

Item 1**PROPOSAL: CONVERSION AND EXTENSION OF EXISTING GARAGE TO FORM NEW DWELLING****LOCATION: LAND ADJACENT TO 72 WALTON ROAD, WALTON, CHESTERFIELD, S40 3BY**

Committee Date: 15th February 2021

Ward: Walton

1.0 CONSULTATION RESPONSES

Ward Members	No representations received
Strategic Planning	Comments received – see report
Environmental Services	Comments received – see report
Design Services	Comments received – see report
Yorkshire Water Services	No representations received
Local Highway Authority	Comments received – see report
Coal Authority	Comments received – see report
Urban Design Officer	No representations received
CIL Officer	Comments received – see report
Site Notice/ Neighbours	One representation received – see report

2.0 THE SITE

- 2.1 The site, the subject of the application, currently forms part of the rear garden of no. 72 Walton Road. Number 72 Walton Road is a detached two storey property finished with a red brick skirt with white render above. The roof has plain clay tiles and the property has brown windows and doors. The property occupies a corner plot with its south boundary facing Delves Close.
- 2.2 The site of consideration in this application is approximately 17 metres in width (as presented to Delves Close) by 12 metres deep (towards the garden of no. 70 Walton Road). The application site proposes to convert the existing garage that is in ownership of no. 72 Walton Road and accessed by Delves Close, as well as part of the rear garden of this property. To the north of the application site, the site boundary is formed of a low height fence and established evergreen trees. To the east of the application site, the site is bound by a brick wall to the south east and hedging to the north east of this boundary. To the south of the application site, the existing boundary treatment is predominantly open due to the access for the existing garage, and a timber fence that

extends to the front elevation of no. 72 Walton Road. At the junction of Delves Close and Walton Road the boundary treatment is a small hedge. There is currently no boundary to the west of the application site due to the application site forming part of the rear amenity space of number 72 Walton Road.

- 2.3 The application site is relatively level however there is a slight slope from the existing driveway to what would be the front elevation of the proposed dwelling and a step down to the garden area. This is shown in the photographs below. The remainder of the application site is laid to lawn.



- 2.4 The application site is located within an established residential area; to the north and north east of the application site, the property shares a boundary with no. 2 and 4 Delves Close. To the east and south east of the application the site shares a boundary with no. 1 and 3 Delves Close. To the south and south west of the application site, the property shares a boundary with no. 82 Walton Road whilst finally, to the north west, the application site shares a boundary with no. 70 and 72 Walton Road.

3.0 SITE HISTORY AND RELEVANT SURROUNDING SITE HISTORY

- 3.1 CHE/0286/0092 – Permission for dining room extension and double garage

Conditional permission 27/03/1986

3.2 Relevant surrounding site history

- 3.3 CHE/17/00135/FUL – Erection of a single storey dwelling including reconfigure boundary between no. 82 and new dwelling along with new site cross over onto Delves Close.

Refused on 26/04/2017 for the following reasons:

- 1. The resulting relationship between the neighbouring properties of the site at No 82 and 84 Walton Road and the development proposals is not acceptable. Under the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted Supplementary Planning Document 'Successful Place' - Housing Layout and Design and the wider National Planning Policy Framework the development will result in an intrusion of privacy and loss of amenity to the neighbours (particularly No 84 Walton Road) which is contrary to the aims and objectives of these policies. Furthermore the elevated position of these neighbouring properties will in turn result in an unacceptable overlooking intrusion to the development proposals, its private amenity space and windows which would harm the amenity of future occupants; contrary also to policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted Supplementary Planning Document 'Successful Place' - Housing Layout and Design and the wider National Planning Policy Framework.*
- 2. It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the Local Planning Authority that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guide section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment. It is therefore concluded that insufficient information has been provided to properly assess any potential risk posed by unrecorded coal mining legacy at the development site and therefore the proposed development does not accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS8 of the Chesterfield Local Plan: Core Strategy 2011-2031.*

- 3.4 CHE/17/00459/FUL - Re-Submission of application; CHE/17/00135/FUL - new dwelling on land adjacent to 82 Walton Road, including reconfiguring of boundary between 82 Walton Road and new dwelling along with new site crossover onto Delves Close.

