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File No: CHE/19/00341/FUL  
Plot No: 2/1443

### ITEM 3

**Removal of multiple garages and erection of 6 self contained single storey assisted living bungalows and 6 self contained assisted living apartments over 2 storeys with through road linking Bank Street and Chester Street at Garage Site, Bank Steet, Chesterfield**

1.0

**CONSULTATIONS**

DCC Highways	No objection subject to condition
Estates	No comments
Design Services	No comments chasing up
Economic Development	Supportive of proposal. They have requested a local labour/supply chain is sought through any approval.
Housing Services	No formal comments, but have previously been involved in site.
Leisure Services	No comments
The Coal Authority	No objection subject to condition
Environmental Services	No objection subject to conditions on working hours, lighting, electric charging points and land contamination.
Forward Planning	No objection
Urban Design Officer	Concern regarding proposal as originally submitted and requested amendments.

Derbyshire Wildlife Trust	They recommend that existing trees on site are retained where possible, but replaced if this isn't possible. Soft landscaping is requested, preferably where it encourages wildlife. The inclusion of bat bricks and bird boxes is also requested.
Derbyshire Constabulary	Requested amendments to scheme. After revised drawings were provided the scheme is considered to be an improvement, but requested further amendments to the boundary treatment to the front of the site, this change has now occurred.
DCC Strategic Planning	Comments regarding an education contribution and high speed broadband.
Lead Local Flood Authority	No objection subject to condition
Chesterfield Cycle Campaign	No objection but have requested 2 cycle stands on site – these have now been provided.
Derbyshire Archaeologist	No objection
NHS	No comments
Yorkshire Water	No comments, but have been in contact with applicant and are supportive of proposal.
Ward Members	No comments
Neighbours/Site Notice	3 comments received.

## 2.0 **THE SITE**

2.1 The site is a garage site which is surrounded by Bank Street to the west, Catherine Street to the north and Chester Street to the east. To the south of the site there is a service road that facilitates access to the rear of businesses sited on Chatsworth Road and access to the garages; it is also used for parking on an ad-hoc basis by a range of groups, assumed to be local residents, employees of local businesses and by a car garage to the east of the site. It is within a densely built residential area, with houses to the north and west and businesses to the south and east. The site has a 1.5-1.8m high close boarded wooden fence on the northern, eastern and western boundaries; beyond this fence on the eastern and western boundaries there are 10 (5 on each side) semi-mature cherry trees that are growing in large raised concrete planters. There are approximately 40 garages on site at present.

2.2 The dwellings to the north and west of the site are two storey terraced houses. They front onto the street, with no front gardens or off-street parking. They have a mix of red brick-finish and rendered finish. There is a reliance on on-street parking in the area but there isn't any permit parking in place in the area.

2.3 The site has been sold by the Council to the applicant for the purposes of redevelopment.

## 3.0 **RELEVANT SITE HISTORY**

3.1 No relevant planning history for the site.

3.2 On a site to the south-east of this site there has been two applications:

3.3 CHE/17/00251/OUT - Four 2 bedroom flats and associated parking - amended plans received 05/07/17 – Conditional Permission – 09/08/17

3.4 CHE/17/00814/OUT - Erection of six 2 bedroom flats (Re-submission of previously approved application

CHE/17/00251). Amended indicative plans received  
12.03.2018 – Conditional Permission – 30/03/18

