



Please ask for Emily Taylor
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The Chair and Members of Planning Committee

Councillor L Collins – Site Visit 1
Councillors Mannion-Brunt and T
Murphy – Site Visit 2
Councillor S Perkins – Site Visit 3

14 April 2023

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 24 APRIL 2023 at 1.00 pm in Committee Room 1, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE FOLLOWING SITE VISITS.

Planning Committee Members should assemble in Committee Room 1 at 10:45am. Ward members wishing to be present should attend on site as indicated below:-

- | | | |
|----|---------|--|
| 1. | 11:10am | 1 Ralph Road, Staveley, Chesterfield, S43 3PY
CHE/22/00749/FUL/CHE/22/00748/OUT |
| 2. | 11:40am | 127 Newbold Road, Chesterfield, S41 7PS
CHE/22/00808/FUL |
| 3. | 12:10pm | 99 Foljambe Road, Chesterfield, S40 1NJ
CHE/23/00016/FUL |

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items, unless a reasonable adjustment is in place by prior arrangement. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it.

A reasonable adjustment meeting will take place at 10:20am in Committee Room 1 for those not able to attend the site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Emily Taylor on tel. 01246 345236 or via e-mail: Emily.Taylor@chesterfield.gov.uk by 9.00 a.m. on Monday 24 April. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Applications for Planning Permission - Plans Determined by the Committee (Pages 3 - 118)
4. Appeals Report (P000) (Pages 119 - 122)
5. Enforcement Report (P410) (Pages 123 - 126)

Yours sincerely,



Head of Regulatory Law and Monitoring Officer

Agenda Item 3

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	24 th April 2023
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 24th April 2023**

ITEM 1	CHE/23/00016/FUL - CHANGE OF USE OF AND ALTERATIONS TO BUILDING FOR CONVERSION TO DWELLING (REVISED LOCATION PLAN RECEIVED 22.02.2023 WITH NEW RED LINE BOUNDARY) AT99 FOLJAMBE ROAD, CHESTERFIELD, DERBYSHIRE, S40 1NJ FOR G SPENCER.
ITEM 2	CHE/22/00749/FUL - DEMOLITION OF DERELICT COTTAGE AND ERECTION OF ONE DWELLING WITH ASSOCIATED INFRASTRUCTURE, ACCESS, PARKING AND GARDENS (REVISED PLANS RECEIVED 28/01/2023) AT 1 RALPH ROAD, STAVELEY, CHESTERFIELD, DERYSHIRE, S43 3PY FOR MR AND MRS EASSON
ITEM 3	CHE/22/00748/OUT - OUTLINE APPLICATION (MEANS OF ACCESS SUBMITTED) FOR THE ERECTION OF TWO DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, ACCESS, PARKING AND GARDENS (REVISED PLANS RECEIVED 28/01/2023) AT 1 RALPH ROAD, STAVELEY, CHESTERFIELD, DERYSHIRE, S43 3PY FOR MR AND MRS EASSON
ITEM 4	CHE/22/00808/FUL - CONVERSION OF BRICK-BUILT FORMER GARAGE INTO A 2 BEDROOMED DWELLING ON LAND AT REAR OF 127 NEWBOLD ROAD, NEWBOLD, CHESTERFIELD, S41 7PS FOR K HICKING AND M EDWARDS

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ITEM 1

PROPOSAL: CHANGE OF USE OF AND ALTERATIONS TO BUILDING FOR CONVERSION TO DWELLING (REVISED LOCATION PLAN RECEIVED 22.02.2023 WITH NEW RED LINE BOUNDARY)

LOCATION: 99 FOLJAMBE ROAD, CHESTERFIELD, DERBYSHIRE, S40 1NJ FOR G SPENCER

Local Plan: Unallocated, within the built up area

Ward: Brockwell

1.0 CONSULTATIONS

Ward Members No comments received

Local Highways Authority no highway objections – see report

Design Services Drainage Comments received – see report.

Strategic Planning Comments received - see report.

Yorkshire water No comments received

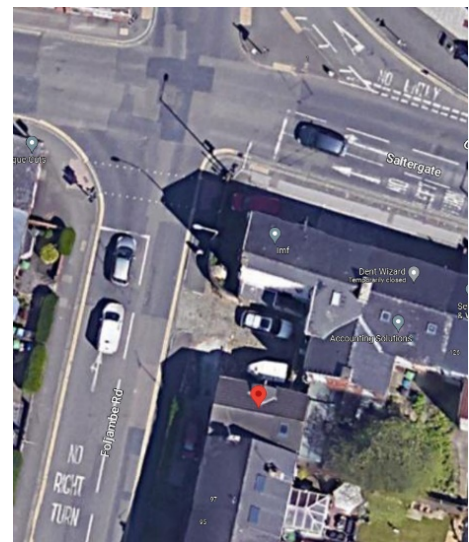
Environmental health No objection in principle. Condition recommended covering working hours condition

Representations One letter of objection received, concerns raised regarding impact on parking

2.0 THE SITE

2.1 The site subject of this application is a two storey red brick end of terrace, thought to be circa late 19th century/early 20th century. The main window openings face into a cobbled courtyard and the rear elevation of No 130/130A/130B Saltergate. The building directly adjoins No 97 Foljambe Road, a residential dwelling situated to the south of the site.

- 2.2 The red line boundary was altered during the application process to ensure it extended to the public highway, including serving notice on the relevant landowner.
- 2.3 The site appears to have been a former commercial premises with advertising signs remaining on the external elevations of the building. Historical imagery suggests that the building has been vacant for a number of years with the windows/doors boarded up since November 2020. The building is located within the town centre conservation area, contributing to the distinctiveness and character of the locality.
- 2.4 The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Extract of submitted location plan ©

Aerial photograph taken from Google maps ©

3.0 **SITE HISTORY**

- 3.1 CHE/10/00418/COU - Change of use of building to dwelling and internal alterations – REFUSED (27.09.2010)

Reasons for refusal

‘The proposal is considered to fail to achieve a high quality living environment and an adequate level of residential amenity for future residents, with low levels of privacy, outlook and daylight to its internal accommodation and amenity space as a consequence of:

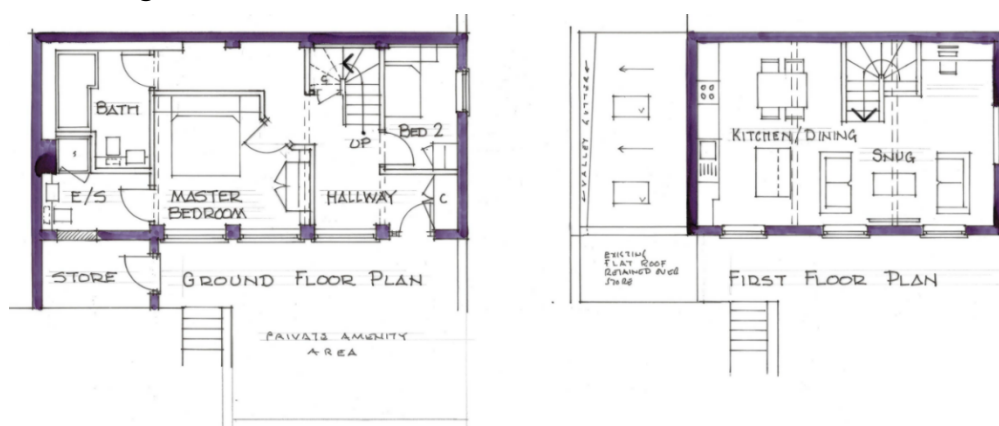
- i. The proposed principle aspect being predominantly north facing, onto a three storey building in close proximity, the neighbouring buildings massing and height dominating the outlook from the proposed dwelling.*

- ii. *The single aspect design and presence of a three storey building and two storey building in close proximity to the north and east of the proposed dwellings principle aspect, significantly limiting daylight and sunlight to the proposed dwelling.*
- iii. *The height and massing of surrounding buildings and boundary treatments significantly limiting the degree of daylight, sunlight and outlook from the curtilage of the building.*
- iv. *The amenity space within the curtilage of the proposed dwelling and its principle elevation is overlooked by several windows on adjoining neighbouring buildings.*
- v. *The amenity space within the curtilage of the proposed dwelling adjoins a shared pedestrian access to the rear of 130 Saltergate, affording a low level of privacy to the amenity space and principle elevation of the proposed dwelling.*

Consequently it is considered that the proposal would not accord with policy HSN5 of the Replacement Chesterfield Borough Local Plan.'