Conditional permission granted 08/08/2017

- 3.5 CHE/20/00020/MA - Material amendment to CHE/17/00459/FUL (Erection of a dwelling on land adjacent to 82 Walton Road including reconfigure boundary between 82 Walton Road and new dwelling along with new vehicular access onto Delves Close) - amended plans received 06/03/2020

Conditional permission granted 30/03/2020

4.0 THE PROPOSAL

- 4.1 The application proposes the conversion of and extension of an existing double garage to form a new dwelling at the application site. The existing double garage has a footprint of 6.2 metres in width x 6.1 metres in depth. The existing double garage has a dual pitched roof with a maximum height of 4.6 metres. The eaves of the existing garage have a maximum height of 2.6 metres.
- 4.2 The application seeks to extend this existing garage, from the south west facing elevation by approximately 4.9 metres. This will result in the proposed dwelling being located approximately 12 metres away from the original dwellinghouse, known as no. 72 Walton Road.
- 4.3 The proposed extension to the existing garage will have dual pitched roof that will have a maximum height of 4.2 metres. The dual pitched roof will intersect the existing dual pitched roof of the garage. The eaves will have a maximum height of 2.5 metres.
- 4.4 The proposed new dwelling at the application site will have a single window in the north east facing elevation. This will be in the existing garage and will serve one of the two bedrooms. The window will look out to the boundary shared with no. 1 Delves Close however it is detailed to be obscurely glazed. A window to the second bedroom will be located in the south east facing elevation; this will be located where one of the existing doors to the garage will be located. The other garage door will be partially blocked to provide an access door to the dwelling. This window will look out to the driveway and Delves Close. Also in the south east facing elevation, bi-fold doors are proposed to be incorporated to provide access from the kitchen/lounge area to the garden area. No windows are proposed to be included in the south west facing elevation whilst one obscurely glazed window is to be located in the north west facing elevation. This will serve the bathroom to the proposed dwelling.
- 4.5 The proposed dwelling is to be finished in render on the walls (although the colour has not been specified) with artificial slate roof tiles. The windows and doors are to be grey upvc.

4.6 The application submission is supported by Drawing no's. P01, P02 Rev B, P03, P04, P05 Rev B, P06, P07, P08, a Design and Access Statement, an Energy Statement and a Coal Mining Risk Assessment.

5.0 PLANNING POLICY

5.1 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 Chesterfield Borough Local Plan 2018 – 2035.

5.4 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP20 Design
CLP22 Influencing the Demand for Travel

5.5 National Planning Policy Framework

Part 2. Achieving sustainable development
Part 4. Decision-making
Part 5. Delivering a sufficient supply of homes
Part 8. Promoting healthy and safe communities
Part 9. Promoting sustainable transport
Part 12. Achieving well-designed places
Part 14. Meeting the challenge of climate change, flooding and coastal change
Part 15. Conserving and enhancing the natural environment

5.6 Supplementary Planning Documents

Successful Places' Residential Design Guide

5.7 Other documents referred to

Technical housing standards – nationally described space standard (March 2015)

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is located within the built settlement of Walton ward in an area predominantly residential in nature. Having regard to the proposed development, policies CLP1, CLP2 and CLP20 of the Local Plan and the wider National Planning

Policy Framework (NPPF) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design "Successful Places" is also a material consideration.

- 6.1.2 Policy CLP1 (Spatial Strategy) states that "overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2...". When considering this application site, it is considered the location of the development proposed accords with this spatial strategy (CLP1) objective as the site is within walking distance of a centre, Chatsworth Road District centre is within a 10 minute (800m) walk. This guidance of what constitutes as 'walking distance' has been extracted from the adopted SPD "Successful Places" which indicates a local centre should be located between 600m and 800m walk. The SPD does however indicate that walking distances can be reduced according to various different factors- such as steep gradients and safety of the route. It is accepted therefore that the indicative time of 10 minutes may be extended as the application site located is located at the top of a incline that rises. Notwithstanding this however, the application site is considered to be located within a walkable neighbourhood. This was also noted by the **Strategic Planning Officer** who indicated that the application site has walking access to a "good range of key facilities and amenities in the vicinity of Chatsworth Road".
- 6.1.3 For clarification, CLP2 (Principles for Location of Development) part d) defines "key services" to be employment centres, primary schools, secondary schools, further education institutions, GPs, hospitals, food stores, town centres.
- 6.1.4 Policy CLP2 (Principles for Location of Development) requires that "Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:
- A) deliver on the council's spatial strategy (CLP1);
 - B) are on previously developed land that is not of high environmental value;
 - C) deliver wider regeneration and sustainability benefits to the area;
 - D) Maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
 - E) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;
 - F) utilise existing capacity in social infrastructure (CLP10) or are of sufficient scale to provide additional capacity, with on site or through contributions to off-site improvements.
 - G) ensure the long-term protection of safeguarded minerals relation infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;
 - H) are not on the best and most versatile agricultural land;
- 6.1.5 Having regard to the NPPF when considering the principle of development, the Framework excludes "land in built-up areas such as residential gardens, parks, recreation grounds and allotments" from the definition of 'previously developed land' (annex 2: Glossary). It could therefore be considered that the proposed development does not accord with the provisions of CLP2 b) as the application site is not considered

