

## ITEM 4

Case Officer: E. Casper  
Committee Date: 14.10.2019

Application No: CHE/19/00357/FUL

### **PROPOSED ERECTION OF A DETACHED DWELLING (REVISED DRAWINGS RECEIVED 23.08.2019 AND 16.09.2019) AT LAND ADJACENT TO 11 BRIDLE ROAD, WOODTHORPE, DERBYSHIRE, S43 3BY FOR MR JOSHUA GREAVESON**

Local Plan: Unallocated  
Plot No: 2/6  
Ward: Lowgates and Woodthorpe

#### **1.0 CONSULTATIONS**

Local Highways Authority	Objection – see report
Strategic Planning/ Planning Policy	Comments – see report
Environmental Health	Comments – see report
Design Services Drainage	Comments – see report
Yorkshire Water	No comments received
The Coal Authority	Objection withdrawn – see report
Neighbours and Site Notice	One representation received – see report
Ward Members	No comments received

#### **2.0 THE SITE**

2.1 The site subject of this application is located on the south side of Bridle Road and the plot currently forms part of the garden curtilage of No 11 Bridle Road. The site is largely rectangular in shape measuring approximately 45m in length and 16m in width. The site is laid to lawn with areas of soft landscaping, small trees and hedging to the southern and western boundaries. Land levels within the plot are set lower than Bridle Road highway and slope away towards the southern boundary.

2.1 The site is bound by residential dwellings to the north, east and west with an area of open fields to the south. A stone wall forms the

northern boundary of the site, fronting onto Bridle Road highway. The site is situated within a coal mining referral area and is therefore considered to be at high risk of coal mining legacy.

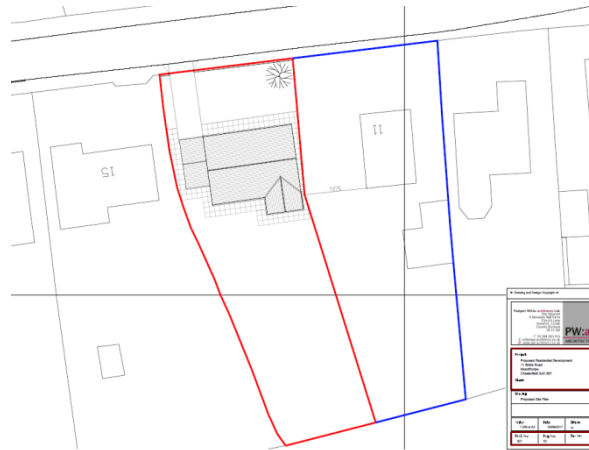
## 2.2

The surrounding streetscene is residential in character, comprising of semi-detached and detached single storey and two storey dwellings. To the west of the site are a group of detached bungalows of similar age and character. The streetscene to the north and east is mixed in character, varying in age and style. Facing materials are also mixed including red brick and render with stone walls forming the boundary treatments fronting the public highway.



## 2.3

Outline consent for two storey detached dwelling on the site was granted conditionally in 2017 (application reference CHE/17/00690/OUT). An indicative layout plan was provided with the application showing a proposed footprint of approximately 10.2m x 8.1m (see previously approved layout)



Previously approved layout for application CHE/17/00690/OUT

### 3.0 **THE PROPOSAL**

3.1 The application proposes the erection of detached a 2.5 storey 6 bedroom residential dwelling with integral double garage.



3.2 The proposed dwelling is formed of a dual pitched roof with intersecting gable feature to the principle (north) and dual pitched dormer to the rear (south) elevation. The property measures 8.8m to the ridge and approximately 5.2m to the eaves. The proposal will provide private amenity space which significantly exceeds the minimum recommended requirement of 90sqm for a 4+ bedroom property.