4.0 THE PROPOSAL

4.1 The application proposes the change of use of the building to form a two bedroom residential dwelling. The overall gross internal floorspace of the dwelling has an internal footprint of 86.5sqm. The internal layout comprises of two bedrooms at ground floor with a shared bathroom and one en-suite, at first floor the scheme will create an open plan kitchen/dining/snug space. The development will utilise existing window openings and involves the installation of four roof lights.



Proposed floorplan



Proposed elevations

4.3 The proposal will include a small area of amenity space within the courtyard. No parking is proposed as part of the scheme.

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.

5.1.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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
- CLP6 Economic Growth
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

Supplementary Planning Documents

- Successful Places

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- 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
- Part 16. Conserving and enhancing the historic environment

5.4 Principle of Development

Relevant Policies

- 5.4.1 The application site is unallocated and is positioned within the built up area therefore policies CLP1 and CLP2 are of relevance.
- 5.4.2 Policy CLP1 sets out 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.
- 5.4.3 Policy CLP2 states that when *'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 services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (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 Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
 - h) are not on the best and most versatile agricultural land;'*

Considerations

- 5.4.4 The principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The application site is located within the built-up area in a location which is within walking and cycling distances of key services and facilities located in the defined sub-regional town centre, therefore the proposal is considered to accord with the principles of CLP1 and would largely accord with CLP2. The location is relatively accessible without using a car to a reasonable range of key services and facilities, including a GP's surgery, Supermarket, Local Service Centre, primary and secondary schools. The proposal is within the settlement boundary and would introduce additional housing within the existing built up area and regenerating an existing building which is currently unused. There is no Local Plan policy requirement to protect the premises former employment or commercial uses. The building is unallocated and therefore there is no policy requirement to protect the premises for employment or commercial uses. The scheme therefore broadly meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

5.5 Design and Appearance of the Proposal (Including Impact on Conservation Area)

Relevant Policies

- 5.5.1 Local Plan policy CLP20 states '*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.*'
- 5.5.2 Local Plan policy CLP21 states '*In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.*'

Considerations

- 5.5.3 The proposed conversion of the building seeks to utilise existing window/door openings at ground floor and first floor with the introduction of 4 no. roof lights (two roof lights in the single storey

lean to and two roof lights in the principal north roof plane). No extensions are proposed to the building and the works to convert the building are limited. The scheme will result in the active use of an existing vacant premises. New windows are proposed to be timber construction which is supported.

- 5.5.4 It is recommended that a condition be imposed requiring further details of proposed boundary treatments, particularly as the submitted plans appear to indicate a small wall to the western boundary. A small brick wall was evident on site in 2016 and it appears the wall was removed in 2017. It is recommended that a small brick wall be installed on part of the western boundary to define the extent of the courtyard space and enhance the outside amenity space for future residents. The introduction of a small boundary wall which reflects the previously demolished boundary will contribute to the character of the conservation area (see picture below of previous boundary wall, dated 2016).



- 5.5.5 The proposed works as set out above are considered to be acceptable in regard to heritage assets, the changes being either enhancements or minor changes such that overall there is considered to be no harm arising from the development. Subject to a condition requiring detail of a proposed wall to the western boundary the proposal therefore accords with the provisions of Local Plan policies CLP20 and CLP21 and the NPPF.

5.6 **Impact on Neighbouring Residential Amenity and Amenity of Future Occupiers**

Relevant Policies

- 5.6.1 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'*
- 5.6.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*

Considerations

- 5.6.3 The proposed development seeks the change of use of an existing two storey building. The site is surrounded by a mix of commercial and residential premises and a small courtyard separates the premises from No 130/130A/130B Saltergate to the north.
- 5.6.4 It is necessary to acknowledge that a scheme for the conversion of the building was previously refused in 2010. The previous reason for refusal centred around the levels of amenity space, low levels of privacy and outlook/daylight to internal accommodation due to the proximity of the building to a three storey building to the north creating a dominating outlook, impacting daylight/sunlight, height and massing or surround buildings and boundary treatments, overlooked amenity space and shared pedestrian access to rear of No 130 Saltergate impacting privacy for future occupants.
- 5.6.5 The scheme subject of this application now proposes an inverted layout with living accommodation at first floor creating an elevated open plan layout with enhanced outlook for the main habitable accommodation including a window to the west elevation facing towards Foljambe Road. In addition two roof lights are proposed which will provide further light to the first floor living accommodation. The proposed plans have carefully considered the internal layout at ground floor to ensure the single bedroom is served by its own window to the west elevation and the main bedroom benefits from two windows. An en-suite and separate bathroom are proposed at ground floor served by roof lights, as non-habitable rooms this is acceptable. The separation distance of approximately 9m exists between the principal elevation of the building and the rear of the premises on Saltergate. The separation distance is smaller than would usually be permitted, however reflects the dense historic building pattern of the town centre. The proposed development will provide a small area of outdoor amenity space, whilst relatively small will provide an opportunity for utilisation for future residents.

- 5.6.6 It is accepted that the orientation of the site and presence of three storey buildings on Saltergate to the north will have impact on the levels of daylight and privacy/outlook achieved by the proposed dwelling. On balance the scheme will create a small two storey dwelling in which the layout has been carefully designed to respond to the constraints of the site. Wider benefits arising as a result of the proposal include the renovation of a building which has remained vacant for a number of years.
- 5.6.7 The proposed development will provide a small area of outdoor amenity space, whilst relatively small will provide an opportunity for utilisation for future residents. In addition the proposal will result in the active re-use and renovation of a vacant building in the conservation area.
- 5.6.8 The Council's Environmental Health Officer reviewed the scheme and raised no objections in principle. As the application site is surrounded by residential dwellings it is recommended that a condition be imposed controlling the hours of construction works in the interests of neighbouring amenity.
- 5.6.9 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Highways Safety

Relevant Policies

- 5.7.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*
- 5.7.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.

Considerations

- 5.7.3 The Local Highways Authority reviewed the scheme and provided the following comments; *'The application site is located on Foljambe Road (NC) which is close proximity to Chesterfield town centre. The proposal includes no provision for off-street parking to serve the proposed dwelling, however, based on the sites location in the*

vicinity of public transport, public car parks, local services, facilities and amenities, it is not considered that future residents would be reliant on the use of private motor vehicles. In view of the above, whilst no off-street parking to serve the proposed development is not ideal, in this instance a highway reason for refusal on this basis would be sustainable. Accordingly, there are no highway objections to the proposal given the central location and existing on-street parking restriction in place, in the vicinity of the site and the proposals would re-use an existing building.'

5.7.4 The application does not propose the creation of off-street parking to serve the development. No objections have been raised by the Local Highways Authority due to the location of the site in close proximity to Chesterfield Town Centre with access to public transport connections and a range of facilities and services.

