

Item 3

Case Officer: Chris Wright

File No: CHE/22/00581/OUT

PROPOSAL: OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DETACHED GARAGE AND ERECTION OF A 3/4 BEDROOM CHALET BUNGALOW (1.5) STOREY WITH SEPARATE DETACHED GARAGE WITH ALL MATTERS RESERVED AT 366 BRIMINGTON ROAD, TAPTON, CHESTERFIELD FOR MR PETER LYTHGOE

1.0 **CONSULTATIONS**

Ward Members:	No comments received.
Local Highway Authority:	No objection, subject to condition
Chesterfield Design Services:	The site is at risk of surface water flooding, but no objection. Mitigation may be required.
Yorkshire Water Services:	No comment
Environmental Health:	No objection subject to conditions related working hours and air quality.
Coal Authority:	Material Consideration, in low risk coal mining area.
Forward Planning:	No objection provided.
Representations:	2 objections received for the original iteration of scheme. Objection due to lack of information and potential impact to neighbouring dwellings.

2.0 **THE SITE**

2.1 The application site presently forms part of the rear garden curtilage of no.366 Brimington Road, which is to the west side of the dwelling. No 366 is 58m long and 27m wide and includes a

dormer bungalow to the front of the site and a detached single garage to the side/rear. There is a significant amount of mature trees, shrubs and landscaping to the site.

- 2.2 The site is in a residential area and has housing to all sides. There is an existing driveway and entrance to the southern side of the site. The land falls away slightly from east to west.



3.0 **RELEVANT SITE HISTORY**

- 3.1 No relevant applications

4.0 **THE PROPOSAL**

- 4.1 Outline planning approval is sought to erect a detached dormer bungalow and garage to the rear of the site. All matters are reserved for approval at a later date. Some indicative information has been provided regarding an approximate location of the dwelling and that the existing access will be retained and widened to accommodate parking for the existing dwelling.

4.2 Further information such as access, scale, layout, appearance and landscaping would be considered in a reserved matters application at a later date. No information has been provided regarding boundary treatments, biodiversity on site or the access driveway.

4.3 This application does not include any details regarding future parking arrangements for the main dwelling.

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 (2021)**

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 comments of the Planning Policy Officer have been sought and which confirm that the principle of development should primarily be assessed through the application of policies CLP1 and CLP2. Primary amongst these considerations is that new development should be directed to regeneration areas and those within walking distance of a range of key services. The council's Residential Design SPD sets out (on page 41) that a walkable neighbourhood is one with a local centre/shop within 600-800m and a primary school within 800-1000m, depending on the safety and convenience of the route.
- 5.5.2 The location of the proposed development is not fully compliant with policies CLP1 and CLP2. There is no GP within walking distance and the closest primary school (Christ Church) is 1.7 km away. The Sheffield Road Local Centre is the closest centre to the application site (at approximately 1.2 km), however there is a supermarket (with pharmacy) around 900m away via a safe pedestrian route. The Lockoford Amenity Greenspace and Play Area are located within 300m and there is a pub and bus stop within the indicated walkable catchments.
- 5.5.3 Policy CLP2 states that planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which they meet criteria a-h. The proposal would not be located on Previously Developed Land (criterion b), offers no wider regeneration or sustainability benefit of any significance (criterion c) and the site only performs moderately well against criterion (d), as services within a convenient walking distance are limited.
- 5.5.4 The site is however located within the built-up area (as defined on the Local Plan Policies Map – CLP3) and whilst it is not within walking distance of the full range of key services, the cycle and public transit links on Brimington road would support access to a range of key services within the town centre (CLP2 criterion e). The route to the supermarket (with pharmacy) exceeds the walkable threshold by only a short distance and the route is

considered to be of good quality. The proposal is for a single dwelling and so is unlikely to prejudice the Local Plan's aim to deliver development of housing on primarily brownfield sites.

5.5.5 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 (settlement boundary) 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 generally adheres to the policies CLP1 and CLP2.

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 application is an outline proposal with all matters reserved. The development site is 27m deep and 29m wide. The rear gardens of the dwellings on Brimington Road are 30-40m in depth with the adjacent rear gardens of dwellings on Malia Road being 8-12m in depth. Although no specific details have been included at this stage since layout is not being considered, it is considered that a scheme is possible on the site that could provide a sufficient sized garden and not lead to overlooking and overshadowing. The site also includes mature landscaping including the boundaries, and it is considered that if the majority of this is retained then this will limit any potential adverse impact of a future scheme.

