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Ctte Date: 12th August 2019

File No: CHE/19/00322/FUL
Plot No: 2/2776

ITEM 2

DEMOLITION OF CAR-PORT AND ERECTION OF DWELLING. (REVISED INFORMATION RECEIVED 10.07.2019 AND 23.07.2019), ON LAND ADJACENT TO 63 STATION ROAD, BRIMINGTON, DERBYSHIRE.

S43 1JU

Local Plan: Unallocated
Ward: Brimington South

1.0 CONSULTATIONS

Local Highways Authority	Comments received 02/07/2019 – no objection, advises 4 conditions
Brimington Parish Council	No comments received
Ward Members	No comments received
Site Notice / Neighbours	1 representations received

2.0 THE SITE

2.1 The site the subject of the application comprises a modest 'gap' between No 61 Station Road, a detached house and No 63 Station Road, one of a pair of semi-detached houses.



2.2 The site is the side area to No 63 (the semi) and currently comprises a large flat-roof car-port.



Photos showing site between Nos 61 and 63 Station Road

- 2.3 The road frontage of the site is dominated by stone-walls and mature hedgerows although further along Station Road, boundary walls are more common, and the gaps between the dwellings are narrower – see photograph below



- 2.4 The site is situated on the southern side of Station Road, opposite Rother Avenue, although the road is straight with good visibility due to the wide footway, as shown below.



- 2.5 The surrounding land is in residential use with the immediate surroundings being a mix of detached and semi-detached houses of various styles.
- 2.6 The semi-detached dwelling to which the site relates is a half-rendered traditional hipped roofed building with a side car-port and a substantial garage building in the rear garden, with on-site turning/parking.
- 2.7 The adjacent dwelling at No 61 Station Road is a substantial gable ended 'villa-type' period dwelling in substantial grounds.

3.0 RELEVANT SITE HISTORY

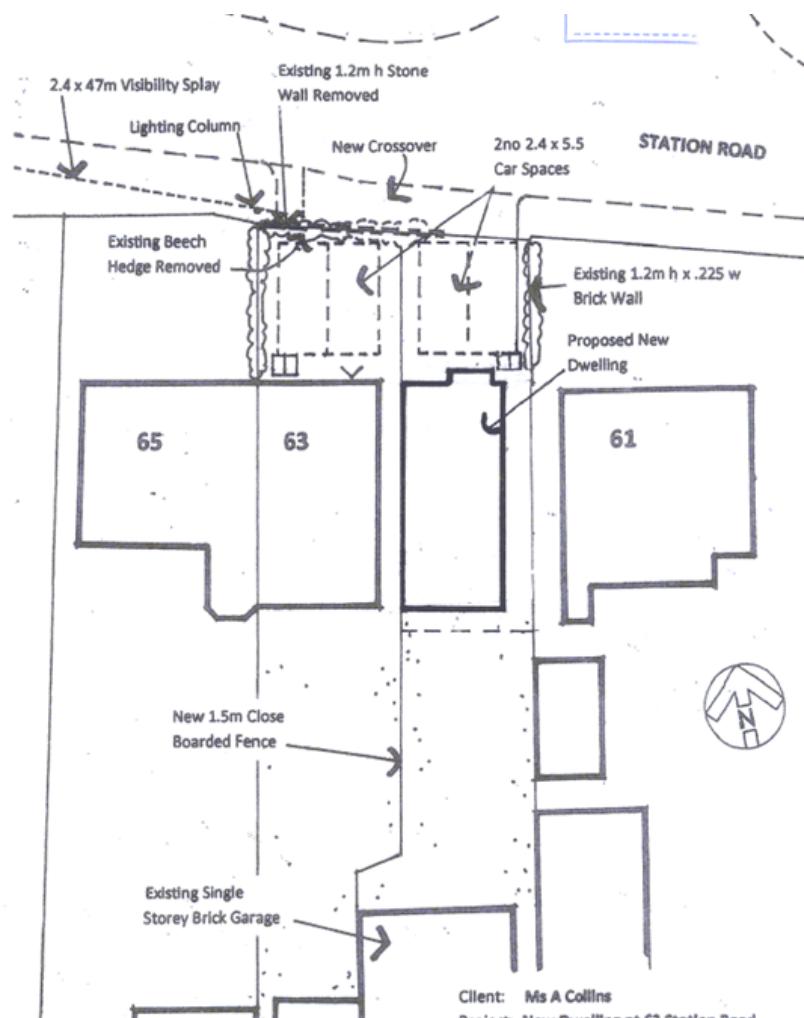
- 3.1 There is no relevant Planning History relating to the site.