- 3.3 The internal layout at ground floor level largely consists of an open plan living/dining/kitchen space with separate utility and downstairs w.c. The first floor of the proposal comprises of 5 bedrooms one with en-suite and a family bathroom. The Master bedroom is located within the roofspace, served by a single dormer windows and an en-suite bathroom.
- 3.4 The application form states that the property will be faced in brick with grey concrete roof tiles.
- 3.5 Revised drawings propose removing a large part of the boundary wall to accommodate a visibility splay and off-street parking. Full details of proposed hard and soft landscaping have not been provided.
- 3.6 The application submission is supported by the following plans / documents:
- Proposed site plan, drawing un-numbered (received 16.09.2019)
  - Site section and street scene view, drawing un-numbered (received 16.09.2019)
  - Proposed elevations and floor plans, drawing numbered (received 16.09.2019)
  - Application form
  - Design and access statement
  - Coal Mining Risk Assessment
  - CIL paperwork
- The application is assessed on the basis of the above documents

#### **4.0 SITE HISTORY**

- 4.1 CHE/17/00690/OUT - Erection of a 2 storey detached dwelling with an attached single garage. Coal mining risk assessment received 10.11.17 – **CONDITIONAL PERMISSION (28.11.2017)**

#### **5.0 CONSIDERATIONS**

##### **5.1 Planning Policy**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield

Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

## **5.2 Chesterfield Local Plan: Core Strategy 2011 - 2031 ('Core Strategy')**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS4 Infrastructure Delivery
- CS7 Management of the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity
- CS18 Design
- CS20 Demand for travel

## **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)
- SPD 'Successful Places' (adopted July 2013)

## **5.4 Key Issues**

- Principle of development;
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Land quality and stability;
- Biodiversity and Landscaping;
- Community Infrastructure Levy;

## **5.5 Principle of Development**

5.5.1 The site is situated within the ward of Lowgates and Woodthorpe in an area which unallocated in the Local Plan and is predominantly residential in nature. The main policy considerations relating to the principle of development are Core Strategy policies CS1 and CS2. Policy CS10 is also of consideration as the site is a residential garden and would therefore be considered as a greenfield site and would not meet the definition of previously developed land (see Annex 2 Glossary, p70 of the NPPF).

- 5.5.2 Core Strategy Policy CS1 Spatial Strategy states that *'The overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.'*
- 5.5.3 Core Strategy Policy CS2 Principles for Location of Development states that *'In allocating new development, or assessing planning applications for developments that are not allocated in a DPD, sites will be assessed by the extent to which the proposals meet the following requirements:*
- a) deliver the council's Spatial Strategy (policy CS1);*
  - b) are on previously developed land that is not of high environmental value;*
  - c) are not on the best and most versatile agricultural land;*
  - d) deliver wider regeneration and sustainability benefits to the area;*
  - e) utilise existing capacity in social infrastructure (policy CS17) or are of sufficient scale to provide additional capacity, either on site or through contributions towards off-site improvements;*
  - f) maximise opportunities for walking and cycling and the use of public transport (policy CS20);*
  - g) meet sequential test requirements set out by other national or local policies.*
- 5.5.4 Core Strategy Policy CS10 Flexibility in Delivery of Housing states; *'Planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a 5-year supply of deliverable sites and where:*
- a) they accord with the strategy of 'Concentration and Regeneration' as set out in policy CS1 and the criteria set out in policy CS2; or*
  - b) a specific housing need can be demonstrated that can only be met within a particular location'*
- 5.5.5 In 2017 outline consent was granted for a residential dwelling on the site, therefore the principle of a new dwelling in this location has been established. However, for the purposes of this application it is considered necessary to reflect on the relevant considerations.
- 5.5.6 As the council is currently able to demonstrate a five year supply of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots. The NPPF is not wholly restrictive on greenfield

development and states that ‘Local planning authorities should approach decisions on proposed development in a positive and creative way’ and ‘decision-makers at every level should seek to approve applications for sustainable development where possible’ (paragraph 38).

