

Item 2

**PROPOSAL: ERECTION OF A SINGLE DWELLING WITH ACCESS OFF
ERRINGTON ROAD on LAND TO THE REAR OF 92 FOLJAMBE AVENUE,
WALTON, CHESTERFIELD.**

1.0 **CONSULTATIONS**

Ward Members:	3 comments received from local councillors, all objections
Local Highway Authority:	No objection subject to conditions related to visibility, adequate parking, gates and incline of drive.
Chesterfield Design Services:	No objection, subject to separate drainage systems utilised.
Environmental Health:	No objection subject to conditions related working hours and air quality.
Coal Authority:	Fundamental Concern, as no coal mining report provided.
Forward Planning:	No objection subject to conditions related to water efficiency, electric charging and biodiversity net gain.
Representations:	28 objections received from the residents of 27 separate local residences. See Report.

2.0 **THE SITE**

- 2.1 The application site presently forms part of the rear garden curtilage to no. 92 Foljambe Avenue within an area which is exclusively residential in nature.
- 2.2 The site lies directly adjacent to the western end of Errington Road. Immediately adjacent to the site's southern boundary is a footpath which runs east to west linking Errington Road with Foljambe Avenue.
- 2.3 The site measures approximately 20 metres in length by 8 metres in width and measures 0.016 hectares. The application site's northern and southern boundaries kink slightly in line with the extent of the existing residential curtilage.
- 2.4 The site is bound to the north by an approximately 1.8 metre to 2 metre high hedgerow and to the south has a 1m high wooden fence, but prior to this a hedge was on this boundary. The site's western boundary has a 2m high wooden fence. The site's eastern boundary is open to the road and has a 2.5-3m high fence in place with the neighbour at no.29 Errington Road. The applicant has already subdivided the garden curtilage of the existing dwelling with a 2 metre high close-boarded fence to create and separate the plot of land subject to this application.
- 2.5 With regard to land levels the site itself is relatively flat with only a slight drop in levels from the host dwelling to the eastern boundary.
- 2.6 The western end of Errington Road that would access the site is used for parking along the southern side and western end by local people, and has several driveways off it.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/16/00101/OUT - Outline application for a two storey detached dwelling – Refused – 12/04/16

3.2 This application was at outline application with all matters reserved and the only drawing provided was a site plan: The application was refused permission for the following reasons:

- 1) The properties along Foljambe Avenue follow a fairly regular built footprint where there is a reflective consistency between the positioning of each dwelling, the length of the rear gardens and

their relationship with the properties along Gilbert Avenue and Errington Road. In the opinion of the Local Planning Authority, the erection of a two storey dwelling on the application site would significantly erode this established pattern of development in the area. Whilst it is acknowledged that the size, layout and nature of the properties on Gilbert Avenue and Errington Road contrast with those on Foljambe Avenue, it is considered that the limited size and shape of the application site, in combination with half of the site frontage overlapping the front boundary of no. 29 Errington Road, would render the proposal a cramped in and incongruous form of development to the detriment of the character and appearance of the area. Accordingly, this application is considered to conflict with the design objectives of Policy CS18 of the Chesterfield Borough Local Plan: Core Strategy (2013) and the advice contained within the Council's SPD 'Successful Places' (2013) and the NPPF, in particular Chapter 7.

2) In the opinion of the Local Planning Authority, the application site is of an insufficient size and shape to accommodate a two storey dwelling whilst adequately protecting the neighbouring residential amenity. In seeking to meet the required space standards for distance between dwellings and private amenity space would result in a dwelling being located close to the eastern boundary with Errington Road which would lead to an unacceptable impact on the residential amenity of no. 29 Errington Road through loss of sunlight and a massing effect. In addition, a two storey dwelling on the narrow site would result in a significant massing and overshadowing effect on the rear garden of no. 90 Foljambe Avenue and a likely loss of privacy to adjoining properties on Foljambe Avenue through the first floor window arrangement. Accordingly, the proposal is contrary to the requirements of Policy CS18 of the Core Strategy (2013) and the advice contained within the Council's 'Successful Places' SPD (2013) and the National Planning Policy Framework (2012).

