

Case Officer: EC  
Committee Date: 09.03.2020

File No: CHE/19/00790/FUL  
Plot No: 2/1390

## ITEM 4

### DETACHED DORMER DWELLING AND DETACHED GARAGE (REVISED LAYOUT PLAN RECEIVED 13.02.2020 SHOWING AMENDED PARKING LAYOUT AND DETACHED GARAGE REMOVED, AMENDED ELEVATIONS AND FLOOR PLANS RECEIVED 26.02.2020) AT LAND TO THE REAR OF 68, STORRS ROAD, CHESTERFIELD, DERBYSHIRE FOR MR STEPHEN MARTSCHENKO

Local Plan: Unallocated  
Ward: West

#### **1.0 CONSULTATIONS**

Ward Members	No comments received
Strategy/Forward Planning	Comments received – see report
Environmental Services	Comments received – see report
Design Services Drainage	Comments received – see report
Yorkshire Water Services	Comment received – see report
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Neighbours	14 Letters of representation have been received from 11 neighbouring properties – see report

#### **2.0 THE SITE**

2.1 The site subject of this application is located on the west side of Storrs Road and the plot currently forms part of the garden curtilage of No 68 Storrs Road. The site is largely rectangular in shape with a vehicular access drive located between No 68 and No 66 Storrs Road. The site is bound by residential dwellings and the surrounding

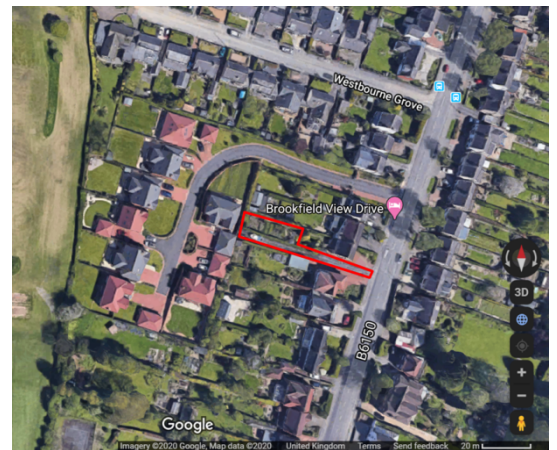
streetscene (on the west side of Storrs Road) is predominately formed of 2 storey dwellings which are mixed in age and character.

- 2.2 An existing hard-surfaced driveway runs adjacent to the southern boundary extending from the public highway to the western boundary, measuring approximately 59m in length. The driveway previously served a detached bungalow to the west of the site. The bungalow was demolished and consent for the Brookfield View Drive development was granted in 2010 (variations agreed in 2012) and has been completed (see aerial photographs below).

Aerial photograph of site with former bungalow to the west



Aerial photograph of site Brookfield View Drive development to the west



*Site outlined approximately in red for illustrative purposes only*

- 2.3 The rear garden of the site has recently been cleared of all soft landscaping with just one conifer tree remaining. Existing boundary treatments are predominately formed of close boarded timber fencing with a conifer hedge within the curtilage of No 66 Storrs Road to the south. To the west of the site is No 1 Brookfield View Drive, the property occupies an elevated position with regards to the application site (see photos below)



Photo taken facing west towards No 1 Brookfield View Drive



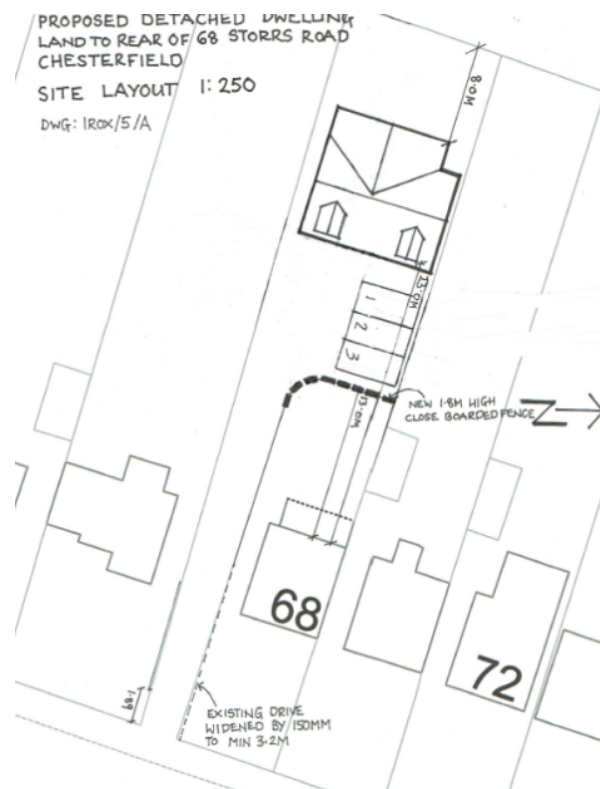
Photo taken facing east towards No 68 Storrs Road

### 3.0 RELEVANT PLANNING HISTORY

- 3.1 CHE/10/00036/FUL - Demolition of 66A and 74 Storrs Road and the erection of 8 detached dwellings with garages and parking served by new access road at land to the rear of 60 - 74 Storrs Road – **CONDITIONAL PERMISSION (07.04.2010)**
- 3.2 CHE/12/00321/REM1 - Variation of condition 2 of CHE/10/00036/FUL re demolition of 66A and 74 Storrs Road and erection of 8 detached dwellings with garages and parking served by a new access road at land to the rear of 60 - 74 Storrs Road – **CONDITIONAL PERMISSION (18.07.2012)**
- 3.3 CHE/12/00519/REM1 - Variation of condition 2 of CHE/10/00036/FUL for minor changes to house designs on plots 1, 2, 4, 5 and 6 and new house type on plot 3 at land to the rear of 60 - 74 Storrs Road – **CONDITIONAL PERMISSION (04.10.2012)**

### 4.0 THE PROPOSAL

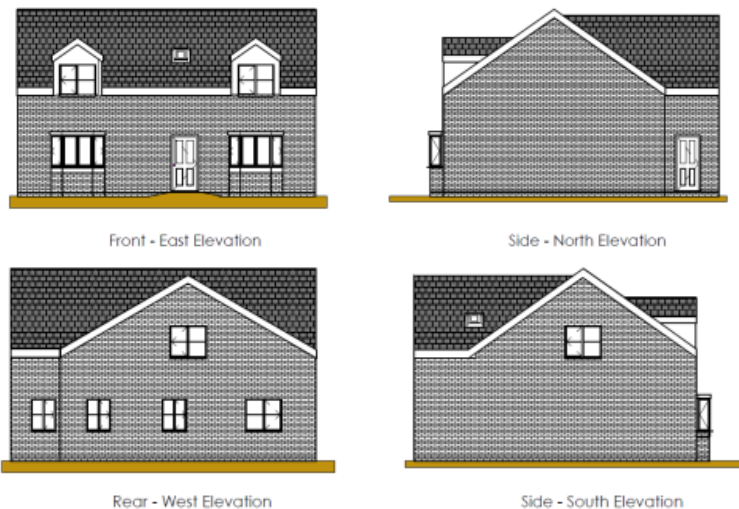
- 4.1 The application seeks consent for the erection of one residential dwelling on the site. The proposal consists of a 1.5 storey 4 bedroom dormer bungalow located to the rear of No 68 Storrs Road, see submitted revised site layout plan below.