#### 4.0 **THE PROPOSAL**

- 4.1 The proposal is to remove the existing garages on site and to build 12 self-contained assisted living units on site. This includes a complete overhaul of the site, with a removal of the existing trees and the creation of new parking on site for staff and visitors to the site as well as a separate area for local residents parking. The scheme includes two separate blocks; Block A will be a single storey and will include 6 separate units that will have individual gardens for each unit but will also include a staff area and corridor connecting the units together. Block B is a mix of a two storey and single storey, with 4 units at ground floor level and 2 units at first floor level. The users of this block will have more independence, as there is less of a link between the staff hub and the units; it will have a separate garden for 1 ground floor unit, with the other users sharing a communal garden area.
- 4.2 The buildings are setback from the road by up to 2m and will have a 1m high black metal railing surrounding the north, east and west of the site, with shrubs behind this. It is proposed to include 10 parking spaces for staff and visitors to the rear of the site and then 8 separate car parking spaces to the southern side of the service road for local residents. The proposal also includes 2 cycle parking spaces and 1 electric charging point for staff and visitors. A soft landscaping plan has been completed that includes 3 ornamental trees and a wide selection of shrubs and plants. To the rear of the site there would be close boarded 1.8m high wooden fences separating the garden areas and acting as a boundary, with a footpath beyond these fences separating it from the service road and parking spaces.
- 4.3 The blocks are proposed to be built out of two different types of red brick, one horizontal and the other laid vertically. The roofs would create the appearance of 12 separate hipped roofed units; they would utilise steel seam roofs with faux-chimneys positioned centrally.

- 4.4 The development has been altered on numerous occasions, with the scheme changed from 3 separate blocks of buildings to 2, with the trees fronting the street now removed, the solid wooden fence surrounding the site replaced with a knee rail wooden fence and then metal railing, removal of the cladding from the upper parts of the scheme and replaced with brick and then a change from yellow and grey brick to red brick, the change to create more individual gardens and a change to the roof styles from long sloping mono-pitches and gables to individual separate roofs in the style of more traditional housing. As well as this the agent has included an electric charging point, cycle parking and an extensive soft landscaping on site.
- 4.5 The exact organisation and users of site are unclear at present, but the users will require varying levels of care from on-site staff. The proposal is considered to be an extra care facility and this falls within Use Class C2 or C3, depending on the details of the proposal. The residents do not have their own front doors to enter or leave the site but the site is split in two, with varying levels of independence for each block. One block offers access into a communal garden area, whilst the other block has private gardens for each unit and a staff corridor that serves each unit. Each unit has its own kitchen, bathroom and living space, there are no internal communal areas or kitchens for the users.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

- 5.1.1 The Strategic Planning Team made the following comments: *“The proposal is for 12 assisted living units. The application does not explicitly refer to whether these units would fall into use class C2 or C3. As this has a bearing on the application of some local plan policies, and specifically on CIL liability, this needs to be clarified first.*

*The development is located on previously developed land, immediately adjacent to the Chatsworth Road District Centre, which provides a wide range of services and facilities and good public transport links to Chesterfield Town Centre and other locations. The proposal therefore accords with the*

*spatial strategy set out in policy CS1 and all of the criteria set out in policy CS2. The principle of the development is therefore appropriate and supports the Spatial Strategy set out in the adopted Local Plan.*

*It should be noted that the site is identified in the emerging Local Plan, which is now in its EIP period, as a housing site (site H2, Catherine Street Garages) with an estimated capacity of 10 units. The EIP hearings have not yet been held, so relatively little weight is applied to emerging policies at this stage, although it should be noted that no objections have been received to this site, so the allocation should be treated as a material consideration at this stage.*

*Policy CS18 requires good quality design. The layout and design of the development should reflect the principles and guidance set out in the council's residential design SPD 'Successful Places'. I note that the scheme has already undergone significant changes in response to the comments of the council's Urban Design Officer.*

*The scale of development is too small to trigger policy CS11, but I note that the scheme would provide much needed special needs housing. The application forms indicate that the units would be available for social, affordable or intermediate rent, in which case they are likely to be able to benefit from relief from Community Infrastructure Levy, but this must be applied for prior to commencement. If not applied for before commencement, the units would be subject to the full CIL liability.*