- 5.5.7 The **Planning Policy Team** provided the following assessment on the principle of development in respect of the previous outline application and confirmed that these comments remain valid;
- 5.5.8 *‘Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. The site is approximately 2.4km from the nearest designated centre at Staveley. The site therefore does not meet the requirement of CS1. However, it is worth noting the appeal decision on CHE/15/00295/OUT (Westmoor Road), where the inspector concluded that “Whilst the spatial strategy of the CS set out within Policy CS1 is to concentrate development within walking and cycling distance of centres, this does not mean that the location of all new development, irrespective of scale, such as the construction of three dwellings is required to be restricted within those parameters”.*
- 5.5.9 *‘In this case it is important to consider the scale of the development and the range of facilities that are accessible by walking and cycling. The site is around 1.6km to both the nearest local convenience store (Renishaw Road, Mastin Moor) and the facilities in Lowgates (proposed to be designated as a Local Centre in the Draft Local Plan) which include convenience retail, public house and hot food takeaway. The site is also within walking distance of both local primary schools. Accessibility modelling used in the Local Plan site assessment process identifies that location as being within the lower walking threshold (15 minutes) for primary and secondary school, and supermarket/convenience store, and the upper threshold (15-30 minute walk) to pharmacy, post office and GP.’*
- 5.5.10 *‘Considering the scale (one dwelling), the type and location of site (infill site within the settlement that does not encroach into open countryside), and the range of facilities in walking and cycling distance, an exception to CS10 can be considered in this case. Given that the aim of CS10 is to ensure a supply of housing land that meets the aims of the Core Strategy, and the presumption in favour*

*of sustainable development, the principle of a new dwelling on this site is acceptable.'*

- 5.5.11 Having regard to the above it is acknowledged that the proposal would not accord with policy CS10 and criterion (b) of CS2 as the site is not previously developed land. Taking into account the small scale of the development, location of the site as an infill plot, available facilities and outline consent, the principle otherwise accords with the NPPF and on balance is acceptable

## **5.6 Design and Appearance of the Proposal**

- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 5.6.2 The application proposes the erection of a large detached dwelling. The proposal, albeit large in scale retains a reasonable gap between the adjacent properties, reflecting the rhythm of the street pattern on the south side of Bridle Road. The building line on Bridle Road is staggered and the principle elevation of the proposed dwelling would therefore not be unduly dominant.
- 5.6.3 It is acknowledged that the proposed development is large in overall scale and massing with regards to the adjacent dwellings, however observation of the wider streetscene shows variation in size and character of the surrounding properties creating a character which is fundamentally mixed.
- 5.6.4 Revised plans show the property set down within the site approximately 1m lower than Bridle Road highway, aiming to reduce the visual height and lower the eaves level. The eaves level will therefore be set lower than number 11 Bridle Road creating a graduated 'step down' towards the bungalow to the east. The intersecting gable feature to the principle elevation reflects the design of No 15 and the use of facing brick responds to the materials of No 11.
- 5.6.5 Having consideration for the observations above on balance the proposal is considered to be acceptable, albeit large in scale is not considered to cause significant adverse impacts on the visual amenity and character of the area due to the variation and mixed



character of the surrounding streetscene. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

## **5.7 Impact on Neighbouring Residential Amenity**

- 5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.2 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*
- 5.7.3 Revised plans situate the proposed dwelling further east, creating a larger separation between the adjacent dwellings to the east and west.
- 5.7.4 The position, orientation and height of the dwelling is such that there will be a loss of light to the rear garden of No 15. The habitable room windows situated within the rear elevation of No 15 are set further west reducing the overshadowing impact and satisfying the 45 degree rule. It is noted that this is one window within the side (east) elevation of the garage serving No 15, this is considered to be a non-habitable room.
- 5.7.5 The increased separation between the proposed dwelling and No 11 means potential adverse impacts of overshadowing are considered to be reduced.
- 5.7.6 No windows are proposed within the side (east) elevation therefore potential issues of overlooking are negligible. Three windows are proposed within the side (west) elevation facing towards No 15, two windows are at ground floor level and will therefore be screened by boundary treatments. The first floor window has the potential to result in overlooking and as the window serves a bathroom it is considered reasonable to impose a condition requiring it to be installed obscurely glazed.
- 5.7.7 Having consideration for the observations above and subject to a relevant condition, the proposal is considered to be appropriately

designed and is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the design provisions of policies CS2 and CS18 of the Core Strategy.

