunston Lane. The shared path is continued into the site through Phase I and into Phases II and III to allow future occupiers of the site the choice of cycling from their new homes onto the wider network beyond the site. This is a clear benefit of the scheme, despite what the CCC say in their response above, and whilst it may not be designed like examples in London or Holland, the facility is there nevertheless. The site layout also achieves a connection to the existing estate to the south via Hollin Close and this will allow new residents access to amenities in this location including local bus services. Despite the comments of the CCC the development achieves an acceptable balance between car / cycle and pedestrian connectivity given all material planning considerations and site constraints and accords with the provisions of policies CS1, CS2, CS18 and CS20 in these regards.

5.5 **Technical Considerations**

- 5.5.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, ecology protection / enhancement, land condition and contamination; however these matters and the details thereof are either already dealt with under the various discharge of conditions applications (see planning history above) or will be dealt with through forthcoming details under the provisions of these conditions if necessary. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised are already resolved or are to be dealt with separately in connection with each respective planning condition / discharge of conditions application. This is the case for comments which have arisen by the Lead Local Flood Authority about the capacity and calculations of the surface water drainage system which is designed and has already been implemented as part of Phase I of the development.
- 5.5.2 In connection with the comments which were made by the Coal Authority (who sought confirmation of the overall site remediation strategy inc. site investigation and treatment of mine entries / features recorded on the site which were directly affected / associated with the proposed site layout of Phases II and III) these matters have been dealt with through this application process.

- 5.5.3 In this respect the site as proposed includes features of interest influencing the final site layout including the presence of an open cast high wall (running north – south through the site). In addition beyond that wall where open casting had taken place the Coal Authority also sought assurance, through site investigation results and treatment proposals, that historic mine entries recorded beyond the high wall had been removed by the open cast activity.
- 5.5.4 Through the process of the application the information sought by the Coal Authority was provided and subsequently the Coal Authority were able to confirm they had no objections to the proposals subject to the developer implementing the site investigation / remediation works set out in the submission. This will be confirmed under the terms of the associated outline planning permission condition, concurrent with any reserved matters approval.

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 08/01/2019; by advertisement placed in the local press on 03/01/2019; and by neighbour notification letters sent on 08/01/2019.

- 6.2 As a result of the applications publicity there have been representations received from seven local residents as follows:

Dunston Grange Barns

15/01/2019 - We have listed objection/concerns/ issues in 3 sections. Most of our concerns are over maintaining privacy both during the development and at completion.

We would like a response on all items. We also request an on site (7 Dunston Grange) meeting with a senior representative from both William Davis and MJ Evans (assuming MJ Evans will still be the ground works sub-contractor) to discuss, in particular the problems noted in the second section of this document. Coming to site is essential for them to appreciate our concerns particularly over privacy.

Section 1: Planning Concerns mainly affecting privacy:

We don't believe there is anything here that cannot be addressed quite easily with little extra expense.

I have also noted point 1-4 on the attached site plane to ensure clarification of position and added the Dunston Grange property numbers.

1. The proposed footpath to the north of the site running a long side the Dunston Grange Farm Development. We originally gained agreement from William Davis (via John Coleman) that the footpath running close to our boundary would be removed but it has re-appeared. This footpath runs close to our boundary and hence our rear garden.

The P&DG Planning Support statement section 5.25 regarding properties on the southern boundary states :

“Development at the southern boundary is almost entirely inward facing, to improve the security of the existing residents by making their rear garden boundaries inaccessible to the public.”

Aren't the residents of Dunston Grange to be afforded the same security considerations ? Having a footpath so close to our boundary gives us concerns over both security and privacy.

We are not sure whether P&DG are aware there are 8 properties(including the Farm House at Dunston Grange) that need due consideration and the whole of the Dunston Grange site is considered a Grade II listed site not just the Farm House.

2. The corner of our garden (no.7 Dunston Grange) is the closest to the new development. In the P&DG Planning Support statement it says there is a minimum 10m buffer with Dunston Grange. At this point it does not look like it is, in which case the road and plots 239 and 240 need moving back.

3. Again at our corner of the garden to no.7 there is no planting on the other side of our SW boundary/hedge. Planting of some mature trees , preferably evergreen is requested to afford us privacy . We also request this is done as soon as possible but certainly before the commencement of Phase 2 and 3 to give the planting time to grow to provide adequate privacy.

4. Further along to the east more mature planting is required to give privacy to nos 1,2,3,5 &6 Dunston Grange, again to be planted as soon as possible rather than leave to the end of the development.

5. All planting along our border/ the buffer zone to be done as soon as possible, to include some evergreen and more mature specimens than indicated as it will be years before the privacy afforded by the planting will be achieved .

6. There are no plans showing the elevation of the new properties of Phase 3. We are concerned that the ground level is not going to

be raised higher than the current level as again this will impact on our privacy. We need to see sections ground levels/elevations for plots 234 thru to 241 thru to no 7 Dunston Grange.

7. A request to planning to request that they are able to enforce conditions in the Construction Method statement which clearly states they should dampen down in dry conditions using hoses and sprinklers for reasons stated below under the considerations for local residents in the development of Phases 2 & 3 following. At the moment this is not enforced.

8. Regarding the maintenance plan from Golby and Luck. Section 2 on the maintenance schedule it show biannual rotational hedge cutting. In the table it is only scheduled in October, if biannually it also should be in March? The hedge owned by William Davis which runs alongside the lane leading to Dunston Grange has always been cut twice a year prior to the William Davis purchase and has been done so on our request so far by William Davis. Can this be agreed and documented in the Golby and Luck schedule of maintenance.

Section 2: Consideration for local residents in the development of Phases 2 & 3

Now that Phase 1 is well and truly underway we have a number of concerns that need to be addressed concerning the consideration of local residents for the continuing development. The responses of William Davis and, in particular their contractor MJ Evans to problems caused to local residents has been poor. We also feel we have not had much support from the council either, although our concerns are raised with the developers, both the council and the local residents are pretty much just fobbed off and at best only deal with issues after much complaining . William Davis need to be more pro-active and pre-emptive in their approach. Here follows our list of concerns based on experience over the last 18 months. We request that these issues are thought about and reasonably mitigated before development of Phases 2 & 3 begin.

1. State of the local roads. More attention is required to keep the local roads, Dunston Lane in particular, clear of mud. Perhaps a proper wheel wash put in place as the road sweepers don't seem able to cope or William Davis aren't putting enough of them on.

2. Litter on site and again on Dunston Lane. Debris from the site gets blown to the boundaries and onto Dunston Lane, William Davis do clear it up when pointed out but we shouldn't have to keep complaining. Simply ensure that at least once a week and

after high winds the boundaries and adjacent roads are cleared of litter.

3. Privacy - bunds need to be kept low, dumpers and diggers on the bunds currently look directly over Dunston Grange properties. Again complaints are dealt with but we shouldn't have to keep pointing this out.

4. Unnecessary noise:

a. We have complained several times about one particular digger that makes excessive squeaks and rattles in dry conditions. We complained to the council, MJ Evans promised to get it fixed but nothing was ever done. The normal sound of the machines is acceptable and obviously necessary but contractors need to maintain or replace problem plant.

b. As phase 3 needs earth removal to 2m and consolidation we need to have some assurances that the consolidation techniques used take into consideration noise levels as this could cause unacceptable noise levels.

5. Dust over the summer months – this was horrendous for the properties down wind. As the development moves up the site this will become a problem for more and more of the surrounding properties and the Dunston Grange properties in particular. There needs to be better use of sprinklers, more control over dumpers when particularly dry as then speed around making the biggest problem.

Also for no 7 there needs to be a discussion as what can be done to mitigate the dust issue and our privacy during development and after as we can see it being a huge problem for us, maybe some sort of fencing. Early planting of mature trees in the buffer zone may help.

Section 3: Planning Objection, the removal of hedgerows

We object to the removal of the hedgerows which, in the outline application it was stated that they would be retained which was positioned as a positive in the original outline application. The extent of the open cast mining on the western part has always been known about as evidenced in several reports on the original outline planning application and here is an example where retaining hedgerow was used as a positive :

From original Design & Access statement:

2.2.7 The proposed development will not require any trees to be removed and only require minimal hedgerow loss. The majority of the existing trees on site are to be incorporated into the open space provision of the development, and proposed landscape buffer strips between residential parcels and along Dunston Lane

Is the change due to the extra expense is piling of the highwall area ? This is not clear though plots 234 -236 seem to be built on the highwall so the reasoning is not clear. If so then this is not an acceptable reason to now remove all the hedgerows as a cheap alternative and make up for the plots lost due to the highwall area. If developing the highwall area is not possible (no documentation has been submitted to clarify this one way or another) then why not still keep the hedgerows? We understand that keeping these would reduce the number of plots but that is not necessarily a negative. The outline planning permission was for **up to** 300. Surely there are now enough developments in the Chesterfield area that a reduction in the number of houses on this site could be accommodated in order to save these wildlife habitats, and which also provide us with some privacy. It has been known from early geological surveys that this was a difficult site due to previous open cast mining and the number of houses should not be the overriding factor over wildlife, site aesthetics and privacy. It seems the original application tried to sweeten the deal knowing full well they were going to remove them.

