

Case Officer: EC  
Committee date: 1<sup>st</sup> June 2020

File No: CHE/20/00125/OUT  
Plot No: 2/3576

## **ITEM 2**

### **OUTLINE APPLICATION FOR DETACHED TWO BEDROOM DWELLING AT 15 NEWBRIDGE LANE, BRIMINGTON, CHESTERFIELD, S43 1LX**

Local Plan: Unallocated  
Ward: Brimington South

#### **1.0 CONSULTATIONS**

CIL Officer	No comments received
Local Highways Authority	Comments received, no objection subject to conditions– see report
Design Services Drainage	Comments received, no objection subject to details of surface water disposal– see report
Environmental Services	Comments received, no objection subject to conditions– see report
Parish Council	No comments received
Policy/Forward Planning	Comments received, no objection in principle– see report
Yorkshire Water	Comments received – no conditions required, building over identified sewer can be controlled by building regulations
Ward Members	No comments received
Neighbours and Site Notice	4 letters of representation received – see report

#### **2.0 THE SITE**

2.1 The site subject of this application is located on the south side of Newbridge a lane and accessed from Hedley Drive. The plot currently forms part of the curtilage of No 15 Newbridge Lane. No 15 is situated to the east of the application site and is served by amenity space to the north, south and west. The application site is largely laid to lawn with some soft planting, a garden outbuilding and a detached garage with off-street parking.

2.2 The site is measures a maximum of 36m in length (taken from Hedley Drive frontage to the northern boundary) and measures a maximum of 8.5m in width. The site measures approximately 211m<sup>2</sup> in area (0.021 hectares) overall.



Aerial photo taken from  
Google ©



Extract of submitted  
location plan



Photo taken from Hedley Drive  
facing north west



Photo taken from the  
application site facing south

2.3 The surrounding streetscene is formed of residential dwellings. The architectural character of the immediate streetscene is mixed, comprising of two storey and single storey terraced, semi-detached and detached properties. The dominant material is facing brick with some

examples of render.

- 2.4 Access to the site is gained by an adopted public highway known as Hedley Drive. The application site is largely flat and No 15 Newbridge Lane is elevated above the ground level of the site with a raised patio/entrance door and raised rear garden.
- 2.5 The site is located in an area considered to be at low risk of flooding (as defined by the Environment Agency) and is considered to be in an area requiring standing advice for coal mining risk as opposed to requiring referral to The Coal Authority. The site is approximately 820m walking/cycling distance from the defined Brimington Local Service Centre.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 CHE/11/00128/FUL - Proposed two bedroom dwelling with associated parking – **REFUSED (18.04.2011)**

3.2 Reason for refusal

*'In the opinion of the Local Planning Authority the proposal is unacceptable. It is considered that the proposed new dwelling would present itself as a cramped form of development, neither reflective of nor sympathetic to the surrounding context and it would be an incongruous addition to the street scene. The design of the dwelling is poor and it fails to respect the character of the area. The constrained nature of the dwelling results in limited levels of outlook for potential residents and the proposal is not considered to provide a high quality living environment. The proposal is considered to be contrary to the objectives of PPS1 and Policies GEN10, HSN5 and HSN6 of the replacement Chesterfield Borough Local Plan.'*

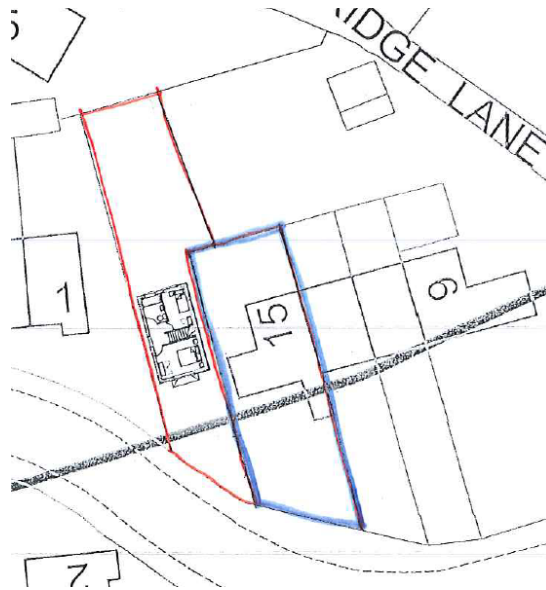
- 3.3 CHE/0187/0048 - Permission for erection of a garage at 15 Newbridge Lane Brimington for Mr. R. Crich – **CONDITIONAL PERMISSION (25.03.1987)**