*Policy CS20 requires provision be made for all forms of transport, including walking and cycling. Whilst I note that the type of accommodation provided is going to limit the residents use of cycling as a mode of transport, provision should still be made, not least for the use of staff and visitors, and secured by condition as a minimum. The policy also requires provision be made for Electric Vehicle Charging, with a minimum of one charging point being provided, although provision to expand the number of charging points would be advisable given recent government announcements regarding electric vehicles.*

*Policy CS9 requires development demonstrate a 'net gain' in biodiversity. Landscape planting should be chosen to maximise native species and encourage biodiversity and conditions used to secure provision of bat and or bird brick/boxed on the buildings.*

*As an application for major development, a condition covering local labour and supply chains should be applied in accordance with policy CS13.*

*The council operates a percent for art policy under Local Plan policy CS18. If the scheme costs exceed £1m, a scheme of public art should be secured. As the site is owned by the borough council this could not be secured through a S106 planning obligation as normal, but should instead be secured by condition.*

5.1.2 After reviewing the application and clarifying certain aspects of the scheme against appeal statements' definitions of what is C2 and C3 the officer considers that overall the proposal is a C3 Use Class. The relevant parties involved in the scheme are registered social landlords that are looking to lease the site to a care provider for 25 years. The scheme is designed to provide some level of independence to its residents, via separate kitchens and other living quarters but staff facilities are also provided in each block and no direct access for residents to leave the site unattended. The officer sought clarification and was guaranteed that no non-care related residents can live on site. This is an unclear area of planning, but this use class is required to be agreed on when assessing how best to calculate CIL payments and affordable housing requirements. It is considered that the scheme is a Use Class C3, as each unit has all that is normally provided in a residential unit and the facility has no shared cooking or internal communal facilities.

5.1.3 After reviewing the application against the relevant policies the principle of the proposal is viewed to be acceptable. It is within a residential area and a development in this location would support the council's spatial strategy of 'concentration and regeneration' by re using a brownfield site in a location well served by a range of facilities and methods of transport. The proposal is considered to be in line with CS1 and CS2.

## 5.2 **Design and Visual Amenity**

- 5.2.1 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.
- 5.2.2 The scheme is for the demolishing of the existing garages on site and replacement with two separate blocks, with the majority of these buildings being single storey in size. As mentioned elsewhere this scheme has been amended on numerous occasions. The current proposal will appear to be one block of single storey detached bungalows and then a separate block that includes two single storey units and then a two storey block that fronts on to Chester Street. Internally the two blocks will be two separate buildings.
- 5.2.3 The Council's Urban Design Officer provided a planning brief prior to the sale of the site and then also provided comments after the original application was submitted, in these comments he objected to the proposal and stated that he considered that:
- The buildings should face towards Bank Street and Chester Street, to enclose and reinforce the built edge.
  - The building line should be set back to provide modest front gardens to provide some separation from the dwellings surrounding the site and allow some street tree planting.
  - The tall closed boarded fence surrounding and within the site should be removed and/or reconsidered.
  - The private amenity spaces are contrived and squeezed in.
  - Clarification should be sought regarding the turning head.
  - Building entrances should be clear, visible and legible elements of the design and layout.
  - Development on the northern boundary that could impact on neighbour amenity should be avoided.



- An inadequate level of tree planting is provided on site.
- The roof styles and materials are inappropriate.

The site has been significantly altered since his comments were provided, with many of the issues being resolved. It is considered that the proposal has a better relationship with the streetscene in design terms and internally the staff corridor ensures that overlooking is less likely to be a significant issue. The building line of the scheme has been altered, with no part of the scheme set on the roadside, but more of the scheme is now closer to the boundary but the street trees have been removed. The 1.8m high fence surrounding the site to the north, east and west has been replaced with 1m high railing and shrubs behind this. The private and communal amenity spaces have been altered, with all of them now to the rear of the buildings and more of these spaces considered to be user friendly and functional. The turning head is required for a business to the south of the site. The majority of development of the northern border is not attached to internal rooms that will look out onto dwellings across the road. Three ornamental trees and a wide selection of shrub and plant planting are proposed, although this doesn't include street tree planting. The roof/upper floors have been changed from cladding to a brick finish and steel seam roof.