30/01/2019 to Case Officer - Please can some conditions be added to phase2 & phase 3 that all landscaping for phase 1 is completed before commencement including the Leap in particular, the site offices etc are a real eyesore and would be better moved further up site for phases 2 & 3 rather than leaving the whole site an eyesore for the next 4 -5 years. Their site management is abysmal.

11/02/2019 to Tree Officer - The residents of the Dunston Grange Barns, adjacent to the William Davis development, have requested more planting close to our boundary. At a meeting with David Dodge of William Davis , he was in favour of increasing the planting and doing so this Spring in order that maximum time given to let the planting mature to preserve our privacy. However the comments by Derbyshire Wildlife Trust do not support what we are wanting to do vis :

"Tree species planted around the site perimeters in the green buffers should be native and not comprise ornamental species that do not complement the meadow grassland or native shrub mix. Furthermore we would advise that there are too many trees within the western and northern buffers, which are not appropriate to the wildflower grassland and are likely to add nutrients and increase shade. These should be removed or reduced to ensure high quality swathes of wildflower grassland are created."

We do not believe wildflower grassland would survive, wildflower grassland needs careful cultivation and ongoing maintenance. As the area adjacent to us, on the North side of the development will be used by dog walkers and the residents of Skylarks in general, only basic grassland will survive. We request that the planting is increased and also include some evergreens such as holly if possible. David Dodge was in favour of increased planting but mentioned the Wildlife Trust comments which contradicts our preferences and requested we raised this with yourselves, David Dodge (after consulting with their Ecologist) agreed with us that wildflower grassland is unlikely to survive.

As all the current residents of Dunston Grange Barns are in favour of more planting and it be done as soon as possible, as well as William Davis, we request your support on this matter.

1 Dunston Grange

1. The buildings marked as 'Ruins' on the plan associated with the application are in fact homes (our home being one of these) and as such should be afforded the same considerations of privacy and security as the other properties within and surrounding the development. Therefore, we wish to request that suitable trees are planted to restrict the view of the housing development and these be planted in the earlier part of the development so that they have time to establish, mature and provide screening at the earliest opportunity.

2. In our opinion the current development (phase 1) is impacting on our property more than is necessary.

a. The current storage of equipment and materials is expanding and being moved behind these occupied dwellings. These materials are not stored in a considerate and organised manner, often resulting in debris from the current site being blown over the boundary. The current storage area is akin to a 'fly tip' area as opposed to a professionally managed site, expected from a '5 star' developer.

b. I believe that the current hours of working are outside those originally agreed (08:00 -17:00). Work on heavy machinery is often started before 07:30 and last week on 2 occasions trucks were still being used past 18:40.

c. The dust from the development last year meant that it was not possible to use the outside as we wished, washing could not be left out and the windows required constant washing.

There is little evidence that the above issues will be addressed in the future stages of development and therefore we ask that the council secures enforceable guarantees from the developer that these issues are addressed and that the council regularly checks that the agreed conditions are adhered to, before granting permission to extend the development further.

6 Dunston Grange

1. PLANNING CONCERNS AND PRIVACY.

I have attached the most recent site plan published and also the design plan submitted within the confines of CHE/16/00016/OUT. I believe that there is significant deviation as to the proposed planting adjacent to the boundaries of the Dunston Grange Properties. The original design shows new planting along the whole length of Dunston Grange boundary. It would appear on the most recent plans that the planting has been thinned out somewhat and appears more haphazard. The planting was to afford privacy and in turn more security for the properties on Dunston Grange which are fully exposed to the William Davis development. I would also draw attention to the missive that there would be “minimal loss to hedgerows” and ask for reassurance that this continues to be the case throughout phase 2 and 3.

Further to these matters, due consideration is given to an early scheme of planting particularly for those plants placed along the length of the Dunston Grange development. I appreciate that planting is generally completed towards the end of any housing development. I do not believe that there would be any resultant damage to plants due to the distance of the site itself. It would alleviate concerns regarding privacy as the plants would have more time to establish and mature and may assist in noise abatement whilst the site was in effect still a work in progress. Finally I would ask that consideration is given in the main to the planting of evergreen specimens as this will afford privacy and security all year round and not simply for 6 months of the year.

2. FOOTPATHS AND CYCLEPATHS.

Clarification and confirmation is required regarding the above. I am of the understanding that an agreement had been reached with William Davis that the footpath running the length of Dunston Grange properties submitted on the original plans had been removed. If this is the case it would seem that the new site plan has not been amended accordingly. Again if the footpath is to remain

then it would make the points above regarding planting all the more pressing and significant with regard to privacy and security.

3. CONSIDERATION FOR LOCAL RESIDENTS.

DUNSTON LANE: Throughout Phase 1 there has been an issue with the mud from the site coming onto Dunston Lane making driving conditions unnecessarily unsafe. I anticipate that this will become more problematic with the occupancy of the new dwellings as it will mean more vehicles on the road and coming off the site. This needs an established regime of cleaning site traffic prior to coming onto public roads. It should not be left to local residents to voice their concerns before any resultant action is taken.

SITE OPERATIONS: Dust has been an ongoing issue throughout Phase 1. I anticipated that site traffic would have dampers attached to assist with this issue. A more structured and rigorous response is required from William Davis regarding this matter as the next phase is twice the size of the current one so I anticipate twice the dust if this is not addressed appropriately. I note that the drivers on the dumper trucks that fly around the site revert to covering their faces with scarves to prevent inhalation. I accept that efforts have been made by bringing large drums of water onto site and a worker standing with a hose and wetting the area, again this has been intermittent and not completely effective.

SITE OPERATIVES: Point 20(CHE/16/00016/OUT) states that they will park on site. I have noted that operatives are parking on the newly laid pavements on Dunston Lane adjacent to the site. No doubt in order that their own vehicles don't get covered in mud. Pavements are constructed for pedestrian traffic and are not constructed to take the weight of motor vehicles, eventually, as is already the case at the bottom of Dunston Lane junction with Dunston Road these will become damaged and require repair even before the development itself is completed. I would ask that William Davis and their associated contractors ensure that this directive is complied with.

17 Baines Wood Close

I would like to voice my objection for the proposal to build 200 houses on this plot of land. I have lived on Baines Wood Close for 50 years and recognise the importance of this greenbelt strip of land that is home to various native species of animals inc. badgers, foxes and woodpeckers. I feel that by extending on the new Skylarks Estate that it will place extra burden on the local area for residents and wildlife. I am concerned about additional traffic (construction and residents) in addition to the noise and disruption,

pollution and mess which we have had to endure for the past year from the Skylark Estate. I feel that the road system around Dunston and our original estate is not suitable for such expansion. This is not to mention the increased demand on the local schools and GP Surgeries which can struggle to meet the needs of existing residents. I would like the Council to strongly consider other sites within the Borough region, especially unused Brownfield locations. In my time in Baines Wood Close I have seen the wildlife flourish in the woods, fields and hedges around the local area and it would be a terrible shame to lose this green space.

21 Baines Wood Close

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Visual

Comment: Wildlife would be destroyed. Noise would increase pollution due to cars. All countryside destroyed.

24 Baines Wood Close

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways
- Noise
- Visual

Comment: Pollution, congestion noise, use of farmland , ruin of a green area between housing developments.

Comment: The infrastructure needs attending to before more traffic is introduced to the area.

A Local Resident (no address)

Natural Damage:

At present the area is left as unused agricultural land which has self grown into a natural meadowland full of wild flowers, overgrown grass and natural hedges. As someone who lives near next to the area there are sightings of a lot of foxes in the area, even seen with small cubs walking through the fields. Several badgers are regularly seen trekking across the hedgerows up and down the devolpment site, A large number of hedgehogs (who's numbers) are in decline have been sighted in the fields, both when I've walked along them and from my house heading towards the fields in the early morning in spring/summer time hinting it is a large habitat settled by these animals, a large housing estate risks

displacing this community and thus adversely affecting their numbers. Large numbers of starlings can be seen roosting in the fields from my house. Regularly I see flocks of ~100-200 starlings flocking over the area, joined with large numbers of house sparrows, blue tits and sparrow hawks predating the area. Disturbing this area risks destroying their ecosystem which concerns me greatly.

There are large spans of interconnected hedgerows which will be destroyed in the new housing estate removing vital wildlife corridors which contribute to wildlife food supplies and allowing wildlife to safely move around the local environment.

All this is taking place on green fields whilst less than 500 meters away on the sheepbridge works there are large areas of unused concrete covered wasteland which is left serving no purpose, contributing nothing to the environment or council yet is left to sit doing nothing. Even slightly further away near the new peak resort there is an old boat sales yard and garages which cover the same area as the land west of Dunston but are currently left empty as a wasteland.