### **4.0 THE PROPOSAL**

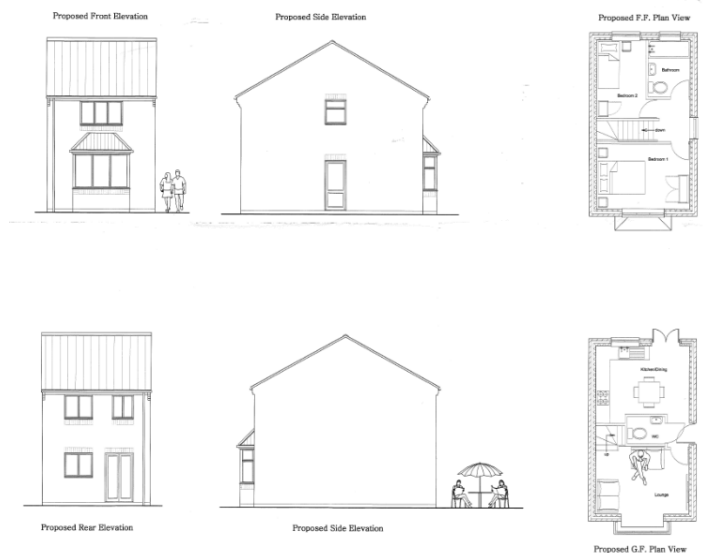
- 4.1 The application seeks outline consent for the demolition of the existing detached garage and for the erection of a detached two bedroom dwelling with all matters reserved. The application is supported by indicative layout and elevational drawings for illustrative purposes. If

approved matters including access, appearance, landscaping, layout and scale would be 'reserved' for consideration at reserved matters stage.

- 4.2 The indicative plan illustrates that the site could accommodate a 2 storey, 2 bedroom dwelling. The indicative plan shows the proposed dwelling is set back from Hedley Drive by approximately 6m and it is considered that there is sufficient space to provide off-street parking for the proposed dwelling and also to provide compensatory parking for No 15.



Extract of indicative layout plan



Indicative elevations and floor plans

- 4.3 Based on the indicative plans it is considered that the application site could accommodate a dwelling with private amenity space which significantly exceeds the minimum recommended requirement of 50sqm

for a 2 bedroom property and will retain amenity space for No 15 comprising of a rear and front garden. Whilst the front garden of No 15 is not completely 'private' it is faces south and as such benefits from direct sunlight and is served by an existing patio area and soft landscaping which suggest the 'front' garden is already used by the occupier for residential amenity purposes.

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

- Application form
- Proposed Site Location Plan (received 21.02.2020)
- Site Plan (received 21.02.2020)
- Proposed new two bedroom dwelling adjacent to 15 Newbridge Lane, Brimington, S43 1LX, Drawing number 1 (showing indicative Proposed Front Elevation, Proposed Rear Elevation, Proposed Side Elevation(S), Proposed F.F. Plan View and Proposed G.F. Plan View (received 21.02.2020)

## **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
- CS4 Infrastructure Delivery
- 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

### **Submission Local Plan 2018**

- LP4 Flexibility in Delivery of Housing

## **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 (Impact on Neighbours and Future Occupiers) (section 5.6)
- Highways safety, parking provision and air quality (see section 5.7)
- Biodiversity (see section 5.8)
- Flood risk and drainage (see section 5.9)
- Environmental Quality (see section 5.10)
- Community Infrastructure Levy (CIL) (see section 5.11)
- Representations received (see section 6.0)