4.2 The footprint of the proposal measures a maximum of 10.1m x 11.1m overall, set approximately 41m from Storrs Road public highway (measurement taken from back edge of the footway to the principle elevation of the dwelling). The submitted revised site layout plan show a separation distance of 8m from the western boundary and 22.5m between the first floor windows of the dwelling and the first floor rear windows of No 68 Storrs Road. Revised plans propose an amended layout, removal of the detached garage and three off-street parking spaces. It is noted that the revised layout plan does not include the projecting bay windows at ground floor level and the dormer windows are incorrectly aligned.

4.3 The proposed dwelling is formed of a dual pitched roof with intersecting gable feature to the rear (west) elevation. The intersecting gable to the rear is two storey in character and the principle elevation of the property features two dormer windows. The property measures 7m to the ridge and approximately 4.1m to the eaves.

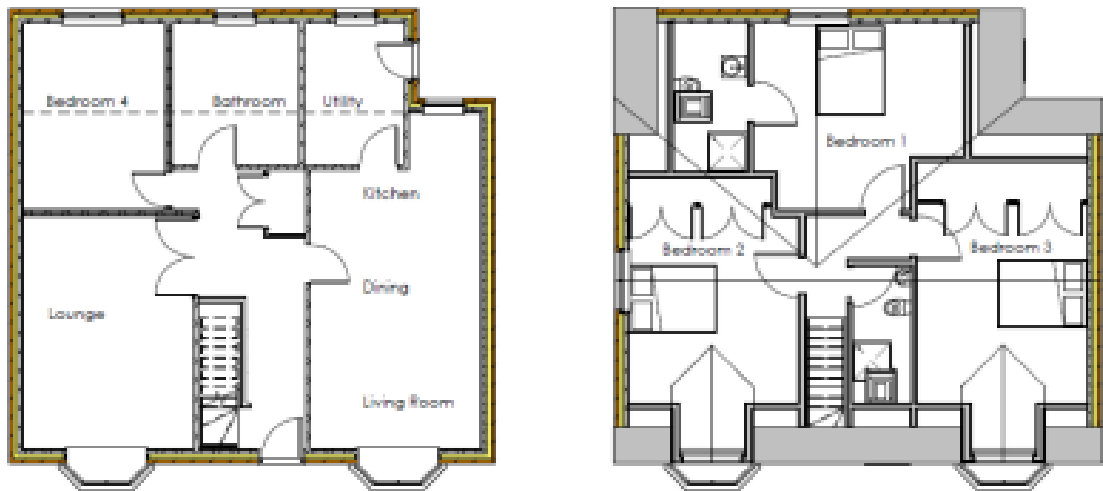
#### Proposed Elevations



4.4. Internally the ground floor of the proposed dwelling comprises of a central hallway with double doors to a separate lounge served by a bay window within the principle (east) elevation. A combined kitchen/dining/living room is also served by a bay window within the principle elevation and a secondary window in the rear (west) elevation with access to a utility room to the rear. The utility room has an external access door and single window in the rear (west) elevation. The ground floor also includes a bathroom and a fourth bedroom (see floor plans below).

- 4.5 The first floor of the proposal contains three double bedrooms. Bedroom One is located at the rear and served by a single window facing the rear garden of the application site, an en-suite bathroom with roof light is indicated. Bedroom 2 incorporates a window in the side (south) elevation and a dormer window in the principle (east) elevation. Bedroom 3 is served by a dormer window in the principle (east) elevation only. A shower room is also proposed served by a single roof light (see floor plans below)

#### Proposed Floor Plans



- 4.6 The proposal will provide private amenity space of approximately 97sqm which exceeds the minimum recommended requirement of 90sqm for a 4+ bedroom property. The site plan suggests a timber fence measuring 1.8m in height will be used to enclose the rear garden of No 68. Full details of all hard and soft landscaping have not been provided.

- 4.7 The application submission is supported by the following plans / documents:
- Site Location plan, drawing number Irox/3/A (received 24.12.2019)
  - Application form (received 17.12.2019)
  - Proposed Plans, drawing number Irox/2A (received 26.02.2020)
  - Proposed Elevations, drawing number Irox/1A (received 26.02.2020)
  - Visibility splay plan, drawing number Irox 4 (received 17.12.2019)
  - Revised site layout, drawing number Irox/5/A (received 13.02.2020)
  - Supporting email from Agent (received 13.02.2020)
- The application is assessed on the basis of the above documents

## **5.0**      **CONSIDERATIONS**

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

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
- CS6 Sustainable Design
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity
- CS10 Flexibility in Delivery of Housing
- CS18 Design
- CS20 Influencing the Demand for Travel

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

- National Planning Policy Framework (February 2019)
- SPD ‘Successful Places: A Guide to Sustainable Housing Layout and Design’ (adopted July 2013)

### **5.4**      **Key Issues**

- Principle of development (section 5.5)
- Design of the proposal (section 5.6)
- Impact on neighbouring residential amenity (section 5.7)
- Highways safety and parking provision (5.8)
- Flood risk and drainage (5.9)
- Coal Mining Legacy (5.10)
- Biodiversity and landscaping (5.11)
- Community Infrastructure Levy (5.12)

## **5.5 Principle of Development**

- 5.5.1 Policy CS1 states that *'The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.'*
- 5.5.2 Policy CS2 states that when *'assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:*
- a) adhere to policy CS1*
  - b) are on previously developed land*
  - c) are not on agricultural land*
  - d) deliver wider regeneration and sustainability benefits*
  - e) utilise existing capacity in social infrastructure*
  - f) maximise walking / cycling and the use of public transport*
  - g) meet sequential test requirements of other national / local policies'*  
*'All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*
- 5.5.3 Policy CS10 states that *'Planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or 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'*
- 5.5.4 Policy CS18 states that *'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context'* and development should have *'an acceptable impact on the amenity of users and neighbours'*
- b) 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;*
  - c) be at a density appropriate to the character of the area whilst not excluding higher densities in and close to centres'*

5.5.4 The Strategy Planning Team (Forward Planning Team) were consulted on the proposal and provided comments on the principle of development with respect to planning policy (see paragraph 5.5.5 below)

5.5.5 *'The site is not allocated for any specific use on the adopted Local Plan policies map or the emerging policies map. The principle of development must therefore be assessed primarily through application of policies CS1 and CS2. Primary amongst these considerations is that new development should be directed to locations within walking and cycling distance of centres. 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. The site is 800m of the Chatsworth Road Local Centre, Westfield Primary school and Brookfield Secondary School. The site is also well served by public transport. The principle of residential development in this location is therefore in accordance with the adopted Development Plan. Policy CS18 (Design) requires development to identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. The views of the Council's UDO should be sought on how far the proposed development meets the criteria a) to k) in the policy, including in relation to respecting the character, form and setting of the site and surrounding area, providing safe and accessible connections, and having an acceptable impact on the amenity of users and neighbours.*

*The applicant needs to submit information to demonstrate measures to deliver a net gain in biodiversity in accordance with policy CS9. These measures should then be secured by condition.*

*The property provided with an Electric Vehicle Charging point in order to meet policy CS20, secured by condition.*

*CIL: The development would be CIL liable. The site falls within the High charging zone.'*

5.5.6 The application site is situated within the existing built settlement and the area is predominantly residential in character therefore policies CS1, CS2, CS10 and CS18 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.



