

Case Officer: Sarah Kay (RF)
Tel. No: (01246) 345786
Ctte Date: 6th January 2020

File No: CHE/19/00593/FUL
Plot No: 2/1213

ITEM 4

PROPOSED ERECTION OF 4 NO SEMI-DETACHED 2/3 BEDROOMED DWELLINGS WITH ASSOCIATED CAR PARKING AND EXTERNAL WORKS SERVED FROM WIDENED ACCESS DRIVE (ADDITIONAL INFORMATION RECEIVED 04/11/2019 AND 24/11/2019) AT LAND TO THE SIDE AND REAR OF 102 HIGHFIELD LANE, NEWBOLD, CHESTERFIELD, DERBYSHIRE FOR LAKELAND DEVELOPMENTS LIMITED

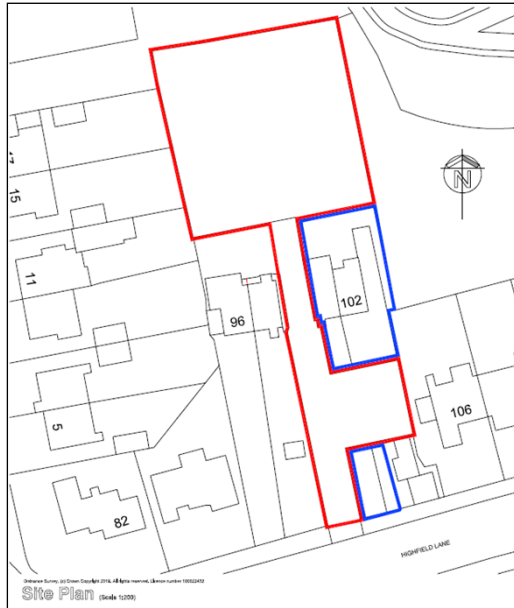
Local Plan: Unallocated
Ward: Moor

1.0 CONSULTATIONS

Local Highways Authority (DCC)	Comments received 10/10/2019 (referral) and 18/10/2019; and 28/11/2019 (referral) and 12/12/2019 – see report
Environmental Health Officer (CBC)	Comments received 07/10/2019 – see report
Strategic Planning (CBC)	Comments received 27/11/2019 – see report
Derbyshire Constabulary (Design Advisor)	Comments received 09/10/2019 and 05/12/2019 – no objections
Coal Authority	Comments received 10/10/2019 and 18/11/2019 – see report
Tree Officer (CBC)	Comments received 14/11/2019 – see report
Derbyshire Wildlife Trust	Comments received 31/10/2019 and 09/12/2019 – see report
Design Services (CBC)	Comments received 21/10/2019 – see report
Lead Local Flood Authority	Comments received 22/10/2019 – no comments / objections
Yorkshire Water Services	Comments received 17/10/2019 and 26/11/2019 – see report
Ward Members	No comments received
Site Notice / Neighbours	6 representations received

2.0 **THE SITE**

2.1 The site the subject of the application concerns an area of land to the north of 4 dwellings at 96 – 102 Highfield Lane in Newbold; an access driveway running from Highfield Lane between 98 – 100 Highfield Lane; and a parcel of land in the frontage of No's 100 and 102 Highfield Lane (as indicated in the Site Plan extract detailed below).