## **5.5 Principle of Development**

### **Relevant Policies**

- 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'*

### **Consultee comments**

- 5.5.4 To assess whether the principle of development accords with planning policy it was necessary to consult the **Strategy/Forward Planning Team**, the following comments were provided:
- 5.5.5 *'The current development plan for Chesterfield Borough consists of the Local Plan Core Strategy (2013) and the saved policies of the Replacement Chesterfield Borough Local Plan (2006). However, there is also the emerging Local Plan (2018 to 2035) – this is currently being examined and was the subject of hearing sessions in October/November 2019. The Inspectors' initial response has indicated a number of modifications that are currently being consulted on. Weight should be given to the emerging policies in accordance with the criteria of para 48 of the NPPF. Where this is relevant to the determination of this application it is highlighted below.*

### **PRINCIPLE OF DEVELOPMENT**

*The application site appears to be within a residential curtilage. The NPPF does not include residential gardens within the definition of Previously Developed Land. Although there is an existing garage on this part of the site, the Site Layout plan provided shows a new property predominantly on garden. Also, as an outline application with all matters reserved, including layout and siting, the final siting would not be restricted to the location shown. The application should be treated as greenfield site in applying local and national planning policy.*

*The key policy considerations in determining this application will therefore relate to policies CS1, CS2, CS10 and CS20 of the Core Strategy.*



*The site also falls within the extent of the 'Urban Area' proposed as a modification to the emerging Local Plan Policies Map, for the application of emerging policy LP4. The implications of this and weight to be given to the emerging plan are discussed further below.*

*The council can demonstrate a five year supply of suitable housing sites (<https://www.chesterfield.gov.uk/media/990534/excbc002-five-year-supply-position-april-2019.pdf>) and the main policies for the determination of the application are considered up to date and in accordance with the NPPF. Paragraph 11(d) of the NPPF (the presumption in favour of sustainable development) is therefore not engaged and the application should be determined according to the policies of the Local Plan and other material considerations.*

### **Location of Development**

*Policies CS1 and CS2 seek to concentrate new development within walking and cycling distance of centres. Policy CS20 seeks to maximise walking, cycling and the use of public transport through the location and design of development. Paragraph 103 of the NPPF also states that planning should actively manage patterns of growth to support the use of public transport, walking and cycling. The council's Residential Design SPD indicates a distance of 800m to a centre is considered 'walkable'. The application site is over a 800m to a range of facilities including Brimington Centre, GP services and the nearest Infant School (Henry Bradley Infants). It is also over 400m to the nearest bus stop. That said, there is a small rank of shops including a local convenience store within 150m, and the nearest Junior School is within walking distance. There is also POS and a children's play area at Thistle Park and the site is relatively close to walking and cycling routes alongside Chesterfield Canal.*

*Bearing in mind the small scale of the development proposed (a single dwelling), that it is within the urban area (and will be within the Urban Area as defined in the new Local Plan), I am satisfied that the proposed development is sustainably located and is broadly in line with the Spatial Strategy as set out in policies CS1 and CS2.*

### **Loss of Greenfield Site**

*Policy CS10 of the Core Strategy seeks to restrict housing led development on greenfield sites where the council can demonstrate a five-year supply of suitable housing sites. The council can also demonstrate a five-year supply of suitable housing sites. The proposal is therefore in conflict with policy CS10.*



*The replacement policy for CS10, LP4, moves the emphasis purely from greenfield sites to sites 'outside the urban area'. A modification to the emerging policies map has been prepared at the request of the Local Plan Inspectors establishing the extent of the urban Area, which would include the application site. Only limited weight should be given to the proposed boundary as it has not yet been the subject of consultation (which is expected to begin in March of this year following a report to the council's Cabinet on 25<sup>th</sup> February), but it is relevant in demonstrating the direction of travel for emerging policy. I would note that, if applied as proposed to be modified, the proposal would not be in conflict with policy LP4.*

*On this basis the technical loss of a greenfield site would not compromise the purposes of policy CS10 or the Core Strategy generally and limited weight should be given to this conflict in the circumstances.*

### **OTHER MATTERS**

*Should planning permission be granted, the adopted and emerging Local Plan policies would require the following:*