5.2.4 The proposal has been altered during the application from a brick plinth layer with external cladding above this and a steel standing seam roof to a brick wall finish and a steel standing seam roof. The precise style of the brick types and finish has also been altered during the process. The agent has now provided a red brick finish within an area where the main brick finish type is red brick; this is considered to be one of the design characteristics of the area. The area is dominated by darker coloured smooth tiles/slate on the roofs of the surrounding buildings; the proposal would include darker grey steel seam roofing, which although different in texture would be a smooth material and darker in colour. It would also offer some variety compared to the surrounding roof materials.

5.2.5 The area is dominated by two storey terraced houses built adjacent to the footpath, with no front gardens in place and

narrow roads separating dwellings. The proposal has a two storey corner building, with the side section fronting the industrial building on Chester Street, the rest of the proposal is for single storey development that would appear as separate bungalows externally. The roofs would be hipped with steel-clad faux-chimneys positioned centrally within each roof structure; the predominant roof style in the area is for pitched roofs. The proposal is considered to offer some variety to the roof designs in the area, with the scheme considered to be attempting to both fit in within local house design characteristics, whilst also trying to be contemporary with the roof materials, style and horizontal laid brick sections. The roof types will also reduce the visual impact of the scheme in terms of its impact on the streetscene, as the gaps between roof apexes allow light through.

- 5.2.6 The scheme layout has been altered to attempt to provide a more satisfactory scheme; whilst changing the layout this has provided better amenity space and 2 rather than 3 buildings; this has led to the loss of the street trees to the east and west, more of the site being sited closer to the edge of site and less gaps between the buildings. The local area is however dominated by high density dwellings, with few gaps separating houses. The proposal also offers soft landscaping and railings to the frontage of the site. In considering the site in comparison to the local area the proposal is considered to be acceptable.

To the rear of the site there will be a 1.8m high close boarded fence that will enclose the amenity areas, this will be separated from the service road with the parking spaces, a turning head and footpath. This service road is not considered to be the most visually important part of the site, as it doesn't have any dwellings fronting onto it and is not considered to be a main thoroughfare for vehicles or pedestrians. It is considered to be functional in design and to be acceptable.

- 5.2.7 Overall the scheme is considered to be of an appropriate design which would be in-keeping within the surrounding area. Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the

provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

### 5.3 **Residential Amenity**

- 5.3.1 Core Strategy Policy CS18 comments that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.3.2 In terms of amenity space the site is not a typical residential scheme, with separate flats etc, instead it is considered to be closer to a residential care home with permanent staff on site for residents with varying levels of need. In this sense the usual required garden sizes are not considered to be suitable. The site has a mix of communal and private amenity space to the rear of the buildings as well as soft landscaping fronting the site. The officer has requested more information regards the reasoning behind the private amenity spaces, and was informed that this was required due to the potential residents living in the units.
- 5.3.3 Impact on surrounding residents – No objections have been received from local residents concerning impact of the scheme on their residential amenity. The proposal will replace the existing garage site, which has over 40 garages (some of which are in a poor state of repair), a close boarded wooden fence surrounding it and 10 street trees. In terms of massing the scheme will be dominated by single storey dwellings, the two storey section will be sited to the north-east corner of the site, with the main bulk of this adjacent to a car garage. The area is dominated by two storey dwellings sited close to the road, so the siting of a building of this size in this location is considered to be an acceptable design. In regards overlooking Block A has been designed so the outwards looking side of the building has a staff corridor and hub in it and which is not considered to have a significant impact. In regards Block B there are several windows at ground and first floor level that look outwards onto Catherine Street and this will look towards no. 34 Chester Street and 1, 3 and 5 Catherine Street. There will be 10-11m separation

between the dwellings with several primary windows overlooking one another. Whilst this separation distance is not considered to be ideal and below recommended guidance for primary windows front to front (21m) this accords with the context of the local area that is dominated by terraced houses that front onto the street, with no front gardens or parking areas and where such a separation distance is reasonably normal. Only a small part of the scheme has this potential issue, and no objections have been received on this issue, so the officer is of the opinion that this is an acceptable compromise. With regard to overshadowing, the scheme is not considered to lead to significant levels of overshadowing to surrounding residents.