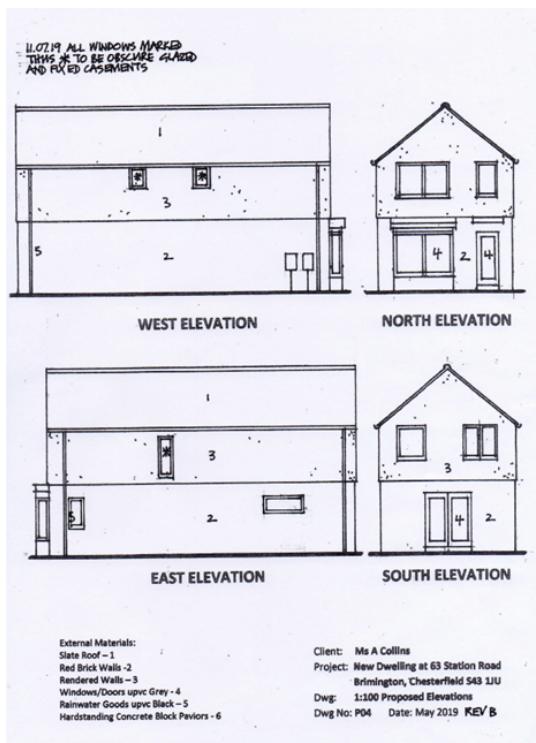
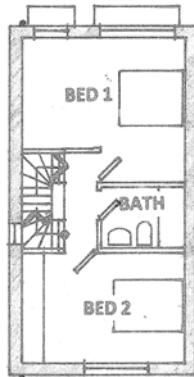
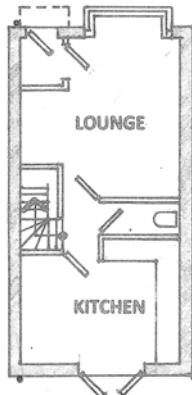
4.0 THE PROPOSAL

- 4.1 The initially submitted scheme proposed a 3-storey dwelling that utilised the roof-space with a rear dormer, and it occupied most of the available space between Nos 61 and 63.
- 4.2 That proposal was considered to be 'cramped' in the street-scene as it occupied all of the 'gap' between the existing dwellings; would have been oppressive for the neighbour as it was sited completely up to the joint boundary and was of a design that related poorly to its surroundings.
- 4.3 The dwelling now proposed is more modest in scale, and is a conventional 2-storey design, with the gable facing the road.

4.4 It is a compact 3-bedroomed design that has been sited some 3m from the neighbour at No 61 Station Road and 1.2m from the applicant's dwelling at No 63.

4.5 The Proposed Site Layout is shown below:-





- 4.6 The proposed dwelling would be half-brick and half rendered with a slate roof.
- 4.7 The proposal would result in the removal of the front boundary wall and hedge in order to provide 4 parking spaces (two for the existing dwelling and two for the new dwelling) and would be accessed directly from Station Road, with the visibility splays required by the Local Highway Authority, and bin-storage at the rear of the parking spaces.

5.0 CONSIDERATIONS

5.1 Planning Policy Background

- 5.1.1 The site is situated within Brimington South Ward in an area which unallocated in the Local Plan and is predominantly residential in nature.
- 5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS11 Housing Mix, CS18 (Design) and CS20

(Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2

Principle of Development

Local Plan Spatial Strategy

- 5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are viewed to be in date and relevant to the proposal.
- 5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking distance, the site is around 400m to the west of Brimington Local Service Centre based around the High Street, and 300m from the Primary/Junior school via a well-used and lit route. Given the distance and route, this is considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There are bus stops in close proximity and good cycle routes to the centres.
- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites, favouring Previously-developed sites (the current site is part greenfield and part brownfield). In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **CS10** states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.” As the council is currently able to demonstrate a five year supply of deliverable housing sites, policy CS10 would indicate that planning permission should *not* be granted for the development of residential gardens or small scale

greenfield urban infill plots such as that proposed. Accordingly the proposal would not fully accord with policy CS10, and whilst favouring the development of previously developed sites, the NPPF is not so restrictive as to rule-out the development of greenfield sites.