- *Electric Vehicle charging provision (one point per property) – secured by condition*
- *A condition requiring measures to result in a net gain of biodiversity through planting, nesting and roosting provision*

*The development would be CIL liable (although a liability notice would not be issued until relevant reserved matters are approved). The site falls into the CIL medium zone. With index linking the CIL rate is currently £57.99 per sqm gross internal floorspace. Exemptions and reliefs are available in specific circumstances (eg: social housing or self build) but, if relevant, these must be applied for prior to any commencement on site. The applicant should be made aware of these exemptions and the necessity of applying for them (if relevant) in a timely manner.*

### **SUMMARY**

*The proposed development does not conflict with the objectives of policies CS1, CS2, CS10 and CS20 of the adopted Local Plan. If approved, conditions should be applied as set out above and the development would be CIL liable.'*

### **Considerations**

- 5.5.6 The application site is situated within the built settlement of Brimington. The immediate streetscene is residential in character. Policies CS1, CS2, and CS10 of the Core Strategy and the wider National Planning Policy Framework (NPPF) are therefore considered to 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 marginally outside the specified 800m walking/cycling distance, measuring approximately 820m to the edge of the defined Brimington Local Service Centre. The Local Service Centre provides access to a range of services and public transport with local schools also in walking distance. The site is therefore considered to be sustainably located and accords with the principles of CS1 with regards to the location of the development.
- 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 be resisted provided the development is at a scale and density appropriate to the area.
- 5.5.10 It is necessary to acknowledge 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 each individual application.

- 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 On balance the proposal is considered to be sustainably located and broadly in line with the spatial strategy set out in policies CS1 and CS2 and is therefore considered to be acceptable in principle. Further detailed discussion of material considerations will be covered in the following sections including impact on the amenity of neighbour/future occupiers, highway safety and parking provision, biodiversity, flood risk and drainage, environmental quality (covering policies CS2, CS7, CS8, CS9, CS18 and CS20 and Council's adopted SPD 'Successful Places').

## **5.6 Design of the Proposal (Impact on Neighbours and Future Occupiers)**

### **Relevant Policies**

- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 5.6.2 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.'*
- 5.6.3 The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space and is a material consideration.

- 5.6.4 The application is for outline consent with all matters reserved. An indicative layout has been provided to illustrate how a dwelling could potentially be accommodated on the site.
- 5.6.5 The surrounding streetscene is characterised by residential dwellings which are mixed in style, comprising of single storey and 2 storey properties. The immediate streetscene to the east (No 15 Newbridge Lane) and to the west (No 1 Hedley Drive) comprises of two storey dwellings, therefore the introduction of a two storey property in this location would reflect the scale of adjacent properties.
- 5.6.6 No 15 Newbridge is a 2.5 storey end of terrace and appears to have been previously extended by way of a loft conversion and side extension. The property occupies an elevated position with respect of the application site and it is noted that there are no windows in the main side gable (west elevation) facing towards the application site which would be adversely impacted by a development (see photo below)



Photo taken from the application facing east towards the side gable of No 15



Photo taken from the public highway facing west towards the side gable of No 15 and principle elevation of No 1 Hedley Drive

- 5.6.7 No 1 Hedley Drive is a two storey semi-detached dwelling served by an attached garage and rear conservatory extension. A first floor window is present in the side (east) elevation of the dwelling facing towards the application site. The window appears to be secondary and is thought to serve the first floor landing.



Photo taken from the application facing south east towards the rear and side gable of No 1