## **5.8 Highways Safety and Parking Provision**

- 5.8.1 Core Strategy Policy CS20 requires consideration of appropriate parking provision (c) and opportunities for charging electric vehicles where appropriate (e).
- 5.8.2 The Local Highways Authority **Derbyshire County Council** were consulted on the proposal and provided the following comments; *‘The site has been the subject of a previous outline application on which the Highway Authority made comments. It is noted that although access and layout were included for determination in the previous application the consent indicates that ‘approval of the details of the access, scale, external appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.’*
- 5.8.3 *‘Comments on the previous application raised concern regarding visibility on the layout indicated given the width of the fronting footway and the proposed location of the access. It was suggested that if the property was handed appropriate visibility splays could be provided over the land the subject of the application and within the ownership/control of the applicant with the splays being ‘protected’ at this time to ensure they can still be provided in the event the plot of land is sold off. The current application only relates to the development plot and there are, therefore, concerns regarding visibility from any access point to the plot of land in question. Visibility at this location should be provided at 2.4 metres x 43 metres in both directions and such splays should not pass over third party land and be clear of obstructions greater than 1.0 metre in height (0.6 metre in the case of vegetation) relative to nearside carriageway channel level.’*
- 5.8.4 *‘In previous comments the Highway Authority also made reference to the internal dimensions of the garage. A double garage should have minimum internal dimensions of 6 metres x 6 metres and this would, therefore, require increasing in size.’*

- 5.8.5 *'In view of the above, the Highway Authority recommends that the proposal be refused for the following reasons.*
- 1. The proposed development, if permitted, involving the creation of a new vehicular access to Bridle Road would introduce traffic movements to and from the public highway at a point where emerging visibility is restricted due to the width of the fronting footway and frontage to the publicly maintainable highway, thereby leading to danger and inconvenience to other highway users.*
  - 2. No adequate provision is included in the application proposals for the parking of vehicles clear of the public highway, which would be likely to result in parking on the public highway, which is against the best interests of highway safety. This could, however, be overcome by increasing the internal dimensions of the proposed garage.*
  - 3. The provision of a vehicular access with adequate visibility splays to the Highway Authority's minimum standards would involve the use of land, which as far as can be ascertained from the application drawings, lies outside the applicants control.'*

5.8.6 In response to the comments received from the Highways Authority, revised plans were submitted widening the width of the access by removing a part of the stone boundary wall and incorporating space for turning within the frontage. The internal dimensions of the integral garage have also been increased to accord with the provisions of the 'Successful Places' SPD which requires a double garage to have internal footprint of 6m x 6.3m and door width of 4.2m to count as parking spaces. The site can therefore accommodate parking provision for 3 vehicles which accords with the requirements of Appendix G of the Core Strategy which seeks a recommended maximum of 3 spaces for a 4+ bedroom dwelling.

5.8.7 It is necessary to highlight that the recommended visibility splay cannot be achieved due to the narrow width of the pavement/footway and the presence of existing stone wall boundary treatments at the adjacent properties. Taking into account the 'cul-de-sac' character of Bridle Road with reduced traffic movements and existing outline consent for the development of the site, it is considered that a visibility splay which is slightly less than the 'standard' would be acceptable. It is therefore recommended that a condition be imposed requiring the applicant to submit detailed drawings showing the optimum achievable visibility splay, incorporating retention where possible (or rebuilding) the character of the stone wall to the frontage. It is accepted that this may require the applicant to re-build/set back/chamfer the wall accordingly. The LPA is of the opinion that the

stone wall is a key feature of the streetscene and should be retained as far as practicable.

- 5.8.7 Subject to conditions requiring the parking spaces to be retained for the life of the development preventing the conversion of the garage and the **submission of detailed drawings demonstrating the optimum achievable visibility splay**, provision of electric charging facilities, the development is considered to accord with the provisions of CS20, Appendix G and the Successful Places SPD.

## 5.9 Land Quality and Stability

- 5.9.1 Core Strategy Policy CS8 Environmental Quality states '*The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality.*

*Air Quality: Where appropriate, development proposals will include an assessment of impact on air quality and incorporate measures to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality.*

*Unstable and Contaminated Land: Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable remediation and fit for the proposed use and shall include:*

*a) a desk top survey with the planning application*

*b) a phase II study and strategy for remediation and final validation where the desk top survey (a) indicates remediation may be necessary, on any full or reserved matters planning applications*

*A programme of remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.'*

- 5.9.2 The Council's **Environmental Health Officer (EHO)** was consulted on the proposal and requested a condition restricting working hours to minimise noise to the nearby dwellings, consideration of lighting on site, electric charging provision and the submission of a land contamination desk top study and scheme of investigation and remediation (if necessary).