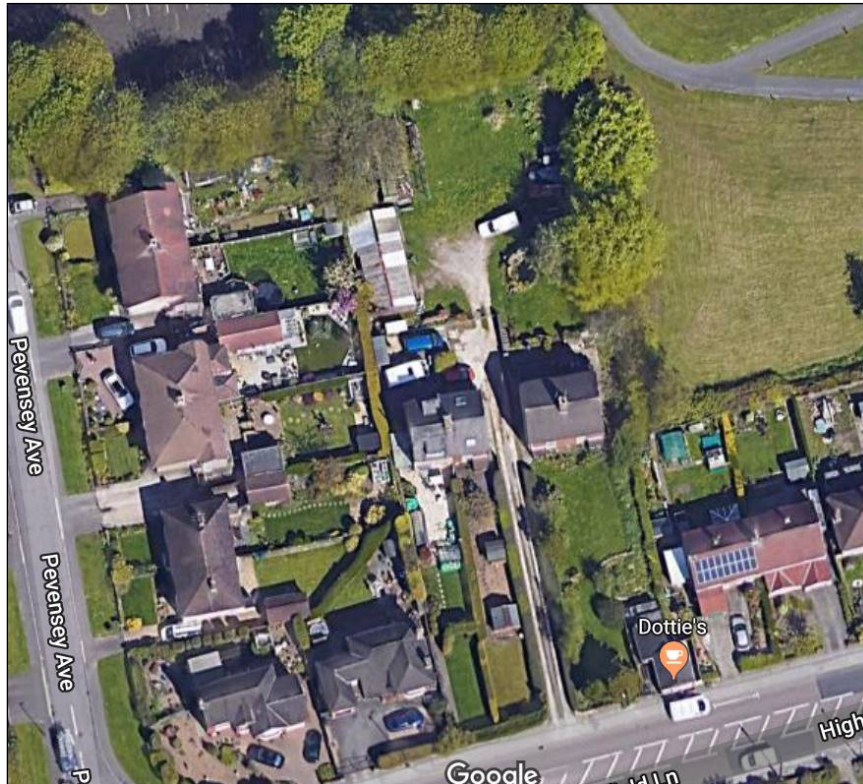
2.2 In addition to the application site, the applicant also owns No's 100 and 102 Highfield Lane and these properties are blue lined in the application submission.

2.3 The four existing dwelling of 96 – 102 are set back in the streetscene when compared with neighbouring properties which are set along a more typical building line relative to Highfield Lane. The properties have long slim front gardens, with many outbuildings in the gardens of No's 96 and 98; and to the front of No 102 there is also a café called Dottie's.

2.4 Running between No 98 and 100 there is an access drive with hedges either side. There is also a mature hedge to the front of No 96 and 98, together with a 1 metre stone wall.

2.5 The existing dwellings are two storey dwellings built in the style of Victorian terraces. The residents of No's 96 and 98 park their vehicles to the rear of their dwellings, utilising the shared access driveway. No's 100 and 102 now have access to a newly created

car parking area in advance of their principle elevations which is also accessed by the shared driveway.



2.6 The parcel of land to the rear of the 96 – 102 appears to have been used in the past for storage, and there were some outbuildings in situ on the site. It is enclosed with mature trees and hedgerows to the east and north; where the site adjoins the grounds of Outwood Academy Newbold. The trees on the adjoining land to the NW are protected by Tree Preservation order 4901.251.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/19/00677/RET - Retention of single storey rear extension to No 102; and raised rear garden levels to No' s 100 and 102 Highfield Lane.
Still pending consideration.

3.2 CHE/18/00470/OUT - Outline Application with all matters reserved for a single detached dwelling on land to the rear of 100-102 Highfield Lane with retention of existing two dwellings.
Conditional permission granted 31/10/2018.

4.0 **THE PROPOSAL**

4.1 The application seeks full planning permission for the proposed erection of 4 no. semi-detached 2/3 bedroom dwellings on land which lies to the rear of No's 96 – 102 Highfield Lane, with shared driveway access to be taken from an existing driveway which runs from Highfield Lane between No's 98 and 100.



4.2 The development will be laid out in 2 pairs of semi-detached properties, with their principle elevations facing south towards the shared driveway / access and a parking court laid out in advance. The properties will be 2.5 and 2 storey in scale, with the taller 2.5 dwellings standing as 'book ends' to the central 2 storey dwellings.