- 5.3.4 In regards proposed amenity space the scheme offers a mix of communal and private space. As the scheme has evolved the iterative process has led to an improved situation, with more user friendly spaces for the proposed users of the site. In regards the size of the units the proposal is for small units that allow a level of independence; this includes their own bathroom, kitchen, bedroom, dining room and living room. The main rooms all have some natural light into these spaces and although on the small side are considered to be a reasonable size for the intended use. Overshadowing and overlooking levels are considered to be acceptable amongst the proposed units. No permanent parking spaces are offered for the residents, instead the 10 spaces on site are for staff and visitors, with 8 additional parking spaces offered on site for local residents who utilised the existing garages for parking vehicles. There are 2 cycle parking racks available on site also.
- 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 significantly impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.
- 5.3.6 Overall the scheme is considered to be of an appropriate design which appropriately responds to site parameter constraints to protect neighbouring amenity. Overall the proposed development is considered to be appropriately

sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

#### 5.4 **Highways Issues**

5.4.1 Comments have been received from the **Local Highways Authority (LHA)**, these are their comments on the revised scheme:

5.4.2 *Further to previous comments and to the receipt of a revised layout which increases the size of the parking spaces on the southern site boundary, there are no highway related issues with the application.*

*The proposed layout provides appropriate parking provision for the units, the subject of the application, as well as those displaced by the loss of the garages (this is based on a survey of those garages which are currently rented by local residents and are used for parking and not used for storage or left empty).*

*Based on the above comments, there are no highway objections to the application.*

5.4.3 The proposal includes 10 parking spaces for staff and visitors and 8 spaces for local residents. No parking spaces are identified specifically for the occupants of the facility. It is not known how many staff will be on site at one time and visitors are expected to use the site, as this is dependent on the users of the site and their care requirements.

5.4.4 In regards the 8 spaces for the local residents, this number of spaces is based on an assessment carried out by the Council of the users of the existing garages and whether they were local residents and were using the garages for parking vehicles. These spaces will be available for local residents to rent, but these don't include a garage and it is unclear how this process will occur and what will happen to these spaces if they are not successfully rented to local people. In theory these parking spaces are available to local people and this means there is no net loss of parking spaces for local people in the area. A condition will be necessary to

investigate this element of the scheme in more detail to ensure this part of the parking proposal is fully provided.

- 5.4.5 It is proposed to have 32 full time staff for the facility but it is unclear how many of these staff would be on site at one time; it is also unclear how the parking spaces would be split between staff and visitors. The site is adjacent to Chatsworth Road, which is a local centre. It is also within 800m of Chesterfield Town Centre, so it is considered that some visitors and staff could utilise public transport and/or walk to get to the facility.
- 5.4.6 The area surrounding the site has much on-street parking utilised by local residents and local business customers and staff. This site includes the area to the rear of Chatsworth Road retail units, which is currently used as informal parking for these businesses and other surrounding businesses; the proposal will change this area so it will be restricted for non-site related parking, this will potentially lead to more vehicles being parked on the surrounding road network. It is unclear of the exact demands of the site in relation to staff and visitor vehicular use, but this will be related to the specifics of where the staff and visitors live, car ownership and working hours. It is not likely that 32 staff are required on site at any one time for a 12 unit facility and it is likely that some of the staff will use public transport, partly due to the highly sustainable and accessible location; this ensures that the proposed parking numbers are adequate for the site.
- 5.4.7 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose a significantly adverse risk to highway safety.