- 5.9.3 It is recommended that the requested conditions be attached to the decision with the exception of the lighting details, as no external

lighting is proposed on site and the installation of domestic lighting would not require planning permission.

- 5.9.4 The application site is situated in an area which is considered to be a high risk of coal mining legacy and as such it was necessary to consult **The Coal Authority** on the application.
- 5.9.5 **The Coal Authority** initially objected to the scheme due to the lack of a Coal Mining Risk Assessment. The Agent sought to highlight that the outline application on the site was supported by a Coal Mining Risk Assessment which recommended intrusive site investigations prior to the commencement of development to establish and if necessary remediate coal mining legacy. The Agent confirmed that they would accept the same condition.
- 5.9.6 **The Coal Authority** were re-consulted and provided the following comments; *'I have had a look at both applications and what our records indicate in respect of the mining legacy on this site, our records show potential for unrecorded shallow coal mine workings across the site in a consistent manner and on this basis it is not a legacy feature which will dictate the layout of the development.'*
- 5.9.7 *'In light of the fact that a previous desk based assessment has been unable to discount the risks posed by unrecorded workings on this site, and was carried out by a competent person, I am satisfied that intrusive site investigations are necessary to establish the exact situation in respect of coal mining legacy issues. You indicate that the agent has commented that the applicant for the current application is willing to accept a condition for SIs based on the previous Risk Assessment conclusions.'*
- 5.9.8 *'On the basis of the above, provided that you are satisfied that you can defend the imposition of a relevant SI condition without the submission of a desk based report to support the current proposal, and in order to prevent undue delay to the process, in this case I am happy for you to impose a planning condition which requires appropriate intrusive site investigations to be carried out.'*
- 5.9.9 The Agent/Applicant subsequently re-submitted the Coal Mining Risk Assessment.
- 5.9.10 On the basis of the above comments, it is recommended that a condition be imposed requiring intrusive site investigations be

undertaken prior to the commencement of development and if necessary a remediation strategy for written agreement.

5.9.11 Subject to the imposition of necessary conditions the proposal accords with the requirements of Core Strategy Policy CS8.

## 5.10 **Flood Risk & Drainage**

5.10.1 Core Strategy Policy CS7 Managing the Water Cycle states that *'The council will require flood risk to be considered for all development commensurate with the scale and impact of the proposed development.'*

5.10.2 The Council's **Design Services Drainage Team** were consulted on the proposal and confirmed that the site is not shown to be at very low risk of flooding (flood zone 1) according to the Environment Agency flood maps.

5.10.3 The Drainage Engineer noted that the developer intends to use soakaways as a means of surface water disposal and highlighted the following; *'Infiltration tests should be carried out and calculations provided in accordance with BRE Digest 365 to ensure no flooding for a 1 in 30 year rainfall event and no flooding of properties for a 1 in 100 year event. Any new connections to the public sewerage network will require prior approval from Yorkshire Water. Any amendments to existing drainage may require Building Control approval.'*

5.10.4 Subject to relevant conditions requiring the submission of drainage details and associated infiltration calculations the development is considered to accord with the provisions of policy CS7 of the Core Strategy.

## 5.11 **Biodiversity and Landscaping**

5.11.1 Core Strategy Policy CS9 requires development proposals to ensure a net gain in quantity, quality or function of green infrastructure and produce a net gain biodiversity.

5.11.2 It is acknowledged that the development will result in the loss of residential garden space which contributes to wider green infrastructure and biodiversity. Limited details have been provided detailing the specific hard and soft landscaping arrangements e.g. planting schemes, boundary treatments, retention of a proportion of

stone boundary wall (subject to visibility requirements) which may require re-building, surfacing etc and it is considered that this information could be dealt with by condition. It is also recommended that a biodiversity enhancement plan be submitted demonstrating how the development will enhance biodiversity on the site to off-set any loss of biodiversity.