Looking at the plans, there is a lot of dense housing yet very few open areas, parkland or even areas of woodland. This development destroys the natural habitat with no concerns on help for wildlife.

Infrastructure problems:

Dunston road at the minute is a fairly busy road that runs through a housing estate which is regularly crossed by families with small children, including mine who at present have no choice but to cross at points where there are no dedicated crossings. The only islands have been located at the new junction at the top of Dunston Lane or walking up to Littlemoor and crossing there. The added traffic will increase the danger.

The junction between Dunston Lane and the B6150 at Littlemoor is difficult at the best of times. With consistent traffic travelling along the B6150, pulling out is very difficult at present, thus causing long traffic jams. The problem is greatly increased at school times, with car parking causing most of Dunston Lane from Littlemoor down to Kirkstone Road to be single traffic way with kids running out into the road. This makes it a very dangerous place to drive and be with small children/slow adults. This extra traffic leads to the already congested Newbold Road between the two mini roundabouts which is already difficult during normal hours and a standstill at rush hour. You can't add ~400 cars in each direction twice a day with no improvements.

I understand the need for houses with the current crisis, however green land should not be used as a first resort, especially with the large amount of brownfield sites still around the town. This specific development seems to be aimed at maximizing the amount of high density housing with no concerns for the natural environment or the local infrastructure which has seen no improvements despite a large increase of housing on the site. If construction noise of the current site is anything to go by, it'll make been outside very dusty and almost unbearable with noise pollution.

6.3 ***Officer Response: Refer to sections 5.1, 5.2, 5.3, 5.4 and 5.5 above.***

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 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.

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

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 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 objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.
- 9.0 **CONCLUSION**
- 9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.
- 9.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of technical considerations.
- 10.0 **RECOMMENDATION**
- 10.1 It is therefore recommended that the application be GRANTED subject to the following conditions:
01. All external dimensions and elevational treatments shall be as shown on the approved plans / documents (listed below) with the exception of any approved non material amendment.

House Types

Type B – 14-053 TyB-1 Rev A (Brick)

Type D – 14-053 TyD-1 (Brick)

Beamish – 14-053 BM-1 (Brick)

Beamish – 14-053 BM-2 (Render)

Dove – 14-053 DE-9 (Render / Gable Option)

Dove – 14-053 DE-7 (Brick / Gable Option)

Denwick – 14-053 DK-2 (Render)

Denwick – 14-053 DK-1 (Brick)

Denwick – 14-053 DK-6 (Brick / Double Gablette Option)

Dalton – 14-053 DL-8 Rev A (Brick / Soldier Course Option)

Hamble – 14-053 HB-1 Rev A (Brick)

Hamble – 14-053 HB-2 Rev A (Render)

Hamble – 14-053 HB-1(S) Rev A (Stone)

Kildale – 14-053 KD-8 Rev A (Brick / Soldier Course Option)

Lea – 14-053 LA-1 (Brick)

Lea – 14-053 LA-2 (Render)

Lydden - 14-053 LN(PC)-(S) (Stone / Chimney Option)

Lydeen - 14-053 LN(PC)-1 (Brick / Chimney Option)

Lydden - 14-053 LN-1 (Brick)

Lydden - 14-053 LN-1(S) (Stone)

Lydden – 14-053 LN(PC)-(S1) Rev B (Brick / Chimney Option) - Plots 134, 197, 206, 241 + 263

Meden - 14-053 MD-1 Rev A (Brick)

Minsmere - 14-053 MM-2 Rev A (Render)

Nene 14-053 NN-1 (Brick)

Nene 14-053 NN-2 (Render)

Nene 14-053 NN-2 – (S1) (Render) – Plot 254

Rother 14-053 RR-1 Rev A (Brick)

Seaton 14-053 SN-1 (Brick)

Seaton 14-053 SN-2 (Render)

Severn 14-053 SV-1 (Brick)

Severn 14-053 SV-2 (Render)

Severn 14-053 SV-3 (Brick / Tile Option)

Soar 14-053 SR-1 (Brick)

Soar 14-053 SR-1 – (S1) (Brick) – Plots 243, 270 + 280

Solent 14-053 ST-1 (Brick)

Solent 14-053 ST-1-PC (Brick / Chimney Option)

Solent 14-053 ST-6 (Brick / Double Gablette Option)

Solent 14-053 ST-2 (Render)

Solent 14-053 ST-1-PC – (S1) (Brick / Chimney Option) – Plots 200 + 282

Teme 14-053 TM-1 (Brick)
Teme 14-053 TM-2 (Render)
Thirsk 14-053 TS-8 (Brick / Soldier Course Option)
Wreilton 14-053 WR-8 Rev A (Brick / Soldier Course Option)

Garages

Double Garage Side Gable 14-053 GB02 Rev A
Semi Side Garage 14-053 GB03 Rev A
Single Front Gable 14-053 GB06 Rev A

Site Layout

Site Location Plan 14-053 P01
Site Layout Plan 14-053 P02 Rev H
Materials Plan 14-053 P03 Rev B
Proposed Boundary Treatments Plan 14-053 P04 Rev D
Proposed Hard Landscaping Plan 14-053 P05 Rev B
Streetscene Elevations 1 - 14-053 P06 Rev C
Streetscene Elevations 2 - 14-053 P07 Rev C
Proposed Phasing Plan – 14-053 P08
Soft Landscape Proposals Sheet 1 of 4 GL0123 01C
Soft Landscape Proposals Sheet 2 of 4 GL0123 02C
Soft Landscape Proposals Sheet 3 of 4 GL0123 03C
Soft Landscape Proposals Sheet 4 of 4 GL0123 04C
Tree Pit Detail GL0123 05
1800mm Timber Screen Fence 6235 L44 Rev D
Timber Knee Rail 6235 L59 Rev B
1800mm Waney Edged Panel Fencing 6235 L62 Rev B
Metal Boundary Railing 6235 L83 Rev D
Brick Screen Wall Detail 6235 L89
S38 Vehicle Tracking DGI-BWB-HGN-02-DR-D-110 S1 P2
S38 General Arrangement (Sheet 1 of 2) DGI-BWB-HGN-02-DR-D-100 S1 P2
S38 Longsection (Sheet 4 of 4) DGI-BWB-HGN-02-DR-D-653 S1 P1

Supporting Documents etc

Supporting Planning Statement (P&D Group November 2018)
Ecological Assessment Rev A (Landscape Science Consultancy Ltd November 2018)
Noise Assessment (WYG October 2018)
Landscape Management Plan Rev A – Phase 2 and 3 (Golby & Luck Landscape Architects October 2018)

Landscape Risk Assessment (Golby & Luck Landscape Architects October 2018)
Geo Dyne – Supporting Statements dated 21st September 2018 and 6th March 2019
William Davis Apprentice Vacancy Details – July 2018 Press Release
William Davis Recruitment Initiative Document
Landscape Science Consultancy Ltd Rebuttal to DWT dated 20th February 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.

02. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the amenity of neighbours and the area as a whole.

03. Prior to any works exceeding demolition or site clearance taking place within any phase covered by this application, space shall be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety.

04. Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason – In the interests of highway safety.

05. The streets shall be laid out in conformity with the revised plans and in accordance with a construction / build sequence program first submitted to and approved in writing by the Local Planning Authority prior to any works exceeding demolition or site clearance taking place within the application site.

Reason – In the interests of highway safety.

06. The carriageways of the proposed estate roads within the respective phases shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

07. No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles (including cycle parking). The parking thereafter remaining free from any impediment to its designated use for the life of the development.

Reason – In the interests of highway safety.

08. The proposed property access drives shall be no steeper than 1 in 10 for the first 5m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the street.

Reason – In the interests of highway safety.

09. Where any plot curtilage slopes towards the new street measures to capture and deal with surface water run-off from within the plot, in accordance with details first submitted to and approved in writing with the Local Planning Authority, will need to be installed. The approved details shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason – In the interests of highway safety.

10. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

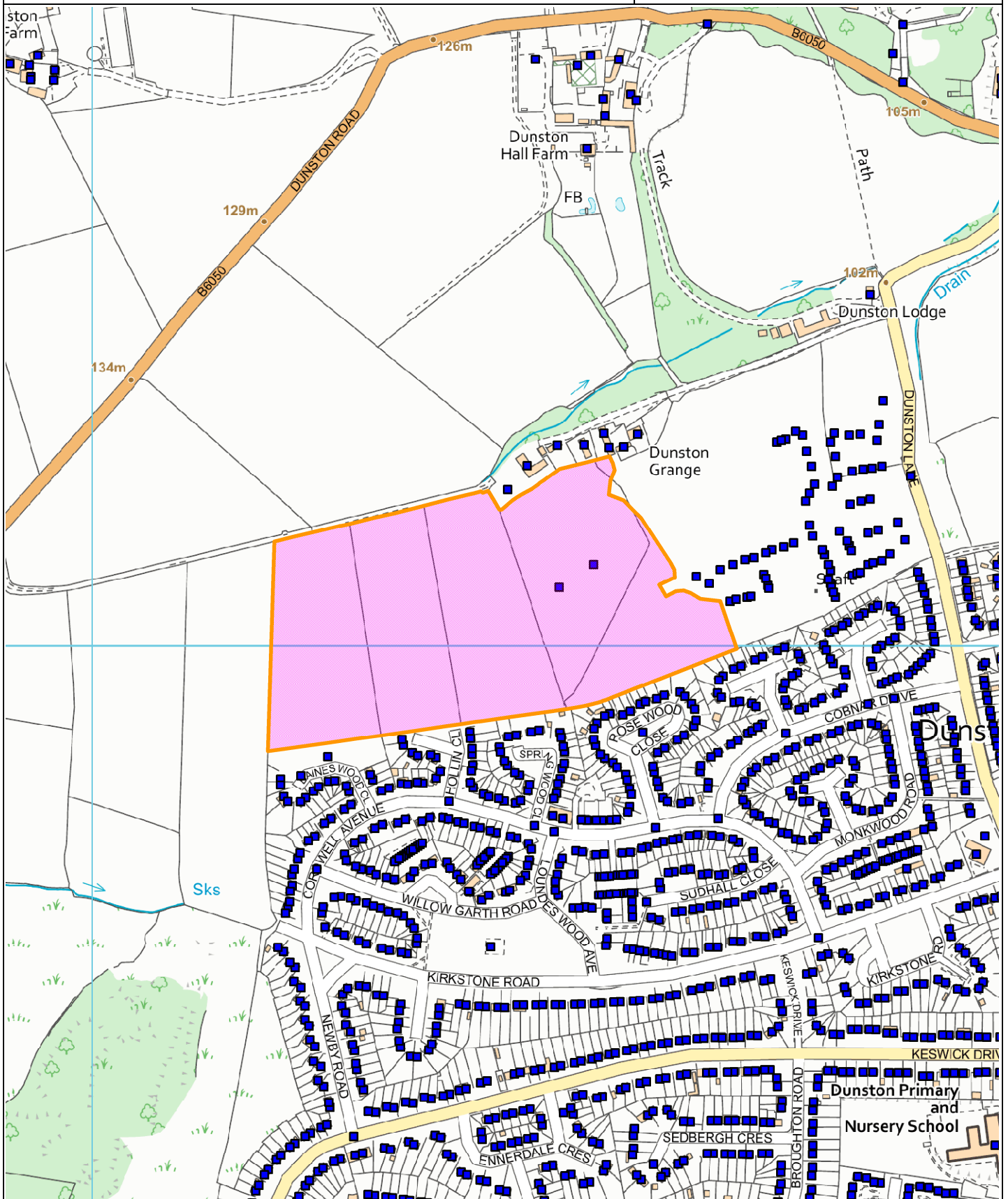
Notes

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.
03. This permission is granted further to an earlier grant of outline planning permission (CHE/16/00016/OUT) to which any developer should also refer.
04. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).
05. 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.
06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall 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 dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
07. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the

provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.

08. 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.



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7Case Officer: Chris Wright
Tel. No: (01246) 345787
Ctte Date: 1ST April 2019

File No: CHE/18/00817/REM
Plot No: 2/5030

ITEM 5

A Reserved Matters application for access, scale, layout, external appearance and landscaping relating to CHE/18/00044/OUT - residential development of 5 dwellings at Ravensdale, 26 Chesterfield Road, Brimington, Chesterfield, S43 1AD for Woodall Homes

Local Plan: Unallocated
Ward: Brimington South

1.0 CONSULTATIONS

Ward Members	No comments
Town/Parish Council	No comments
Strategy Planning Team	No objections, principle previously decided on outline application.
Environmental Services	No comments.
Design Services	Additional information sought in terms of surface water drainage and general drainage on site.
Tree Officer	No comments
Yorkshire Water	No objection, but they await consultation in regards drainage condition included in outline approval.
Derbyshire Wildlife Trust	Numerous mature trees lost on site, the retention of these is preferred and native trees preferred if new trees

	planted. Additional information sought regarding bird/bat boxes. There is considered to be a net tree loss on site (as repeated on 18/02/19)
DCC Highways	They have requested additional information regarding visibility splays, for an increase to the parking area for plot 1
Urban Design Officer	Revisions requested to remove plot 3, change plot 4 from house to a bungalow, change the boundary treatment and include more tree planting soft landscaping (12/02/19)
Neighbours/Site Notice	3 representations received – included 2 objections and 1 request for more information in terms of surface water drainage and fences.

2.0 **THE SITE**

- 2.1 This application concerns the site of 26 Chesterfield Road, Brimington. The site comprised a detached bungalow which was set back from the road in a site which has a large garden and lots of overgrown plants and shrubs including the hedge plants. The western border included several large trees, but none are protected. The site has recently been cleared during the process.
- 2.2 The site is within a residential area with dwellings to the east of the site comprising of a mix of mainly detached bungalows and two storey dwellings. To the southern side of the road there are predominantly two storey semi-detached houses. To the west of the site there is a mix, but this includes two separate groups of terraced houses that are at right angles

to the road, one of these groups is adjacent to this site separated by a public footpath connection. The public footpath to the south-west of the site provides access to a social club. To the north of the site there is no.24 Chesterfield Road with its rear garden area along the length of the site. There is a street light on the footpath to the north-eastern corner of the site. The road in front of the site is busy through road which connects Chesterfield centre to Brimington centre.





3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/18/00044/OUT - Outline application to demolish existing property, change site entry from left side to right side and build up to 5 new properties – Conditional Permission – 21/03/18

4.0 **THE PROPOSAL**

- 4.1 The proposal is the reserved matters application for access, scale, layout, external appearance and landscaping relating to CHE/18/00044/OUT, which was the outline application for the residential development of 5 dwellings. This includes the

creation of a new access to the north-east corner of the site and the changing of the levels on site.

- 4.2 The proposal is for a two bungalows to the front of the site, a two storey building (with a flat on the first floor and an entrance hall and 2 garages to the ground floor) behind this, then a two storey dwelling to the rear of this and to the rear of the site there would be a bungalow with an integral garage.
- 4.3 Plot 1 is a 3 bedroom single storey dwelling with over 80 sqm of rear garden space and a parking area to the front as well as a turning stub. The parking area to the front of the house has been amended to show a wider parking area that will allow two vehicles to park next to one another.
- 4.4 Plot 2 is a 3 bedroom single storey dwelling with approximately 66 sqm of rear garden space. It has parking for two vehicles within the building to the rear and land in front of it.
- 4.5 Plot 3 is a mixed use two storey building, with a 2 bedroom flat at 1st floor and then at ground floor there are 2 garages and living/study area and WC for the flat. It has garden space of approximately 40sqm. It has parking space for 2 vehicles to the front of the building.
- 4.6 Plot 4 is 4 bedroom two storey dwelling with over 100 sqm of rear garden space, it has parking in the garage within plot 3 as well as parking to the front and side of it (approximately 3 spaces).
- 4.7 Plot 5 is a 3 bedroom bungalow with over 100 sqm of rear amenity space. It has parking within the integral garage and a space in front of this.
- 4.8 A materials schedule has been included with the application and this shows that four of the dwellings will be versions of red bricks and one dwelling with a rendered finish. The roof materials will be a mix of double roman rustic tiles and smooth grey mock-slate style tiles. The dwellings all have variations of hipped roofs. Electric charging points have also been included for each plot.

4.9 The site includes a new access road to the north of the site, a parking and turning area in the middle of the site and some areas of soft landscaping to the front of plot 5, front and side of plot 4, a strip of planting to adjacent to the boundary opposite from plot 3, to the side of plot 2, in front of plot 1 and some trees to the front of plots 1 and 2. The existing wall to the front of the site will be retained but the northern end will be removed and curved round to the front of plot 2 as part of the new site access.

4.10 The scheme has been amended during the process including:

- the change in levels of the overall site;
- a change to the boundary to the northern side of the site, which has been reduced in height ;
- plot 4 has been moved to the further south in the site, plot 5 has been moved further to the north and had a lounge window moved to the north
- plot 4 has also been lowered in height;
- trees have been added to the front of the site (now 4 in total);
- additional landscaping has been included in the scheme;
- electric charging point have been included
- hedgehog gates and bird/bat boxes have been included;
- the moving of the location and lowering in height of the front wall;
- the parking area of plot 1 has been increased in width.