- 5.5.7 Core Strategy Policy CS1 seeks to concentrate new development within walking and cycling distances of centres. The site is within walkable distance of a local centre/shop, schools with access to public transport. The site is approximately 400m from the defined Storrs Road Local Centre with opportunities for cycling and walking. The proposal is therefore considered to be in a sustainable location and accords with policy CS1.
- 5.5.8 Core Strategy Policy CS2 sets out the principles for the location of the development. Part b) requires development to utilise previously developed land. The application site is the former garden of an existing dwelling and as such would not be classified as previously developed land. It is therefore acknowledged that the proposal does not fully meet the requirements of Core Strategy Policy CS2.
- 5.5.9 Core Strategy Policy CS10 refers to the development of unallocated 'greenfield land' as being inappropriate whilst the Council is able to demonstrate a deliverable 5 year supply of housing land. Domestic gardens are excluded for the definition of previously developed land and are therefore regarded as greenfield. CS10 indicates that planning permission should not be granted for the development of residential gardens, however it is accepted that infill plots within established residential areas which are sustainably located and meet the objectives of concentration of development should not necessarily resisted provided the development is at a scale and density appropriate to the area.
- 5.5.10 It is necessary to acknowledged that Policy CS10 will be replaced by emerging policy LP4, which will be more flexible in its wording on sites within the urban area, similar to this one. However as that policy is still the subject of outstanding objections that will need to be addressed through consultation on modifications, little weight can be afforded to the new policy at this stage of plan preparation, as per para 48b of the NPPF.
- 5.5.11 Policy CS10 must be read in combination with policy CS1 and CS2 which sets out that the overall approach to growth which is desirable will be to concentrate new development within walking and cycling distance of centres. The weight given to Core Strategy CS10 is therefore finely balanced and must be considered in the context of the each individual application. In this instance the development of greenfield land creates back garden 'tandem' development, which is

at odds with the existing building line on Storrs Road and prevailing local character, resulting in overdevelopment of the plot and is considered to be to the detriment of the adjoining neighbours.

- 5.5.12 The opportunity to give more weight to Core Strategy policies CS1 and CS2 must therefore be determined on the basis that the proposal would not adversely impact the amenity of the adjoining neighbours and would not result in any other issues such as highway safety. Indeed Core Strategy CS2 does require all development 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.
- 5.5.13 The previous bungalow which was accessed by the existing driveway was set within a large plot with ample space for the turning of vehicles. The bungalow formed an anomalous feature and the site has since been redeveloped. The surrounding properties fronting Storrs Road are therefore characterised by long rear gardens. The application site is also located centrally within a row of such dwellings and the plot is therefore not a 'natural infill' to the area and could serve to set a precedent for 'tandem' development in the area. The agent asserts that only this plot provides the availability to undertake this type of development because of the former access to the dwelling to the rear however whilst it is acknowledged that the plot is served a larger separation between No 66 and No 68 due to the presence of the former driveway this is not considered to be sufficient to warrant an approval in this case. As the former bungalow site to the rear has been demolished and redeveloped this is not considered to represent any 'fall-back position'.
- 5.5.14 Overall, the proposal will increase the density of development resulting in an overdevelopment of the plot in a manner which is at odds with the character and grain of the area and does not accord with CS18 b and c. The proposal is sustainably located and accords with CS1 and some parts of CS2 however the proposal is contrary to CS10 as the site comprises of greenfield land however it is not considered that significant weight can be given to this issue alone. The NPPF highlights the importance of achieving appropriate densities (paragraph 122 part d) which specifies 'the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change'

5.5.15 Further consideration of the principle of the development with regards to design and the impacts on the adjoining neighbours (CS18 and CS2) will be covered in the following sections 5.6 and 5.7. Electric charging points (CS20) will be discussed in section 5.8. Issues relating to drainage (CS7) will be discussed in section 5.9. Impacts on biodiversity (CS9) covered in section 5.11 and charges relating to the Community Infrastructure Levy will be covered in section 5.12.

## **5.6 Design of the Proposal**

- 5.6.1 Policy CS18 (Design) states that *'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context'* and development should have *'an acceptable impact on the amenity of users and neighbours.'*
- b) 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;*
- c) be at a density appropriate to the character of the area whilst not excluding higher densities in and close to centres'*
- 5.6.2 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.6.3 The submitted application form states the proposed dwelling would be faced in red brick with Marley Ashmore smooth grey tiles and uPVC windows. The surrounding streetscene comprises of a mixture of materials therefore red facing brick and grey roof tiles are likely to be appropriate. If approved, specific details of proposed materials could be controlled by condition.
- 5.6.4 The scheme is considered to result in a dwelling of 'standard' type design. The revised plans propose removing the entrance porch to accommodate sufficient off-street parking resulting in an off-centre poorly proportioned entrance way which does not create a sense of arrival.
- 5.6.4 The 'Successful Places' SPD indicates that a new four bedroom dwelling would require a minimum of 90 Square Metres of outdoor amenity space. This level of provision could be accommodated on

the site and is therefore considered to be acceptable. It is noted that the development would significantly reduce the garden size of the existing dwelling, which would likely be around 80 sqm which would be sufficient for a 3 bedroom property.

- 5.6.5 The submitted revised site plan shows a timber fence to form the boundary between the application site and No 68, enclosing the private amenity space. Full details of landscaping and boundary treatments have not been provided. As such, if approved it is considered that a condition should be imposed requiring the submission of these details.
- 5.6.6 Internally the proposal would provide an acceptable standard of accommodation for future occupiers. Potential adverse impacts on the adjoining occupiers with regards to overlooking between direct facing windows and overshadowing will be covered in the following section (5.7)
- 5.6.7 Nos 60 to 72 Storrs Road are characterised by relatively long rear gardens of approximately 40m in length. The gardens of properties on the west side of Storrs Road to the south of No 60 are significantly longer at approximately 90m long. The properties on the east side of Storrs Road are also characterised by long rear gardens approximately 45m in length. The cul-de-sac at Brookfield View Drive occupies a historic detached plot with a distinct building line following the curve of the highway. The application site is located within a row of dwellings characterised by long rear gardens and as such the development proposed goes against the grain of the area.
- 5.6.8 The overall height, scale and massing of the proposal is considered to represent an overdevelopment of the plot. The 'Successful Places' SPD requires development to reflect the character and grain of settlements by virtue of the layout and density, the proposal will introduce an irregular built form within the defined linear building line of Storrs Road. The siting of the proposal is therefore contrary to character of the area and does not accord with part b and c of CS18 or the 'Successful Places' SPD.

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

- 5.7.1 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.'*

- 5.7.2 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.3 The 'Successful Places' SPD details recommended separation distances between dwellings and facing windows based on the angle of site. Good practice is 21m between direct facing windows and 12m between rear and side walls. These are accepted 'rules of thumb' and may be relaxed depending on site context.
- 5.7.4 The application site is bound by residential dwellings. No 70 Storrs Road is located to the north/north east and No 66 Storrs Road is located to the south/south east. The rear garden of the site is bound by No 1 Brookfield View Drive to the west. Nos 39, 41 and No 43 Storrs Road face the application site to the east, situated on the opposite side of Storrs Road highway.
- 5.7.5 Due to the siting and orientation of the proposal, potential impacts are considered to be directed towards No 66, 68 and 70 Storrs Road and 1 Brookfield View Drive.

### **Impact on No 68 Storrs Road**

- 5.7.6 No 68 Storrs Road is a detached two storey dwelling situated to the east of the proposed dwelling. The property has previously been extended by way of a single storey 'lean-to' extension. A separation distance of approximately 22.5m exists between first floor windows and 20m to the rear of the 'lean-to' extension which appears to be undergoing renovation.