4.3 The dwellings are to be laid out with Hallway, Cloakroom, Store, and open plan Lounge and Kitchen / Diner to ground floor; two bedrooms (both en-suite) to first floor; and the 2 no. 2.5 storey dwelling will each have a further third bedroom with en-suite to the second floor. Each dwelling will have 2 no. car parking spaces and are proposed to be finished with white render, red brick and grey roof tiles.

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

2019-14-28 – Site Location Plan, ~~Block Plan and Site Plan~~
(superceded by 21 and 28A below)

2019-14-20 – Site Layout As Existing

2019-14-11 Rev D Typical Floor Plans, Sections and Partical 3D
Perspective

2019-14-21 Rev C – Site Layout As Proposed

2019-14-22 Rev A – Proposed Ground Floor

2019-14-23 Rev A – Proposed First Floor

2019-14-24 Rev A – Proposed Second Floor

2019-14-25 Rev A – Proposed Roof Plan

2019-14-26 Rev A – Proposed Elevations 1 of 2

2019-14-27 Rev A – Proposed Elevations 2 of 2 and Typical
Section

2019-14-28 Rev A – Proposed Site Layout with Delivery Vehicle
Tracking

2019-14-29 Rev – Proposed Rendering Perspectives

Phase I Desk Study and Coal Mining Risk Assessment

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Moor in an area predominantly residential in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS7, CS8, CS9, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2 **Principle of Development**

- 5.2.1 The application site is not allocated for any specific use on the adopted Local Plan policies map or the emerging Local Plan policies map, and therefore the principle of development must therefore be assessed primarily through application of policies CS1 and CS2 of Core Strategy.
- 5.2.2 Amongst the considerations of policy CS1 and CS2 is that new development should be directed to locations within walking and cycling distance of centres.
- 5.2.3 The council's Residential Design SPD sets out (on page 41) that a walkable neighbourhood is one with a local centre/shop within 600-800m and a primary school within 800-1000m. In this regard the site is 800m from the Newbold Local Centre, furthermore Newbold primary, Highfield Hall primary and Outwood Academy secondary schools are also within 800m of the site. The site is also well served by public transport.
- 5.2.4 Having regard therefore to the provisions set out above the principle of residential development in this location is therefore in accordance with the adopted Development Plan.

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

- 5.3.1 As originally submitted the application proposed a development of 5 no. dwellings; which was considered to be too intensive with a number of compromises identified in relation to the layout of the site, the size of the private amenity gardens and the separation distance / impacts upon neighbouring amenity.
- 5.3.2 The applicant has looked to address these initial concerns in the latest iteration of the scheme, which now proposes a development of 4 no. dwellings (revised 24/11/2019).
- 5.3.3 Given the siting of the development, the impact of the development proposals upon the streetscene of Highfield Lane will be limited, with views concentrated as a glimpse through gap between No's 98 and 100 along the shared access road. There is a variety and mix of architecture along Highfield Lane and therefore whilst the dwellings do not specifically reflect the character of the properties in advance, they are not considered to be inappropriate.

5.3.4 The development site itself is adjoined by No's 96 – 102 Highfield Lane to the south and by No's 11, 15 and 17 Pevensey Avenue adjoin the site to the west. No's 96 – 102 are set at a slightly higher level to the application site, and No's 11, 15 and 17 also sit at a slightly higher level to the site.



5.3.5 Having regard to relative separation distances the development proposals principle elevations will face the rear elevations of No's 96 – 102 and there will be a minimum 21m separation distance between the two. This meets with the guidelines set out in the Council's SPD in respect of achieving development that has an appropriate separation distances to protect amenity and privacy. Furthermore the development proposals will be set back 12m from rear garden boundaries of these neighbours to ensure that the development does not immediate overlook private amenity space (the SPD sets a minimum distance of 10.5m being acceptable). There is also a minimum separation distance of 22m between the rear elevations of No's 11, 15 and 17 Pevensey Ave to the side elevation of the closest property (where there are no window

openings proposed in side elevation), which is also considered to be acceptable. All four properties proposed also achieve acceptable private amenity spaces (a min of 50sqm being required by the SPD).