5.6.3 On the basis of the above, the site is considered an appropriate size for erection of 1 single storey dwelling. It would be acceptable with the requirements of Policies CLP14 and CLP20 of the Local Plan and the advice contained within the 2021 NPPF (paragraph 130) 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'. This is subject to any further reserved matters or full application, which will provide more information in regards access, appearance, layout, scale, appearance and landscaping.

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 all matters reserved for future consideration. The proposed dwelling will be to the rear of the existing dwelling, and it is unlikely to be highly visible from the streetscene. It could however be visible from the rear of the surrounding dwellings, and such appearance would be consideration in a further submission. The principle has been shown to be possible on site, but further details of the scheme will be considered at a reserved matters stage.
- 5.7.3 The Planning Policy Officer refers to Policy CLP13 which requires all new homes to meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day and that this should be secured through an appropriate condition. This can be made a requirement of any approval granted.

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 would includes access from Brimington Road and would provide parking and manoeuvring for 2 vehicles on site.
- 5.8.3 The Highways Authority commented that *“the submitted details propose a 3-4 bedroom bungalow with a detached garage. The application site is located on Brimington Road (B6543) which is a classified road subject to a 30mph speed limit and it appears that the proposed bungalow will be served via the existing vehicular access to Brimington Road which serves the existing dwelling. Due to the width of the fronting footway/verge the access benefits from acceptable levels of emerging visibility in either direction.*

As the access would serve multiple dwellings it is recommended that access is widened to a minimum of 4.25m (with an additional 0.5m provided to any side bound by a physical barrier) for the first 5m from the nearside highway boundary so that vehicles can pass in two-way traffic.

It's unclear if the proposed garage is for single or double vehicular use, typically, single vehicular garages should have minimum internal dimensions of 3.0m x 6.0m and 6.0m x 6.0m for double garages.

Parking should be provided on the basis of 2 spaces per 2/3-bedroom dwelling or 3 spaces for a 4 or more-bedroom dwelling. Additionally, existing parking levels should be maintained with any displaced off-street parking being replaced accordingly i.e. the single vehicular garage that will be demolished. Each parking bay should measure a minimum of 2.4m x 5.5m (2.4m x 6.5m when located in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.

Brimington Road is a classified road, therefore, turning space should be provided within the site so that vehicles can both enter and emerge in a forward gear. It appears likely that the proposed bungalow would be in excess of the recommended maximum manocarry distance of 25m from Brimington Road, an area suitable for the standing and turning of a typically supermarket delivery type vehicle (9m x 9m) should be provided within the site clear of any off-street parking provision.

The Highway Authority has no objections to the proposal, and it is recommended that conditions are included in any consent"

5.8.4 The application includes access as a reserved matter. It does show where the likely access will be on site, which will utilise the existing access for no.366 and that the scheme is proposed to demolish the existing garage on site and construct a driveway to a garage for the new dwelling, but the design and location of the garage is not known at present. The front/side of no.366 is fairly spacious and it is considered there is space to create parking and turning for the residents of no.366 as well as providing an access and driveway to the new dwelling. Further information will be required in a reserved matters submission to clarify how this will be provided.

5.8.5 It is considered however that the access arrangements are considered to be achievable subject to further information

submitted at later date. The proposal therefore is acceptable 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.

- 5.8.6 The Planning Policy Officer refers to the need for any off-street parking spaces to incorporate at least one Electric Vehicle Charging point to meet the requirements of policy CLP22 and this can be secured as part of any consent granted.

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 (para. 170) requires plans and planning decisions to contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.9.2 No specific and detailed information has been provided in this regard. The site has several mature hedges and trees in place however none of these are protected. As part of landscaping issues this will be considered at a reserved matters stage and it is considered that the existing baseline and proposed situation on site will be clearly defined and shown on site, ensuring that no biodiversity loss occurs.
- 5.9.3 Proportionate evidence will be required to demonstrate that a net gain in biodiversity will be achieved. The applicant should submit a biodiversity baseline, and either the DEFRA small sites metric or CIEEM basic measurement tool, with measures to demonstrate a net gain in biodiversity (10% should be sought wherever possible).
- ## 5.10 **Developer Contributions**
- 5.10.1 The Council’s CIL Officer reviewed the application and highlighted that the site falls within the medium charging zone. The CIL liability

would be calculated at the reserved matters stage, based on proposed floorspace when it is known.