5.7.7

Due to the siting of the proposal potential impacts of

overshadowing are considered to be minimal. The proposal will introduce a dwelling with windows at first floor level and whilst the separation distances are acceptable the proposal will enable a degree of overlooking to the rear gardens of the surrounding properties which previously enjoyed a degree of privacy.

5.7.8 The proposed development will also intensify the use of the access drive located between No 66 and 68 and as such will have an impact on the amenity of the neighbours with vehicles to and from the proposed dwelling with headlights at night.

5.7.9 The submitted plans do not detail the proposed boundary treatments adjacent to the access drive and which are currently open in character. Given the historic use of the driveway it is considered that the erection of boundary treatments could serve to protect the amenity of the adjoining neighbours.

### **Impact on No 66 Storrs Road**

5.7.10 No 66 Storrs Road is located to the south/south east of the application and comprises of a detached two storey dwelling which has previously been extended by way of a two storey rear extension with sun room/porch to the northern (side) elevation (see photo below). The property is served by additional windows in the side (north) elevation facing towards the access drive.



5.7.11 A separation distance of approximately 21m exists between the closest windows and therefore meets the recommended separation distances as defined by the 'Successful Places' SPD. As detailed in paragraph 5.7.7 the proposal will introduce first floor windows in the principle (east) elevation and side (south) elevation overlooking the rear gardens of the surrounding properties. It is considered that the first floor window in the side elevation could be obscurely glazed to minimise opportunities for overlooking. Due to the siting of the proposal potential impacts of overshadowing are considered to be minimal.

5.7.12 The proposed development will intensify the use of the access driveway (see paragraphs 5.7.8 and 5.7.9) and it is considered that the driveway could be screened with appropriate boundary treatments to prevent overlooking and disturbance from vehicular movements.

### **Impact on No 70 Storrs Road**

5.7.13 No 70 Storrs Road is a two storey detached dwelling located to the north/north east of the application site. The property has previously been extended by way of two storey rear extension and adjoining single storey rear extension (see photos below).



5.7.14 A separation distance of approximately 21.4m exists between first floor windows and therefore exceeds the recommended separation distance. A separation distance of approximately 19m exists between

the closest proposed first floor window and existing ground floor window at No 70 and this is also considered to be acceptable. The proposal therefore meets the recommendations of the SPD. As detailed in paragraph 5.7.7 the proposal will introduce first floor windows in the principle (east) elevation overlooking the rear gardens of the surrounding properties.

- 5.7.15 Due to the siting, mass and height of the dwelling the proposal will result in notable overshadowing to the rear garden of No 70. The overshadowing impact is not considered to be acceptable.

### **Impact on No 1 Brookfield View Drive**

- 5.7.16 No 1 Brookfield Drive is a detached two storey dwelling situated to the west of the application site. The dwelling occupies an elevated position with regards to the application site. The property is served by an obscurely glazed bathroom window at first floor level and a utility room with access door and adjoining window and separate french doors serving a living room at ground floor level. The property is screened to a degree by an existing solid screen timber fence (see images below)





- 5.7.17 The rear elevation of the proposed dwelling is two storey in character and includes a first floor window serving bedroom 1. A separation distance of approximately 11m exists between the proposed first floor window and side elevation of No 1. Due to the variation in land levels and overall proximity the proposal will therefore result in an adverse impact of overlooking to the habitable room window serving No 1 Brookfield View Drive.
- 5.7.18 Due to the height, scale and massing of the proposal and presence of first floor window in the rear elevation the proposed development is considered to have an adverse impact on the amenity of the adjoining neighbours and does not accord with the principles of CS2, CS18 and the Successful Places SPD which states that proposal should not cause a loss of daylight, overshadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity.
- 5.7.19 The **Environmental Health Officer** reviewed the proposal and requested that 'construction work' shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include the operation of plant, machinery and equipment including mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials. NB - The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.

## **5.8 Highway Safety, Parking Provision and Air Quality**

- 5.8.1 Core Strategy Policy CS20 requires development proposals to provide appropriate parking provision in accordance with guidance set out in Appendix G (part c) and requires the installation of electric charging facilities (part e).
- 5.8.2 The application submission has been reviewed by the **Local Highways Authority** and the following comments were provided;

*'The site layout plan is shown as being scale 1:250 although the measurements indicated do not entirely tally with this.*

*For clarification, the access width should be an absolute minimum 3.2m. Again for clarification, a single garage should have minimum internal dimensions of 3m x 6m and parking spaces generally 2.4m x 5.5m although the length should be increased to a minimum 6.0m where the space is in front of a garage. Off-street parking should be provided on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. The level of off-street parking would, therefore, appear to fall short.'*

- 5.8.3 *'Access is to a classified road and the proposed dwelling would be set some distance back from the publicly maintainable highway. Manoeuvring should be provided to allow vehicles to enter and exit the site in a forward gear and include for smaller service/delivery vehicles e.g. supermarket delivery. It is not considered that the layout indicated accommodates this.'*
- 5.8.4 *'Off-street parking would need to be maintained for the existing dwelling which presumably will be to the front and dropped kerbs already exist. You may wish to consider whether clarification is required in respect of this and/or an amended plan.'*
- 5.8.5 *'Although the Highway Authority will be happy to comment on any amended proposal taking the above comments into account, that might be put forward, on an as submitted basis the Highway Authority recommends refusal of the proposal for the following reason.*  
*1.No adequate provision is included in the application proposals for the parking and manoeuvring of vehicles clear of the public highway, which would be likely to result in parking/manoeuvring/reversing onto or off the public highway which is against the best interests of highway safety.'*
- 5.8.6 The Agent reviewed the comments by the Local Highways Authority and submitted a revised layout. The Local Highways Authority were re-consulted on the revised scheme and provided the following comments; *'The layout for the parking has been amended and the detached garage removed from the scheme. Whilst the level of off-street parking and manoeuvring for vehicles associated with the property is now generally acceptable (based on the plan being to the scale indicated although not all the indicated measurements appear to tally), there is still insufficient space for smaller service/delivery vehicles to enter the site, manoeuvre and exit the site in a forward*

*gear. In view of the distance the proposed dwelling would be from the publicly maintainable highway it is considered that this would result in an over long reversing manoeuvre and the Highway Authority would still recommend refusal of this proposal on this basis.'*

5.8.7 *'Again off-street parking would need to be maintained for the existing dwelling which presumably would be to the front and dropped kerbs already exist. You may wish to consider whether clarification is required in respect of this and/or an amended plan. You may also wish to consider whether the applicant should consult with the emergency services as to the acceptability of the layout.'*

5.8.8 *'Should you be minded to grant planning permission on an as submitted basis, I would be obliged if you could revert back to the Highway Authority for any further comments.'*

5.8.9 The discrepancies contained in the submitted revised layout plan highlighted by the Local Highways Authority are acknowledged. The revised layout plans remove the detached garage and show off-street parking provision for 3 vehicles. Turning space measuring approximately 7m in width is available which would be acceptable for a domestic vehicle, however this space is restricted closest to the building due to the projecting bay windows. It is acknowledged that delivery vehicles, such as the supermarket food delivery, will not attempt to access the plot via the driveway due to its constrained width (approx. 3.2 metres) and the uncertainty for the driver of the ability to turn. It is accepted that insufficient space is available for commercial vehicle turning. It is the case therefore that such service vehicles would park on Storrs Road and because of the overlong driveway would be present for longer periods than would otherwise be the case. This would be contrary to the best interests of highway safety.