Photo taken from the application facing west towards the side gable of No 1

- 5.6.8 Careful consideration of the final siting and scale of a new dwelling will be required at reserved matters stage, to create a dwelling which responds to the surrounding context and preventing overlooking and overshadowing impacts to the adjoining neighbours.
- 5.6.9 The layout of the dwelling should also provide future occupants with private amenity space which accords with the Successful Places SPD (minimum outdoor amenity space requirements are 50sqm for a 1 or 2 bedroom house). The layout of the site should take into account parking requirements as defined by appendix G (p146) of the Core Strategy (see section 5.7).
- 5.6.10 By reference to the history of the site the committee will see the latest application on the site for a dwelling was refused in 2011. This was a detailed scheme and was refused for design reasons since the scheme put forward at the time was excessive and not reflective of the local character. The refusal did not relate to matters of principle. Clearly on an outline submission with all matters reserved for approval at a later date the issue of design is a matter which will need to be considered further at a later date.
- 5.6.11 Overall the application site is considered to be appropriately sized to accommodate a dwelling which responds to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD. No further assessment can be made until additional information is supplied as part of a reserved matters application. It is also recommended that a condition be imposed restricting construction hours to protect the amenity of the surrounding neighbours.

## **5.7 Highways Safety, Parking Provision and Air Quality**

### **Relevant Policies**

- 5.7.1 Core Strategy Policy CS18 states that development will be expected to part 'g) *provide adequate and safe vehicle access and parking*'

- 5.7.2 Core Strategy Policy CS20 states that development proposals should demonstrate the following 'c) ... *appropriate parking provision in accordance with the guidance set out in Appendix G*' and requires the installation of electric charging facilities (part e).
- 5.7.3 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.'

### **Consultee comments**

- 5.7.4 The **Local Highways Authority** Derbyshire County Council Highways Team were consulted on the scheme and provided the following comments;

- 5.7.5 'The above outline application with all matters reserved has been forwarded to this Authority for highway considerations and I have the following comments to make :-

*It is noted that a similar proposal was subject to a planning application in 2011 which was refused although not on highway grounds.*

*Any applicant should note that the Highway Authority would look for the provision of replacement parking for the existing dwelling which would involve the formation of a new access/extension of the existing access. It is assumed that this could be suitably conditioned at the present time given that the existing property is shown as being in the ownership/control of the applicant. This would need, however, to be secured at this time as it is considered likely that in the event planning permission is granted and the proposal proceeds the two plots will be separated. This situation would also mean that visibility from the existing access needs to be secured over the frontage of the existing property at the present time.*

*Replacement parking would presumably be provided to the front of the existing property and it is noted that this is currently on two levels, engineering works may well, therefore, be required taking into account that driveway should ideally be no steeper than 1:14 and not exceed 1:12 and parking space dimensions should be minimum 2.4m x 5.5m.*

*1.Before any other operations are commenced, the existing access to Newbridge Lane shall be modified in accordance with details to be*

*submitted for approval under an application for approval of reserved matters or full planning permission, laid out, constructed and provided with visibility splays of 2.4m x 25m in the critical direction and 2.4m x maximum achievable over land the subject of the application, land in the ownership/control of the applicant and highway to 1.0m into the carriageway in the non-critical direction, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.*

*2. There shall be no gates or other barriers on the existing or new access.*

*3. The proposed access/driveway to serve the replacement parking for the existing dwelling shall ideally be no steeper than 1:14 and definitely no steeper than 1:12.*

*4. The premises, the subject of the application, shall not be occupied until parking for the existing and proposed dwelling has been provided, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.*

*In addition, the following notes shall be included for the benefit of the applicant.*

*1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website*

*[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.*

*2. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.*



*3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.*

*4. 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.*

*5. Car parking provision for the existing and proposed dwelling should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each space should have minimum dimensions of 2.4m x 5.5m.'*

- 5.7.6 The **Environmental Health Officer** reviewed the proposal and highlighted '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), I ask that infrastructure for electric charging points be installed as part of the build phase.'

### **Considerations**

- 5.7.7 The comments from the Local Highways Authority have been noted, no objections have been raised subject to the imposition of conditions including details of visibility splays, restriction on gates/barriers, gradient of access and requiring parking for the proposed and existing dwelling prior to occupation.
- 5.7.8 It is recommended that the conditions requested by the Local Highways Authority be imposed on the decision. Based on the size of the plot it is considered that the site could accommodate off-street parking for two vehicles, each space measuring 2.4m x 4.8m (as per the adopted SPD). Provision for the existing dwelling to compensate for the loss of one off-street parking space could be incorporated within the frontage of No 15 and accessed from Hedley Drive. It is considered that a relevant condition can be imposed to ensure adequate off-street parking arrangements at reserved matters stage and to be retained in perpetuity.