3) Whilst the frontage width adjacent to the highway technically provides sufficient vehicular access to the site, the approach to it from Errington Road would be at an unconventional angle across the footpath that surrounds the cul-de-sac and close to the end of a footpath that links Errington Road with Foljambe Avenue. The Local Planning Authority considers that this situation is unacceptable in terms of pedestrian safety which is exacerbated as the site is too constrained to provide space within the site to exit

in a forward gear. As there is no turning facility provided at the end of Errington Road a vehicle leaving the property will have to complete an excessively long reversing manoeuvre into Gilbert Avenue. This is considered inappropriate bearing in mind the relatively high level of pedestrian activity in the vicinity owing to the location of a public footpath between nos. 92 and 94 Foljambe Avenue. Accordingly, the proposal is considered contrary to the requirements of Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy (2013) to the detriment of pedestrian and highway safety.

4) In the opinion of the Local Planning Authority, the narrow plot and the need to provide adequate distances between dwellings and the garden standards, it is unlikely that any more than one off-street parking space would be possible resulting in the likelihood of on-street parking to the further detriment of highway safety concerns identified above. Accordingly, the proposal is considered contrary to the requirements of Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy (2013) to the detriment of pedestrian and highway safety.

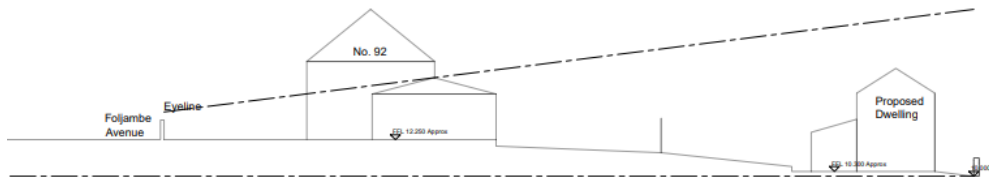
5) The application site is located within a defined Coal Mining Development High Risk Area where records indicate that there are coal mining features and hazards within the application site and surrounding area. The application has not been accompanied by a Coal Mining Risk Assessment Report to address any risks posed by past coal mining activity. It has therefore not been demonstrated that the application site is safe, stable and suitable to accommodate the proposed development, in accordance with Policy CS8 of the Chesterfield Local Plan: Core Strategy (2013), the national planning guidance contained within paragraphs 120 and 121 of the National Planning Policy Framework (2012), and section 45 of the National Planning Practice Guidance.

4.0 **THE PROPOSAL**

4.1 Outline planning approval is sought to erect a detached dwelling within the rear residential curtilage of no. 92 Foljambe Avenue.

4.2 This application includes details of access making it clear that this would come from the western end of Errington Road but all other matters are reserved for subsequent consideration and approval.

4.3 The below drawings have been provided as part of the application:



4.3 Within the application form the description proposes a single dwelling, with no details of bedroom numbers or house storeys, but further in the form the applicant/agent has ticked the box which states that they're applying for a 2 bedroom dwelling. They have also stated that they're applying for a 2 bedroom dwelling in the supporting statement. The submission states that the scheme can provide 68 sqm of rear amenity space.

4.4 Due to the lack of further information many aspects of this application have to be assumed. Such as the number of parking spaces on site and how these would be accommodated into the wider scheme. From the above drawings the whole frontage is shown to be two storeys in height with a car port to the side to allow vehicles to pass through and park under. It would also have a single storey section to the rear (as supported by the cross section drawing).

4.5 No further information has been provided which shows its relationship with dwellings on Errington Road, with regards height or scale.

4.6 This application is different from the previously refused scheme in the sense that a two storey dwelling has not been applied for in the description, but it is implied from the drawings that this is what the intention is. Access would also be from Errington Road as there is no other way to enter the site. It is considered that the proposal is very similar to the scheme received in 2016. No coal mining report has been provided as part of this application.

5.0 **CONSIDERATION**

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.