It is also the case that the proposal results in the loss of the existing parking opportunity for the existing dwelling and it would be necessary to require an appropriate level (2 spaces) compensatory parking for No 68 and which would need to be on the blue retained land.

5.8.10 In so far as Air Quality, as the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017). If approved, it is recommended that infrastructure for electric charging

points be installed as part of the build phase and controlled by condition.

- 5.8.11 On the basis of the comments received by the Local Highways Authority the proposal is considered to result in potential adverse impacts on highway safety and is recommended for refusal on this basis. The proposal therefore does not accord with the provisions of Core Strategy CS18 g) provide adequate and safe vehicle access and parking.

## **5.9 Flood Risk and Drainage**

- 5.9.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to **Yorkshire Water** and the Council's **Design Services (Drainage)** team for comments in respect of drainage and flood risk.
- 5.9.2 **Design Services (Drainage)** reviewed the application and provided the following comments; *'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. A public foul sewer crosses the development site and is shown to pass beneath the proposed building. Yorkshire Water must be consulted as an easement or building over agreement may be required. It is noted that the developer intends to connect both foul and surface water drainage to the public sewerage system – this will require prior consent from Yorkshire Water. Any connections to existing drainage on site may require Building Control approval.'*
- 5.9.3 **Yorkshire Water** reviewed the application and provided the following comments; *'There is a 150mm diameter public foul sewer located in the access strip between 66 and 68 Storrs Road. In this instance, any issues with the sewer / house sited over etc., can be dealt with under H4 Buildings Regulations 2000. A reminder to the developer, that no surface water is permitted into the foul sewer, and should be drained into the public surface water sewer in Storrs Road.'*
- 5.9.4 Core Strategy Policy CS7 requires all development to incorporate sustainable drainage systems unless it can be demonstrated that this is not possible. No details have been provided on proposed sustainable surface water drainage by the applicant, however it is considered that this could be controlled by condition, requiring the applicant to submit further details of surface water run-off limitation. Separate surface water and foul drainage could also be controlled by

condition and if approved the applicant would need to liaise with Yorkshire Water regarding the existing public foul sewer on the site.

5.9.5 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy subject to the provision of conditions which could be imposed if the application is approved.

## **5.10 Land Quality and Coal Mining Legacy**

5.10.1 Core Strategy Policy CS8 states *'Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable of 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.'*

5.10.2 Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the planning application site lies in an area covered by the Coal Authority's referral area and as such it was necessary to consult **The Coal Authority** on the proposal.

5.10.3 The Coal Authority reviewed the application and initially raised an objection to the scheme due to the lack of a Coal Mining Risk Assessment; *'I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment, or equivalent report, is required to be submitted to support this application. The Coal Authority records indicate that the site is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings. In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report, or equivalent report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority **objects** to this planning application.'*

- 5.10.4 The Agent contacted the Local Planning Authority to state that would accept a condition requiring intrusive site investigations and this suggestion was sent to The Coal Authority for consideration. The Coal Authority reviewed the correspondence and provided the following comments;
- 5.10.5 *‘As you are aware the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that the site is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings. Following the Coal Authority’s previous consultation response dated 13 January 2020 the applicant’s agent has provided written correspondence stating that, ‘Mr and Mrs Martschenko are acutely aware of the potential mining problems with the site. Indeed, they are aware that the recent development site to the rear had such problems, and given its proximity they are aware that their site will also have to be drilled and grouted in the same manner. As a result, they have allocated sufficient funds for this. Therefore there is little to be gained from having a Coal Mining Risk assessment carried out, when the outcome is already known. This would be a waste of resources. I would be grateful therefore, that any requirements concerning mining or other ground issues could be included as a condition/s, should you be minded to approve the application’.*
- 5.10.6 *‘The Coal Authority accepts the imposition of a planning condition requiring intrusive site investigations to be undertaken (if the application is approved) without the production of a Coal Mining Risk Assessment (CMRA). **It should be noted however that a CMRA as a desk-based study is designed to prevent the need where feasible to undertake intrusive site investigations. Any developer should be aware that intrusive site investigations are potentially significantly more costly than undertaking a desk-based CMRA.** The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority’s Permitting Team as part of their permit application.’*
- 5.10.7 *‘The Coal Authority Recommendation to the LPA  
The Coal Authority concurs with the recommendations of the 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 prior to development in*

*order to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, the Coal Authority recommends the imposition of the following conditions:*

*1. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.*

*2. Where the findings of the intrusive site investigations (required by condition XX above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details. The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above.**'*

5.10.8 *'The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.'*

5.10.9 The **Environmental Health Officer** reviewed the application and raised no objections with regards to land contamination.

5.10.10 If approved, subject to the imposition of a condition covering the above, the proposal would accord with the provisions of Core Strategy policy CS8.

## 5.11 **Impact on Biodiversity**

5.11.1 The application site comprises of the former garden of No 68 Storrs Road. The site previously included an area laid to lawn and soft landscaping. The site was cleared prior to the application submission, removing all soft landscaping with the exception of a single conifer tree. Core Strategy Policy CS9 and the NPPF requires development to enhance biodiversity.

5.11.2 The **Derbyshire Wildlife Trust** were consulted on the proposal and provided the following comments; *'We have consulted our Biodiversity Alert Map and biological records database and are not aware of any nature conservation interest associated with the site. It is also considered that the proposals are small scale and of limited ecological impact and there will not be any ecological constraints to the development.*

*We advise that any development provides an overall net gain for biodiversity and help in the protection and recovery of priority species in line with the National Planning Policy Framework (2019). We there have provided the following recommendations for ecological enhancements which can be easily incorporated into any new building and landscaping:*

- *Bat and bird boxes can be installed or integrated into new buildings to provide enhancements and opportunities for nesting birds and roosting bats*
- *Create a hedgehog highway by creating gaps in fencing or hedgerows can be planted to provide connectivity for this species*
- *New planting is recommended to feature native species or species which attract pollinators*
- *Other wildlife boxes can also be installed such as insect boxes and hedgehog houses'*

5.11.3 On the basis of the above comments it is considered that the proposal will not result in harm to protected species and biodiversity enhancements can be secured by condition. Details of landscaping (hard/soft) could also be dealt with by condition.

## **5.12 Community Infrastructure Levy (CIL)**

5.12.1 The application proposes the creation of new dwellings and the development is therefore CIL Liable.

5.11.2 The site the subject of the application lies within the high CIL zone (£80/sqm) and therefore the CIL Liability would be based on the calculations of gross internal floor space on this basis.



		A	B	C	D	E
Development Type	Proposed Floor space (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Residential	175	175	£80	344	288	£16,722.22

$$\frac{\text{Net Area (A)} \times \text{CIL Rate (B)} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

$$\frac{175 \times 80 \times 344}{288} = \text{£16,722.22}$$

288

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters sent on 10.01.2020. Re-consultation letters were sent on 24.02.2020 with a reduced response period. A site notice was also displayed on 13.01.2020. 14 Letters of representation have been received from 11 neighbouring properties.

### 6.2 **64 Storrs Road (Comments received 25.01.2020, 27.01.2020 and 31.01.2020)**

- Objection based on policy, residential amenity, traffic or highways, visual
- Proposal is an intrusion on the character and amenity of the neighbourhood. No reasons to support inappropriate 'garden grab' which is an overdevelopment of a relatively small garden in relation to the local area and surrounding properties
- Substantial intrusion on privacy of neighbouring properties' living spaces and gardens and intrusion into other properties such as our own
- Proposed development is out of character with the older more established houses which enjoy a degree of privacy with the thoughtful recent development at Brookfield View Drive was careful not to create issues regarding privacy.