The recommended informative notes should be included on the decision notice.

5.7.9 In so far as Air Quality, one electric charging point for the new dwelling should be installed as part of the build phase and controlled by condition.

5.7.10 Overall it is considered that sufficient space is available on site to provide an adequate level of off-street parking, therefore subject to the imposition of relevant conditions the proposal is considered to accord with the provisions of CS2, CS18 and CS20 of the adopted Core Strategy.

## **5.8 Biodiversity**

### **Relevant Policies**

5.8.1 Core Strategy Policy CS9 Green Infrastructure and Biodiversity states that *'Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance' and the enhancement of the boroughs biodiversity (f).'*

5.8.2 The NPPF also requires net gains in biodiversity (see paragraph 170 d).

### **Considerations**

5.8.3 The site subject of the application is largely laid to lawn with some soft landscaping, a detached garage and hardstanding for off-street parking.

5.8.4 It is considered that there is scope for new planting within the proposed garden area, including potential for wildlife friendly shrubs to create a similar habitat structure including a range of plants such as climbers/hedging to provide enhanced botanical diversity and food sources for wildlife. Additional biodiversity enhancements such as bat bricks/roosts built within the house and swift bricks to encourage nesting birds could be included. It is therefore recommended that a condition be imposed requiring the development to demonstrate a net gain in biodiversity in accordance with the requirements of CS9 and the NPPF.

## **5.9 Flood Risk and Drainage**

### **Relevant Policies**

5.9.1 Core Strategy Policy CS7 Managing the Water Cycles states that *'The council will require flood risk to be considered for all development*

*commensurate with the scale and impact of the proposed development' and 'Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance'*

- 5.9.2 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CS7 and the wider NPPF the application was referred to the Council's **Design Services (Drainage) Team** and **Yorkshire Water** for comments in respect of flood risk and drainage/waste water

### **Consultee Comments**

- 5.9.3 **Design Services (Drainage) Team** 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 sewer is shown to cross the development site. Prior approval is required from Yorkshire Water as a Building Over agreement or easement may be required. It is also noted that the developer may use soakaways as a means of surface water disposal. Infiltration tests should be carried out and calculations provided in accordance with BRE Digest 365 to ensure no flooding for a 1 in 30 year rainfall event. Any amendments to existing drainage on site may require Building Control approval.'*
- 5.9.4 **Yorkshire Water** stated *'We have reviewed the building proposals and any building over can be controlled by Part H4, Building Regulations 2000. There are no planning conditions needed for this development.'*

### **Considerations**

- 5.9.5 The above comments have been noted. Policy CS7 requires all development to consider sustainable drainage systems to deal with surface water arising as a result of the development, it is therefore recommended that a condition be imposed requiring the submission of proposed surface water drainage limitation measures be submitted concurrent with a reserved matters application to the LPA for written approval to accord with the provisions of CS7.

## **5.10 Environmental Quality and Land Condition**

## Relevant Policies

- 5.10.1 Core Strategy Policy CS8 states that ***‘Unstable and Contaminated Land: Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable 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 Paragraph 178 of the NPPF states that *‘Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.’*
- 5.10.3 The Council’s **Environmental Health Team** reviewed the proposal and provided the following comments;
- ‘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.'*

- 5.10.4 It is therefore recommended that a condition be imposed requiring the submission of a desk top study and if required a scheme for investigation and remediation.

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

- 5.1 Having regard to the nature of the application proposals the development comprises the creation of 1 no. new dwelling and the development is therefore CIL Liable. A liability notice would not be issued until reserved matters stage. For reference the index linked CIL rate is currently £57.99 per sqm gross internal floorspace. Exemptions and reliefs are available in specific circumstances (eg: social housing or self build) but, if relevant, these must be applied for prior to any commencement on site.

