

Item 2

Case Officer: EC
Planning Committee 13th March 2023

Application No: CHE/22/00592/OUT

**PROPOSAL: RESIDENTIAL DEVELOPMENT OF TWO DWELLINGS -
RE-SUBMISSION OF CHE/21/00143/OUT**

**LOCATION: REAR OF 66 SOUTH STREET NORTH, NEW WHITTINGTON,
S43 2AB FOR RAWSON RESIDENTIAL RENOVATIONS LTD**

Local Plan: Unallocated
Ward: Barrow Hill and New Whittington

1.0 CONSULTATION RESPONSES

Ward Members	No comments received
Environmental Health	No objections in principle. Conditions recommended covering hours of construction, lighting, electric vehicle charging
Yorkshire Water	No comments received
Derbyshire Wildlife Trust	No records of Derbyshire Biological Record Database and no records of protected species or notable habitats have been identified on or adjacent to the site. See report.
Local Highways Authority (Derbyshire County Council)	Comment received – no objection subject to conditions - see report.
Strategic Planning	The principle of residential development is in accordance with the adopted Local Plan policies CLP1 and CLP2 – there are a range of key services within a reasonable walking distance. See report
Representations	letters of objection from 5 neighbours – see section 6.0 of report for summary

2.0

THE SITE

2.1

The application site is located to the rear of No 66 South Street North, access to the site is indicated to be taken from Cross Wellington Street to the east.



Extract of submitted site location plan ©



Aerial image of site taken from Google earth ©





g2.2

The site comprises of the former garden associated with No 66 South Street North. No 66 faces onto South Street North to the west and consent was recently granted to divide the property into a pair of semi-detached dwellings (see site history below – application CHE/20/00071/FUL).

- 2.3 The application is a re-submission of previously refused application CHE/21/00143/OUT.

Reason for refusal

The development of the site fails to appropriately reflect the prevailing pattern of development resulting in an incongruous form of development harmful to the built form and character of the area. Giving consideration to the indicative plan, the proposed plot size is inadequate to appropriately accommodate two new dwellings resulting in an overdevelopment of the site. This would lead to a cramped development with insufficient private amenity space, reduced internal floorspace and inadequate separation distances from existing neighbouring properties, such that the development is likely to result in harmful amenity impacts upon existing and future residents. The proposal therefore fails to meet the provisions of the 'Successful Places' SPD, Local Plan Policies CLP14 and CLP20 of Chesterfield Borough Local Plan 2018 - 2035 and part 12 of the National Planning Policy Framework.

3.0 SITE HISTORY

- 3.1 CHE/21/00143/OUT - Outline permission for residential development of two dwellings – **REFUSED (02.02.2022)**
- 3.2 CHE/20/00071/FUL - Conversion of existing 4 bed house into two new 2 -bedroom semi's at 66 South Street North, New Whittington, Chesterfield S43 2AB - Additional drawing received 14th April 2020 – **CONDITIONAL PERMISSION (05.05.2020)**

SURROUNDING SITE HISTORY

- 3.3 CHE/12/00676/FUL - Proposed erection of four dwellings and associated ancillary works – **CONDITIONAL PERMISSION (18.12.2012)**
- 3.4 CHE/11/00035/FUL - Proposed erection of four dwellings and associated ancillary works – **REFUSED (16.03.2011) APPEAL DISMISSED**
- 3.5 CHE/10/00196/FUL - 4 Dwellings - 1no. 1 Bedroom Mews Flyover Dwellings, 1no. 3 Bedroom Semi - detached Dwelling and 2no. 2 Bedroom Semi - detached Coach House Dwellings – **REFUSED (23.06.2010)**