5.7.5 In addition the application does not propose the addition of off-road parking. The Local Highways Authority has assessed the scheme on the basis of no parking provision and have therefore not fully considered the potential highway safety issues which may arise with additional vehicular movements to the rear of No 130/130A/130B Saltergate. As set out in section 5.6 above, it is recommended that a condition be imposed requiring details of a proposed wall to the western boundary. The introduction of a small boundary wall will ensure the courtyard remains as amenity space and not used for parking.

5.7.6 Subject to conditions as detailed above the development complies with the requirements of CLP20 and CLP22.

5.8 Flood risk, Drainage and Water Efficiency

Relevant Policies

5.8.1 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.*

Development proposals and site allocations will:

a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;

b) be directed to locations with the lowest impact on water resources;

c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.

5.8.2 Local Plan policy CLP13 states 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

5.8.3 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

5.8.4 The Design Services (Drainage) Team reviewed the application and noted that the site is not shown to be at risk of flooding according to the Environment Agency Flood Maps. The comments highlighted that a T2011 sewer is shown to cross under the existing building. Caution should be exercised therefore, so as not to damage this sewer or contaminate it with debris during the alteration works. Yorkshire Water will need to be contacted prior to any new connections to this sewer. Building Control consent may also be required for any amendments to existing drainage.

5.8.5 No comments were received from Yorkshire Water.

5.8.6 Subject to the imposition of a relevant condition covering water efficiency standards the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.9 Biodiversity

Relevant Policies

5.9.1 Local Plan policy CLP16 states that *‘The council will expect development proposals to:*

- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- *provide a net measurable gain in biodiversity’*

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

Considerations

5.9.3 The application proposes the change of use of an existing building. To create an biodiversity net gain it is recommended a condition be imposed requiring either a bird box or bat box be installed as part of the development.

5.9.4 Subject to a condition as recommended above the development accords with the requirements of CLP16 and the NPPF.

5.10 Developer Contributions and Community Infrastructure Levy

5.10.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwellings and is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

5.10.2 Gross internal floorspace of any existing buildings, including buildings that are going to be demolished, can be deducted from the CIL liability if they have been occupied in a lawful use for a continuous period of at least 6 months within the period of three years ending on the day planning permission permits the development. It will be for the applicant to demonstrate lawful use by providing appropriate evidence and so it is important that further information is provided before a decision on the planning application, in order for the CIL liability to be determined. It is important to note that any exemptions to CIL must be applied for and claimed before any development commences on site.

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	86.5	86.5	0	£50	355	288	£5331

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters, site notice and advert in the local press. One letter of representation has been received from 44 Foljambe Road and is summarized below;

- Highway safety and parking – concerns raised regarding the impact of the proposal on the existing residential parking scheme and associated vehicular requirements. Queries raised regarding the level of parking provisions proposed for the scheme and questions asked if the residents of the property will be eligible to apply to the residents parking scheme. Current parking scheme is terrible, under-managed and grossly over subscribed.

Officer comments - Highway safety, access and parking – the Local Highways Authority reviewed the scheme and raised no objections to the proposal. No parking provision is proposed as part of the scheme. The site is located in the town centre in walking distance of a range of services and public transport connections. If approved future occupants would likely be eligible to apply for the residents parking scheme should they wish to. See section 5.7 of 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 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 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 application site is located within the built-up area in a location which is within walking and cycling distances of key services and facilities located in the defined sub-regional town centre, therefore the proposal is considered to accord with the principles of CLP1 and would largely accord with CLP2. The proposal is within the settlement boundary and would introduce additional housing within the existing built up area and regenerating an existing building. The building is unallocated and therefore there is no policy requirement to protect the premises for employment or commercial uses. The scheme therefore broadly meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. The proposed works as set out above are considered to be acceptable in regard to heritage assets, the changes being either enhancements or minor changes such that overall there is considered to be no harm arising from the development. Subject to a condition requiring detail of a proposed wall to the western boundary the proposal therefore accords with the provisions of Local Plan policies CLP20 and CLP21 and the NPPF. On balance the scheme will create a small two storey dwelling in which the layout has been carefully designed to respond to the constraints of the site. Wider benefits arising as a result of the proposal include the renovation of a building which has remained vacant for a number of years. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20. Subject to conditions covering water efficiency and biodiversity enhancements the scheme will accord with the requirements of CLP13, CLP13 and the wider NPPF.

10.0 RECOMMENDATION

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

Conditions

Standard time frame

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

Reason - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Plans as Proposed, drawing number 22-901-02

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

Hours of construction

3. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time 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 - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

Boundary Wall

4. Prior to the occupation of the development hereby approved plans for a new brick boundary wall to partially enclose the western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The brick boundary wall shall be erected on site in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP14, CLP20 and CLP21.

Bin store

5. Prior to occupation of the development hereby approved details of facilities for the storage and collection of waste and refuse

within the curtilage of the site shall be submitted to and approved by the Local Planning Authority. Development shall be carried out and thereafter maintained in accordance with the approved details

Reason - In the interests of residential amenity and highway safety, and policies CLP14 and CLP20.

Removal of pd rights for fencing, gates, walls

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To ensure appropriate development is maintained within the setting of the conservation area Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Water efficiency

7. No individual dwelling hereby approved shall be occupied until the optional 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

Biodiversity enhancements

8. Prior to the occupation of the development a scheme for biodiversity and ecological enhancement measures comprising of a bird and bat box shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity and ecological enhancement measures shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter be retained and maintained throughout the life of the development.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from:

www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

4. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
5. 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.

6. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
7. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter which would be an offence under relevant regulations. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
8. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

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ITEM 2

DEMOLITION OF DERELICT COTTAGE AND ERECTION OF ONE DWELLING WITH ASSOCIATED INFRASTRUCTURE, ACCESS, PARKING AND GARDENS (REVISED PLANS RECEIVED 28/01/2023) AT 1 RALPH ROAD, STAVELEY, CHESTERFIELD, DERYSHIRE, S43 3PY FOR MR AND MRS EASSON

Local Plan: Unallocated, within the built up area defined by Policy CLP3

Ward: Lowgates and Woodthorpe

1.0 CONSULTATIONS

Ward Members	No comments received.
Staveley Town Council	No comments received.
Local Highways Authority	No objections, comments received, and conditions recommended – see report.
Derbyshire County Archaeologist	Comments received and conditions recommended – see report.
The Coal Authority	The application site does not fall within the Development High Risk Area – standing advice recommended.
Yorkshire Water	No comments received.
Derbyshire Wildlife Trust	No objection, conditions recommended – see report.
CBC Conservation Officer	Comments received and conditions recommended – see report.
CBC Tree Officer	No objection based on further information provided, conditions recommended – see report.
CBC Strategic Planning	Comments received – see report.