to be previously developed land. It is therefore considered necessary to consider Local Plan Policy CLP3 (Flexibility in Delivery of Housing). CLP3 states that “Planning permission will be granted for residential development on the site allocated on the Policies Map and as set out in Table 4, provided they accord with other relevant policies of the Local Plan. Outside of the built up area (as set out on the Policies Map), and subject to other relevant policies of the Local Plan, new residential development on sites not allocated in Table 4 will only be permitted where:..”.

- 6.1.6 It is therefore considered that as the application site is located within an established built up area (as set out on the Policies Map), the restrictions outlined in CLP3 do not apply in the consideration of this application. This is supported in the comments received from the **Strategic Planning Officer**.
- 6.1.7 To summarise, it is considered the application site is located within an established built up residential area that is sustainable due to the range of services that can be walked to- notably Chatsworth Road and the food store. The proposal would therefore concentrate new development in a sustainable location. This accords with CLP1 and CLP2 of the Local plan and the wider NPPF.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context 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.
- 6.2.2 The application is accompanied by cross sectional drawings which illustrate the scale and mass of the development in relation to the neighbouring property, no. 72 Walton Road. The cross-sectional drawing shows the frontage of the application site, when viewed from Delves Close. It is considered the proposed development will sit comfortably within the streetscene and is of appropriate scale and massing. It is accepted that a bungalow is not typical for the character of the area however as detailed in Section 3.2 – Relevant surrounding site history, application reference CHE/17/00459/FUL approved a dormer bungalow at the application site immediately opposite this site (located to the south east). It is therefore considered this proposal will have similarities with the approved scheme and will follow the transition of design. It is therefore considered the design of the proposed dwelling is acceptable given the previous surrounding site history and context of the application site.
- 6.2.3 It is not considered that the proposed development causes concerns for overlooking to the neighbouring properties nor opportunities for neighbouring properties to overlook into habitable rooms at the proposed dwelling. This is by virtue of strategically located windows and the use of obscure glazing. Most notably, the south west facing elevation (the elevation that presents to the rear of no. 72 Walton Road), does not include any windows. This is considered to be appropriate given the guidance in the SPD document. The SPD outlines minimum separation distances between facing habitable room windows on neighbouring dwellings, that would usually be expected. The dwelling proposed and the existing dwelling are separated by 12 metres. Therefore any windows

proposed in the south west facing elevation of the proposed development would not comply with the minimum separation distances (which would need to be 21 metres). Consequently no windows are proposed in this elevation. It is acknowledged however that this provides a poor relationship between the proposed dwelling and the outdoor amenity space which is located to the south west of the application site. A view from the proposed bifold doors will provide a view (and access) to the garden area however this will be a limited view to a small proportion of the garden space. In order to protect the privacy of the occupants of the proposed dwelling and no. 72 Walton Road, it is considered appropriate to remove permitted development rights to prevent a window being added to this south west facing elevation. This will be achieved through the imposition of a planning condition. A 1.8 metre high close boarded timber fence is proposed as a boundary treatment to the south west boundary of the application site. This will assist to create some privacy in the amenity space however given the elevated location of the existing property no. 72 Walton Road is accepted private amenity space will be limited.