5.2 **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

5.3 **National Planning Policy Framework (2019)**

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

5.4 **Supplementary Planning Documents**

Successful Places' Residential Design Guide

5.5 **Principle of Development**

5.5.1 The Council's Forward Planning Team provided these comments on the scheme:

As a location within the urban area, the principle of a single dwelling in this broad location is in accordance with the adopted Local Plan policies CLP1 and CLP2 – there are a range of key services within a reasonable walking distance.

The application is in outline only with all matters reserved other than access. The design criteria in policy CLP20 should be taken into account only to the extent that they are relevant at this stage. Under policy CLP20(g and h) development should provide safe vehicle access and parking and a safe, convenient and attractive environment for pedestrians.

The application is in outline only at this stage, but if permission is granted conditions will need to be put in place relating to:

- Electric Vehicle Charging (CLP22)*
- Application of the higher optional water efficiency standard (CLP13)*
- Biodiversity Net Gain (CLP16)*

5.5.2 The proposed development site is situated within walking distance from key services and is located on land that is currently utilised as residential curtilage. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and adheres to the policies CS1, CS2. Other aspects of the scheme are considered below.

5.6 **Residential Impact**

5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

- 5.6.2 The Council's SPD advises that the separation distances between the rear elevation of two dwellings directly facing one another should be 21 metres, that first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5 metres to the boundary of an adjoining residential garden, and that a modest 1 or 2 bedroom dwelling should have an outdoor amenity space of 50 sq. metres. These standards seek to protect the amenity of both existing dwellings and the amenity of the proposal in terms of overlooking and that they seek to provide a reasonable level of outdoor amenity space. Whilst this is guidance with some element of flexibility, it is considered that the standards should be met in this instance, particularly as the site comprises land which is not previously developed (garden land) and lies within an established residential area. In this case the application is applying for a 2 bedroom scheme but this is dependent on the details of a future reserved matters application.
- 5.6.3 Bearing in mind the above standards, a modestly sized dwelling (i.e. based on the size of the existing host dwelling) would inevitably be positioned within close proximity (some 2-3 metres) of the eastern boundary with no. 29 Errington Road and the public highway. In this regard, it is considered that the proposed two storey dwelling would have a detrimental impact on the amenity of no. 29 Errington Road in terms of massing and overshadowing effects. It would be positioned directly to the south of the lounge and bedroom windows of this dwelling, which would then have significant levels of overshadowing in the afternoons. In addition, the proposal would have a significant adverse impact on the amenity of no. 90 Foljambe Avenue in terms of the massing effect caused by the erection of a two storey building tight up to the boundary and, as a result a significant loss of sunlight, particularly as the proposal is on the southern side of the rear garden curtilage to no. 90.
- 5.6.4 Notwithstanding an achievement of the 21 metre garden depth in a detailed proposal, owing to the relatively narrow application site, the first floor windows would inevitably cause an unacceptable loss of privacy to both nos. 90. 92 and 94 Foljambe Avenue, particularly into the private amenity space to the rear of those properties. Due to the angle of the proposed dwelling and site levels the overlooking impact would be considered worst to the rear garden of the existing dwelling and no.94.

5.6.5 On the basis of the above, despite the outline nature of the application, it is inevitable that a two storey dwelling on the plot would conflict with the requirements of Policies CLP14 and CLP20 of the Local Plan and the advice contained within the 2019 NPPF (paragraph 127) which states that planning decisions should ensure that developments have a “high standard of amenity for all existing and future users” and chapter 3.11 (Amenity) of the Council’s SPD ‘Successful Places’.

5.7 **Design and Visual Impact**

5.7.1 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.

5.7.2 The application has been made on an outline basis with most matters reserved for future consideration. As such, it is not possible to assess the detailed design of the proposal at this stage. That said, a two storey dwelling is proposed and the extent and context of the application is known.