## 5.5 **Flood Risk/Drainage**

- 5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding. In respect of drainage, the application details that the development is to be connected to mains foul and surface water is to be handled by means of existing mains. This information has been submitted to the Planning Authority, assessed by the relevant Consultees and

considered to be acceptable. The area as existing is a mix of hardstanding and semi-hardstanding land, and the proposal includes gardens and soft landscaping so there is no increase in surface water runoff from the scheme.

## 5.6 **Land Condition/Contamination**

5.6.1 The site the subject of the application is currently developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy. The Environmental Services Department within the Council had no objection and but did request conditions on land contamination, lighting and working hours, as well as asking for the installation of electric charging points.

5.6.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area. The Coal Authority was consulted on the proposal and initially objected to the proposal, prior to the submission of further coal mining history of the site, this was then withdrawn. The Coal Authority now supports the scheme, subject to the imposition of a condition.

## 5.7 **Ecology**

5.7.1 In regards the potential for ecology on site the existing site has 10 semi-mature cherry trees on site and several other self-sett trees. The draft landscape plan includes 3 ornamental trees in the communal garden area and several areas of soft landscaping within and to the edge of site. The agent has also provided additional draft drawings regarding additional street trees and bird and bat boxes. The Council's Biodiversity Officer provided these comments:

*We have reviewed the draft soft landscape proposals for the project prepared by Ground Control and dated August 2019 (drawing ref J190838-GC-L-DR-4-001). The drawing provides a good level of detail about the proposed planting and includes a reasonable amount & distribution of soft landscaping for the size of the development. The proposals include a varied mix of flowering shrubs that will provide food source for pollinator species and fruiting varieties that will benefit birds, which is welcomed.*

*We understand there are some concerns over the whether or not bird and bat boxes would present a hazard to vulnerable residents and have provided some informal information via email on the appearance and fitting of integrated nest/roost bricks to help the applicant consider their suitability. We encourage these to be included if possible; however, we would not press for it on this scheme if their installation would compromise the welfare of the residents.*

5.7.2 The Council's Tree officer does not object to the removal of the trees on site and considers the soft landscaping plan to be good scheme.

5.7.3 It is considered that the area surrounding the site is a densely built urban location, and that although the removal of the trees on site is not ideal the proposed replacement plan will offer plenty of colour and interest, and will provide a food source for pollinator species and fruiting varieties that will benefit birds. The officer considers that the scheme could include some level of bird/bat box provision, and will require a condition to request revised drawings to provide more information on this subject. The site is considered to an offer acceptable level of ecology/biodiversity on site, and that shrubs/planting are acceptable instead of trees. This ensures that the proposal is acceptable in relation to CS9, subject to condition.

## 5.8 **Environmental Health**

5.8.1 The Council's Environmental Health Team has requested that electric charging points are included in the development. One charging point has now been included for potential staff and visitors to the site, and this will be conditioned.

## 5.9 **Crime**

5.9.1 Derbyshire Constabulary provided these comments for the scheme:

*There has evidently been significant pre-application discussion over the detail submitted, some of which I would have to raise concerns about from a community safety perspective. We were not party to any of these discussions.*



*The development is almost entirely inward looking, surrounded mostly with 1.8m high close boarded fencing which separates it visually from the surrounding road network. Several garden gates are set within this fencing, providing access into private space directly from the roadside.*

*Private gardens are set against the street with limited privacy.*

*Fencing on the Catherine Street edge is set directly in front of the two adjacent bungalow elevations, presumably cutting out most light.*

*There appears to be open access into the site from the shared service road to the south.*

*I accept that there may be other drivers which have led to this position, tree retention possibly, although I note from the arboricultural survey that none within the site form other than low level status.*

*My very strong recommendation is for the orientation and private/communal space allocation to be reconsidered to provide adequate levels of security, privacy and general amenity protection to the residents, who will apparently have complex needs considering the proposed resident to staff ratio, and for the development to contribute toward, rather than be visually isolated from its surroundings.*