5.0 **CONSIDERATIONS**

Local Plan Issues

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

5.2 Having regard to the nature of the application, policies CS1, CS2, CS9, CS10 and CS18 of the Core Strategy and the

wider revised National Planning Policy Framework (NPPF) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

- 5.3 Policy CS1 (Spatial Strategy) states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating. The outline application addressed the principle of the scheme previously.
- 5.4 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
 - b) are on previously developed land
 - c) are not on agricultural land
 - d) deliver wider regeneration and sustainability benefits
 - e) utilise existing capacity in social infrastructure
 - f) maximise walking / cycling and the use of public transport
 - g) meet sequential test requirements of other national / local policies
- All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts. This will be assessed in detail further in the report.
- 5.5 Policy CS9 (Green Infrastructure and Biodiversity) states that developments are expected to meet certain criteria, this includes:
- f) enhance the borough's biodiversity and where possible link habitats;
 - h) in cases where loss of a green infrastructure asset is unavoidable, include provision of alternative green infrastructure, on site where possible, to ensure a net gain in quantity, quality or function.
- An assessment of the scheme's impact on biodiversity will be assessed elsewhere in the report.

- 5.6 Policy CS10 (Flexibility in Delivery of Housing) states that planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if they accord with the strategy of 'Concentration and Regeneration' as set out in policy CS1 and the criteria set out in policy CS2 (as stated above). The principle of development has already been decided elsewhere in the outline application.
- 5.7 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.
- 5.8 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.9 The principle of development has already been approved within the outline application, such that policies CS1 and CS10 have already been considered. Policies CS2, CS9 and CS18 will be assessed elsewhere in this report in terms of amenity, design and biodiversity. No objection arises to the proposed development in principle.
- 5.10 The Strategy Planning Team were consulted on this application and they stated that:

The proposal involves reserved matters for five residential dwellings on the site of an existing single detached dwelling and garden. The site is within walking distance of Brimington Centre and well served by public transport and the principle of development in this location meets the requirements of the council's Spatial Strategy and was established in the outline permission CHE/18/00044/OUT.

CS18 relates to design in new development and is relevant to this proposal in terms of intensification of development on the site. The development will need to meet the tests set out

in CS18 and the comments of the council's UDO should be taken into account in determining whether the proposal successfully achieves this. The views of the County Council's Highways team will determine whether the proposal is able to meet the requirements of CS18 g) in relation to parking and access.

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

Although the Code for Sustainable Homes has been abolished, the criteria a to d of policy CS6 remain relevant and the applicant should be asked to submit additional information setting out how the proposal meets these criteria.

As indicated by Derbyshire Wildlife Trust, the opportunity for biodiversity enhancements such as bird and bat roosting using boxes or brick should be taken to meet the requirements of CS9.

The development is CIL liable and falls within the 'medium' zone (charged at £50 per sq.m.index linked), calculated on the newly created floorspace, and subject to any exemptions sought for affordable housing or custom/self-build.

Design and Appearance (Including Neighbour Effect)

- 5.11 The Council's Urban Design Officer has been involved in commenting on the scheme and which has resulted in changes to assist in assimilating the scheme into the local area.
- 5.12 The two bungalows at the front of the site create a suitable relationship with Chesterfield Road and relate well to the established streetscene.
- 5.13 Guidance contained within the Council's residential design SPD, Successful Places (2013) advises that the relationship between rear wall to side/gable walls should achieve a separation of 12m. The gable of the coach house (Plot 3) is situated within 8.5m of the rear windows of Plot 1 creating a poor outlook and somewhat cramped relationship with this

dwelling. In addition, Plot 4 is proposed as a two-storey house (Lindisfarne). At the pre-application stage, this plot was indicated to be a bungalow. The introduction of a two-storey house in this position would create a tall and imposing elevation that would dominate the environment and outlook around Plot 5 (Danbury). The rear wall of Plot 4 would be just 7m from the front window of Plot 5 and the overbearing relationship of the facade would be further exacerbated by the elevated position of this unit, which sits on higher ground above Plot 5.

- 5.14 The introduction of dwellings in a backland location requires care to avoid overlooking and impacts on the amenity of the neighbouring dwellings. Plots 3 and 4 both include windows that look directly towards the rear garden of the adjoining property. Plot 3 is set back approximately 16m from the site boundary with No. 24, although presents a number of directly overlooking windows. In addition, the kitchen window of Plot 4 is very close the neighbour boundary (No. 24) and elevated such that direct views into the neighbours garden would be possible. Furthermore, the introduction of a retaining wall is required to facilitate an increase in ground level, enabling the access drive to achieve a suitable gradient (1:12). The elevated drive is shown to be separated from the neighbouring property by a low trellis fence of approximately 1m above ground level (variable). Effectively, this would allow anyone walking or standing on the drive to have clear views into the neighbouring property.
- 5.15 A meeting was held between the developers/agents and the Local Planning Authority to discuss some of the issues on site. The developers were requested to re-consider several aspects of the scheme including the proposed levels on site and the associated height of dwellings (specifically plot 4), the northern boundary size and design, the amount of planting of site, the front wall and exact location of plot 4.
- 5.16 A further set of amended plans were received on the 18th and 19th March 2019 which included the changing of the levels on site which included the lowering of plot 4 by 0.9m, the lowering of plot 3 by 0.6m the increase in block paving to the front of plot 3 and removal of block paving to the front of plot 5, the addition of a Juliet balcony and full length doors to the

rear of plot 3, the lowering of front wall to approximately 1m in height and leaving it in its current position, as well as the widening of the driveway for plot 1 and increasing of trees to the front of the site to 4, rather than 2.

- 5.17 The layout of houses and their gardens vary in the surrounding area, in terms of how big the overall sites are and how long and wide gardens are to the rear of properties. The dwellings on the northern side of Chesterfield Road (from this house to 7 houses to the east) have gardens that are up to 90m in length and up to 25m in width, although the majority of them are only 15m in width. The dwellings are positioned to the frontage with reasonably standard setbacks from the road, however as the road has a bend to it and sites sit at angle to the road there is no clear buildingline in place.
- 5.18 It is considered that the dwellings with the potential to be impacted by this proposal are no.10-30 Cemetery Terrace, including the Social Club (to the west of the site), 25, 27, 35 and 37 Scarsdale Crescent (to the north-west of the site) and no.24 Chesterfield Road (to the north-east of the site). The dwellings at Cemetery Terrace are sited over 25m away from the western boundary of the site. The eastern side of no.35 Scarsdale Crescent is over 15m from the boundary of the site and doesn't have a primary window on the site of the house. The rear of no.25 Scarsdale Crescent is sited over 15m away from the boundary of the site and is at an angle to the site.
- 5.19 No.24 is sited to the north-east of this site and has a long garden area along the site boundary. The scheme has been revised as referred to above. The changes to the levels of the driveway to the side of plot 2 will raise the ground up by approximately 1.2m and will include a 2.7m high boundary treatment adjacent to no.24 at its highest point. This will be a staggered 1.5-1.8m high fence and retaining wall above the existing ground level. To the frontage section the boundary wall would be staggered at 0.5-0.8m in height. There is an existing fence adjoining the front elevation of no.24 with the side boundary. As the ground levels will be raised on the application site this will be raised up from no.24 and an existing side window on the south-western side will be screened by the proposed boundary treatment.

- 5.20 In so far as the dwellings to the rear of the site these units have the potential to overlook the rear amenity space of no.24. Plot 3 will be sited 16m from the northern side boundary, with approximately 21m from the rear of no.24's rear extension however there are no side windows on the rear extension. Plot 4 will be sited less than 6m from the northern boundary and will be positioned 21m away from the rear of no.24 and again there are no primary windows on the northern side of plot 4. There will be primary windows on the southern elevation of plot 4, but due to the angle with no.24 this is not considered to be a significant issue in terms of the rear amenity space of rear windows.
- 5.21 In so far as the separation distance with no.25 Scarsdale Crescent this would be approximately 21m, and would be at an angle. It is considered that there will be no overlooking issue with surrounding dwellings.
- 5.22 Furthermore the scheme is not considered to lead to significant levels overshadowing issues to surrounding dwellings. There is the potential for some level of overshadowing from the proposed boundary treatment to the side windows of no.24.
- 5.23 In terms of the amenity of the proposed dwellings they have an acceptable standard of provision. The one issue on site is a window on the northern side elevation of plot 4 bedroom 3, which faces the lounge window of plot 5. In both cases these windows are the only full-sized windows in the rooms and which would be approximately 7.5m at ground floor from one another and would be an angle to one another. The relationship has been improved by the revised plans and it is considered that this issue alone is not significant enough to amount to a refusal. In general the relationships between the dwellings is acceptable.
- 5.24 Most of the existing trees and vegetation have been removed from the site. Only limited replacement planting is shown, whereas the NPPF requires for net gains for biodiversity (para. 170). In order to mitigate for the loss of the established habitat and achieve a biodiversity net gain, the proposals should include additional tree, hedge and shrub planting as

well as to assist in assimilating the appearance of the development into its context. The developers have been requested to make some changes to the proposal to add more shrubs and trees to the scheme. After several iterations of site plans the scheme now includes four trees to the front of the site, an area of vegetation to the front of plot 1, an area of shrubs to the side of plot 2, an area of planting and a tree in a landscaped area to the north of the access road, two planting sections to the side and north of plot 4 and to the front of plot 5. These additions are considered to be positive changes to the scheme and they will help to both soften the urban nature of the scheme and add to biodiversity on site in the future. Derbyshire Wildlife Trust has commented on previous plans for the scheme and considered that it was unsatisfactory in terms of net biodiversity gain on site. The inclusion of 6 separate areas of landscaping and 5 trees on site is now considered to be a satisfactory for the site in terms of visual amenity.