- 6.2.4 The proposed two bedroomed dwelling is noted to have two double bedrooms which are smaller in size to what is outlined in the “Technical housing standards – nationally described space standard” document, however this LPA has not adopted the space standards and therefore this can only be used as a guide. The proposed bedrooms measure 8.75 square metres and 8.3 square metres - each below the recommended 11.5 square metres for a double room. Notwithstanding this, the bedrooms each comply with the minimum width standard.
- 6.2.5 The bedroom that is located to the north east, and therefore the rear of the application site, is noted to have an obscurely glazed window. Whilst this is not considered to be the most favourable design, should the window be transparent, the outlook would be to a boundary wall and the neighbouring property’s rear garden (no. 2 Delves Close). The boundary wall is located less than 1 metre from the window and therefore the window is considered to offer poor outlook if it were to be transparent. In addition, the window is less than 10 metres from the rear elevation of no. 2 Delves Close and it is therefore considered appropriate to have this window obscurely glazed and retained as such.
- 6.2.6 Similarly, the window to the bedroom at the front of the application site (which serves the smaller bedroom) is located in the south east facing elevation. Whilst it is considered this room will have a better outlook due to the window overlooking the drive and street, it is recognised that when a car is parked on the drive, the view will be limited. It is not considered the outlook from the bedroom windows is sufficiently poor for a reason of refusal – particularly as the windows do not cause overlooking concerns to the neighbouring properties.
- 6.2.7 It is therefore considered, through the use of appropriate planning conditions, the proposed development accords with Policy CLP14 and CLP20 of the Local Plan as the development proposed is considered to have an acceptable impact on amenity of adjoining occupiers through appropriate design which responds to the character of the application site.
- 6.2.8 In respect of the overall scale of the proposed development, it is accepted that the character of properties along Walton Road is of typically larger plots with longer

gardens and this development would deviate away from this design, and indeed reduce the characteristic longer garden of no. 72 Walton Road. However, given the approval of a bungalow immediately opposite this application site, and the typically smaller gardens of the properties on Delves Close, it is not considered that a refusal of planning consent would be justified on this basis. In addition, both dwellings would retain a reasonable proportion of outdoor amenity space. The SPD requires that two bedroomed dwellings have a minimum of 50 square metres – this application site would retain approximately 70 square metres of outdoor amenity space. Number 72 Walton Road would retain approximately 80 square metres- which exceeds the 70 square metres recommended in the SPD document.

- 6.2.9 The development proposed is detailed to be finished in render with artificial slate roof tiles. Exact material specifications and colours have not been detailed in this application and therefore it is considered appropriate to request such details to be provided. A planning condition imposed on any decision granted can ensure details for the external materials are provided. This will ensure the materials to be used are appropriate for the context of the application site.
- 6.2.10 It is therefore considered that the proposal is appropriate to the existing building and its surroundings and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.3 Residential Amenity

- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The proposed new dwelling will be extended from an existing garage at the application site. The proposed dwelling therefore results in a structure of approximately 4.9 metres extending along the north west boundary of the application site. This will therefore be along the south east boundary of the neighbouring property, no. 70 Walton Road. Whilst it is recognised the proposal will result in built structure along this south east boundary, it is not considered the proposal would result in a negative impact to this property.
- 6.3.3 The proposed structure adjacent to this shared boundary is considered to be predominantly obscured from view due to the mature boundary hedge along the application site. This hedge is formed of a mixture of evergreen and deciduous plants and is on the neighbouring properties land and so in their control.
- 6.3.4 In addition, whilst it is accepted that the structure will be located adjacent to a south east facing boundary of no. 70 Walton Road, it is not considered the proposed development will result in significant overshadowing to the amenity area of the neighbouring property. It is accepted that the existing hedge along this south east boundary will already cast some overshadowing to the rear garden area and therefore the impact of the proposed structure is considered to be negligible.

- 6.3.5 Due to the works proposed as a result of the development, it is not considered that the amenity of no. 2 Delves Close will be impacted on. The garage is already in situ at the application site and therefore there presents no changes to this boundary in terms of loss of light or overshadowing.
- 6.3.6 It is accepted however that the proposed development does result in the reduction of size of the amenity space of the existing dwelling, no. 72 Walton Road. The loss of this private amenity space totals approximately 103 square metres and results in no. 72 Walton Road retaining approximately 80 square metres of amenity space. As set out in the adopted SPD, this provision is considered to be acceptable for a 3-bedroom home (which no. 72 Walton Road is detailed to be).
- 6.3.7 It is not considered that the neighbouring properties located to the south east of the application site will be impacted negatively as a result of this proposed development. The proposed dwelling is located north of these properties and therefore no concerns regarding overshadowing or loss of light are raised.
- 6.3.8 On this basis the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

6.4 Noise and nuisance

- 6.4.1 Having regard to the provisions of CLP14 (A healthy environment), the policy states that all development is required to have an acceptable impact on the amenity of neighbours and shall take into account noise and disturbance. The application was therefore referred to the **Environmental Services team (EHO)** to comment.
- 6.4.2 The EHO raised no objections to the proposed development but did request that the standard working hours condition be imposed on any decision granted. This is to protect the neighbouring residential properties from noise disturbance at unacceptable times.