5.11.3 Subject to the conditions recommended above the proposal is considered to comply with the provisions of policy CS9 and the wider provisions of the NPPF.

## 5.12 Community Infrastructure Levy

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

5.12.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked).

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
326	326	£20 (Low Zone)	307	288	£6950

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 neighbour notification letters were sent to the boundary sharing neighbours on 02.07.2019 and a site notice was displayed on 18.07.2019. The statutory period of consultation has expired and one letter of representation has been received as a result and has been summarised below;

18 Bridle Road (31.07.2019)

6.2 Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways
- Visual

Comment: property is too big causing visual and traffic issues parking is already an issue the road is narrow

6.3 ***See sections 5.6, 5.7, 5.8 and 5.9 of the report.***

## **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.

## **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 July 2018 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. **Can we say that the proposal does not conflict with the NPPF and is sustainable**



**development?** The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

## **9.0 CONCLUSION**

- 9.1 Overall the proposal is considered to be an acceptable infill development taking into account the small scale of the development, available facilities and outline consent, the principle otherwise accords with the NPPF and on balance is acceptable. The design of the proposal shows some consideration to the surrounding context, albeit large in scale is not considered to cause significant adverse impacts on the visual amenity and character of the area due to the variation and mixed character of the surrounding streetscene. On balance, the proposal complies with elements of Core Strategy Policies CS1, CS2, CS3 and accords with CS4 and CS18. Subject to the imposition of conditions the proposal will accord with the provisions of Core Strategy Policies CS7, CS8, CS9, CS20 and wider provisions of the NPPF.

## **10.0 RECOMMENDATION**

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

### **Conditions**

- 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 Compulsory Purchase 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 plan, drawing un-numbered (received 16.09.2019)

- Site section and street scene view, drawing un-numbered (received 16.09.2019)
- Proposed elevations and floor plans, drawing numbered (received 16.09.2019)

***Reason*** - *In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.*

**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.

***Reason*** - *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.** 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 17:00pm 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.

***Reason*** – *In the interests of residential amenities*

**05.** Before any other operations are commenced, a revised plan detailing the vehicular access to Bridle Road with optimum visibility splays in both directions shall be submitted to the Local Planning Authority for written approval. The revised plan shall include the retention of the stone wall where possible. Only the approved access to Bridle Road shall be implemented on site, created in accordance with the application drawings, laid out, constructed and provided with optimum visibility splays in both directions, the area in advance of the sightlines being maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

***Reason – In the interests of highway safety***

- 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 three vehicles for the proposed dwelling including two spaces in the integral garage. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) the garage accommodation and parking/turning space shall not be used other than for the above stated purpose.

***Reason – To ensure adequate off-street parking***

- 07.** Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for the storage or plant and materials, site accommodation and parking and manoeuvring of site operatives vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

***Reason – In the interests of highway safety***

- 08.** 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.

***Reason – In the interests of highway safety***

- 09.** 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.

***Reason - To ensure that the development can be properly drained.***

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

**Reason** - *In the interest of satisfactory and sustainable drainage.*

11. 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.

**Reason** - *To ensure that no surface water discharges take place until proper provision has been made for its disposal.*

12. 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.

**Reason** - *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.*

**13.**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.

***Reason – In the interests of ecology***

**14.**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.

***Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.***

**15.**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.

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

**16.**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 and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.***

**17. A.** Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

I. A desktop study/Phase 1 report documenting the previous land use history of the site.

II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s).

The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

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

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only)

has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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

18. Notwithstanding the details shown on the approved plans the first floor bathroom window proposed in the side elevation facing No 15 Bridle Road to the west shall be only be fitted with an opening above 1.7m high (measured internally) and shall be installed obscurely glazed with a minimum level 4 obscurity and shall thereafter be retained as such in perpetuity.

***Reason – In the interests of residential amenities***

### **Informative Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
04. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development. Further information can be found on the Council's website using the following web address [www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx](http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx)

or alternatively please contact the Infrastructure Planning Officer (Rick Long) on 01246 345792.

05. 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](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.
06. 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.
07. 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.