- 5.2.5 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11 of the NPPF.
- 5.2.6 In this case when considering policies CS1, CS2 and CS10 together, there appears to be a tension between policy CS1 and CS10. The proposal would accord with policy CS1 and the majority of the criterion in policy CS2 would also met. However, it would not accord with CS10. In such a circumstance it is for the decision maker to attribute weight to the policies taking into account the facts of the particular case. In this instance it would seem reasonable to apply greater weight to policy CS1 than CS10 on the basis that (in a cumulative manner): -
- The majority of criteria in policy CS2 are met.
 - The site is within reasonable walking distance of a local centre
 - The site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or 'open countryside' functions so its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality
 - The application site is situated within a residential area close to a school
 - It would add to the availability of housing land – boosting supply as required by the NPPF, and provides modest-sized 3 bedrooomed family housing
 - The site already has the benefit of an extant consent which establishes the principle of development
 - Given the above the proposal would not prejudice the spatial strategy and strategic objectives.
- 5.2.7 Having regard to the above therefore the proposal would not accord with policy CS10 and criterion (b) of CS2 due to it not being previously developed land, however, the proposal is in accordance with the Spatial Strategy and policy CS1 and meets the majority of criteria in policy CS2.

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

5.3 Design and Appearance

5.3.1 In respect of design and appearance matters the proposal provides for a modest 3-bedroomed family house in a compact form and the 2 storey dwelling as proposed does not jar with the surrounding character of the detached and semi-detached houses in Station Road.

5.3.2 The area is one that has a mix of dwelling sizes, age and architectural style with 1950's semis to one side of the application site and an older period dwelling to the other and any development could not possibly mirror each character.

5.3.3 The design therefore picks up on the scale, eaves and ridge height of its neighbours and whilst the ridge is at 90 degrees to the road – which is different from the neighbours – it aids in keeping the 'gap' between dwellings - and it proposes a roof slope to match the applicant's dwelling which has a hipped roof – see street scene below.



5.3.4 No design matters related to the application would materially affect crime, disorder or policing.

- 5.3.5 Whist the removal of the front wall to provide the parking would result in a hard-surfaced car-parking area and an open appearance, this could occur in any event in relation to the existing dwelling.
- 5.3.6 The window fenestration on the dwellings to each side is considerably varied, and as a result, the proposed dwelling has a modern style, and the brick and half render construction reflects the adjacent semis, and the slate roof that of the dwelling at No 61.
- 5.3.7 The dwelling in its amended form, maintains a reasonable ‘gap’ between the period dwelling at No 61 Station Road, although further to the north, the gap is substantially less, however it is considered that the siting, design and scale of the development proposal is visually acceptable having regard to the provisions of policies CS2 and CS18 of the Core Strategy.

5.4 Highways Issues

- 5.4.1 Whilst the representation received makes particular reference to highway safety and in particular, traffic and parking concerns, the development provides adequate visibility splays at the accesses, and off-road parking for each dwelling.
- 5.4.2 The amended plans demonstrate that the required visibility splays indicated by the Local Highway Authority (L.H.A) and there would be improved pedestrian visibility for the parking arrangements, and the Local Highways Authority raises no objections.
- 5.4.3 Whilst there would be a minor loss of on-street parking at the access points, the proposal is acceptable in Highway safety terms and the N.P.P.F indicates that permission should only be refused on highway safety grounds when the resulting situation would be severe.
- 5.4.4 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.

5.5 Neighbouring Impact/Amenity

- 5.5.1 The proposal the subject of the application was initially a concern as it left very little 'gap' between the new dwelling and the immediate neighbour, which had an adverse visual impact and would be oppressive for the neighbour due to height and proximity.
- 5.5.2 The revised design places the new dwelling further from the boundary, reduces it from 3 to 2-storeys, and 'hips' the roof away from the neighbour.
- 5.5.3 The position of the dwelling is such that whilst there would still be some loss of light to the neighbour's side window, it is noted that this is a secondary window and not a principle window to a habitable room, and as a result, whilst not ideal, the impact would be acceptable.
- 5.5.4 The position of the new dwelling and orientation of windows is such that no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy would arise, and there would be no undue noise/disturbance arising from the use of the accesses. A restriction on further windows could be conditioned.
- 5.5.5 Subject to the above controls identified above, the proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 and CS18 of the Core Strategy.