- If approved the proposed development would also subject any occupiers of the proposed dwelling to greater and distressing degree of intrusion into their own privacy within the main rooms, bedrooms and garden. In the longer terms this may give rise to conflict. On these grounds the ill-thought out proposal should be rejected.
- Spaces, layout and density – overdevelopment of garden grab which crams a grossly oversized building space which is 10 metres or less from immediate neighbours to rear and front, certainly far less than the often used guide of 20 – 22 metres. The development is out of keeping with the density and use of housing space in the immediate vicinity and wider neighbourhood
- Local vernacular – proposal is out of keeping with local vernacular and the proposal itself has no exceptional or redeeming features which would give any reason for reconsideration or exception
- Privacy – two storey development will pose a direct intrusive loss of privacy to the immediate neighbours gardens, living areas and bedrooms and will intrude into the privacy of houses and gardens further away including our own with direct sight lines from the upper storey into garden conservatory and bedrooms.
- Overshadowing – two storey development will overshadow and block light to the principle windows and the gardens of immediate neighbours at No 66 and No 70 Storrs Road and No 1 Brookfield View Drive to the rear.
- Outlook – the proposed dwelling will interfere with the outlook of immediate neighbours and will enjoy no outlook itself.
- Access, highway safety and traffic – Storrs Road is extremely busy particularly at peak times, cars and vans are routinely parking on the pavement and our neighbours cars repeatedly incur damage. If approved the proposed dwelling would require five vehicles (including existing property at No 68) to exit what is simply a driveway and is also adjacent to the existing egress for Brookfield View. Sightlines are dreadful and more so at busy times with roadside and on-kerb parking which creates danger for vehicles and pedestrians.
- Consideration of the application in relation to the National Planning Policy Framework (NPPF) which seeks to promote high quality planning applications. In the context of the application and the Chesterfield Borough Local Plan there are no elements which confer

any support for the application which has no strategic value and lies outside the areas zoned for targeted development.

- The NPPF seeks to achieve appropriate densities and paragraph 122 states that decision should take account of d) ) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.
- This application makes no contribution to regeneration and change and goes against the appropriate density requirement being at odds with the housing density, character and setting of the immediate area and specification residential gardens. The proposal in the context of its setting is not well design, attractive nor healthy.

### 6.3

#### **62 Storrs Road (27.01.2020, 30.01.2020)**

- Objection due to residential amenity, traffic or highways, visual.
- Concerned that no one has been informed, privacy, obstructing my view, de-valuation
- The development would set precedent for surrounding properties and increase traffic to an already busy road. Highway safety needs to be considered and the generation of additional traffic will add to the issues faced by local residents and children attending the local schools. The street already faces a lack of adequate parking during busy times, the addition of extra cars, work vans, deliveries increase the lack of safe parking and restricts vision when exiting drives
- The property will cause a loss of light and overshadowing to the neighbouring properties as the gardens face south east and the property will be in the way of direct sunlight
- The property will overlook all neighbouring properties impacting visual amenity and loss of privacy for existing residents and future residents
- The property will create additional noise and disturbance through construction, manoeuvring vehicles and the end use.
- The gardens of the properties on Storrs Road are a quiet place and full of wildlife, this includes foxes, bats, hedgehogs and newts. The addition of this development will disturb these and add light pollution

to the rear gardens of the surrounding properties. Local nature conservation needs to be considered.

- The building will change the layout and density of buildings in the area and will allow others to consider the same and is not in keeping with the current surroundings.
- The property is a land grab which does not consider local residents, families or the safety of adults and children attending the local schools
- The development will be in sight of several properties and will affect privacy. The property will be visible from our rear bedroom window and rear garden.

#### 6.4

##### **1 Brookfield View Drive (25.01.2020)**

- Loss of privacy – proposed dormer bungalow will be only 8 from the fence the marks the boundary of the property and approximately 10m from the house. This will significantly impinge on our privacy as the occupants would be able to see into our kitchen, dining room, utility room and first floor bathroom from the second-floor windows.
- Development density – the garden in which the proposed new property would be built is not a large area of land and would increase the density of the buildings in the local area. We are concerned about the loss of greenspace in the form of gardens and the importance of greenspace in the western suburbs is highlighted in point 2.12 of the Chesterfield local plan. The Storrs Road area is not one highlighted in the local plan as being in need of regeneration and additional housing.
- Traffic generation – Storrs Road is an extremely busy road particularly around drop off and pick up times for the local schools of Westfield and Brookfield. Queues of traffic regularly stretch back from the junction with Chatsworth Road past the entrance to Brookfield View Drive. A new four bedroom property would increase the volume of traffic on the road. The increased volume of traffic on the road. The increase volume of queuing traffic impacts on air quality and road safety. As parents of two young children crossing Storrs Road when walking to school difficult and often dangerous.
- Flood risk – our property and the gardens along Storrs Road suffer from waterlogged gardens in bad weather. Converting an existing

garden to a bungalow, garage and turning circle will reduce the available natural soakaway and increase the frequency and severity of gardens becoming waterlogged particularly with increase in severe weather conditions linked to climate change.

#### 6.5 **66 Storrs Road (28.01.2020)**

- We are not aware of a policy/guidance supporting the development of housing in garden spaces.
- The houses in the immediate vicinity of the proposed dwelling are of similar character and nature, relatively uniform in size and garden size. None of the surrounding properties have been used as a site for garden development. A garden development would be out of character.
- The proposal would alter the character of the existing property dramatically reducing the garden size. Building plots should be of similar size and shape of surrounding area, the development is at odds with this as it seeks to create two dwellings on a plot which historically had one.
- The design and style of the proposed dwelling is out of character with the surrounding properties and seeks to create a dwelling with limited garden or amenity space in an area characterised by properties with substantial greenspace. The submitted plans shows how substantially all of the plot of the proposed dwelling would be used for a large property with garage. Cramping a large building into the suggested location and is out of keeping with the design of the buildings and garden amenities of surrounding houses.
- Size of dwelling is inconsistent in size with regards to the immediate neighbours and would be large and imposing build for a small location and would be significantly larger than the existing property and larger than immediate neighbours. Overbuilding in a small space shows lack of appreciation for character of location and lack of concern for neighbour enjoyment of their property.
- None of the plans contain measurements to allow for assessment of the height. Applicants originally advised they would be applying for a bungalow. Current plans show two first floor windows looking directly towards Storrs Road which will destroy the privacy the properties currently enjoy. No consideration appears to have been given to the

fact from these windows it will be possible to see into our kitchen, conservatory, bedroom and possible downstairs rear room.