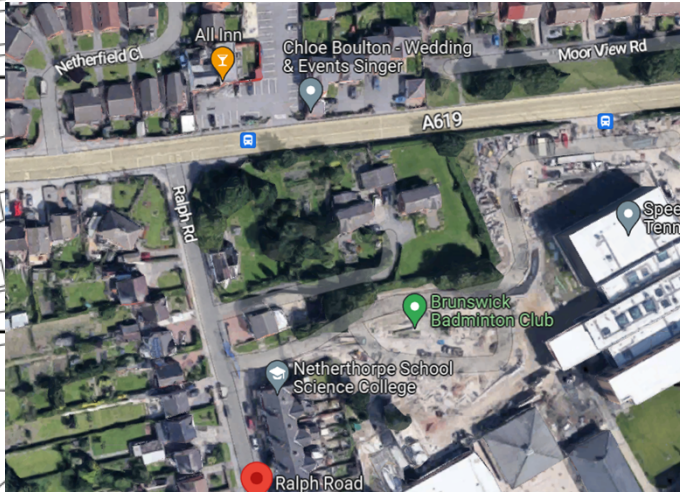
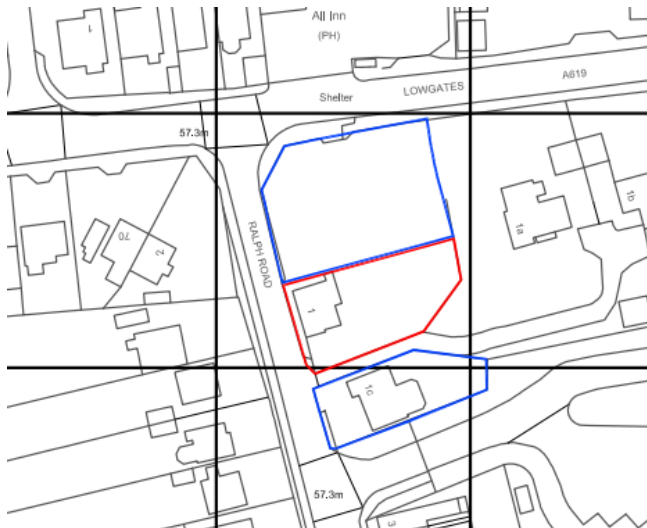
CBC Design Services – Drainage	No objections – information provided relating to drainage design.
CBC Environmental Health	No objection - conditions recommended relating to working hours and contaminated land – see report.
Representations	4 representations received – see report.

2.0 THE SITE

- 2.1 The site subject of this application is situated at the junction of Lowgates (A619) and Ralph Road, Staveley, opposite the All Inn pub which is located on the north side of Lowgates. To the immediate south of the site is a private access road which provides access to residential properties that sit to the east of the site. Beyond this are no. 1A Ralph Road and the entrance to Netherthorpe School. To the west are residential properties fronting Ralph Road.
- 2.2 The site is within the built up area of Staveley as defined by Policy CLP3 of the Chesterfield Local Plan and is within a mile (walking distance) of Staveley Town Centre which contains a range of Key Services. Lowgates East Local Centre is approximately a 2-minute walk away. Lowgates (A619) is also a main route for a range of public transport services. The application site is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035.
- 2.3 The application site contains a derelict cottage building which is in a poor state of repair. Railings provide the site boundary to the Ralph Road frontage, beyond which the footway to Ralph Road is very narrow and represents a pedestrian safety concern for students of the Netherthorpe School. To the south, the site is bounded by mixed shrubs and vegetation. The levels vary across the site, with the derelict cottage sitting below the level of Ralph Road. A number of on site trees have been removed prior to the submission of the application.
- 2.4 As can be shown from the site plan below, the applicants have split the site into two, with the other portion of the site (blue line area) to the north being subject to a separate outline application (means of

access submitted) for the erection of two dwellings with associated infrastructure, access, parking and gardens (application reference: CHE/22/0748/OUT).

2.5 The application site is broadly rectangular in shape covering approximately 540sqm (0.054ha).



Extract of submitted location plan ©

Aerial photograph taken from Google maps ©



Photo taken from Ralph Road facing south east



Photo taken from within the adjacent site looking south west

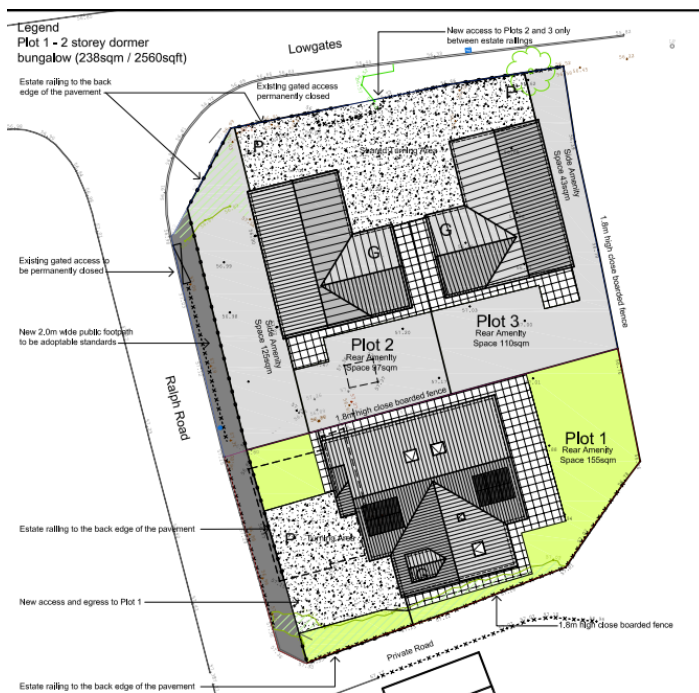
3.0 SITE HISTORY

- 3.1 **CHE/22/00748/OUT** – Outline planning application (means of access submitted) for the erection of two dwellings with associated infrastructure, access, parking and gardens.

Pending consideration.

4.0 **THE PROPOSAL**

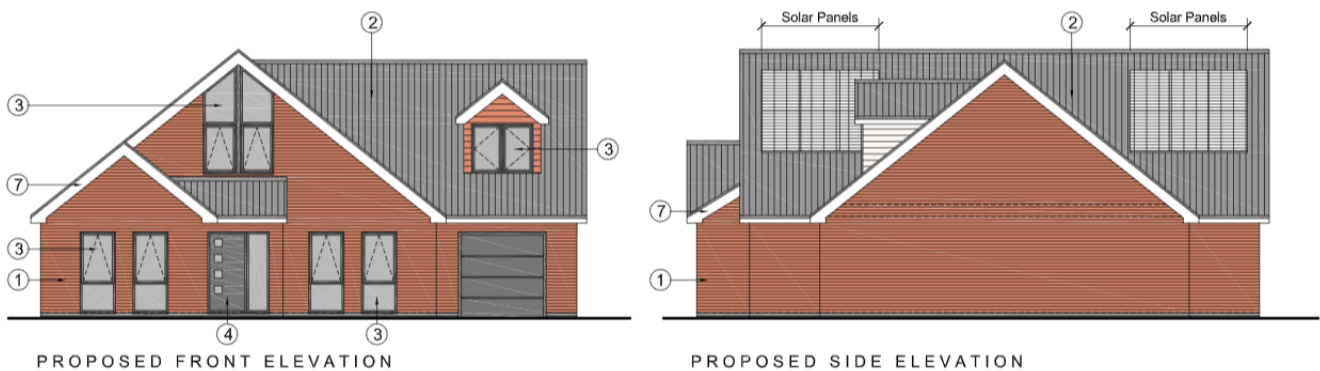
- 4.1 The application seeks full planning permission for the demolition of the existing cottage and the erection of one residential dwelling, with associated access, parking and garden.



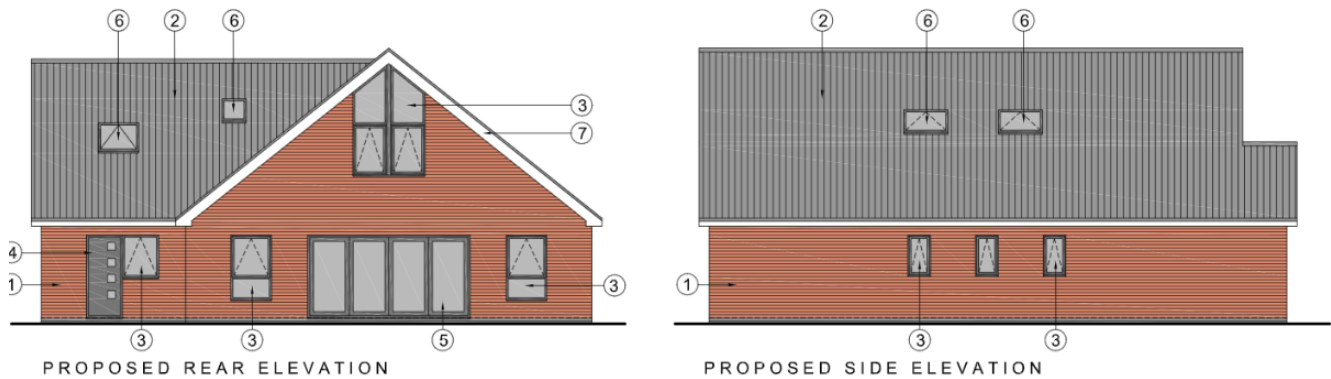
Proposed block plan © please note – area to north of site is subject to a separate application CHE/22/00748/OUT.