- 5.3.6 Overall it is considered that as revised the design and appearance of the development proposals are acceptable and they present an appropriate solution to the site redevelopment, whilst preserving the amenity, outlook and privacy of the adjoining and adjacent neighbouring properties. In the context of policies CS2 and CS18 of the Core Strategy, wider NPPF and the Council's adopted Housing Layout and Design SPD 'Successful Places' the proposals are considered to be acceptable.

5.4 **Highways Issues**

- 5.4.1 The application submitted (as revised) proposes the development of 4 no. new dwellings with access taken via an existing shared driveway leading from Highfield Lane between No 98 and 100. Each new dwelling (2/3 bed) will be served by 2 no. off street parking spaces; alongside the creation of 4 no. new parking spaces to serve No's 100 and 102 Highfield Lane.
- 5.4.2 The application, which was originally for 5 no. town houses, was initially reviewed by the **Local Highways Authority (LHA)** who raised concerns that the development proposals represented overdevelopment of the site. The LHA comments provided a detailed commentary of suggested amendments / considerations to address their concerns.
- 5.4.3 The application was subsequently amended from 5 dwellings to 4; with the provision of 2 no. 2 bed and 3 no. 3 bed properties. The site layout demonstrated 10 no. off street parking spaces (and 4 no. separate spaces for 100 and 102) in the revised site layout with a dedicated bin store area to the site frontage and small delivery vehicle turning swept path analysis was also shown.
- 5.4.4 The LHA were invited to review the amended scheme, with the following comments being subsequently received:

The number of proposed dwellings has been reduced from 5 to 4.

Whilst a bin store / dwell area is indicated for refuse recycling / collection days, this is located outside the red line boundary although believed to be within land in the ownership / control of the applicant and presumably, therefore, could be suitably conditioned.

The Highway Authority would point out that prospective residents would be required to take their bins some considerable distance – well in excess of the recommended 25m.

There is no indication as to whether the emergency services have been consulted as to the acceptability of the layout given the distances the proposed dwellings would be from the publicly maintainable highway and you may wish to consider this.

It is not felt to be an ideal site for development but should you be minded to grant planning permission it is recommended that the following conditions are included in any consent.

- 1. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.
 - Parking of vehicles of site operatives and visitors*
 - Routes for construction traffic, including abnormal loads/cranes etc.*
 - Hours of operation*
 - Method of prevention of debris being carried onto highway*
 - Pedestrian and cyclist protection*
 - Proposed temporary traffic restrictions*
 - Arrangements for turning vehicles**
- 2. Prior to occupation of the dwellings, the subject of the application, the existing access to Highfield Lane shall be modified in accordance with the revised application drawings.*
- 3. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised drawing for*

cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.

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

5.4.5 Having regard to the comments made by the LHA above, their commentary on the suggested consultation with the emergency services is noted; however the emergency services do not respond to consultations on planning applications of this scale / nature (an infill plot in an existing built up area). The application site is not regarded as being remote, the site is located in a built up area off Highfield Lane in Newbold and all emergency services would be able to gain access to the development in cases of emergency. Furthermore whilst the bin carry distance to the proposed collection point at Highfield Lane is in excess of the 25m recommendation, such distances are readily accepted and this is not a reason to refuse planning permission.

5.4.6 It is noted that the LHA comment the site is not ideal site for development, but they do not elaborate in their comments why in highway safety terms they take this view. From the case officers inspection of the application site and the revised site layout provided, the development proposals appear to be served by an adequate highway access and on-site parking provision which is commensurate with the scale and nature of the development proposed. The photographs taken below show the improvements to the access which have already been undertaken at the site:



5.4.7 It is considered that although there are pinch points along the access, there is sufficient space for two domestic vehicles to pass at varying points and given the length of the access road it is

unlikely its operation will impose any adverse impacts upon highway safety (Highfield Lane). Furthermore whilst exit visibility from the access is slightly compromised in the critical direction, the intensification in its use to serve an additional 4 no. dwellings is not considered to be unacceptable (and the LHA has not commented specifically upon exit visibility / intensification in their comments either – just their view the scheme of 5 dwelling was overdevelopment).