*To enable this I'd suggest moving both bungalow blocks toward the street edge of Bank Street and Chester Street (but set back more from Catherine Street) and placing garden space behind the bungalows.*

*Only set close boarded fencing where garden space adjoins the highway, and for the remainder of road facing site alter boundary treatment to a metal rail to allow view of the street, whilst still maintaining an adequate secure buffer.*

*For the service track boundary, secure all points of foot access, and similar to the three roadside boundaries, where an outlook is achievable, replace close boarded fencing with an open metal rail.*

5.9.2 After the scheme was re-designed these comments were provided:

*The layout proposed within online plans dated the 20th of August look much better, and address the majority of our previous comments.*

*I'd rather see a more substantial boundary treatment for the road edge than a 600mm knee rail, as previously suggested something more like a 1m railing, to separate the private planted buffer from pavement. I accept potential cost constraints though.*

*The species planted should be low level, close planted and robust, a berberis/pyracantha mix for example.*

- 5.9.3 The proposal has now been further amended to change the knee rail to 1m high metal railing. This is considered to be in line with previous comments and is now acceptable.

## 6.0 **REPRESENTATIONS**

- 6.1 As a result of neighbour notifications 3 responses were received:

- 6.2 A resident of 14 Bank Street objected to the service road on the site and creation of a new access on Bank Street.

- 6.2.1 *Officer response – the service road already exists with 2 accesses, it is considered to be in a poor state or repair and is utilised for parking for local businesses, people and workers. The service road will be maintained and managed by the landowners, and the proposal will improve the state of the road and lead to a reduction in the current informal parking situation.*

- 6.3 Owners of 59 Chatsworth Road (W N Harley & Sons) have not objected to the general development of the site, but have questioned who will maintain the road and have stated that the parking issues in the area are caused by post office employees.

- 6.3.1 *Officer comment – The proposal will be owned and managed by the new landowners; this will lead to a change to the current informal parking situation. Access over the road is not a planning matter.*

6.4 A local resident has commented on the original proposal; he considered that proposal would be out-of-keeping with the surrounding area. They also have concerns that the proposed residents could lead to anti-social behaviour in the surrounding area.

6.4.1 Derbyshire Constabulary have provided comments on the proposal and no longer object after revisions were made to the design. In regards the behaviour of potential residents of the site, this is not considered to be planning matter.

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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 the character of the area, 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 February 2019 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development subject to conditions 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.
- 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 **CIL LIABILITY**

- 9.1 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.
- 9.2 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	Existing GIF sqm	New GIF sqm	Net additional GIF sqm	Calculation	total
Whole site	572	852	280	280 x £50	£14,000 (index linked)
Total					£14,000

- 9.3 Having regards to the nature of the application proposals the development comprises the creation of new residential C3 Use Class accommodation and the development is therefore CIL Liable, but it is considered that the applicant will apply for

CIL relief as the provider would be a registered social landlord. Also, the existing site has multiple garages on it, and some of this space would also go towards a reduction in CIL fees, but no further information has been provided of the vacancy rates of the garages. It is considered that this will issue will be dealt with post-decision between the Council's CIL Officer and the agent/applicant.

## 10.0 **CONCLUSION**

10.1 The proposal is considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS18 of the Core Strategy and the wider NPPF in respect of Highways, the Coal Authority, materials, soft landscaping, electric charging points, working hours, lighting and other issues.