- 4.2 The application proposes a single, detached dwelling set across two storeys, in a “chalet” style dormer bungalow. To the front, the application proposes that a new access is created to the southern extent of the frontage to Ralph Road with frontage parking to be provided, with the existing access to the north (within the adjacent site) to be permanently closed off. The application proposes estate railing to the front boundary, with a 1.8m close boarded timber fence to the north, east and southern boundaries. External space is provided to the rear (east), with smaller pockets to the front and south.

- 4.3 The bungalow will be set across two stories, with a large front-facing gable with feature gable glazing to the first floor level. A smaller, projecting front gable sits to the left-hand side of the dwelling (when viewed from the front). A cross gable intersects with the front-facing gable and there is a gabled window at first floor level. To the rear, the proposal mirrors the large-gable design.
- 4.4 The height of the front facing gable is approximately 6.8m to ridge, 2.5m to eaves. The cross gable sits approximately 0.3m below the ridge of the projecting gable to the front of the property. The property is shown as approximately 13.7m wide, and 14.4m deep, providing 238sqm of accommodation set across two floors.
- 4.5 At ground floor level, the application proposes an integral garage and utility room, lounge, combined kitchen / living and dining area, downstairs wc and a bedroom with en-suite bathroom. At first floor, a further 3 bedrooms are provided with associated family bathroom, with bedroom 2 also having en-suite facilities.
- 4.6 The application proposes the dwelling to be finished in red facing brickwork, concrete roof tiles, upvc windows, fascias and soffits, with aluminium bi-fold doors providing access to the rear garden from the kitchen / living / dining area to the rear of the dwelling. Solar panels are proposed to the south-facing roof slope.



Proposed front (west) and side (south) facing elevations ©



Proposed rear (east) and side (north) facing elevations ©

4.7 The application is supported by the following documents:

- Preliminary Ecological Appraisal and Bat Survey
- CIEEM Basic Measurement Summary Report
- Indicative Drainage Strategy
- Structural Survey
- Heritage Impact Assessment
- Site Investigation Report

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)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design

- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

5.3 **National Planning Policy Framework**

- Part 2. Achieving sustainable development
- 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: A guide to sustainable housing layout and design SPD (2013)

5.5 **Principle of Development**

Relevant Policies

- 5.5.1 The application site is unallocated and is positioned within the built up area of Staveley (defined by Policy CLP3) therefore policies CLP1 and CLP2 should inform the consideration of the principle of development.
- 5.5.2 Policy CLP1 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, and to focus on areas that need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'*
- 5.5.3 Policy CLP2 states that when *'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 services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the*

use of public transport to access a range of key services;
f) utilise existing capacity in social infrastructure (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 Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;
h) are not on the best and most versatile agricultural land;'

- 5.5.4 Policies CLP1 and CLP2 seek to direct new development to regeneration areas and those areas within walking distance of a range of Key Services. The Successful Places SPD sets out that a walkable neighbourhood is one with a local centre / shop within 600-800m and a primary school within 800 – 1000m.
- 5.5.5 The site sits within the built up area (policy CLP3) and is within a short walk of public transport connections provided on Lowgates. With regards to key services, the site is within walking distance of Netherthorpe School, the Rectory Road Medical Centre and facilities within Lowgates East Local Centre. Staveley Town Centre is less than 1 mile away (walking distance). Norbriggs Primary School is located approximately 100m beyond the walkable threshold, but on balance the application site is considered to be in a sustainable location with access to a range of services.
- 5.5.6 The proposal would not fully meet the criteria set out within CLP2, as there are no wider regeneration or sustainability benefits of any significance being brought about by the development. However, the site does perform relatively well against criterion d) and e), i.e. it is within walking and cycling distance of the local centre and other key services. As such the proposal is considered to generally accord with policy CLP2.
- 5.5.7 On this basis it is considered that that the principle of residential development is acceptable on this site and is therefore in accordance with the Council's spatial strategy as established by policies CLP1 and CLP2 of the Chesterfield Local Plan.

5.6 Historic Environment

Relevant Policies

- 5.6.1 Para 194 of the NPPF expects LPAs to require an applicant to describe the significance of any heritage assets affected, including

any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

5.6.2 Policy CLP21 of the Chesterfield Local Plan states in part;
“Development that involves substantial harm or loss of a non-designated heritage asset will be assessed as part of a balanced judgement which considers:

- i. Whether or not the asset is structurally unsound and poses a high safety risk;*
- ii. The viability of repairing or maintaining the asset;*
- iii. Whether or not alternative uses have been fully explored;*
- iv. Whether or not the proposal would have wider social, economic or environmental benefits as part of a masterplanned regeneration scheme.”*

“Where a proposal that involves unavoidable harm or loss of a non-designated heritage asset on the Local List meets the criteria above, the council will seek a replacement development which is of an equivalent standard of design to the non-designated heritage asset and where possible retains the features of the non-designated heritage asset.”

5.6.3 CLP21 goes on to state *“In the exceptional circumstances where loss or partial loss of designated or non-designated heritage assets is considered to be justified, the council will require the developer to have the asset surveyed and recorded by a suitably qualified professional in advance of any alterations, demolition or groundwork. The surveying and recording will be required to be carried out in a manner proportionate to the importance of the asset and the impact of the development. A report detailing the investigation should be made publicly available and deposited through the Derbyshire’s Historic Environment Record as a minimum.”*

5.6.4 As noted by the Strategic Planning Team, Derbyshire County Council’s archaeology service, and members of the public who have made comments on the application, the site contains an existing derelict cottage which appears on the earliest iterations of the Ordnance Survey (dating parts of the building to at least the late 18th century). The building is a multi-phase structure comprised of an early building to the west which has later been added to. The

earliest edition of the OS map demonstrates that the building was associated with a smithy at the junction of Netherthorpe Road (now Ralph Road) and Lowgates.

- 5.6.5 The cottage is not statutorily listed, not in a conservation area, and is not identified on the Council's Local List of non-designated heritage assets. It was not identified or submitted as part of the consultation which helped to prepare the Local List.
- 5.6.6 The application is accompanied by both a structural survey (Ashgate Associates) and heritage impact assessment (Blue Willow Heritage) which consider the physical state of the building and an assessment of the potential heritage impact of the proposed development, including the demolition of the cottage.
- 5.6.7 The cottage building and remains of the former smithy buildings (to the north and east of the site which fall within the adjacent application site CHE/22/00748/OUT) are classified as non-designated heritage assets within the heritage impact assessment owing to their contribution to our understanding of the development of this part of Staveley.
- 5.6.8 The submitted heritage impact assessment concludes that the proposed development will result in major adverse impact to the physical fabric of the non-designated asset at 1 Ralph Road by virtue of total loss of the existing building.
- 5.6.9 In accordance with paragraph 203 of the NPPF, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.
- 5.6.10 Taking into account the numerous modern alterations / additions, highly limited survival of original or period features and plan form, and the extensive damage to the building, resulting in its current state of dereliction, the heritage impact assessment considers the overall significance of the asset to be "low". Furthermore, the chief contributor to the building's significance, its historical associative interest to both Netherthorpe Grammar School (Grade II listed) and the former historic smithy, which is intangible and not inherent to the physical fabric of the building, will be retained.
- 5.6.11 The structural survey submitted in support of the application details the poor condition of the property the extent of repair work that would be required to bring it into beneficial use. The applicant has

submitted a supporting statement with confirms that they have taken advice which indicates that it is not viable or desirable to repair and restore the cottage, nor would this deliver a modern energy efficient home.