- Current plans show further window in southern side on second floor overlooking the privacy of our garden and neighbouring gardens as well, removing the privacy we currently enjoy. The second floor window in the west elevation will overlook properties to the rear.
- When properties were built previously at the rear they were designed in a way to avoid overlooking and ensure privacy would be maintained.
- Subsistence risk – previous development to the west required to undertake significant test works on site to ensure that there were no risks to properties. Concerned that no consideration has been given to this and potential works that could damage neighbouring properties. The properties to the west were also designed to address the risks included underpinning rafts that increased the height of the properties. If this solution was considered necessary for the proposed dwelling and would increase our concern of overlooking and loss of privacy as windows would be higher with greater visibility.
- Drainage historically out property suffered from run off water flowing from the property at the rear and land at the side. We are concerned that the development would undermine the drainage protections that, with agreement of the previous owner were built down the side of out fence. If consideration is not given to this it could lead to water running off onto the property causing damage.
- Noise and visual pollution – proposal will result in increased noise pollution, aside from noise during construction we believe traffic use of the driveway will result in further noise pollution and visual pollution. We do not believe that the proposed drive meets recommended minimum distances in terms of rooms facing/adjoin the proposed drive.
- Piece of land proposed for the drive has been dormant for several years and was previously used infrequently to access the dwelling at the rear of the property. Proposal seeks to provide two parking spaces for a four bedroom house. The plot is tight and the proximity of the garage means turning space is tight leading to noise pollution from cars being parked and concern that over time cars will park on the approach drive.

- Traffic risk – proposal will result in an increase in the number of cars using the road and turning into a relatively concealed drive. Visibility will be impacted by walls or fences which will lead to a safety risk for pedestrians and other road users.
- Precedent – could set a similar precedent for a similar development on Storrs Road impacting the character of the neighbourhood which is relatively substantial green garden space and could set a precedent which would damage the nature and enjoyment of the neighbourhood
- Planning process – the notice was not posted in the immediate vicinity of the proposed site and may mean that not everyone locally has had the required visibility of the notice to the proposed house.
- None of the plans include measurements which means it is hard to accurately assess the size and nature of the proposed building

#### 6.6 **106 Storrs Road (29.01.2020)**

- Whilst the scheme will have no direct bearing on me personally, I object in principle to back garden development. Surely good planning is about improving an area where possible, or at best maintaining good practice?
- If the proposal was intended to accommodate an elderly relative or carer I may see its merit. However, this seems to be exclusively an opportunity to profit to the detriment of others, whilst creating a dangerous precedent.

#### 6.7 **9 Storrs Road (30.01.2020)**

- Objection based on policy, traffic or highways, visual
- Narrow drive would be a safety issue for children leaving school.
- Dwelling too big for plot

#### 6.8 **60 Storrs Road (05.02.2020)**

- The proposed development is out of keeping with the proportion and positioning (as to their gardens) of all nearby houses
- The dimensions of the proposed dwelling appear to be great for the ground space available

- Such a building would create an intrusive and inappropriate obstruction to and impoverishment of the view over the rear gardens of all the neighbouring houses on either side of No 68.
- Building in the garden space would set a disturbing precedent
- No formal notice of the proposal has been afforded to many residents whose outlook, light and green space provision would be adversely affected.

## 6.9 **70 Storrs Road (31.01.2020)**

- As the owner occupier of No 70 I have significant concerns regarding the proposed building but also as a registered Ofsted childminder where one of my primary concerns is that of safeguarding the children in my care.
- Privacy, overlooking, overshadowing – if the application is passed there will be a significant impact on my privacy and that of surrounding neighbours. I am concerned that my property will be overshadowed by the bungalow and garage. My property is extremely close to number 68 with a gap of only 7.5 inches. I am concerned that my upstairs bedroom window that is closest to No 68 will be in the bungalows direct view and the meterage between the two is less than the guidelines permit. I also have concerns regarding the plans as the distance used on the plans looks to be from the original house line of No 68 and do not take into account the existing extension at No 68. The present owner of 68 has left few trees in the garden following the works carried out this month. Future owners may choose to cut existing trees down leaving my property with no privacy and may cause subsistence to my property, number 68 and the bungalow as one of trees is 40ft and the other is 30ft.
- Flooding – I have read the report from the Design Services Drainage Engineer which states that there is no risk of flooding according to the Environment Agency flood maps however I feel this does not take into account localised flooding problems. Those who live on the side of the proposed building, Westbourne Grove and South Lodge will inform you that many of the gardens are prone to being waterlogged in bad weather. There has also been long standing problems on the school fields adjacent to the proposal which has experienced water logging to the extent that measures have been taken to alleviate the



problem, the proposed build could only add to the existing problem. The proposed bungalow will be situated on the current run off for this localised flooding

- Access, highways safety and traffic – Storrs Road has always been a busy road with both cars and foot traffic especially at peak times from the surrounding schools (Brookfield and Westfield). A lot of drivers forget that the speed limit is 30 mph (20mph at school pick up/drop off times) and complaints have been made to the police, local PCSO officer and via the schools. Crossing the road can be hazardous at peak times with cars parked either side along the length of Storrs Road and driving at excessive speeds despite the flashing school sign. Cars repeatedly incur minor damage and at peak times residents find their driveways blocked. Traffic can back up from one end of the road to the other. The speed of traffic is not confined to peak times and experience throughout the day and night. To add another property will add to the existing problems and the residents of the bungalow would have to drive up the drive and reverse down as there is insufficient room to turn. Is there enough room for adequate amounts of cars to suit the size of the property.
- Character of the neighbourhood/design – the design is out of character of the with the surrounding properties. The appeal to properties on Storrs Road is that the properties are not cramped or overlooked. The properties benefit from long and substantial green garden spaces and enjoy rural views from the rear. This has already been changed by the development at Brookfield View Drive which I and a number of neighbouring properties objected to. This seems to be a case of garden grab cramming in an oversized building into a not sufficiently sized site. The proposal plans are effectively a two storey building rather than a single storey bungalow with imposing windows looking directly into the rear windows of my home resulting in a loss of privacy. No measurements provided but the plans suggest it will be larger than No 68 and will be large and imposing building for a small space.
- Subsistence risk – allowing another dwelling will increase the chance of subsistence to surrounding properties and allowing even foundations to be laid is concerning. I understand when the development was carried out at Brookfield View Drive they were

required to carry out tests to ensure there were no risks to the neighbouring properties. Has this been taken into consideration in the proposed plans?

- Setting a precedent – allowing this build to go ahead will set a precedent for people with enough garden space to build a property opening an unnecessary door to change the area we live in. request further information regarding Chesterfield Borough Council policy/guidance on the development of houses in garden spaces.
- Other considerations – the proposed bungalow will be extremely close to the boundary which gives concerns regarding the building and construction as a registered childminder scaffolding will not be permitted. I have concerns about safeguarding of children as builders will be able to have full site into my property whilst working on the proposed build. Renovation work on No 689 started and whilst I am aware prior notification to immediate neighbours is not required I feel this has set a precedent for how work will be constructed on the proposed bungalow if approved. I have already experienced damage and debris and as a childminder the safeguarding of children in my care is my main concerns.

#### 6.10 **45 Storrs Road (01.02.2020)**

- Observation of the substandard plans of the proposed development appears to be purely for financial gain and does not give any consideration to current local residents (overlooking and close to boundaries) and also setting a precedence for future planning application
- Major concerning factor is the increase of traffic loading to an already extremely busy road. Highway safety should be considered with challenges already faced by local residents at school pick up/drop off times. The lack of adequate parking on the proposed plan is concerning with potential parking of vehicles on the roadside causing traffic to congest especially between the hours of 07:30 to 10:00am and 14:30 to 18:30pm putting local children/residents at risk.
- The environmental impact of the development on the areas nature and wildlife must be considered as the area has abundance of foxes, badgers bats, owls and great crested newt which has been viewed within local gardens. The property's garden which had dense

vegetation which has been cleared with heavy machinery with minimal consideration for the local wildlife.