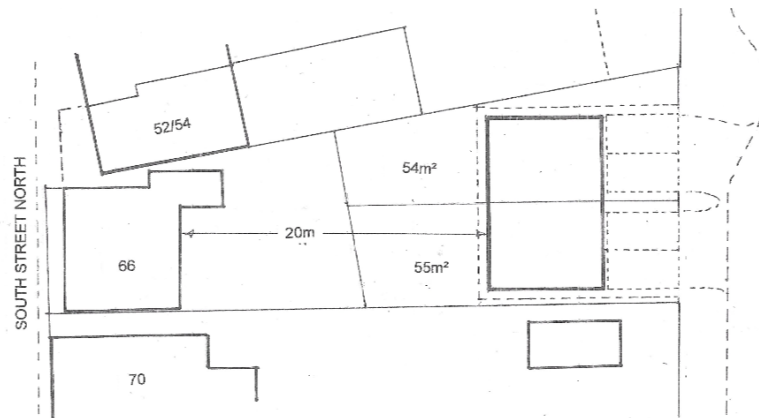
3.6 CHE/05/00678/OUT - Residential Development – **CONDITIONAL PERMISSION (06.12.2005)**

4.0 **THE PROPOSAL**

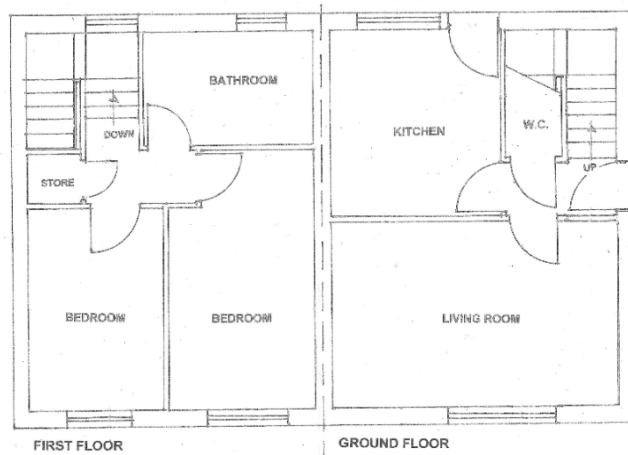
4.1 The application seeks outline consent for the erection of two dwellings with all matters reserved. The Local Planning Authority requested the submission of further details to assess the proposal, indicative layout and floor plans were subsequently provided including details of access and indicative parking arrangements.

4.2 In brief summary the indicative plans show

- Pair of two bedroom semi-detached dwellings, external footprint of 7.7m x 5.8m at ground floor level (overall gross internal floorspace approximately 89sqm per dwelling).
- The indicative layout shows the dwellings set back from the eastern boundary of the site by 4.9m to provide two parking spaces per dwelling, each space measuring 2.4m x 4.7m
- Private amenity space of approximately 54sqm and approximately 55sqm



Indicative site plan



Indicative floor plans

4.3 The applicant has lodged an appeal with the Planning Inspectorate against the none determination of the application. The Council were in the process of negotiation and discussion with the applicant regarding the proposal however the lodging of the appeal prevents the local planning authority from proceeding to making a decision on the application. This now rests with the Planning Inspectorate. However it is appropriate for the Council as local planning authority to determine how it may have determined the application (what it would have been minded to do) and this can form the basis of the Councils case on the appeal.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the 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)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle

- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 **National Planning Policy Framework**

- Part 2. Achieving sustainable development
- 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 **Reference Documents**

Technical Housing Standards – Nationally Described Space Standards

5.6 **Principle of Development**

Relevant Policies

- 5.6.1 The application site is not allocated for any specific use on the adopted Local Plan policies map and the principle of the development should be assessed against Local Plan policies CLP1, CLP2, CLP3.
- 5.6.2 Policy CLP1 Spatial Strategy states that '*The 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...*'
- 5.6.3 Policy CLP2 Principles for Location of Development states '*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 the council's Spatial Strategy (policy 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 services⁴ 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 (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
- g) *ensure the long term protection of safeguarded Minerals Related*
- h) *Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
- i) *are not on the best and most versatile agricultural land;*

5.6.4 Policy CLP3 Flexibility in Delivery of Housing identifies clearly defined 'built-up areas' across the borough as set out on the Policies Map.