## 11.0 **RECOMMENDATION**

11.1 It is therefore recommended that the application **GRANTED** subject to the following:

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. 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:
- Proposed Site Wide Elevations drawing no.19.010/16 rev G (Brick patterns)
  - Proposed Site Wide Elevations drawing no.19.010/17 rev G (Brick patterns)
  - Proposed Material Study drawing no.19.010/28
  - Proposed Drainage Strategy drawing reference 6600773-MLM-ZZ-XX-DR-C-0100 rev.P02
  - Proposed Site Plan drawing no.19.010/10 rev H
  - Design and Access Statement Rev A
  - Proposed Block B First Floor Plan Drawing no.19.010/13 rev F (notwithstanding landscaping information)
  - Proposed Roof Plan drawing no.19.010/15 Rev F (roof design only, notwithstanding parking and landscaping.
  - Proposed Block A Plan drawing no.19.010/11 rev F
  - Proposed Block B Ground Floor Plan drawing no.19.010/12 rev F (not withstanding landscaping)
  - Existing Site Plan
  - Location Plan
  - Sot Landscaping Plan

*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. 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. If this cannot be achieved on site then plans should be 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 designed use throughout the construction period.

*Reason – in the interests of highway safety*

04. The site accesses on to Chester Street and Bank Street shall be provided with 2.4m x 33m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

*Reason - in the interests of highway safety*

05. The premises, the subject of the application, shall not be taken in to use until both of the vehicular accesses to the site have been constructed in a hard bound material for at least the first 5m in to the site behind the highway boundary.

*Reason - in the interests of highway safety*

06. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the revised application drawings for the parking and manoeuvring of residents', visitors', staff and service, delivery vehicles and bicycles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

*Reason – in the interests of highway safety*

07. A detailed management plan for the local residential parking on site shall be provided to the Local Planning Authority for consideration. Only those details, or any amendments to those details as may be required, which receive the written approval of the local planning authority, shall occur on site. These spaces shall be made available prior to first occupation of the development and which shall be utilised by local

residents, not including the persons related to the proposed development.

Reason - in the interests of highway safety

08. There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.

*Reason – in the interests of highway safety*

09. No part of the development shall be occupied until a bin dwell area is provided in accordance with the submitted plans with the facility being retained for the designated purposes at all times thereafter.

*Reason – in the interests of highway safety*

10. 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 car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the properties without the grant of further specific planning permission from the Local Planning Authority.

*Reason – in the interests of highway safety*

11. 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.

*Reason - In the interests of residential amenities.*

12. 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, or additional windows erected or installed, at or in the dwellings



hereby approved without the prior written agreement of the Local Planning Authority.

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

13. Residential charging points shall be provided, as shown in drawing no.19.010/10 rev H, 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.*

14. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. The required soft landscaping scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, or any implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

*Reason – In the interests of biodiversity on site.*

15. 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 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.

16. Notwithstanding the previously submitted information, before the ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

Reason – In the interests of visual amenity.

17. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a. Drainage statement – 47. Garage Sites, Bank Street, Chesterfield by MLM. Group dated 09 August 2019, referenced: 6600773-MLM-EW-XX-RP-C-0001, Revision P01 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
  - b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

18. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080- 20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

19. Prior to commencement of the development, the applicant shall submit for approval to the LPA, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

20. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason: In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

21. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason: To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.

22. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

Reason: To ensure there is no impact on the residential amenities of the surrounding dwellings.

23. 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 contamination. Ground gas, ground water and chemical analysis, identified as being appropriate 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.

### **Informative Notes**

1. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
2. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).
3. No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
4. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
5. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
6. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

7. Flood resilience should be duly considered in the design of the new building/s or renovation.  
Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
8. Surface water drainage plans should include the following:
  - Rainwater pipes, gullies and drainage channels including cover levels.
  - Inspection chambers, manholes and silt traps including cover and invert levels.
  - Pipe sizes, pipe materials, gradients and flow directions and pipe numbers.
  - Soakaways, including size and material.
  - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
  - Site ground levels and finished floor levels.
9. On Site Surface Water Management;
  - The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
  - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
  - Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed.
  - A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

- Peak Flow Control
- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.
- Volume Control
- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.
- Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence.



Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network whatever size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

10. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1 in 100 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
11. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
  12. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
  13. 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.
  14. 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.
  15. 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.
  16. 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.

17. 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.