5.4.8 Overall despite the generalised reservations expressed by the LHA it is considered that the revised scheme for 4 no. dwellings do represent an appropriate development layout which can be served by an acceptable means of access and appropriate level of off street parking and turning. The development proposals are therefore considered to accord with the provisions of policies CS2 and CS20 in relation to highway matters.

5.4.9 As a scheme for new residential development, the Core Strategy promotes incorporation of electric vehicle charging points under the provisions of policy CS20. Accordingly alongside the usual planning conditions imposed on new residential development to address highway matters (access, parking, bin store etc) an appropriate condition can be imposed to require the provision of EVC's as well.

5.5 Land Condition / Contamination

5.5.1 The site the subject of the application comprises of some previously developed land and some undeveloped land (with former storage land use), therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.5.2 The application submission is supported by a Phase I Desk Study and Coal Mining Risk Assessment which has been reviewed by the **Coal Authority** (CA) and the Council's **Environmental Health Officer** (EHO) alongside the application plans / documents.

5.5.3 The CA confirmed that they, *'concur with the recommendations of the Phase 1 Desk Study and Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal*

mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development. Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

** The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;*

** The submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and*

** The implementation of those remedial works.'*

5.5.4 The EHO also confirmed, '*Should planning permission be granted for this proposal, I would strongly recommend that the developer ensure the site is 'suitable for use' by completion of: -*

a) a Phase 1/desk study

b) a Phase 2/intrusive site investigation

c) a Remediation Strategy (if necessary) and

d) a Validation report

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

5.5.5 Having regard to the above, it is considered that appropriate planning conditions can be imposed on any permission granted to meet the requirements of the CA and the EHO. The development will be required to demonstrate that the site conditions are suitable for development, with the undertaking of intrusive site investigations, and the results / recommendations of the investigations will need to be submitted for approval (prior to commencement of development). This will ensure the development proposals meet the provisions of policy CS8 in respect of land condition and contamination.

5.6 **Flood Risk / Drainage**

5.6.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the Core Strategy), it is noted that the application site is located in Flood Risk Zone 1. The site is not at risk of any known surface water flooding. The application form indicates that the development proposals will be connected to the

main sewers for both foul and surface water drainage; however there are no further drainage proposals accompanying the application submission.

- 5.6.2 In the context of the above the application submission has been reviewed by both the **Design Services (DS)** team and **Yorkshire Water Services (YWS)**.
- 5.6.3 The DS team confirmed that they would wish to see full drainage details for the site, which should be prepared in accordance with the Council's latest guidance of Drainage and Flood Risk. YWS also confirmed that, *'1) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed; and 2) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.'*
- 5.6.4 Having regard to the above, it is considered that appropriate planning conditions can be imposed on any permission granted to meet the requirements of YWS and the DS team. The development will be required to implement separate foul and surface drainage systems and submit for approval (prior to commencement of development) the full drainage strategy for the site (which will need to have regard to the water disposal hierarchy specified by YWS). This will ensure the development proposals meet the provisions of policy CS7 in respect of flood risk and drainage.

5.7 **Ecology / Biodiversity (inc. Trees)**

- 5.7.1 The application site comprises of a combination of previously developed land and undeveloped land, with mature trees and hedgerows surrounding the site boundary (inc. some protected trees). In the context of policy CS9 of the Core Strategy, new development is required to deliver a net gain in biodiversity.

5.7.2

The application submission has been reviewed by the Councils **Tree Officer (TO)** and **Derbyshire Wildlife Trust (DWT)** in the context of the above policy framework and the following comments were received:

TO - There are three groups of trees to the north west of the development site on the adjacent land that may be affected by the application which are protected by the above mentioned Tree Preservation Order. Directly to the north of the site on the adjacent land is also a belt of trees which could also be affected by the development.