5.6.5 The Strategic Planning team were consulted on the proposal and confirmed that the site is located within the urban area therefore *'As a location within the urban area, the principle of residential development 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'*

5.6.6 Notwithstanding the above comments the development is required to comply with policy CLP20 with regards to design to ensure the development provides safe vehicle access and parking and a safe and attractive environment for pedestrians. Other matters for consideration include amenity for existing and future occupiers (CLP14 and CLP20), water efficiency standards (CLP13), measurable net gain in biodiversity (CLP16) and electric vehicle charging (CLP22). If approved the development would be liable for the Community Infrastructure Levy (CLP11) with the site being located in the medium charging zone.

5.6.7 On balance the principle of development in respect of the location of the site is considered to be acceptable and broadly in accordance with policies CLP1, CLP2 and CLP3 of the adopted

Local Plan, however matters of amenity, design and highway safety require further consideration and discussion in the following sections.

5.7 Design of the Proposal and Impact on the Amenity of Potential Occupiers and Residential Neighbours

Relevant Policies

- 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. All development should be at a density appropriate to the character of the area and to have an acceptable impact on the amenity of users and neighbours.'*
- 5.7.2 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'*
- 5.7.3 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*
- 5.7.4 The adopted 'Successful Places' SPD is a material consideration and covers design and amenity considerations. The document also details minimum requirements for private open space (excluding parking areas). Minimum requirements are outlined in table 4 (p78) and states that a 1/2 bedroom dwelling should have a minimum of 50sqm of outdoor amenity space.

Considerations

- 5.7.5 The application is submitted in outline with all matters reserved and is supported by indicative drawings. It is therefore necessary to assess the detail of the submitted indicative plans.

Design impact on built form/character

- 5.7.6 The application site and surrounding streetscene is predominately characterised by traditional terraced/semi-detached properties with a distinct grid building pattern. The prevailing character to the south of the application site comprises of residential dwellings fronting east and west with relatively long rear gardens and vehicular access via a private track running north to south. The introduction of housing on Cross Wellington Street and also the re-development at land between No 44 and 66 South Street North immediately to the north of the site, created a small cluster of built form contrary to the grid character. This may also open the opportunity for further applications for redevelopment to the south in sites for which access is taken from a private poorly surfaced track.
- 5.7.7 The proposal for additional dwellings in this location will introduce tandem re-development contrary to the prevailing pattern of development. This may also open the opportunity for further applications for redevelopment to the south in sites for which access is taken from a private poorly surfaced track. The proposal is considered to be an over-intensive development of the plot which fails to reflect the prevailing pattern of development and results in adverse impacts on the amenity of existing and future occupiers (see following section).

Layout and Amenity impacts

- 5.7.7 The submitted indicative plans show two dwellings with an angled boundary to the west with the new rear boundary of No 66 (and now No 68 South Street North). The adopted Successful Place SPD requires a minimum of 50sqm private amenity space for a two bedroom dwelling therefore the amenity space as shown although indicative would meet the requirements
- 5.7.8 The indicative layout provides further detail to assess the proposal and consider whether the scheme could provide appropriate separation between the existing and proposed dwellings. On the basis of the submitted indicative plan it is considered that a separation distance of approximately 20m could be achieved between the rear facing windows of No 66/68 South Street North and the proposed dwellings. A separation distance of 16m to 16.5m could be achieved between the indicative windows and the rear windows of existing dwelling No 52/54 South Street North.