5.7.3 The properties along Foljambe Avenue follow a fairly regular built footprint, where there is a reflective consistency between the positioning of each dwelling, the length of the rear gardens and their relationship with the properties along Gilbert Avenue and Errington Road. In this context, it is considered that the proposal in the rear of no. 92 will interrupt the consistency in length of the rear gardens along this particular section of Foljambe Avenue which will in turn interrupt the open character and definitive division between the built footprint along Foljambe Avenue and the built footprint along Gilbert Avenue and Errington Road. Approval of such a development is likely to result in a proliferation of properties along Foljambe Avenue (particularly in the rear garden of no. 94) looking to divide their existing garden spaces for similar development proposals to the further erosion of the regular pattern of development in the area.

5.7.4 Notwithstanding the above, it must be acknowledged that there is a clear contrast between the pattern of development on Errington Road/Gilbert Avenue in comparison to Foljambe Avenue.

However, as well as not integrating with the pattern of development on Foljambe Avenue, it is considered that the proposal would also appear as a cramped form of development when viewed from Errington Road, not least through the frontage of the proposal overlapping the front garden curtilage to no. 29 Errington Road. The proposal is considered to be contrary to the Council's SPD 'Successful Places' which advises, inter alia:

- Developments should create places of character based upon an appreciation of the site and surrounding area, responding positively to its natural and built context (para 3.5.1), and
- Developments should support local distinctiveness by taking the opportunities available to integrate the proposal into the site, its setting and the way it relates to the local area (para 3.5.8).

5.7.5 As discussed in detail in later sections of this report, the size of plot also places a significant restriction on the positioning of any dwelling considering the need to provide a safe and adequate level of off-street parking and meet the required garden standards to avoid an adverse impact on neighbouring amenity. In this context, there are not considered to be any options available to position a two storey dwelling on the application site in order to avoid a cramped appearance.

5.7.6 Accordingly the proposed scheme would be likely to appear out of keeping and incongruous in the street scene, and harmful to visual amenity, which is contrary to the Council's Supplementary Planning Document 'Successful Places' (section 3.16 Building Design), Policy CLP20 of the Chesterfield Borough Local Plan and paragraph 130 of the revised National Planning Policy Framework.

5.8 **Highways Issues**

5.8.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety.

5.8.2 The proposal includes access from Errington Road as part of this application. This part of the road is utilised for parking along the southern side and western end by local people, which results that the street is often a one lane road. It is unclear how this site would be accessed by construction and delivery traffic, as due to the

layout of Gilbert Avenue and Errington Road the area is sensitive to increased parking levels and larger vehicles to the area accessing the site.

- 5.8.3 The Local Planning Authority has consulted with Derbyshire County Council's Highways Authority on the scheme and they did not object to the proposal, subject to conditions related to visibility, adequate parking space provided, gates and an acceptable gradient of the drive. For context on this application, the Highway Authority has not visited the site (for covid reasons) and they haven't commented on any further details of the proposal, such as the lack of visibility when leaving the site due to the lack of ownership of the majority of the eastern boundary, lack of turning on site and evidence of how this part of Errington Road is used for parking at present. No discussion has occurred on pedestrian safety either. As no in-depth comments/discussion have been provided it is unclear if this has occurred, and what weight should be given to these comments, if any.
- 5.8.4 The parking spaces provided on site allow space for 2 vehicles, which in theory is an acceptable level of parking spaces for a 2 bedroom dwelling. This depends on the size of the space offered and its surroundings. The space would be 9.6m in length by 2.6m in width and it would have a boundary treatment on either side (solid walls from the dwelling to the north and south). The parking space size standards for open sided spaces is 4.8m by 2.4m, as these allow space for door opening to either side. Within the conditions listed by the highway authority they stipulate that parking spaces should be increased in width by 0.5m per side when there is a bounded wall, which ensures that the spaces provided in this situation should be 3.4m in width, which is similar to the standards required of garages (3m minimum). These spaces shown on the indicative plan fall below these requirements and are not considered to be practical or acceptable. It is accepted however that the dimensions of parking spaces on site can be a details dealt with at a later stage.
- 5.8.5 Approximately half of the eastern boundary of the application site lies directly adjacent to both the front garden of no. 29 Errington Road and half adjacent to the public highway. Whilst the width of 3.5 metres adjacent to the highway technically provides sufficient vehicular access to the site, due to the proposed indicative site layout only 2.8 - 3m would be utilised, as this would enter the car

port area. The approach to that point would be at an angle across both the footpath that surrounds the cul-de-sac and the end of a footpath that links Errington Road with Foljambe Avenue. This situation is unconventional and is considered unacceptable especially bearing in mind the limited space to manoeuvre into the site owing to the likely position of the dwelling close to the eastern boundary of the site.