- 5.25 The proposed materials are considered to be acceptable within this context which includes examples of brick, stone and render within the locale.
- 5.26 As viewed from the streetscene the main viewpoint would be the siting of two bungalows to the front of the site, they both have hipped roofs and are proposing to use sympathetic materials for the surrounding area. The front wall on site would be now retained in location and height. The buildings to the rear of the site would not be highly visible, partly due to the levels falling away to the rear of the site. In this sense the scheme is considered to be suitably designed in terms of impact on streetscene.
- 5.27 For boundary treatments the most recent drawings show a close boarded fence with gravel boarding to the south-west side, north-west side and top of the north-east corner of the site. On the north-east side of the site there is a mix of dwarf wall and close boarded fencing (2 - 2.2m in height), close boarding fencing with a trellis strip on top (1.8 - 2m in height), a dwarf wall and close boarded fence to the side of no.24 (2 - 2.8m in height) and then a staggered wall to side of the front garden of no.24 (2 – 2.6m in height). To the front of the site it is proposed to retain the existing stone wall, although with

the loss of a section to the south-east corner for the new access; the previous hedge behind this has also been removed.

- 5.28 Overall having regard to the amendments presented it is considered that the applicant / developer has sought to address where possible the comments of the Urban Design Officer and the Crime Prevention Design Advisor and the changes made are welcomed as positive improvements to the design and appearance of the overall scheme. It is noted that the detailed landscaping plans are yet to be fully specified. An appropriate condition can be imposed on any subsequent decision to allow these details to be submitted for further specification consideration.
- 5.29 It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design.
- 5.30 Overall it is considered that the development proposals are acceptable with the design, density, layout, scale, mass and landscaping proposals considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD.

Environmental Services

- 5.31 Environmental Services were consulted on this application but did not provide comments. In the previously submitted application a working hours condition was included in the approval. In the outline application electric charging points were requested in the scheme and the location of these has been included in the proposal, and a condition will be included to ensure they are included in the development.

Drainage

- 5.32 Design Services and Yorkshire Water were consulted on the application and they both requested additional information in terms of surface water and foul drainage on site, as well as general surface water flooding on site. It is considered that this can be dealt with via the condition attached to the outline application. A neighbour objection was received in reference to this issue, but again, this can be dealt with via the previously submitted and approved outline application.

Highways Issues

- 5.33 The Highway Authority was consulted and they provided the following comments:

When commenting on the outline application, the Highway Authority indicated that careful positioning of any access would be required in order to achieve necessary visibility splays and that such splays should be clearly demonstrated with any submission for reserved matters. Whilst a plan has been submitted to demonstrate visibility from the proposed new access, this is not clearly indicate in both directions and a further plan should be submitted demonstrating 2.4m x 43m in both directions to the nearside carriageway channel.

The applicant should investigate reducing the gradient of the new access at least over the first 5m to around 1:14.

Given that parking spaces should have minimum dimensions of 2.4m x 5.5m the area shown for Plot 1 requires increasing in size and the 'stub' for manoeuvring should be maximised.

The 'stub' for manoeuvring in relation to Plot 5 is somewhat limited in width although in view of the fact that only two off-street parking spaces are required there is additional width in front of the garage to assist in such a manoeuvre.

- 5.34 During the application process the agent provided additional drawings showing full visibility splays (albeit with the scheme that included moving the front wall back), they have also enlarged the parking area to the front of plot 1. The first 5m of the new access road into the site is to be no more than a 1 in 14 gradient. The officer considers that the changes required by the highways authority have been achieved.

- 5.35 On site each plot is considered to have adequate levels of parking and manoeuvring, with 2 spaces per 3 bedroom house and 3 spaces per 4 bedroom house.
- 5.36 Objections have been received regarding the impact of the scheme on highway safety in the area. The proposal has adequate visibility splays and an acceptable gradient when exiting the site. It is considered that all vehicles departing from the site will be able to exit in a forwards gear. It is not considered that the additional of vehicles associated with 5 dwellings which have already been agreed in principle will have a significant impact on the highway network in the local area. The crossing island in the middle of the road to the front of the site is not considered to be a positive aspect of the development, as the close vicinity of the new exit to this island could be problematic for vehicles turning right out of the site however the highways authority did not object on these grounds at the outline stage.
- 5.37 Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose significant adverse risk to highway safety.

Coal Mining Risk

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

Trees/biodiversity

- 5.39 Derbyshire Wildlife Trust was consulted on the proposal and they provided some formal and informal comments. They considered that previous iterations of the scheme did not offer a net biodiversity gain on site. The developers have included 6 bird/bat boxes and 4 hedgehog gaps in the scheme. The scheme now includes 5 trees and 6 landscaped areas, as well as accompanying information and this is an increase in the previous offering and the officer now considers that the scheme offers an acceptable level of planting on site in terms of the design and biodiversity levels on site in terms of CS9 and CS18.

6.0 **Community Infrastructure Levy (CIL)**

6.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

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

Plot	New GIF	Old GIF	CIL	Calculation	Total
Site	582.53	100.09	482.44	482 x £50	£24,100
Total					£24,100

7.0 **REPRESENTATIONS**

7.1 As a result of neighbour notification, 3 letters of representation were received from the residents of 3 dwellings at 14 Cemetery Terrace, 16 Cemetery Terrace and 25 Scarsdale Crescent. They objected to the proposal in reference to its impact upon highway safety and had concerns regarding surface water drainage

7.2 The issues related to highway safety are dealt within in the highway safety section elsewhere in this report.

7.3 The resident of no.25 Scarsdale Crescent have concerns about the rear boundary to plot 5, and they would like this fence to be a minimum of 1.8m in height and to be as close as possible to the existing chain link fence. They also would like the developer to have a solid temporary fence in place during the development phase. They would also like some re-assurance regarding surface water runoff on site.

7.4 The resident of no.16 Cemetery Terrace consider that the locating of houses on site would ruin the appearance of the area and ruin the natural habitat for nature. They also question why the development includes a new access onto

the main road, when they have been told previously that they are not allowed to do something similar from the rear of the dwellings.

7.5 The resident of no.14 Cemetery Terrace consider that the proposal will lead to an impact on highway safety.

7.6 ***Officer Response – In the previously approved outline application there was a condition regarding surface water drainage; this would deal with this issue. In terms of highway safety; the proposal is considered to have satisfactory visibility splays on leaving the site and the highways authority have not objected to the scheme. The fence to the rear of plot 5 is at least 1.8m in height and appears to be sited to the rear of the site. In regards the building phase, this is not part of the application and is not a planning issue. In terms of visual amenity of the scheme, this is a residential area with housing previously in place on site; it is accepted that the scheme will lead to an increase in density of the current site, but this is considered to have a lower density than the dwellings and gardens of Cemetery Terrace.***

8.0 **HUMAN RIGHTS ACT 1998**

8.1 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

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

8.3 The recommended conditions are considered to be no more than necessary to control details of the development in the

interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

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

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

- 9.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the February 2019 National Planning Policy Framework (NPPF).

- 9.2 Given that the proposed development would not conflict with the revised NPPF (February 2019) and 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

10.0 **CONCLUSION**

- 10.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the **Core** Strategy and the wider National Planning Policy Framework.
- 10.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7 and CS8 of the Core Strategy and the wider NPPF in respect of technical considerations.

11.0 **RECOMMENDATION**

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

Conditions

1. All external dimensions and elevational treatments shall be as shown on the approved plans / documents (listed below) with the exception of any approved non material amendment.

- 18-658-P01 Site Plan rev G (including Site Location Plan, details of landscaping, plants types, electric charging points, hedgehog gaps, parking on site, levels and boundary treatments, access road details, garden sizes, bin stores)
- 18-658-P02 Claydon Plot 1Rev D
- 18-658-P03 Hadfield Plot 2 Rev D
- 18-658-P04 Kingston Plot 3 Rev D
- 18-658-P05 Lindisfarne Plot 4 Rev B
- 18-658-P06 Danbury Plot 5 Rev D
- 18-658-P07 Street Elevations Rev B (not withstanding details of trees on site)
- 18-658-P08 Plot materials Schedule Rev B
- 18-658-P09 Visibility Splays Plan Rev A
- Design and Access Statement
- Ecological Enhancement Proposal

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.

2. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: *The condition is imposed in order to enhance the*

appearance of the development and in the interests of the area as a whole.

3. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety.

4. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason – In the interests of highway safety.

5. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Chesterfield Road in accordance with the revised application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason – In the interests of highway safety.

6. 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 garages hereby permitted 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.

Reason – In the interests of highway safety.

7. There shall be no gates or other barriers on the accesses/driveways.

Reason – In the interests of highway safety.