- 5.7.9 The adopted Successful Place SPD sets out the minimum recommended separation distances between direct facing windows to be 21m (at 90-degree angle). The SPD sets out minimum recommended separation distance for different angles of site with a recommended separation distance of 18m for 70 degree to 90 degree angles of site.
- 5.7.10 It is accepted that the proposal is in outline with all matters reserved, however indicative layout plans have been provided to illustrate the scheme. In response to separation distances which are less than the minimum recommendation the design of the units has been altered to limit the number of first floor habitable room windows. The scheme will be required to include habitable rooms at ground floor to enable an outlook for future occupants and natural surveillance of the gardens. The scheme therefore does not appear to take into account habitable rooms at ground floor and proximity to existing nearby residential dwellings. The proposal would not meet the minimum recommended separation distances as set out within the SPD, therefore potentially resulting in adverse impacts of overlooking/loss of privacy to the residential neighbours to the west on South Street North.
- 5.7.11 The indicative layout shows two bedroom spaces, however it is worth noting that the width of the larger bedroom would not meet the minimum technical space standards at less than 2.75m wide.
- 5.7.12 It is also noted that due to the siting of the proposed dwellings, there would be a degree of overshadowing that will occur to the forecourt/parking area of Nos 48 and 50 South Street North immediately to the north of the application site.
- 5.7.13 The submitted scheme has been designed to attempt to demonstrate compliance with minimum standards, with minimum size parking spaces with vehicles parking up to the principal elevation of the dwelling with side access doors to avoid conflict with the parking spaces. This altogether demonstrates that the proposal would result in overdevelopment of the plot resulting in dwellings which do not meet the minimum recommended standards. The proposed development has the potential to result in dwellings with a compromised design to address the constraints of the site, which would not be in keeping with the character of the area resulting in a cramped scheme contrary to the prevailing character of the area and inadequate separation

distances, adversely impacting the amenity of future occupiers and neighbouring residents.

- 5.7.14 The proposal is therefore contrary to policies CLP14, CLP20 and the adopted 'Successful Places' SPD. The proposal fails to respect the character and form of the site and have an acceptable impact on the amenity of residents and neighbours.
- 5.7.15 In addition, the proposal would be contrary to paragraph 130 part f of the NPPF requires developments to provide a high standard of amenity for existing and future occupiers. The proposal does not reflect locally adopted design policies and government guidance on design and should therefore be refused in accordance with paragraph 134 of the NPPF.

5.8 Highways Safety, Parking Provision and Cycle Storage

Relevant Policies

- 5.8.1 Local Plan policy CLP20 expects development to 'g) provide adequate and safe vehicle access and parking and h) provide safe, convenient and attractive environment for pedestrians and cyclists'
- 5.8.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking
- 'The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:*
- i. The size of any dwellings proposed.*
 - ii. The type, mix and use of the development.*
 - iii. The proximity of facilities such as schools, shops or employment*
 - iv. The availability of and capacity for safe on-street and public car parking in the area.*
 - v. Proximity to and availability of public transport and other sustainable transport options.*
 - vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.*
 - vii. Local car ownership levels.*

Cycle parking, where provided as part of new development, should be located to ensure safe, secure and convenient access, with weather protection where possible. The council will prepare an SPD to provide further practical guidance on planning for walking and cycling within new development.'

Considerations

5.8.3 The Local Highways Authority reviewed the scheme and provided the following comments;

'The above proposal is a re-submission of a previous application which appears identical from a highways point of view; therefore, the following comments will be similar or based on the same. The proposed dwellings are in excess of the maximum mancarry distance of 25m from the public highway, however, give the nature of the route from the public highway to the site, which is included in the red outline boundary, it is not considered that this would cause severe harm. Whilst the level of parking provision is considered acceptable each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge or fence etc. therefore it is recommended the depth of the parking bays is increased. Additionally, vehicles will also require to enter and exit the site from Wellington Street in a forward gear i.e. sufficient space to the rear of the parking spaces (generally 6.0m) to allow vehicles to reverse out. From the information available, it is considered this could be accommodated'.

5.8.4 No objections raised subject to conditions covering a construction management plan, creation of a new vehicular and pedestrian access before any other operations are commence, provision of off-street parking spaces measuring a minimum of 2.4m x 5.5m shall be provided prior to occupation and the gradient of the driveways shall be no steeper than 1:14

5.8.4 The comments from the Local Highways Authority have been noted. It is considered that off-street parking could be provided for each dwelling and if approved further detail would be required at reserved matters stage to ensure there is sufficient space to turn and leave Cross Wellington Street in a forward gear. It is necessary to highlight that the provision of a parking space measuring 5.5m in length will require the footprint of the dwellings to be set further back within the site thereby reducing the

separation distance between habitable room windows. The separation is already less than the minimum recommendation and this will further reduce the distance contributing to concerns regarding overdevelopment of the site with adverse impacts on amenity of residents.