6.5 Highway Safety

- 6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 6.5.2 Comments have been received from the **Local Highways Authority** as follows:
“No objection subject to an adequate number of off-street parking spaces, for both the existing and proposed dwellings, being maintained clear of any obstruction to their designated use. In order to comply with current recommendations, parking spaces should be of 2.4m x 5.5m minimum dimension with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.”
- 6.5.3 It is noted that the original dwellinghouse has off street parking provision for a minimum of no. 4 vehicles; these being located at the front of the application site, and therefore to the south west and in front of the existing garage at the application site. These spaces will be accessed from Walton Road and Delves Close respectively. The application form is also submitted with a plan (P02 Rev B) that indicates no. 3 off street parking

spaces to be provided at the application site however the third space is located adjacent to the dwelling and measures 2.4 metres in width. This does not comply with the space sizes required from the Highways Authority, which require an additional 0.5 metres in width when adjacent to a barrier- such as a dwelling. Notwithstanding this, as no. 72 Walton Road is of an age that the LPA does not control the off street parking provision, the proposal of no. 2 off street parking spaces to be accessed from Walton Road are considered to be acceptable for this property.

- 6.5.4 The proposed dwelling is detailed to provide no. 2 off street car parking spaces; each of which measure 5 metres x 2.6 metres. The access for both spaces is already established due to the garage at the application site. The provision of no. 2 off street parking spaces is considered to be acceptable and given the identified sustainable location of the application site, adequate for the proposal.
- 6.5.5 Although not requested by the Highway Authority, it is considered reasonable to restrict the use of gates across the parking area for the proposed bungalow as gates would obstruct the use of the driveway given the limited dimensions.
- 6.5.3 In conclusion, it is considered the proposal details the provision of adequate off road parking provision and both dwellings are considered to have appropriate parking provision that complies with current standards. Therefore, subject to complying with the recommended condition that restricts the use of gates at the proposed bungalow, the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.6 Biodiversity including trees and landscaping

- 6.6.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.6.2 The application site is currently part of the rear garden of no. 72 Walton Road, and the garage to this property. As a result, part of the application site is an established garden area that is laid to lawn with shrub planting to the perimeter and a hedge along the north west boundary. It is noted that the proposal will result in the loss of approximately 29.9 square metres of lawn area for the extension to the existing garage to form the dwelling.
- 6.6.3 Comments received from the **Strategic Planning Officer** note that:

“The submission should demonstrate that a net gain in biodiversity will be achieved. Applicants can use a recognised calculation tool (such as DEFRA’s Biodiversity Metric 2.0) to calculate a baseline for the site alongside a forecast of losses and gains. The CIEEM Good Practice guidance document recommends potential measures on smaller, low impact sites measures to enhance biodiversity may include:

- *the use of species rich native hedgerows as boundary features*
- *bird and bat boxes and bug hotels*
- *garden boundaries with small gaps to allow small animals to move between them.*

A landscaping or biodiversity net gain plan should be provided (before a decision is made on the application) to demonstrate the positioning and type of net gain measures to be implemented. The agreed biodiversity measures will need to be secured by condition.”

- 6.6.4 It is considered disproportional for this LPA to request a landscaping/biodiversity net gain plan prior to a decision being made on this application due to the scale of the development proposed. Furthermore, due to the existing garage at the application site forming part of the proposed development, the development required to facilitate the scheme is limited in size and scale to the extension of the existing building. In addition, the application site as previously noted forms part of a residential garden that benefits from shrub planting and lawned area. It is considered reasonable and appropriate to require a report following a decision to grant conditional planning consent to be submitted. The report should be required to be submitted prior to any works commencing on site and should detail the existing site landscaping and biodiversity value, as well as proposed landscaping and biodiversity net gain measures to be implemented at the application site as part of the scheme.
- 6.6.3 Subject to the compliance with the condition imposed, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 **Climate Change**