- 5.8.6 Moreover, as a result of the need to drive across the footpath, the above concern is exacerbated as the site is too constrained to provide space within the site to exit in a forward gear. As there is no turning facility provided at the end of Errington Road (outside no. 29), a vehicle leaving the property will have to complete a relatively long reversing manoeuvre into Gilbert Avenue or into the site. This is considered an excessive manoeuvre especially bearing in mind the relatively high level of pedestrian activity in the vicinity owing to the location of a public footpath between nos. 92 and 94 Foljambe Avenue.
- 5.8.7 One of the issues raised by local residents has been the impact of the proposal on users of the ginnel/jinny/snicket in-between Errington Road and Foljambe Avenue, as this would introduce a 2m wall/fence along this boundary as well as the two storey side wall of the dwelling, which would be an intensification of the built form of the area. As stated above, it would also introduce a potential negative impact on highway safety in the area, with vehicles potentially leaving the site with poor levels of pedestrian visibility and highways visibility and putting pedestrians at risk.
- 5.8.8 Accordingly, it is considered that the only access arrangements possible are unacceptable from a highway safety perspective despite the lack of an objection from the Highway Authority. In addition, the constrained nature of the site presents a difficulty in attaining the required level of adequate sized parking provision further exacerbating the highway safety concerns as on-street parking is likely to be necessary. The proposal therefore conflicts with the requirements of Policy CLP20 of the Local Plan which seeks the provision of adequate and safe vehicle access and parking (criteria g) and a safe, convenient and attractive environment for pedestrians and cyclists (criteria h), as well as CLP22, in relation to the scheme's negative impact on *“(t)he likelihood that any existing on-street parking problems in terms of*

highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse”.

5.9 **Biodiversity**

5.9.1 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”.

5.9.2 No information has been provided in this regard. As the LPA has access to previously photographed evidence of the site, google streetview and evidence from local residents, it is clear that an existing mature hedge and other greenery on site has been removed prior to the submission of this application. It is unclear how/if the applicant would propose to replace this, but due to the constrained site and existing issues in providing adequate levels of parking and residential amenity on site, it is unclear how they would replace a mature hedge in terms of biodiversity loss. This issue would be addressed at a reserved matters stage normally, and this ensures that this issue will not be a refusible matter on the outline application.

5.10 **Developer Contributions**

5.10.1 The Council’s CIL Officer reviewed the application and highlighted that the site falls within the high charging zone. The CIL liability would be calculated at the reserved matters stage, based on proposed floorspace in the event that a detailed scheme were to be submitted.

5.11 **Coal mining risk**

5.11.1 The application site falls within the defined Development High Risk Area as confirmed by the Coal Authority.

5.11.2 The Coal Authority records indicate that 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, specifically likely historic unrecorded underground coal mine workings at shallow depth.

- 5.11.3 The Coal Authority subsequently objects to the planning application, as no Coal Mining Risk Assessment Report, or equivalent, has been submitted as part of the application.
- 5.11.4 It is a requirement of the National Planning Policy Framework, paragraph 178 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore objects to this proposal.
- 5.11.6 Accordingly, the proposal is considered to conflict with the requirements of Policy CLP14 (A Healthy Environment) of the Local Plan and the advice contained within paragraphs 178 of the NPPF (2019) as there is no evidence to confirm that the development is appropriate in this location taking account of ground conditions and land instability.

5.12 **Flood Risk**

- 5.12.1 The site is not known to be at risk of flooding. CBC's drainage team have requested that the scheme would be developed using separate foul and surface water systems.
- 5.12.2 The planning system does not consider the capacity of local infrastructure such as drainage and water supplies as part on minor applications.