5.8.5

The site is situated approximately 45m from Wellington Street, which would be a substantial carry distance for waste disposal for future occupiers. Approved Document H states that containers should be within 25m of a waste collection point specified by the collection authority and householder should not usually be required to carry refuse more than 30m. The surface of Cross Wellington Street and access track is very poor and uneven, raising the concerns regarding accessibility and bin carry distance for future residents.



5.8.6

On the basis of the above it is considered that the development could provide off-street parking for the proposed dwellings, however the provision of sufficient sized space will compromise the separation distances between properties. Access to the site is down a private poorly maintained track and there will be a bin carry distance of approximately 45m for future residents.

Notwithstanding concerns regarding the principal of the development further clarity could be provided on the parking arrangements/layout/bin collection areas at reserved matters stage to ensure the development accords with CLP20 and CLP22.

5.9 Flood risk, Drainage and Water Efficiency

Relevant Policies

- 5.9.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.'*
- 5.9.2 Local Plan policy CLP13 goes on to note that *'Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.'*

Considerations

- 5.9.3 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council's Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water
- 5.9.4 Yorkshire Water were consulted on the proposal and no comments were received.
- 5.9.5 The Council's Design Services Drainage team were consulted on the scheme and no comments were received, however comments were made on the previous submission. The comments previously raised no concerns about the proposal with respect of flood risk and highlighted that the site should be developed with separate systems of foul and surface water drainage, any connections to the public sewerage network will require prior approval from Yorkshire Water and amendments to existing drainage may require Building Control consent.

5.9.6 If recommended for approval, matters regarding surface water drainage, including levels/hard surfacing and water efficiency could be controlled and agreed by condition to meet the requirements of Local Plan Policy CLP13.

5.10 Biodiversity and Landscaping

5.10.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s 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”.

5.10.2 The Derbyshire Wildlife Trust were consulted on the scheme and confirmed that there were no records of Derbyshire Biological Record Database and no records of protected species or notable habitats have been identified on or adjacent to the site. The site appears to be low impact in terms of ecology, therefore a requirements for ecological surveys would be disproportionate in this instance. Landscaping plans are reserved for later approval and native or wildlife friendly planting is recommended. To achieve a net gain for biodiversity and it is recommended a condition be imposed requiring installation of integrated swift bricks and integrated bat boxes.

5.10.3 The application site comprises of a former residential garden. It is considered that landscaping could be provided as part of a reserved matter submission to address the loss of biodiversity through additional measures such as bee bricks, bat/bird boxes and biodiverse native plants and enhanced landscaping. It is therefore considered that the proposal could meet the requirements of local plan policy CLP16 subject to an appropriate condition being imposed.

5.11 Community Infrastructure Levy (CIL)

5.11.1 The development comprises new residential development. The Council’s Forward Planning Team confirmed that the site falls into the ‘Medium’ zone. The liability would be confirmed upon approval

of reserved matters stage and should be added to any permission regarding the potential liability.

6.0 REPRESENTATIONS

6.1 Brief summary of main points raised in written representations, full comments available to read on website. Letters of objection have been received from 5 neighbouring properties raising the following points.

- access/highway safety concerns
 - access to the site via an unadopted private road which is not suitable for heavy traffic.
 - Proposal will result in an increase in traffic which will have an adverse impact on the quality of the surface of the road which is just a dirt track.
 - Existing road surface in poor condition and will continue to deteriorate and had no drainage.
 - Will developer take responsibility for maintenance of road? Will the council adopt the road?
 - Construction traffic will further damage Cross Wellington Street
 - Delivery of skips to the site has shown damage which can occur if heavy vehicles are permitted
 - Who will maintain the road will this fall to the developer or will the council adopt it?
 - access via third party land not within the ownership of the applicant. Road is privately owned, and access rights are for pedestrians not vehicles
 - Existing residents have to manoeuvre vehicles at the end of road to ensure they can park in front of own property
 - Insufficient parking for existing residents on the road as no house has car or garage facilities. New dwellings could have more than two vehicles per householder leading to pressure on surrounding streets
 - Existing parking issues on private road impacting access to off-road parking facilities/garages of residents
 - Existing developments in the area have led to increase in on-street parking, leading to problems on Wellington and Cross Wellington Street
- Amenity
 - Overlooking and loss of privacy to existing occupants and impacting amenity of future residents
 - Loss of view