I have previously commented on this site for application CHE/18/00470/OUT on the 30th August 2018 where it was recommended that a Root Protection Area (RPA) is establish along the whole of the north boundary, 7 metres outwards from the north boundary of the site to protect the crowns and rooting environment of the trees on the adjacent land.

The site layout drawing reference 019-14-21 Rev A by JJK Project Services Limited dated 30/08/19 shows the nearest dwelling to the boundary at 8 metres. A revised drawing reducing the number of dwellings from 5 to 4 has now been submitted and as long as this distance does not change then I have no objections to the application as the structures are outside the calculated RPA of 7 metres from the north boundary.

It is proposed on the layout drawing 019-14-21 Rev A that hard surfacing to the rear of the properties will be constructed. This will encroach into the RPA and may require excavations for the sub-base of the patios. Further details of the construction method should therefore be submitted which should include details of an above ground 'no dig' construction method.

No landscaping scheme has been submitted with the application and the proposed layout indicates that the site is predominantly buildings and hardstanding, with soft landscaping limited to a small lawn at the rear of each property. It is therefore recommended that a landscaping scheme is requested and set as a condition with the layout incorporating a greater area of soft landscaping in mitigation against the loss of soft landscaping already present.

It is also recommended that permitted development rights are removed to the rear of the properties to protect the trees on the adjacent site.

No tree survey or Tree Protection Plan has been submitted with the application so the following conditions should be attached if consent is granted to the application:

Permitted Development Rights

Remove from the rear of the properties.

Tree Protection

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees on the adjacent land, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.*
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.*
- c) Details of construction within the RPA or that may impact on the retained trees.*
- d) a full specification for the installation of boundary treatment works.*
- e) a full specification for the construction of any hardsurfaces including details of the no-dig specification and extent of the areas of hardsurfaces to be constructed using a no-dig specification. Details shall include relevant sections through them.*
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.*
- g) A specification for protective fencing/ground protection to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing or ground protection.*
- h) a specification for scaffolding and ground protection within tree protection zones.*

- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.*
 - j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires*
 - k) Boundary treatments within the RPA*
 - l) Methodology and detailed assessment of root pruning*
 - m) Methods to improve the rooting environment for retained and proposed trees and landscaping*
- The development thereafter shall be implemented in strict accordance with the approved details.*

Landscaping

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and 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.*

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees located on the adjacent land unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

DWT – I have reviewed the revised plans and note that the size of the built development has been reduced and now accommodates a

greater area of soft landscaping, which is welcomed. However, the application still does not include any information to describe the existing habitats and structure on the site, or assess their potential value to protected species.

On small sites with limited ecological interest it is not always proportionate or necessary to undertake extensive ecological survey work; however, as the Council has an obligation to consider the impacts on protected species as part of their decision making process some information does need to be provided by an applicant to demonstrate why they consider such an approach to be appropriate on their site. As a bare minimum, some photographs would help to illustrate what the existing structure is and whether it's the sort of thing that could be used by roosting bats.

At present, I must advise that there is still insufficient information available to assess whether or not the proposals would impact on protected species (in particular roosting bats) and therefore some further information is required to clarify this situation before the application can be determined.

- 5.7.3 Having regard to the commentary provided by DWT above, the case officer has inspected the application site and an extensive amount of site clearance has already taken place. Works involving site clearance of vegetation and previous structures does not require planning permission.
- 5.7.4 It is evident from the site inspection that little ecological value can be placed upon the site and its current condition. There are mature trees which stand around the site perimeter (mostly outside the site itself – and these are protected and to be retained) and there is one single storey building remaining in situ on site which would not be a suitable habitat for bats. The building is in good condition and has a modern sheeted roof covering which is well maintained.