- 6.7.1 Having regard to the need to address the changing climate (Section 6 of the Local Plan), this LPA is committed to ensuring carbon emissions are minimised. CLP20 (Design) states that major development should, as far as feasible and financially viable, minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy.
- 6.7.2 The application is accompanied by an Energy Statement that indicates the applicant aims “*to meet at least 10% reduction in emissions below current Building Regulations.*” This is accompanied by a statement as to how this will be achieved including measures such as upvc triple glazing throughout, A+ rated combination boiler, loft insulation of 250mm thickness and low voltage LED lighting throughout the proposed property.
- 6.7.3 The above measures are noted and welcomed to be incorporated in the proposed and the indicated 10% reduction is encouraged however as the development is not a major development, it is not reasonable of this LPA to enforce these energy reduction measures or impose such through the use of planning conditions.
- 6.7.4 In addition to the above measures, CLP13 (Managing the water cycle) states that “development proposals will be expected to demonstrate that water is available to

support the development proposed and they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.”

- 6.7.5 Given the specific requirements of a planning condition to secure this through building regulations, a condition will be imposed on any decision granted to ensure the development proposed does comply with this Building Regulation of water efficiency.

6.8 Ground conditions and contamination including air quality

- 6.8.1 In respect of land contamination, and in regards to CLP14 (A Healthy Environment), the application was accompanied by a Coal Mining Risk Assessment (CMRA) which was referred to the Coal Authority for consideration. This is necessary as the application site lies within an area that is considered to be high risk from mining legacy and other associated risks. The Coal Authority responded as follows:

“I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Our records indicate that the site is in an area of recorded and likely unrecorded coal mine workings at shallow depth.

The planning application is supported by a Coal Mining Risk Assessment, dated 1 December 2020 and prepared by Geoinvestigate Ltd. This report has been informed by a range of sources of information.

Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment is able to conclude that there is a potential risk posed to the development by past coal mining activity. The report authors therefore recommend that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

The Coal Authority Recommendation to the LPA

This is our recommendation for condition wording, although we appreciate that you may wish to make some amendment to the choice of words.

1. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to

*establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.”

6.8.2 On the basis that the Coal Authority has no objections to the proposed development, subject to the imposition of conditions to secure the above, it is considered appropriate to apply these conditions to any consent granted.

6.8.3 Having regard to CLP14, (A Heathy Environment) and the need for developments to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality, the **EHO** also requested that provision for an on site electric vehicle charging point be installed as part of the build phase of the proposed development. Given the national Government target for all new vehicles to be zero emission by 2030, it is considered prudent to include this condition on any decision granted.

6.9 Developer contributions

6.9.1 In April 2016, this LPA adopted a Community Infrastructure Levy (CIL) charge; all new dwellings are subject to this levy. The CIL tariff is separated into low, medium and high zones and this site is located within the high zone. A charge therefore would be calculated on the high zone rate of £80 per square metre (index linked).

6.9.2 The CIL charging figure has been calculated as below:

			A	B	C	D	E
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Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permi-ssion)	Index (charging schedule)	CIL Charge
Residential (C3)	55	0	55	£80 (High Zone)	333	288	£5,087

Calculation:

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

6.9.3 On the basis of the above, a CIL liability notice will be issued concurrent with the issuing of a decision notice.

6.10 Flooding and drainage

6.10.1 Having regard to CLP13 (Managing the water cycle) of the Local Plan, the application was referred to **Yorkshire Water Services (YWS)** and the Council's **Design Services (DS)** team for comments regarding flood risk and drainage.

6.10.2 No comments have been received from YWS but the DS team have responded with 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 foot of the site where the existing garage is currently situated. Yorkshire Water must be consulted regarding this, as a Building Over Agreement or easement may be required.

It is noted that soakaways are to be used as a means of surface water disposal. Percolation tests of the subsoils must be carried out and sizing calculations provided, to ensure that these would be suitable for use at this site. These should be carried out in accordance with BRE Digest 365 to ensure no flooding occurs during a 30 year storm and no flooding occurs during a 100 year storm.

Any new drainage for the proposed dwelling or any amendments to the existing drainage may require Building Control approval.

Any new connections to the public sewerage system will require prior consent from Yorkshire Water."

6.10.3 The comments from the DS team have been noted and on reflection it is considered necessary to impose a condition that requires information of the percolation tests to be submitted to the LPA for consideration, prior to works commencing at the application

site. The applicant shall be advised of the existing public sewer, as well as the need to seek Building Control approval and YWS consent before making alterations to the drainage/ connecting new connections.