- Windows located in direct eyeline of current residential dwellings
- Development will result in increase in traffic and noise
- Design/layout
 - Contrary to the character of the area.
 - Proposal will result in back garden development and set a precedent for further development on South Street North or Wellington Street. Precedent would be set for further back to back houses/gardens with no gardens, previously condemned and demolished. Back row housing would be dependent on unsuitable narrow lane access.
 - Property would not be in keeping with style of area which is mainly terraced houses.
- Drainage/surface water
 - Concerns regarding surface water and run off to unadopted road leading to more damage and erosion
 - Existing problems with surface water run off and drainage. Building on garden area will reduce rainwater soakaway and exacerbate problem
 - Gradient of land will lead to more water running downhill towards gardens and houses lower down
 - Proposed hardsurfacing will result in surface water run off onto Cross Wellington Street
 - Cross Wellington Street suffers with large amounts of surface water run-off from Wellington Street due to gradient of the land and issues with blocked drains and drainpipes emptying onto the pavement
 - It is not unusual for gardens to be underwater on Cross Wellington Street. Proposed hard surfacing will aggravate this and will cause more water to run off to adjacent properties
- Refuse/waste collection
 - Where will residents take their waste, presumably take the bins 30m to Wellington Street along a poor road surface as there is no access to South Street North.
 - Comments with DCC Highways suggest a 25m carry distance not acceptable. Existing properties built before wheelie bins and does not mitigate the building of new properties outside this distance
- Removal of wall and fruit bushes – provides food and shelter for birds and hedgehogs
- impact on protected species – bat roost on nearby house which is regularly used

- right of access – understand there is no right of access to the back of the property which renders the project unviable. How can the development proceed if there is no right of access
- Site notice not displayed

6.2 ***Officer comments***

- ***The above comments have been noted. The report sets out a response to concerns regarding the access/highway safety, amenity, design/layout, drainage/surface water and refuse/waste collection.***
- ***The Derbyshire Wildlife Trust were consulted on the proposal and raised no concerns regarding impacts on protected species and made recommendations to increase biodiversity on the site as part of the development.***
- ***Concerns regarding rights of access and maintenance of the private track would be a civil matter to be agreed with all relevant landowners.***
- ***A site notice was displayed on 9th September at the junction of Cross Wellington Street and Wellington Street***

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 It is considered that the recommendation is objective and in accordance with clearly established law. The applicant has also taken an opportunity to appeal the decision which will be determined by the Planning Inspectorate.

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 scheme is a re-submission of a previous outline application which was refused CHE/21/00143/OUT. On this basis the requirement to engage in a positive and proactive manner is considered to be best served by the Local Planning Authority issuing a decision on the application and thereby allowing the planning inspectorate to determine the appeal.

9.0 CONCLUSION

- 9.1 Overall the proposal is considered contrary to policies CLP14 and CLP20, of the Local Plan and the NPPF.

10.0 RECOMMENDATION

- 10.1 That the Council as Local Planning Authority would have **REFUSED** the planning application for the following reasons:

The development of the site fails to appropriately reflect the prevailing pattern of built form resulting in an incongruous and over-intensive development harmful to the character of the area. Giving consideration to the indicative plan, the proposed plot size is inadequate to appropriately accommodate two new dwellings resulting in an overdevelopment of the site. This would lead to a cramped form of development with insufficient separation distances from existing neighbouring properties, such that the development is likely to result in harmful amenity impacts upon existing and future residents. The proposal therefore fails to meet the provisions of the 'Successful Places' SPD, Local Plan Policies CLP14 and CLP20 of Chesterfield Borough Local Plan 2018 – 2035 and part 12 of the National Planning Policy Framework.