5.7.5 Having regard to the above, it is not considered to be reasonable or proportionate to require the applicant to undertake a preliminary ecological survey. However under the provisions of policy CS9 of the Core Strategy and wider NPPF the development should secure biodiversity enhancement. In modern domestic development this is more often achieved through the incorporation of bird and bat boxes into the fabric of the new dwellings and by making sure there are hedgehog gaps in domestic fences to allow small mammal passage through the site. These measures can be secured through the imposition of an appropriate planning condition.

5.7.6 Overall therefore having regard to the considerations set out above in respect of wildlife and biodiversity; and the comments of the Council's Tree Officer in respect of the protection of the protected trees aligning the periphery of the site, it is considered that appropriate measures can be imposed through planning conditions to make the development acceptable under the provisions of policy CS9 of the Core Strategy.

5.8 **Community Infrastructure Levy (CIL)**

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.

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

	A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
405	405	£50 (Medium Zone)	307	288	£21,586

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

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 07/10/2019; and by neighbour notification letters sent on 02/10/2019 (followed by a 14 day re-consultation sent on 25/11/2019).

6.2 As a result of the applications publicity there have been 6 letters of representation received (from 5 residents) as follows:

A Local Resident (01/10/2019)

SUPPORT - I like the proposed buildings' appearance and their use of energy saving features such as solar panels and increased insulation.

96 Highfield Lane (10/10/2019)

OBJECT – Our concerns are as follows:

- The single track road will be insufficient / inadequate to accommodate traffic from 5 new homes;
- Once 96-102 are all occupied as well there will be a further 8 car with access requirements;
- If 5 3 storey houses are also allowed there will be an additional 15 cars;
- Highfield Lane is already busy and its usage is exacerbated by the nearby school and café.

In our view the development would create too high a usage of the single track, negatively impacting our access requirements.

We would however be agreeable to a development restricted to 3 three storey town houses.

96 Highfield Lane (05/12/2019)

OBJECT (revised scheme) – our concerns are as follows:

- The single track road will be inadequate / insufficient for the additional traffic from 4 new homes, plus 96-102 Highfield Lane;
- Once 96-102 are all occupied as well there will be a further 8 car with access requirements;
- If 4 houses are also allowed there will be an additional 12 cars;
- Highfield Lane is already busy and its usage is exacerbated by the nearby school and café.
- One of the 3 storey houses is behind us and overlooking us.

In our view the revised development would create too high a usage of the single track, negatively impacting our access requirements, loss of amenity and privacy.

We would however be agreeable to a development restricted to 3 new homes, minimising the use of the track; however we would not wish to be overlooked by any new property.

17 Pevensey Avenue (19/10/2019)

OBJECT – for the following reasons:

- The proposed development is close to trees which are protected, and the development could compromise soil stability and drainage. This and the removal of other trees could have a detrimental impact on them and their large root base.
- Loss of trees and hedges will have an impact on the wildlife habitat.
- The majority of homes in this community are 2 storey semi and detached properties with space for gardens and parking. The 5 houses are overcrowded and cramped which is incompatible with the established locality.
- On the plans the building are too close to our boundary and others, and a 3 storey they are visually overbearing and cause overshadowing / reduce light.
- 5 new homes will increase traffic on an already busy road, with school and café in close proximity.
- Query whether parking would be sufficient for development.
- Single land access to 5 houses will bring added noise, dust and pollution.
- Development will cause detrimental effects on our right for privacy and peaceful enjoyment of our home and garden.

If permission is granted we would ask that assurances are given by the applicant during construction to reduce noise, dust, dirt, burning and pollution.

11 Pevensey Avenue (21/10/2019)

OBJECT – for the following reasons:

- A single dwelling was approved on this land, now how can it be proposed that there be a development of 5 houses.
- Apart from losing privacy, our main concern is one of highway impact as the access is adjacent to the school and sandwich shop which both create congestion problems on the road without this development adding to it.
- We often have to inch out of the driveway past parked cars which block visibility.
- 5 dwellings could mean double or more in vehicles entering and leaving.
- People who reside in the local area all feel this is a genuine concern and we hope you will investigate this matter.