- 5.6.12 In order to assess the significance of the site, the heritage impact assessment considers the archaeological, historic, architectural and artistic significance, and the contribution of setting. The below paragraphs provide a summary of the assessment of the significance of the site as set out in the heritage impact assessment:
- 5.6.13 Archaeological interest: the wider site (including that subject to application CHE/22/00748/OUT) is noted to have archaeological potential through evidence of above-ground remains of dwellings and the former smithy within the site, which would have local significance. The cottage is considered to make a minor contribution to the significance of the site in this sense, owing to limited archaeological interest.
- 5.6.14 Historic interest: the built fabric within the site is considered to hold very limited historic interest as a contributor to its significance. However, the historical associations of the site in relation to the former smithy and the Grade II listed Netherthorpe Grammar School are considered to constitute historic interest which makes a moderate positive contribution to its significance, although this element of its significance is intangible and not directly tied to the physical fabric of the cottage, which has itself been substantially denuded.
- 5.6.15 Architectural and artistic interest: the site is considered to hold limited architectural interest externally due to the poor-quality roughcast render which obscures much of the stonework. The stonework itself does not contribute to the architectural interest, being primarily comprised of rubble and in poor condition due to the render. The principal elevation has been denuded by modern alterations resulting in an off-centre door and unattractive modern replacement windows. The overall poor structural repair of the cottage is also considered to distract from its significance as a non-designated heritage asset. Internally, no period features of note survive, with replacement fireplaces, fixtures and fittings, and an altered layout, with areas of lath and plaster perhaps the most notable surviving element. There is therefore limited architectural interest as expressed internally.

- 5.6.16 The site is not considered to derive any contribution to significance from artistic interest, neither as expressed externally nor internally.
- 5.6.17 Contribution of setting: the application site forms a distinctive rendered historical structure surrounded by modern development. With the immediate surroundings forming a modern planned suburban area, the site is not considered to derive any significance from its immediate setting. However, the presence of some surviving surface remains pertaining to the former smithy buildings on the site does help place the building into its historical context. However, this spatial association, with the survival comprising rubble foundations and partial areas of walling combined with the deterioration of the dwelling, has been substantially denuded over time.
- 5.6.18 The significance of the site is therefore considered to be “low”. The assessment concludes that this is due to the extensive modern alterations, highly limited survival of original or period features and historic plan form, and extensive level of damage. The impact of the proposed development is therefore considered to be minor to moderate adverse, taking into account the above factors, and the fact that the significance of the site is in the main derived from its association with the Grammar School and former smithy, which are intangible elements and not related to the built fabric of the cottage.
- 5.6.19 The Council’s Conservation Officer and Derbyshire County Council’s archaeology service have been consulted on the application and the heritage matters associated with the demolition of the cottage.
- 5.6.20 The Conservation Officer confirms that a balanced judgement will be required, and in their view “in planning terms the building has no listed status, designated or otherwise, and at present there appears to be little evidence to suggest the building would be worthy of statutorily listing, notwithstanding its local historic interest”. No objection has been raised regarding the demolition; however, the Conservation Officer recommends that a condition is imposed to secure an appropriate scheme of recording in advance of the demolition taking place, as well as seeking to ensure that any material is salvaged, where possible.
- 5.6.21 The Derbyshire County Council archaeology service have undertaken an assessment of the proposal taking into account the findings of the heritage impact assessment. No objection has been raised to the demolition of the cottage; however, a condition is recommended to ensure appropriate archaeological monitoring

during the groundworks in accordance with the requirements of paragraph 208 of the NPPF.

- 5.6.22 Several objections have been received which cite the historic importance of the cottage. These objections are noted, however the significance of the site has been assessed above, and taking into consideration the condition of the cottage and the extent of repair works that would be required in order to bring it into a useable condition, the proposal is considered to be, on balance, acceptable in this instance.
- 5.6.23 The cottage has been subject to assessment by appropriately qualified consultants which concludes that it is of low heritage significance owing to numerous modern alterations and additions, highly limited survival of original and period features or plan form and its state of dereliction. The historic associative significance of the site (in terms of its relationship to the Grammar School and former smithy) are not contained within the built fabric of the cottage and would therefore not be impacted by its demolition.
- 5.6.24 Mitigation measures are proposed within the heritage impact assessment relating to the demolition of the cottage, through the undertaking of a Historic England Level 1/2 Historic Building Recording in advance of demolition as well as archaeological monitoring during the groundworks phase of the development. The Conservation Officer and DCC archaeology service have recommended the use of the conditions to secure these measures.
- 5.6.25 The NPPF requires decision-makers to give a balanced judgement having regard to the scale of any harm or loss and the significance of the asset. In this instance, taking into account the low significance of the site, the scale of the loss (demolition), alongside the proposed development of the wider site for 3 no. dwellings, it is considered that on balance the proposed demolition is acceptable and the loss of the cottage is outweighed by the provision of housing and other benefits brought by the proposal (see Section 5.9 relating to the provision of footway and pedestrian safety benefits, below). This is particularly the case in light of the fact that the cottage is not considered to be a major contributor to the significance of the site.
- 5.6.26 In the interests of sustainability and in order to investigate the opportunity for the salvaging and re-cycling of materials from the demolished cottage for future use in heritage projects, it is

recommended that a condition is imposed which requires the submission of a salvage statement.

- 5.6.27 On this basis, and subject to compliance with conditions, the proposal is considered to satisfy Policy CLP21 of the Chesterfield Local Plan and relevant provisions of the NPPF.

5.7 **Design and Appearance of the Proposal**

Relevant Policies

- 5.7.1 Local Plan policy CLP20 states “*All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context...*”

All development will be expected to:

- a) promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;*
- b) 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;*
- c) be at a density appropriate to the character of the area whilst not excluding higher densities in and close to designated local, district and town centres;*
- d) Contribute to the vitality of its setting through the arrangement of active frontages, accesses, and functions, including servicing;*
- e) Ensure that the interface between building plots and streets and also the boundaries of development sites and their surroundings are attractive and take account of the relationship between public and private spaces;*
- f) Provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings;*
- g) Provide adequate and safe vehicle access and parking;*
- h) Provide safe, convenient and attractive environment for pedestrians and cyclists;*
- i) Preserve or enhance the landscape character and biodiversity assets of the borough;*
- j) Be designed to be safe and secure and to create environments which reduce the potential for crime;*
- k) Minimise the impact of light pollution; and*

l) Be able to withstand any long-term impacts of climate change.”

- 5.7.2 The proposed development is considered to be of an acceptable design, taking into account the character of the wider locality. Ralph Road is characterised by mixed dwelling typologies, including Victorian terraces, 1930s detached and semi-detached dwellings and modern detached properties. It is not considered that the site is particularly sensitive in design terms and the proposal would assimilate into the surrounding street scene to an acceptable degree.
- 5.7.3 The detached dwelling will be of an appropriate height and scale, the mass of the built development will be sited further south than the existing cottage which is to be demolished, however this is considered to be acceptable as sufficient distance is retained between the proposed building, site boundary and adjacent residential property to the south.
- 5.7.4 The front boundary treatment is proposed as estate railing to the back edge of pavement along the Ralph Road frontage, with a 1.8m high close-boarded timber fence to the south, east and north. This is considered to be acceptable as it provides continuity with the existing site boundary treatment (although re-sited) and reflects the character of the site by maintaining the open aspect to the site frontage.
- 5.7.5 Whilst the proposed elevations show that the property is to be finished in brick with concrete roof tiles, little detail is provided on their specification or colour. It is considered that this matter can be resolved by way of imposing a condition which requires further details to be provided.
- 5.7.6 Furthermore, the application includes the provision of solar pv panels to the south facing roof elevation, which is considered to weigh in favour of the application in terms of supporting micro-scale renewable energy generation for the benefit of future occupants.
- 5.7.7 Having consideration for the observations above the proposal is considered to be acceptable in design terms within the context of the site and locality and therefore satisfies the relevant provisions of policy CLP20 of the Chesterfield Local Plan.

5.8 Residential Amenity

Relevant Policies

- 5.8.1 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)”*
- 5.8.2 Local Plan policy CLP20 expects development to *“have an acceptable impact on the amenity of users and neighbours”*
- 5.8.3 The proposal will retain an acceptable separation distance between the proposed dwelling and the adjacent property to the south. Furthermore, no windows are proposed to the southern elevation which will minimise the potential for overlooking. The height of the proposed dormer bungalow is consistent with residential properties along the street and is therefore not considered to give rise to the potential for overdominance. The orientation of the site means that the proposal is unlikely to lead to any loss of light or overshadowing to adjacent properties.
- 5.8.4 The proposed dwelling is of an acceptable size and is consistent with the nationally described space standards, with sufficient openings to provide natural light for future occupants.
- 5.8.5 External amenity space provided to the rear of the dwelling (approximately 150sqm) satisfies the minimum space guidance as set out at page 78 of the Successful Places SPD for a 4-bed dwelling.
- 5.8.6 On this basis, it is considered that the proposal satisfies the relevant considerations of policies CLP14 and CLP20 of the Local Plan in respect of amenity.

5.9 Highways Safety, Access, Parking Provision and Air Quality

Relevant Policies

- 5.9.1 Local Plan policy CLP20 expects development to *‘g) provide adequate and safe vehicle access and parking and h) provide safe, and attractive environment for pedestrians and cyclists’*.

- 5.9.2 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.*
- 5.9.3 The Strategic Planning Team has requested that electric vehicle charging points be installed and it is considered reasonable to secure this by condition.
- 5.9.4 Concern was initially raised regarding the potential impact of the access arrangements for the application site and that of the adjacent application (CHE/22/000748/OUT) on highway safety along Ralph Road, particularly in respect of the volume of school children and associated traffic travelling along the east side of Ralph Road to access bus stops and the crossing point on Lowgates. The site currently has no footway to the frontage, with a narrow footway to the north towards the junction with Lowgates which leads to school children walking in the road, despite the use of Ralph Road by heavy and large vehicles accessing the industrial uses to the south.
- 5.9.5 The introduction of additional accesses near to the junction therefore raised concerns relating not only to pedestrian safety but also highway safety associated with the junction. As a result, the applicant has revised the scheme, relocating the access and parking space further to the south to ensure appropriate visibility splays for the access into the site.
- 5.9.6 The revised scheme also includes the provision of a 2m wide footway along the site frontage (including the frontage to the adjacent site CHE/22/000748/OUT) which provides betterment to

other highway users and pedestrians, as well as improving emerging visibility splays. This is considered to be a significant benefit to highway and pedestrian safety in this location and weighs in favour of the scheme.

- 5.9.7 Off-street parking provision within the site (1 space to the front and an integral garage) is considered to be acceptable.
- 5.9.8 The Local Highway Authority has noted that no information is provided within the application to detail the arrangements for bin storage. An area of adequate dimension for standing of waste bins on refuse collection days should be provided adjacent to, but not within Ralph Road, to serve the dwelling. It is therefore considered reasonable to impose a condition which requires the provision of further information relating to bin storage and waste collection.
- 5.9.9 Taking into account the above considerations and subject to compliance with conditions, the proposal satisfies the relevant provisions of Policies CLP20 and CLP22 of the Chesterfield Local Plan.

5.10 Flood risk, Drainage and Water Efficiency

Relevant Policies

- 5.10.1 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.*
- Development proposals and site allocations will:*
- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
 - b) be directed to locations with the lowest impact on water resources;*
 - c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- 5.10.2 Policy CLP13 further states:
- "Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The*

council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.”

- 5.10.3 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 with no risk of surface water flooding at the site. 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.
- 5.10.4 The application is supported by an indicative drainage strategy (drawing 2022-214-05 Rev P01). The applicant has confirmed that the drainage details are to be finalised at the construction phase of the development so it is considered reasonable to impose a condition which requires the provision of further information. The Drainage Team are satisfied with this approach.
- 5.10.5 CLP13 also requires all new residential developments to meet the optional Building Regulations water efficiency standard of 110 litres of water per occupier per day. It is therefore considered reasonable to impose a condition to satisfy the relevant policy requirement.
- 5.10.6 On the basis of the above and subject to compliance with conditions, the application is considered to satisfy the relevant provisions of CLP13 of the Local Plan.

5.11 Ground Conditions, Land Contamination and Land Stability

Relevant Policies

- 5.11.1 Local Plan Policy CLP14 states that *‘Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
 - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
 - c) a strategy for any necessary mitigation and/or remediation and final validation.*
- A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on*

contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.

- 5.11.2 Paragraph 183 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*
- 5.11.3 The application site is located outside of (but adjacent to) the defined Development High Risk Area of former Coal Mining Legacy. The application was referred to the Coal Authority who have confirmed that the site falls outside of the Development High Risk Area and therefore no Coal Mining Risk Assessment is required.
- 5.11.4 The Environmental Health Officer has been consulted on the proposal and has raised the possibility for contaminated land issues. Conditions are recommended to require detailed site investigations works and remedial action where necessary.
- 5.11.4 The application therefore satisfies the relevant provisions of CLP14 and the NPPF.

5.12 Biodiversity and Landscaping

Relevant Policies

- 5.12.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - provide a net measurable gain in biodiversity'*
- 5.12.2 The NPPF also requires net gains in biodiversity (paragraph 174d).

- 5.12.3 The application is supported by a Preliminary Ecological Appraisal (PEA) and a CIEEM Basic Measurement Summary Report which considers the condition of the whole site (including the adjacent site being dealt with under application CHE/22/00748/OUT) and accounts for the felling of trees on site prior to the application being submitted.
- 5.12.4 The PEA considers each of the different habitat types within the site, as well as considering the potential for the site for various flora and fauna, making a series of recommendations so as to avoid disturbance, including reasonable avoidance methods (RAMs) for minimising disruption during the construction phase of the development. The PEA also identifies (at para 5.3) ecological enhancement opportunities.
- 5.12.5 The scheme ecologist has undertaken an assessment of biodiversity pre- and post-development using the CIEEM Basic Measurement approach which considers the condition of the site and accounts for the ecological enhancement measures as proposed. The onsite habitat baseline is composed predominantly of 'Moderate' condition other neutral grassland which was formed by the former amenity grassland sward. The sward was varied in structure and composition and featured patches of bare ground, brash piles, tree stumps and saplings. Mixed scrub was scattered throughout the site with the largest patch being along the southern boundary of the site.
- 5.12.6 At the time of the baseline assessment, two individual urban trees were recorded within the application area, a single mature Sycamore located within the neutral grassland to the north of the site and a mature Hawthorn located on the northern boundary. Prior to the PEA survey taking place, felling of a number of trees within the garden had occurred. Google Maps Streetview has been utilised to determine species identification and location of tree stumps used to determine the size of the trees and their location. The trees present on the site have therefore been accounted for in the consideration of biodiversity within the site.
- 5.12.7 The proposed biodiversity measures to be implemented on site (across this application site and the adjacent site being considered under CHE/22/00748/OUT) are as follows:
- Planting of 10 no. trees, including a planting and maintenance schedule