#### 6.11 **58 Storrs Road (03.02.2020)**

- The application is out of character with the area and shoehorns a dwelling into an existing garden with no apparent consideration for the amenity of surrounding residents.
- I am concerned that the very limited parking will result in cars parked on the junction with the access drive. Each day there are large numbers of children walking to school along the pavement and crossing the access road with limited visibility will increase the risk to pedestrians.
- The placing of the dwelling will overlook the neighbouring gardens and in fact will look directly into the windows of adjoining properties.
- The proposed development is behind the line of long established properties raises the possibility of a precedent for further developments that Storrs Road which would not be suitable due to the large number of children walking to Brookfield and Westfield each day.

#### 6.12 **52 Storrs Road (31.01.2020)**

- The proposal represents an unacceptable form of backland development which would be detrimental to the amenity of the neighbouring residents as well as occupiers of the proposed property.
- If allowed the development would set a precedent for further similar development within rear gardens which would be harmful to the character of the area.
- The proposed property would result in unacceptable levels of overlooking to the rear gardens of the properties on Storrs Road and Brookfield View Drive. The land slopes up from Storrs Road towards Brookfield View and would be highly visible from neighbouring properties and from the highways. Windows on the upper flood of the property would be able to look over the top of boundary hedges and fences.
- The plans indicate that there would be a distance of 8m from the rear of the proposed property to the boundary with No 1 Brookfield View Drive which is at a higher level. There are window on the side of No 1

and so direct overlooking would occur which breaches the guidelines set out in 3.11 of the supplementary planning documents 'Successful Places' which indicates 21m should be provided between facing windows.

- Occupiers of the proposed property would be overlooked from surrounding properties and would have a poor outlook being 10m from No 1 and 6m to the proposed garage.
- Travel to and from the property would adversely affect the privacy of occupiers of No 66 and 68 either side of the driveway. Cars manoeuvring at night would result in increased noise and disturbance with lights shining into the rear of numerous properties which would be detrimental to the amenity of neighbours.
- Property would be overshadowed due to close proximity of properties on Brookfield View Drive and would overshadow gardens and properties on Storrs Road.
- Proposed development would turn much of the rear garden into hard surfacing to provide access, turning area which would have a significant impact on the green character of the area and would be harmful to biodiversity.
- The amount of hard-surfacing would like result in increased surface water run-off and could cause drainage issues.
- Existing property would have a reduced garden space falling short of requirement of 70 – 100 sqm for family homes
- Proposal contrary to guidelines contained in the adopted Successful places SPD as well as CS1 and CS18.
- Development is a greenfield site and as the Council can demonstrate a 5 year supply of housing the development would be contrary to CS2 and CS10.

## 6.13

### **Officer comments in responds to summarised concerns**

- **Development goes against the character, density and grain of the area (see section 5.5 and 5.6)**
- **Overdevelopment of the plot and out of character in back garden (see section 5.5 and 5.6)**
- **Adverse impact on the privacy of the surrounding neighbour – overlooking to rear gardens and rear windows and separation distance (see section 5.7)**
- **Overshadowing impacts (see section 5.7)**

- **Outlook – outlook is not a material planning consideration and therefore cannot be given weight in the determination of a planning application.**
- **Access and highway safety, narrow drive (see section 5.8)**
- **Traffic generation and visibility and existing concerns regarding traffic issues on Storrs Road (see section 5.8)**
- **Devaluation – de-valuation is not a material planning consideration and therefore cannot be given weight in the determination of a planning application.**
- **Noise and disturbance on driveway and from property (see section 5.7 and 5.8)**
- **Noise and disturbance during construction period - disturbance during the construction process is not a material planning consideration and therefore cannot be given weight in the determination of a planning application.**
- **Impact on wildlife and biodiversity (see section 5.11)**
- **Flood risk and drainage, water logged ground and amount of hardsurfacing (see section 5.9)**
- **No measurements shown – the drawings are shown to scale and therefore measurements are not required**
- **Subsistence risk and risk from coal mining legacy (see section 5.10)**
- **Insufficient parking space for size of dwelling (see section 5.8)**
- **Works near party wall/boundary – covered under the Party Wall Act**
- **Planning process and location of site notice , no formal notice – A site notice was displayed on Storrs Road as an additional means of notification (not formally required). All boundary sharing neighbours were consulted as required. The site notice was placed to enable the residents of Brookfield View Drive to have opportunity to view also.**

## **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 applicant has a right of appeal against a refusal.

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the February 2019 National Planning Policy Framework (NPPF).

8.2 The proposed development conflicts with the principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.

8.3 The conflict with Development Plan policies has led the LPA to conclude that the development does not fully meet the definitions of “sustainable development” having regard to the local character and amenity of the surrounding neighbours therefore a presumption on the LPA to seek to approve the application is not considered to apply.

## 9.0 **CONCLUSION**

9.1 Overall, The proposal is sustainably located and accords with CS1 and some parts of CS2, however the proposal is contrary to CS10 as the site comprises of greenfield land. The surrounding properties are characterised by long rear gardens and the application site is also located centrally within a row of dwelling such that the plot is therefore not a ‘natural infill’ to the area and could serve to set a precedent for ‘tandem’ development in the area. The proposal will increase the density of development resulting in an overdevelopment of the plot in a manner which is at odds with the character and grain of the area and does not accord with CS18 b and c and contrary to

the 'Successful Places' SPD which requires development to reflect the character and grain of the settlement by virtue of layout and density. The proposal will introduce an irregular built form within the defined building line of Storrs Road. Due to the height, scale and massing of the proposal presence of first floor window in the rear elevation the proposed development is considered to have an adverse impact on the amenity of the adjoining neighbours and does not accord with the principles of CS2, CS18 and the Successful Places SPD which states that proposal should not cause a loss of daylight, overshadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity. The Local Highways Authority consider that the proposal will have an adverse impact on highway safety due to the lack of turning facility for larger vehicles which may result in vehicles reversing down the length of the driveway. The alternative is that such vehicles wait for longer periods on Storrs Road. The proposal therefore does not accord with the provisions of Core Strategy CS18 g) provide adequate and safe vehicle access and parking. It is considered that matters of drainage, flood risk (CS7), biodiversity (CS9), air quality (CS8, CS20) could be controlled by condition.

## **10.0 RECOMMENDATION**

10.1 It is therefore recommended that the application be **REFUSED** on the basis of the following:

1. The proposal does not comply with policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. The proposal will increase the density of development resulting in an overdevelopment of the plot in a manner which is at odds with the character and grain of the area and which does not accord with policy CS18 b and c and which is contrary to the 'Successful Places' SPD which requires development to reflect the character and grain of the settlement by virtue of layout and density. The development also conflicts with paragraph 122 d of the NPPF.

2. The proposal will introduce an irregular built form within the defined building line of Storrs Road. Due to the height, scale and massing of the proposal and presence of a first floor window in the rear elevation, the proposed development is considered to have an adverse impact on the amenity of the adjoining neighbours at 1 Brookfield View Drive and does not accord with the principles of CS2, CS18 and the Successful Places SPD which states that proposal

should not cause a loss of daylight, overshadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity.

3. The proposal will have an adverse impact on highway safety due to the lack of turning facility on site for larger service vehicles which may result in either vehicles reversing down the length of the driveway or vehicles waiting on Storrs Road for longer periods than usual contrary to the best interests of highway safety . The proposal therefore does not accord with the provisions of Core Strategy CS18 g) provide adequate and safe vehicle access and parking.