## **6.0 REPRESENTATIONS**

- 6.1 Neighbour notification letters were sent to adjoining neighbours and 3 site notices were also displayed. Four letters of representation have been received as a result and are summarised below;

6.2 Hedley Lodge, 7 Newbridge Lane (13.03.2020)

*'Comments reasons*

- Traffic or Highways*
- Visual*

*Comments: It would look cramped. It would not suit the surroundings. Added vehicle parking is a safety concern'*

6.3 Address unknown

*'I wish to ensure my severe obligation to this planning application is registered. I have several issues with this:*

*The building is far too small to be habitable. The last application was declined on this reason but the land in question has not increased.*

*please see Ref. No: CHE/11/00128/FUL | Status: REF*

*The building is out of character for the area, it will also look like its been squeezed in between other houses. The building is far too close to other properties, this will not allow privacy and a comfortable life.*

*There is no where near enough parking on Newbridge lane to accommodate the residents living here. We can never park in the*

*carpark, even if this proposed dwelling by some miracle acquired off road parking we do not have the space for visitor parking. There is also further concern for parking for no15, the current parking area would be allocated to the new building therefore, the businesses that are being run from this property (see my objections on last application for further clarification and photographs Ref. No: CHE/11/00128/FUL | Status: REF) Were will these vehicle move to?*

*We have a large proportion of children in the area, with more vehicles comes more risk and danger. I myself am pregnant and not wanting more vehicles adding to the area. this is a family area, this proposed dwelling is not a family home.*

*Furthermore Mrs Chrich is elderly and this family property (no15) will be inhabited by new residents eventually, people who will appreciate the land and garden, chopping up the land is making no 15 less desirable to a family in the future.*

*I also have questions regarding the structure of the proposed building, no 7 newbridge lane has to carry out extensive pilling to build a bungalow, now it has not been mentioned if pilling will be taking place for this building should the application be granted? If so this causes further concern for surrounding properties. We do not wish for the piling to take place in such close proximity to our homes due to damage.*

*I would also like further clarification on the position of the sewers / drainage systems for numbers 7,9,11,13 & 15 which are accessible via no 15 manhole. this would be under the proposed new building.*

*i also reiterate all objections for application Ref. No: CHE/11/00128/FUL | Status: REF are still valid.*

*The below is taken from the last applicatin" It is considered that the proposed new dwelling would present itself as a cramped form of development, neither reflective of nor sympathetic to the surrounding context and it would be an incongruous addition to the street scene. The design of the dwelling is poor and it fails to respect the character of the area " nothing has changed.'*

*Additional points raised by neighbour regarding CHE/11/00128/FUL – summarised below;*

- *Increase in traffic to family orientated area*

- *Letter of objection suggests that the applicant's son runs a business from property and mainly details concerns regarding cars/vehicles parking at the address and the problems this causes for residents including limiting visibility and highway safety concerns. Letter includes attached photographs.*
- *Letter suggests that the applicant's son has 4 business vehicles and parks them either on the road or in the car park across from the application site and suggests that the applicant has only one car.*

#### 6.4 3 Hedley Drive (24.04.2020)

*'Comment Reasons:*

- *Noise*
- *Policy*
- *Residential Amenity*
- *Traffic or Highways*
- *Visual*

*Comment: Far too small, not a home, out of place in street, unwanted in a family focused area'*

#### 6.5 5 Hedley Drive (08.05.2020)

*'Comment Reasons:*

- *Noise*
- *Policy*
- *Residential Amenity*
- *Traffic or Highways*
- *Visual*

*Comment: Invasive & too close to own property. Loss of privacy; inappropriate: not in keeping with the street'*

#### 6.6 Officer comments

- Highway safety/additional traffic – The Local Highways Authority reviewed the application and has not recommended a refusal on highway safety grounds. Conditions have been requested to ensure the development provides adequate off-street parking and meets visibility requirements.
- Visual/cramped appearance of dwelling/loss of privacy – the application is submitted in outline with all matters reserved and is supported by an indicative layout/floorplan and elevations. The design and appearance of the dwelling would be detailed in full at reserved matters stage. Due to the width of the plot it is acknowledged that a subsequent reserved matters application will likely produce a relatively narrow dwelling however this will introduce



a further mix of house types into the area. It is considered that there is acceptable levels of separation between the application site and surrounding properties. A future reserved matters application would enable further consideration of window placement/siting to prevent adverse overlooking impacts.