6.0 **REPRESENTATIONS**

- 6.1 The application has been advertised via a site notice and letters sent to surrounding local residents; these comments have been received.
- 6.2 28 comments have been received regarding the proposal from the residents of 27 different local residences generally on Errington Road, Foljambe Avenue and Gilbert Avenue and all of which object

to the proposal. The reasons for objection are impact of pedestrian safety (in particular the users of the footpath to Foljambe Avenue), the dwelling being out-of-keeping with other dwellings in the area and general character of the area, impact on parking in the area to the rear of the site, no ability for future residents to leave site in forwards gear, overdevelopment of site, unsafe vehicular safety during construction phase, unsafe vehicular movement into/out of site as no way to ensure vehicles travel in a forwards gear, increased traffic in area, impact on character of area by infilling this undeveloped garden, garden grabbing, having an overgrown garden is not a good reason for a dwelling to be sited in this location, large vehicles will not be able to access the site, the scheme sets a precedent for the area, existing parking situation on this part of street would impact safe and easy passage of residents from new dwelling, the existing gitty/ginnel will be negatively impacted the scheme, impact view from no.29 Errington Road, impact on privacy and impact view of residents of Foljambe Avenue, impact on nature diversity and water drainage, impact on sewerage infrastructure and the submitting of incorrect information in regards the removal of trees/hedges on site.

6.3 The above issues will be considered in the report.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

- The interference impairs as little as possible the right or freedom

7.2 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.

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

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

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

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

9.0 **CONCLUSION**

9.1 The proposed scheme is considered acceptable in principle terms, due to its location in a residential area and access to local amenities. In relation to highway and pedestrian safety, land stability, design and residential amenity the proposed development is considered contrary to policies CLP14, CLP20, CLP22 of the Local Plan and the NPPF.

10.0 **RECOMMENDATION**

10.1 To refuse permission for the following reasons:

1. 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 paragraph 178 of the National Planning Policy Framework and the provisions of policy CLP14 of the Chesterfield Borough Local Plan 2018-2035.

2. The erection of a two storey dwelling on the application site would significantly erode this established pattern of development in the area on Foljambe Avenue. The limited size and shape of the application site, in combination with half of the site frontage overlapping the front boundary of no. 29 Errington Road, would render the proposal a cramped and incongruous form of development to the detriment of the character and appearance of the area. Accordingly, this application is considered to conflict with the design objectives of Policy CLP20 of the Chesterfield Borough Local Plan and the advice contained within the Council's SPD 'Successful Places' (2013) and the NPPF, in particular Chapter 12.
3. The siting of a proposed dwelling close to the eastern boundary with Errington Road would lead to an unacceptable impact on the residential amenity of no. 29 Errington Road through loss of sunlight and a massing effect. In addition, a two storey dwelling on the narrow site would result in a significant massing and overshadowing effect on the rear garden of no. 90 Foljambe Avenue and a loss of privacy to adjoining properties no's 90, 92 and 94 Foljambe Avenue through the first floor window arrangement. Accordingly, the proposal is contrary to the requirements of Policies CLP14 and CLP20 of the Core Strategy (2013) and the advice contained within the Council's 'Successful Places' SPD (2013) and the National Planning Policy Framework (2019).
4. The approach to the site from Errington Road would be at an unconventional angle across the footpath that surrounds the cul-de-sac and close to the end of a footpath that links Errington Road with Foljambe Avenue. The Local Planning Authority considers that this results in unacceptable risks to pedestrian safety which is exacerbated as the site is too constrained to provide space within the site to exit in a forward gear. As there is no turning facility provided at the end of Errington Road a vehicle leaving the property will have to complete an excessively long reversing manoeuvre into either Gilbert Avenue or the site. This is considered inappropriate bearing in mind the relatively high level of pedestrian activity in the vicinity owing to the location of a public footpath between nos. 92 and 94 Foljambe Avenue. Accordingly, the proposal is considered contrary to the

requirements of Policy CLP20 of the Chesterfield Borough
Local Plan to the detriment of pedestrian and highway safety.