5.6 Other Considerations

- 5.6.1 Ecology - The only other issue is the loss of the front boundary hedging and the impact on wildlife habitat, although the hedges could be removed in any event, and the Council has no control over their removal.
- 5.6.2 The development could be subject to conditions to require landscaping/habitat creation to off-set the loss.
- 5.6.3 Subject to conditions it is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

5.7 Community Infrastructure Levy (C.I.L)

- 5.7.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.
- 5.7.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked).

		A	B	C	D	E
Plot	Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
1	112	112	£50 (Medium Zone)	307	288	£5,969.44

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

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by means of a site notice (expired 08/0719) and neighbour letters (publicity period expired 22 July 2019).
- 6.2 As a result of the applications publicity, 1 letter of objection was received [in relation to the original submission] from the adjacent neighbour at No 61 Station Road which made the following points:-
- The gable wall of our house faces west and receives late afternoon/early evening sun. A 3-storey building 1.3m away will affect ambient light in our house. The existing car-port is low with a clear roof and does not impact on us
 - The plans show the building touching our boundary wall which is unacceptable as we need access for maintenance and the building could disturb our footings. We will not allow building aids on our property
 - The bat-box on our property has been used for many years and is a maternity roost in early summer by pipistrelle and

daubenton bats due to the warmth of the sun. The new building would prevent this. Bats fly through the gap between the buildings. The boundary wall has ancient ivy growing on it which would be lost

- Parking is restricted outside No 63 and is a bus route, and they have difficulty manoeuvring. Yellow lines have been installed to improve this situation. Cars disregard the speed limit and the access arrangements and visibility would not be safe
- Construction parking on Station Road needs to be carefully controlled
- A tall house between 61/63 would be over-bearing and out of scale

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 noted above.

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in

line with paragraph 38 of the National Planning Policy Framework (NPPF).

- 8.2 Following changes to the proposed development as a result of concerns in relation to street-scene and impact on the amenity of the neighbour, and given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

9.0 CONCLUSION

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

10.0 RECOMMENDATION

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

Conditions

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

02. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.
- Drawing Number - Un-numbered 1/1250 scale Site Location Plan - Received on 03 June 2019;
- Drawing Number - Un-numbered 1/500 scale Site Layout Plan - Received on 10 June 2019;
- Drawing Number P01 Rev A - Proposed Block Plan received on 10 July 2019;
- Drawing Number P02 Rev A - Proposed Layout Plan received on 10 July 2019;
- Drawing Number P03 Rev B - Proposed Floor Plan received on 10 July 2019;
- Drawing Number P04 Rev B - Proposed Elevations received on 10 July 2019;
- Drawing Number P06 Rev A - Proposed Street View received on 23 July 2019;
- Drawing Number P07 Rev A - Proposed Sections received on 23 July 2019; and
- Drawing Number P08 Rev A - Proposed Visibility Splay Plan received on 10 July 2019.
03. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
04. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 3:30pm on a Saturday and at no time on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
05. Before any other operations are commenced, the existing access to Station Road shall be modified in accordance with the application drawings, laid out, constructed and provided

with visibility splays of 2.4m x 47m in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

06. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for the parking of two vehicles for the proposed and existing dwellings. Once provided, the spaces shall remain free from any impediment to their designated use for the life of the development.
07. There shall be no gates or other barriers within 5m of the nearside highway boundary at the vehicular access and all gates shall open inwards only.
08. No development above floor-slab/D.P.C level shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. These details shall conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.
09. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
10. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.
11. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved

in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: a) a scaled plan showing trees and plants to be planted: b) proposed hardstanding and boundary treatment: c) a schedule detailing sizes and numbers of all proposed trees/plants d) Sufficient specification to ensure successful establishment and survival of new planting. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.

12. As part of the landscaping condition referred to above, suitable habitat shall be created that enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwellings.
13. A residential charging point shall be provided for the proposed dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.
14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (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) shall be erected, and no additional windows shall be installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reasons for Conditions

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
03. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality in the interest of visual amenity.
04. In the interests of residential amenities.
05. In the interests of highway safety.
06. In order to ensure adequate parking in the interest of free-flow of traffic and highway safety.
07. In the interest of Highway safety
08. To ensure that the development can be properly drained.
09. In the interest of satisfactory and sustainable drainage.
10. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
11. In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality.
12. In the interests of ecology.
13. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.
14. In the interests of the amenities of occupants of adjoining dwellings.

Notes

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.
2. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.