- Piling – the site is not located in an area classified as at high risk by The Coal Authority. Works to address or remediate stability issues (if they arise) would likely be covered by building regulations.
- Drains/sewers – see section 5.9 of report. Yorkshire Water raised no objections to the proposal and did not request conditions be imposed. Yorkshire Water stated that building over the drains/sewer could be dealt with under part H4 of the building regulations.

## **8.0 HUMAN RIGHTS ACT 1998**

8.1 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

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

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

8.4 Whilst in the opinion of the objectors, the development could affect 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

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

9.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2)

Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).

9.2 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.

9.3 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 proposal is in outline form only with all matters reserved. The proposed development is considered to be acceptable in principle and the site is of an appropriate size and shape to accommodate a new dwelling without detriment to the street scene or the amenity of nearby properties. As such, the proposal accords with the requirements of Policies CS1, CS2, CS3, CS7, CS8, CS9, CS10, CS18 and CS20 of the Local Plan: Core Strategy and the wider National Planning Policy Framework subject to the imposition of relevant conditions.

## 10.1 **RECOMMENDATION**

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

### **Conditions**

#### Reserved matters submission

1. Approval of the details of the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

*Reason - The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).*

#### Time frame for reserved matters submission

2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

*Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.*

Time frame for commencement

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

*Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.*

Land contamination

4. Concurrent with the submission of a reserved matters application, evidence that the site is suitable for use shall be submitted to the Local Planning Authority for consideration and written approval. The evidence shall include the completion of
  - a. *a Phase 1/desk study* report documenting the previous land use history of the site.
  - b. *a Phase 2/intrusive site investigation* where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
  - c. *a Remediation Strategy (if necessary) and*
  - d. *a Validation report*

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

*Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with CS8.*

Hours of construction

5. 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 mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials

*Reason - In the interests of residential amenities.*

Details of surface water drainage

6. Concurrent with a reserved matters application details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works shall be submitted to the Local Planning Authority for written approval. Only those details which have been approved in writing by The Local Planning Authority shall be installed on site.

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

Highways – submission of visibility splays

7. The details submitted as part of the reserved matters scheme shall include detail showing the existing access to Newbridge Lane to be modified in accordance with details to be submitted for consideration. The detail shall provide visibility splays of 2.4m x 25m in the critical direction and 2.4m x maximum achievable over land the subject of the application, land in the ownership/control of the applicant and highway to 1.0m into the carriageway in the non-critical direction. The area in advance of the sightlines shall be maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

*Reason - In the interests of highway safety.*

#### Highways – no gates or barriers

8. There shall be no gates or other barriers on the existing or new access.

*Reason - In the interests of highway safety.*

#### Highways – gradient of access

9. The proposed access/driveway to serve the replacement parking for the existing dwelling shall ideally be no steeper than 1:14 and no steeper than 1:12.

*Reason - In the interests of highway safety.*

#### Highways – parking provision provided prior to occupation

10. The details submitted as part of the reserved matters scheme shall include parking provision for the existing dwelling (1 space) and the proposed dwelling (2 spaces). The dwelling hereby approved shall not be occupied until the agreed parking for both the existing and proposed dwelling has been provided and constructed all as agreed in writing with the Local Planning Authority and which shall thereafter be maintained throughout the life of the development free from any impediment to its designated use.

*Reason - In the interests of highway safety.*

#### Electric charging provision

11. 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*

#### Materials

12. Concurrent with the submission of a reserved matters application, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

*Reason - 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.*

Biodiversity enhancement

13. Concurrent with the submission of landscaping details as part of a reserved matters application plans/drawings shall be submitted to the Local Planning Authority for written approval demonstrating the creation of suitable habitat which enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwelling. The approved biodiversity enhancement shall be installed in accordance with the approved details in the first planting season after completion or first occupation of the development whichever is the sooner.

*Reason - In the interests of ecology and policy CS7.*