15 Pevensey Avenue (23/10/2019)

OBJECT – for the following reasons:

- Access to the properties means an increase in vehicles from a small lane onto a busy main road, this holds implications to pedestrians (particularly local school children) and the road is often congested with parked cars at peak times.
- Inc. existing properties there will be 18 wheelie bins positioned on the footway, forcing people into the road to pass.
- The protected trees on the boundary will be disturbed with the foundations and works proposed, and since some trees were already removed we no longer see bats that previously inhabited the area (was the correct permission sought?).
- The proposed dwellings are out of character for the immediate area.
- We strongly believe the amount of light to our house and our neighbours would be significantly reduced by the development.

6.3 ***Officer response: see sections 5.3 (design), 5.4 (highways) and 5.7 (ecology).***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS4, CS18, and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

10.0 **RECOMMENDATION**

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

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 Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
2019-14-28 – Site Location Plan, ~~Block Plan and Site Plan~~
(superceded by 21 and 28A below)
2019-14-20 – Site Layout As Existing
2019-14-11 Rev D Typical Floor Plans, Sections and Partical 3D Perspective
2019-14-21 Rev C – Site Layout As Proposed
2019-14-22 Rev A – Proposed Ground Floor
2019-14-23 Rev A – Proposed First Floor
2019-14-24 Rev A – Proposed Second Floor
2019-14-25 Rev A – Proposed Roof Plan
2019-14-26 Rev A – Proposed Elevations 1 of 2

2019-14-27 Rev A – Proposed Elevations 2 of 2 and Typical Section

2019-14-28 Rev A – Proposed Site Layout with Delivery Vehicle Tracking

2019-14-29 Rev – Proposed Rendering Perspectives Phase I Desk Study and Coal Mining Risk Assessment

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

Drainage

03. 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.

04. 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 of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

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

Land Condition / Contamination

05. 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 appropriate interpretation of these results have been agreed. The investigation and conclusions shall include any remedial works and mitigation

measures required/proposed for the remediation / 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 contamination and / or 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.

06. 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.

Highway

07. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.
- Parking of vehicles of site operatives and visitors
 - Routes for construction traffic, including abnormal loads/cranes etc.
 - Hours of operation
 - Method of prevention of debris being carried onto highway
 - Pedestrian and cyclist protection
 - Proposed temporary traffic restrictions
 - Arrangements for turning vehicles

Reason – In the interests of highway safety.

08. Prior to occupation of the dwellings, the subject of the application, the existing access to Highfield Lane shall be modified in accordance with the revised application drawings.

Reason – In the interests of highway safety.

09. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.

Reason – In the interests of highway safety.

10. There shall be no gates or other barriers on the access.

Reason – In the interests of highway safety.

Ecology

11. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

Tree Protection

12. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees on the adjacent land, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.
- Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.

- c) Details of construction within the RPA or that may impact on the retained trees.
 - d) a full specification for the installation of boundary treatment works.
 - e) a full specification for the construction of any hardsurfaces including details of the no-dig specification and extent of the areas of hardsurfaces to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing/ground protection to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing or ground protection.
 - h) a specification for scaffolding and ground protection within tree protection zones.
 - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - k) Boundary treatments within the RPA
 - l) Methodology and detailed assessment of root pruning
 - m) Methods to improve the rooting environment for retained and proposed trees and landscaping
- The development thereafter shall be implemented in strict accordance with the approved details.

Reason - To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

13. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local

Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and 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.

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

14. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees located on the adjacent land unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason - To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Others

15. Construction 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.

16. Before construction works commence or 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.

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.

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

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

18. A residential charging point shall be provided for the additional 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.

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. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.
04. The Highway Authority recommends that the first 5m of the 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.
05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

06. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

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

08. In relation to the any works / conditions regarding trees the following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.