5.11 **Coal mining risk and ground contamination**

- 5.11.1 The application site is within a Low Risk Area in respect of former coal mining activity and on this basis the Coal Authority has recommended informative notes to be included in a decision.
- 5.11.2 The Council's Environmental Health team has been consulted on the proposal and they have concluded that the site is not within an area of potential land contamination and they have no objections.
- 5.11.3 On this basis the proposal is considered to meet the requirements of policy CLP14.

5.12 **Flood Risk**

- 5.12.1 The site is shown to be at risk of surface water flooding but in a low/medium area in relation to risk of flooding. CBC's drainage team and Yorkshire Water have been consulted on the scheme. CBC's drainage team requested that the applicant is made aware of the surface water flooding issue and that this should be considered in the design of the dwelling through a further application. YWS have raised no concerns.
- 5.12.2 Conditions can be included in a permission to ensure these issues are considered further prior to any future works. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

5.13 **Lighting, noise and air pollution issues**

- 5.13.1 The Council's Environmental Health team has commented that several conditions are required to ensure that the proposal doesn't lead a negative impact in terms of an increase in noise pollution from construction and air pollution from increased traffic. They have requested a restriction on workings hours for construction and the inclusion of electric charging points into the scheme.
- 5.13.2 The requested conditions have all been included in this decision, to ensure that it is compliant with CLP14 of the Local Plan.

6.0 **REPRESENTATIONS**

- 6.1 The application has been advertised via letters sent to surrounding local residents and 2 comments have been received regarding the proposal. The local residents have objected on the basis that they don't know where the proposed scheme would be sited and don't know how it would impact their amenity in terms of their outlook.

Comment

The submission concerns only the principle of an additional dwelling on the site and they have not expressed an objection to this. The detail would follow in a reserved matters submission should permission be granted and the neighbours would be reconsulted at that time.

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 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 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.

- 8.2 The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 **CONCLUSION**

- 9.1 The proposal is in outline form only with all matters reserved for approval at a later date. The proposed development is considered to be acceptable in principle and the site is of an appropriate size and shape to accommodate one new dwelling without detriment to the street scene or the amenity of nearby properties. As such, the proposal accords with the requirements of Policies CLP1, CLP2, CLP3, CLP13, CLP14, CLP16, CLP20 and CLP22 of the adopted Local Plan and the National Planning Policy Framework subject to the imposition of relevant conditions.

10.0 **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.

Hours of construction

4. 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.

Highways – details of site storage/compound

5. Prior to the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason - In the interests of highway safety and CLP22

Highways – parking provision provided prior to occupation

6. The reserved matters submission shall include parking provision for the existing dwelling (2-3 spaces dependent upon bedroom numbers). The premises, the subject of the application shall not be taken into use until space has been provided, laid out and constructed in accordance with the application drawings for the parking (and turning) of residents and visitors vehicles and

thereafter maintained throughout the life of the development free from any impediment to its designated use

Reason - In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

Electric charging provision

7. A residential charging point shall be provided for the proposed 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 CLP14.

Biodiversity enhancement

8. 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 a detailed biodiversity net gain plan for the development (or any phase of that development) and the creation of suitable habitat which enhances the ecological interest of the site with a maintenance plan, in line with guidance within Paragraph 175d of the NPPF. This shall include a comparison to the existing baseline situation on site and potential removal of mature hedgerows and trees.

Reason - In the interests of ecology and policy CLP16.

Drainage

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - In the interest of satisfactory and sustainable drainage and inline with CLP13.

Drainage

10. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a maximum rate of 3.5 litres per second.

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

Drainage

11. No individual dwelling approved as part of the reserved matters of the development shall be occupied until the requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

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

12. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents and delivery vehicles, 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. Existing off-street parking levels for No 366 Brimington Road shall be maintained, any displaced off-street parking shall be replaced accordingly.

Reason: In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

13. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning

Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.

Reason: In the interests of residential amenity and highway safety in regards CLP14 and CLP20.

Informatives

1. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.

2. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

3. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.

4. 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 gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

5. The Highway Authority recommends that the first 5m of the modified 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 landowner.

6. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority