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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 1 Rev 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