8. Prior to the occupation of the dwellings on site the ecological enhancement measures including soft landscaping, tree planting, bird/bat boxes and hedgehog gates shall be implemented in full, unless the Local Planning Authority gives its written consent to any variation.

Reason – In the interests of biodiversity on site.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no windows, side or rear extensions, outbuildings, means of enclosure or alterations to existing means of enclosures or boundary treatments other than those hereby permitted, shall be constructed/carried out on the site without the permission of the Local Planning Authority.

Reason – In the interests of visual and residential amenity.

10. As stated on the approved plans, residential charging points shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. 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.

Reason – In the interests of air pollution.

Notes

1. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. Consultations with Yorkshire Water will be required should the applicant wish to discharge to a public sewer.
2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is

available on the Borough Council's website.

4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. The application site is affected by a Prescribed Building Line under the Road Improvement Act 1925. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line(s). The applicant is advised to write to the Strategic Director Economy, Transport and Environment at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works requesting that the line(s) be removed and confirming that they will meet the Authority's administrative / legal costs if the removal is approved. For further advice, please contact the Principal Engineer, Development Control, Mr G Hill (telephone 01629 538647).
6. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
7. The relocation/diversion/protection of any street furniture and/or Statutory Undertakers apparatus will be at the applicant's expense



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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	1 APRIL 2019
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	<p>Items approved by Development Management and Conservation Manager under the following Delegation references:-</p> <p>Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D</p> <p>Agricultural and Telecommunications P330D and P340D</p>
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only.
Anyone requiring further information on any of the matters
contained in this report should contact:-

Planning Applications	Paul Staniforth	345781
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Delegated List **Planning Applications**

Code No FileNo	Ward	Proposal	Decisio	Decision Date
CHE/18/00432/FUL	St Helens	Erection of ten dwellings (Revised Drawings Received 13.08.2018, 05.12.2018, 10.12.2018 & 04.02.2019) Revised Drainage & Tree Root details received At Land Adjacent Trinity Court Newbold Road Newbold S41 7PS For Genus Design Homes Ltd	CP	13/03/2019
CHE/18/00736/FUL	Hasland	Rear single storey flat roof extension, loft conversion with 3 front facing small dormer windows and conversion of garage At 257 Hasland Road Hasland S41 0AA For Mr Liam Gavan	CP	26/02/2019
CHE/18/00773/FUL 1562 1562	Hollingwood And Inkersall	Proposed vehicle and implement At Oak Tree House Markham Road Duckmanton S44 5HP For Mr W Bennett	CP	11/03/2019
CHE/18/00776/FUL 114	Brimington North	Walk in bay on the front of the house At 137 Ringwood Road Brimington S43 1DF For Mr Matthew Wesson	CP	28/02/2019

CHE/18/00798/FUL	Dunston	Construction of extension to existing factory unit and the erection of a tower for silo construction.(Revised Information recieved 09.01.2019 _ 04.02.2019)	CP	04/03/2019
208		At Units 1 - 4 Highlands Place Foxwood Road Sheepbridge S41 9RN For Direct Engineering Ltd.		
CHE/18/00806/FUL	Old Whittington	Extension of 1068sqm (GEA) to an existing industrial warehouse including associated proposed castings yard, car parking and landscaping. Upgrade to the existing external walls and new roof along with internal energy efficiency upgrades - additional information received 29/01/2019 and	CP	12/03/2019
		At Unit 1 Cobnar Wood Close Chesterfield Trading Estate Chesterfield S41 9RQ For Precision Products UK LTD		
CHE/18/00808/PN	Brockwell	Change of use from A1 (Shop) to A3 sandwich/deli bar (Received amended drawings 18.12.2018) Amended extraction confirmed	PANR	12/03/2019
1544		At 2 Compton Street Chesterfield S40 4SZ For Mr Robert Feek		
CHE/18/00813/ADV	St Leonards	5 panels to arched window heads, panel with lettering to 1 arched window head, projecting sign, 2 sets of letting to portico faces, high level sign and and internal window	CP	28/02/2019
5735		At 16 - 18 Steeplegate Chesterfield		

S40 1SA
For
Iceland Foods Ltd

CHE/18/00823/FUL Hasland	Single storey side/rear extension At 19 Hampton Street Hasland S41 0LH For Mr David Coleman	CP	26/02/2019
CHE/18/00828/FUL Walton	Ground floor rear extension At 88 Moorland View Road Walton S40 3DF For Mr Paul Coope	CP	04/03/2019
CHE/18/00840/COU Dunston	Change of use from remote taxi booking office A1 to a micropub D4 and retention of new shop frontage. (Photographs received 21.02.2019) At 439 Sheffield Road Whittington Moor S41 8LT For Mr Stephen Savage	CP	15/03/2019
228			
CHE/18/00847/FUL St Helens	Ground floor extension to side and rear At 224 Tapton View Road Newbold S41 7LB For Mrs Chris Lawton	CP	06/03/2019
CHE/18/00848/FUL Brockwell	Proposed side and rear extension and front gable At 27A Ashgate Road Chesterfield S40 4AG For Mr Neil Caton	CP	07/03/2019

CHE/18/00851/FUL	West	Installation of four LED lanterns mounted on 4m high columns in the carpark	CP	14/03/2019
1088		At St Thomas Church Chatsworth Road Chesterfield S40 3AW For Rev Matthew Barnes		
CHE/18/00855/FUL	Old Whittington	Single storey rear extension and front porch	CP	07/03/2019
2150		At 44 Roecar Close Old Whittington S41 9PN For Mr Gary Lee		
CHE/18/00856/FUL	St Leonards	Telecom upgrade and associated works	CP	14/03/2019
857		At Winding Wheel 13 Holywell Street Chesterfield S41 7SA For CTIL and Telefonica UK Ltd		
CHE/18/00857/LBC	St Leonards	Listed Building Consent for Telecom upgrade and associated works	CP	14/03/2019
857		At Winding Wheel 13 Holywell Street Chesterfield S41 7SA For CTIL and Telefonica UK Ltd		
CHE/18/00860/FUL	St Leonards	Alterations to provide a new disabled access door including the provision of a new access ramp and	CP	08/03/2019
2056		At Central Methodist Church 38 Saltergate Chesterfield For Mr B McKittrick		

CHE/18/00861/FUL	Dunston	Installation of underground gas pipe to serve Reserve Power Plant At Land At Foxwood Road Sheepbridge For EcoDev Group Ltd	CP	05/03/2019
CHE/18/00871/FUL	West	Two storey side and single storey rear extension (revised drawings received 25.02.2019) At 7 Park Hall Gardens Walton S42 7NQ For Mr and Mrs Fletcher	CP	07/03/2019
2485				
CHE/19/00008/FUL	West	Proposed two storey side extension and single storey rear extension. Re-submission of previously approved application At 43 Rockingham Close Chesterfield S40 1JE For Mr D Wake	CP	04/03/2019
184				
CHE/19/00009/REM	Moor	Retrospective consent for the installation of an ATM installed through a steel security panel to the left hand side of the shop entrance At 381 - 385 Sheffield Road Whittington Moor S41 For Notemachine UK Ltd	CP	04/03/2019
CHE/19/00020/FUL	Walton	Proposed 1st Floor Extension over existing ground floor extension At 28 Hillside Drive Walton S40 2DB For Mr Garvey	CP	13/03/2019
1668				

CHE/19/00023/FUL	Brockwell	Side two storey and single storey extension to domestic dwelling (with revised drawings received 25/02/19)	CP	15/03/2019
6225		At 49 Highfield Avenue Newbold S41 7AU For Mr and Mrs Martyn Ryan		
CHE/19/00024/FUL	St Helens	Proposed classroom extension to existing primary school	CP	04/03/2019
654		At Christ Church C Of E Primary School Tapton View Road Newbold S41 7JS For Christchurch C Of E Primary School,		
CHE/19/00028/FUL	St Leonards	Demolition of part of existing garage and construction of new single-storey extension to side and rear.	CP	11/03/2019
1666		At 204 Hady Lane Hady S41 0DE For Mr and Mrs Gareth James		
CHE/19/00029/COU	St Helens	Re - submission of CHE/18/00306/RET to change of use to beauty clinic and bar available to guests and members of	REF	05/03/2019
3470		At 42 Sheffield Road Stonegravels Chesterfield S41 7LL For Facefit Aesthetics Beauty Ltd		
CHE/19/00032/FUL	Rother	Proposed rear extension of garage - revised drawings received 21 02	CP	18/03/2019
1615		At 79 Thornbridge Crescent Birdholme S40 2JH For Callender		