7.0 REPRESENTATIONS

7.1 The standard period of consultation has been carried out for this application and one representation has been received as a result.

7.2 The representation from 2 Delves Close raised issues regarding vehicle parking and road safety and the drainage proposed at the application site.

7.3 Officer comments

It is considered this report has addressed the concerns surrounding highway matters in **Section 6.5** of this report whilst comments regarding drainage have been addressed in **Section 6.10** of this report.

8.0 HUMAN RIGHTS ACT 1998

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

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

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.2 The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the scheme including parking and manoeuvring space on the site in order to achieve a positive outcome for the application.

10.0 CONCLUSION

10.1 Overall the proposal is considered to be acceptable in accordance with policies.... of the Local Plan.

11.0 **RECOMMENDATION**

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

11.2 **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- P02 Rev C – Proposed site plan – 1:200 – Nov 2020
- P04 – Proposed floor plans 1:100 @ A4 – Nov 2020
- P05 Rev B – Proposed elevations 1:100 @ A4 – Nov 2020
- P07 – Proposed site sections 1:200 @ A4 – Nov 2020
- P08 – Delves Close Street View 1:200 @ A4 – Nov 2020

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

3. No development shall commence until;
- a. A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by part coal mining activity; and
 - b. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason- This condition is imposed in order to enable appropriate investigation, remedial and mitigatory measures to be identified and carried out before building works commence on site. This condition is also in accordance with CLP14 and the NPPF.

4. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - This condition is imposed in order to enable appropriate investigation, remedial and mitigatory measures to be identified and carried out before building works commence on site. This condition is also in accordance with CLP14 and the NPPF.

5. Prior to the ordering of external materials to be used at the application site, precise specifications or samples of the proposed materials shall be submitted to the Local Planning Authority for consideration. Only the materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - This condition is imposed in order to ensure that the proposed materials of construction are appropriate for the use in this development. This condition is also in accordance with CLP20.

6. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - To ensure that the development can be properly drained and in the interest of satisfactory and sustainable drainage. This condition is also in accordance with CLP13.

7. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of the proposed soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. The submitted landscaping scheme shall take account of retained hedges on site and shall provide details regarding biodiversity net gain measures to be incorporated at the application site. The approved landscaping scheme shall be carried out and implemented as approved prior to the occupation of the dwelling.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole. The condition is also in accordance with CLP16.

8. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason- In the interests of residential amenities and in accordance with CLP14.

9. The development hereby approved shall not be occupied until the optional requirement for water consumption (110 litres water use per person per day) in Part G of the Building Regulations have been complied with.

Reason - To protect the water environment in accordance with policy CLP13 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

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

Reason – In the interests of the amenities of occupants of the neighbouring dwellings and in accordance with CLP14 and CLP20.

11. The window located in the north east facing elevation serving the rear bedroom shall be obscurely glazed to a minimum obscurity of Pilkington Level 4 prior to the occupation of the dwelling hereby approved and be retained in perpetuity thereafter.

Reason – In the interests of the amenity of the neighbouring occupants and in order to comply with CLP14.

12. The window located in the north west facing elevation serving the bathroom shall be obscurely glazed to a minimum obscurity of Pilkington Level 4 prior to the occupation of the dwelling hereby approved and be retained in perpetuity thereafter.

Reason – In the interests of the amenity of the neighbouring occupants and in order to comply with CLP14.

13. There shall be no gates or other barriers to the driveway of the approved dwelling.

Reason - In the interests of highway safety and in accordance with CLP20.

14. A residential charging point shall be provided for the new dwelling as shown on site plan no. JJ00298/3A received 13.12.2020 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 point 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 Policy CLP14 and CLP22 of the Adopted Local Plan 2020.

11.3 Informative Notes

1. The Local Planning Authority have during consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the scheme proposed in order to achieve a positive outcome for the application. (amend as required)
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
4. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. A public sewer is shown to cross the foot of the site where the existing garage is currently situated. Yorkshire Water must be consulted regarding this, as a Building Over Agreement or easement may be required.
6. Any new drainage for the proposed dwelling or any amendments to the existing drainage may require Building Control approval.
7. Any new connections to the public sewerage system will require prior consent from Yorkshire Water.