CHE/19/00034/FUL	Hasland	Single storey extension creating 5 bedrooms and lounge area - revised plan received 05/03/2019	REF	15/03/2019
5546		At Brookholme Croft Nursing Home Woodstock Drive Hasland S41 0EU For Dr Andrew Matthews		
CHE/19/00037/FUL	Hollingwood And Inkersall	Two story rear extension, replacement and enlarged front conservatory, alterations and new roof to utility room to rear, juliet balcony to front bedroom	CP	13/03/2019
		At Four Poplars Rectory Road Duckmanton S44 5JS For Mrs Michelle Wheelwright		
CHE/19/00040/FUL	Old Whittington	Proposed first floor office above existing ground floor office area.	CP	14/03/2019
5919		At D O R Electrical Carrwood Road Chesterfield Trading Estate Chesterfield S41 9QB For DOR Electrical		
CHE/19/00053/RET	Middlecroft And Poolsbrook	The retention of an automated teller machine with added security measures and retention of associated signage - resubmission of CHE/18/00370/RET	REF	19/03/2019
555		At Tasty Bites Chesterfield Road Staveley S43 3RX For Cardtronics UK Ltd, Trading As Cashzone		

CHE/19/00056/FUL	Hollingwood And Inkersall	Provision of vehicular access and off road parking area and to improve pedestrian access. At 96 Sycamore Road Hollingwood Derbyshire S43 2LP For Ms Jacqueline Marshall	CP	19/03/2019
1073				
CHE/19/00059/CA	West	Weeping willow - 2-3m crown reduction (15% reduction) - due to the overgrown nature of the tree within its location. Aiding in the reduction of leverage and the sprawling over neighboring gardens At 550 Chatsworth Road Chesterfield S40 3AY For RammSanderson	UP	08/03/2019
CHE/19/00080/TPO	Old Whittington	Removal of two dead trees and dead branch removal from further trees from Brierley Wood(W1). At Brierley Wood Land To The Rear Of 15 Sylvia Road Unstone For Mr David Black	CP	13/03/2019
CHE/19/00084/DOC	Hasland	Discharge of condition 10 (Boundary and Landscape Details) of CHE/18/00477/FUL - Mixed Use B1, B2 and B8 Units with Car Parking At Unit 1 Turnoaks Industrial Estate Turnoaks Lane Birdholme For The Trustees Of The Asprey Pension Scheme	DPC	06/03/2019
1277				

CHE/19/00099/TPD Brockwell

Demolish conservatory and erect
single storey rear extension

PANR

13/03/2019

At

15 Aspley Close

Chesterfield

S40 4HG

For

Mr Dermot O'Neill

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Delegated List - Planning Applications

Key to Decisions

Code	Description
AC	Historic
AP	Historic
APPRET	Application returned to applicant
CI	Called in by secretary of state
CIRNO	Circular 18/84 no objection
CNOCO	Circular 18/84 no objs but conditions
CONCOM	Confirmation Compliance with Conditions
CP	Conditional permission
CPEOTZ	Conditional Permission Extension of Time
CPMAZ	Conditional consent for material amendment
CPRE1Z	Conditional Permission Vary Conditions
CPRET	Conditional Approval Retrospective
DPC	Discharge of Planning Conditions
FDO	Finally Disposed Of
GR CLOPUD	CLOPUD Granted
GRANT CLUD	CLUD Granted
GRNTEX	Permission Granted with Exemption
ND	Non Development
OBJ	Other Council objection
OC	Other Council no obj with comments
OW	Other Council no obj without comments
PA	Prior Notification Approval
PADEM	Prior Notification Demolition Approve
PD	Found to be Permitted Development
PR	Prior Notification Refusal
RAP	Retrospective Application Refused
RARETZ	Retrospective Application Approved
RC	Application Refused
REF	Refused
RETAP	DO NOT USE
RETRFZ	Retrospective Application Refused
RF CLODUP	CLOPUD Refused
RTN	Invalid Application Returned
S106	S106 Approved pending planning obligation
SC	Split decision with conditions
SU	Split decision - approval unconditional
UP	Unconditional permission
UPRET	Unconditional Approval Retrospective
WDN	Withdrawn
XXXXXX	Recommendation Pending

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	1 APRIL 2019
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact:-

Applications to Fell or Prune Trees	Steve Perry	345791
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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/19/00080/TPO TPO 4901.02 13/03/19	The felling of two dead trees and the removal of dead wood from trees within a small section of woodland to the rear of 15 Sylvia Road, Unstone within W1 on the order map for Mr Black of 15 Sylvia Road, Unstone.	Consent is granted to the felling of two dead trees and the removal of major dead wood within the canopy of the remaining trees in the small section of woodland. The duty to plant two replacement trees has been dispensed with on this occasion due to the natural regeneration within the woodland.

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SECTION 2**NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/19/00059/CA The pruning of one Willow tree for Mr Black of 550 Chatsworth Road. Page 175	The tree is within the Chatsworth Road Conservation Area and the applicant wishes to prune the tree which is located in the rear garden and has outgrown its location.	Agreement to the pruning of one Willow tree by the reduction of the crown by 2-3 metres reducing its size by 15%. The pruning will have no adverse effect on the amenity value of the area.	08/03/19

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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 1 APRIL 2019

REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

<u>TITLE</u>	<u>LOCATION</u>
Non exempt papers on files referred to in report	Development Management Section Planning Service Town Hall Chesterfield

1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of
appeals being dealt with by the Council.

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

These are reported to Planning Committee for information only.
Anyone requiring further information on any of the matters
contained in this report should contact Paul Staniforth on 01246
345781.

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/3815	Holmebrook ward	Mr G Fountain	CHE/18/00027/OUT – Dwelling at 21a Walton Crescent Refusal	Officer delegation	05/09/18	Written Reps	
2/1932	St Leonards ward	Mr K Hearn	CHE/18/00225/FUL – 5 No dwellings on land at Chesterfield Cattery, Crow Lane. Refusal	Planning Committee	04/01/19	Written Reps	
2/4072	Dunston ward	Mr and Mrs Heppenstall	CHE/18/00550/FUL – Manage at Dunston Hole Farm, Dunston Road. Refusal	Officer delegation	05/02/19	Written Reps	
2/1908	Lowgates and Woodthorpe ward	Samantha Asquith	CHE/18/00807/TPO – Felling of Ash Tree at 9 Norbriggs Road. Refusal	Officer delegation	07/02/19	Written Reps	
2/1903	Brimington South ward	Frank Sissons	CHE/18/00532/OUT – Outline for Residential Development of 150 dwellings on land west of Northmoor View, Brimington. Refusal	Planning Committee	20/2/19	Public Inquiry	

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ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 1ST APRIL 2019

REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

WARD: As listed in the report

FOR PUBLICATION

TITLE: D255 and Non-exempt
papers (if any) on relevant files

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 To update members, and get further authority, on formal enforcement.

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Planning Service.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

Enforcements currently Authorised: 8

ENFORCEMENT REPORT

21 March 2019

Address	Authorised days from	Breach	CHE/	Issued days to issue	Effective days to (-) /from	Comply days to (-) /from	Notes	update last update	Ward
Enforcement Notice		Total currently Authorised: 6 Authorised to Issue Average: 71 days							
Markham Road	Markham House	18/02/08 4,050	storage of commercial vehicles	20/03/08 31	18/04/08 3990	20/10/08 3805	Complied by 2009. Unauthorised use has started again. Prosecute.	<input checked="" type="checkbox"/> 04/03/19	HI
Station Lane		03/04/18 353	importation of materials - creation of hard surfacing	03/07/18 91	08/08/18 226	08/08/19 -139	Issued. In effect - no appeal. Application anticipated	<input type="checkbox"/> 03/07/18	BHW
Station Lane		03/04/18 353	importation of materials - industrial use	03/07/18 91	08/08/18 226	08/08/19 -139	Issued. In effect - no appeal. Application anticipated	<input type="checkbox"/> 03/07/18	
Tapton View Road	47	24/04/17 697	unauthorised extension	16/00648			Application for retention dismissed on appeal. Application for changes to extension CHE/17/00827/FUL approved, but unauthorised extension not removed. Instructed.	<input checked="" type="checkbox"/> 15/01/18	SH

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
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Walton Works	27/06/16 998	use for war and horror style games					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. 12/12/16 Committee approval for Section 106 planning obligation to regulate unauthorised use. In contact with operator to conclude agreement.	<input type="checkbox"/> 04/04/18	Wa
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York Street	2	09/10/17 529	conversion and extension of roof space	17/00800/FUL			Flat conversion approved 03/04/18, condition requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Further enforcement if not now comply.	<input type="checkbox"/> 19/12/18	Ha
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Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Walton Works	27/06/16 998	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
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Details at 21 March 2019

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
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TPO Prosecution

Total currently Authorised: 1 Authorised to Issue Average: days

Ringwood Meadows	4	19/11/18 123	Unauthorised felling of/damage to 2 TPO trees					Felling of 2 TPO trees. <input checked="" type="checkbox"/> In court 04/03/19. 04/03/19 Defendant 1: fine £1145, costs £329 and victim surcharge £114 (£1588). Defendant 2: fine 377, costs £329 and victim surcharge of £37 (£743). Total £2331.		
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Holingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Roper • SH St Helens • SL St Leonards • Wa Walton • We West

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court.