- Species rich native hedgerows (5 or more species), 1.5m wide double staggered planting (measuring a total length of 88m)
- Nectar rich planting beds
- Grass soft landscaping
- 6 no. integrated bird / bat boxes at appropriate locations throughout both sites

- 5.12.8 The above measures have sought to contribute to the implementation of the local Biodiversity Action Plan by incorporating green infrastructure to the site boundaries, and by incorporating key focus habitats; hedgerows, wildflower rich grassland and gardens.
- 5.12.9 The biodiversity information submitted recognises the difficulty in securing a net gain for biodiversity within the site owing to the presence of the neutral grassland and mixed scrub habitats within the site. The proposed biodiversity measures seek to address the loss of these habitats through the provision of substantial hedgerows and wildflower planting areas, which, while they do not satisfy the 'Trading Rules' in that they are direct compensation for the loss of the mixed scrub present within the site, should be considered to weigh positively for the scheme.
- 5.12.10 The provision of replacement scrubland within the scheme is not considered to be practical or desirable owing to the constrained size of the site (including the adjacent site subject to application CHE/22/00748/OUT) and is compensated for by the proposed introduction of native hedgerows, which are identified as a priority in the local Biodiversity Action Plan, as well as other enhancements (such as bird / bat boxes) which are typically not formally accounted for in biodiversity assessments.
- 5.12.11 The CIEEM Basic Measurement Summary Report makes recommendations relating to the management and maintenance of the biodiversity enhancement measures proposed to ensure their longevity throughout the life of the scheme. The proposed habitat interventions and management prescriptions are considered to maximise the biodiversity potential of the application site and adhere to the best practice principles of applying the mitigation hierarchy by limiting negative impacts as far as possible and incorporating habitat restoration in line with the local Biodiversity Action Plan.
- 5.12.12 In this instance, the proposed biodiversity enhancements at the site are considered to maximise the site's potential whilst accommodating the proposed development. The measures

proposed are proportionate to the site and to the scale of development and are proposed in line with the local Biodiversity Action Plan which provide locally-specific biodiversity benefits.

- 5.12.11 Derbyshire Wildlife Trust have been consulted on the application and have acknowledged the “effort made to achieve some level of biodiversity net gain on a small site without any open space” and that the proposals “likely maximise what is possible on site”.
- 5.12.9 The Tree Officer has inspected the proposed landscaping and tree planting plans and has confirmed that there are no objections, recognising that tree species selection has been undertaken on the basis of minimising the risk of excessive canopy spread, which could otherwise lead to their removal on site.
- 5.12.10 On the basis of the above, subject to compliance with conditions which require the implementation of the biodiversity measures as proposed, the proposal satisfies the requirements of policy CLP16 of the Local Plan.

5.13 Developer Contributions

5.13.1 As the development will involve the creation of new dwellings, the proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is situated within the low CIL charging zone where residential development is subject to a charge of £20 per sqm (index linked).

5.13.2 The CIL Liability for this application has been calculated as follows:

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permi-ssion)	Index (charging schedule)	CIL Charge
Residential (C3)	238	0	238	£20 (Low Zone)	355	288	£5,867

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

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by neighbour notification letters and 4 representations have been received, 3 to the application as originally submitted, 1 to the revised plans received on 28/01/2023.
- 6.2 Objections to the original submission were received based on the following:
- Heritage harm and loss of historic building
 - Loss of trees and ecology implications
 - Impact of the replacement dwelling on visual amenity
 - Impact of additional traffic on highway safety particularly with regard to traffic associated with the nearby Netherthorpe School
- 6.3 Objections to the revised plans were based on the following:
- Use of inappropriate materials
 - Opportunity to reuse historic materials
 - Biodiversity losses resulting from the felling of on-site trees
 - Siting of proposed new trees
 - Over development
- 6.4 The above comments are noted and are considered to have been sufficiently addressed within the report and the recommended conditions.

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 the 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 has during 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 Overall and subject to conditions, the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20, CLP21 and CLP22 of the Local Plan and the relevant provisions within the NPPF.

10.0 **RECOMMENDATION**

10.1 It is recommended that planning permission be **GRANTED** subject to the following conditions:

10.2 **Conditions**

Commencement

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

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

Approved plans and documents

2. The development hereby permitted shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):
 - Site location plan, drawing 2022-214-01 Rev P01, 1:250 @ A4, August 2022

- Proposed block plan, drawing 2022-214-04 Rev P02, 1:200 @ A3, September 2022
- Proposed elevations, drawing 2022-214-12 Rev P01, 1:100 @ A3, September 2022
- Proposed floor plans, drawing 2022-214-10 Rev P01, 1:100 @ A3, September 2022
- Proposed roof plan, drawing 2022-214-11 Rev P01, 1:100 @ A3, September 2022
- Tree planting plan, drawing 1436-001, 1:250 @ A3, February 2023
- Proposed Ecological Mitigation and Enhancement Scheme, drawing 2022-214-06, Rev P01, 1:200 @ A3, December 2022

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

Biodiversity Measures

3. The biodiversity measures shown in the following approved plans / documents:
 - Tree planting plan, drawing 1436-001, 1:250 @ A3, February 2023
 - Proposed Ecological Mitigation and Enhancement Scheme, drawing 2022-214-06, Rev P01, 1:200 @ A3, December 2022

And detailed in the:

- Preliminary Ecological Appraisal, Rev A, July 2022
 - CIEEM Basic Measurement Summary Report, April 2023
- shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

Biodiversity – construction management

4. All works shall proceed strictly in accordance with the measures outlined in Part 5, Ecological Constraints and Opportunities of the Preliminary Ecological Appraisal (Weddle Landscape Design, Rev A, July 2022) and Part 4, Project Implementation and Construction Plan of the CIEEM Basic Measurement Summary Report (Weddle Landscape Design, April 2023). These shall comprise precautionary methods for site clearance to safeguard and manage animal and plant species. A short statement of

compliance shall be submitted to the Local Planning Authority and approved in writing upon completion of the works.

Reason – in accordance with policy CLP16 of the Chesterfield Local Plan.

Landscaping

5. A detailed landscaping plan shall be submitted to the Local Planning Authority for approval in writing. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
 - b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour. The proposed boundary treatments shall include the provision at least one hedgehog gap at the base of each of the boundary fences measuring 130mm x 130mm.
 - c) a schedule detailing sizes and numbers of all proposed trees/plants
 - d) Sufficient specification to ensure successful establishment and survival of new planting.

Reason - In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with CLP16 of the Chesterfield Local Plan.

Retention and management of soft landscaping

6. The landscaping provided shall be retained and maintained as follows:
 - a) In accordance with section 4, Project Implementation and Construction Plan, of the CIEEM Basic Measurement Summary Report (Weddle Landscape Design, April 2023);
 - b) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding

season following the first occupation of the building(s) or the completion of the development whichever is the sooner;

- c) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- d) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- e) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason - To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy CLP20 of the Chesterfield Local Plan.

Construction hours

- 7. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time 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 safeguarding the privacy and amenity of the occupiers of surrounding properties in accordance with policies CLP20 and CLP14 of the Chesterfield Local Plan

Land Contamination

- 8. a) Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site

investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

b) If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

c) The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard, in relation to policy CLP14.

Drainage – surface water

9. 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:
- a) Evidence to demonstrate that surface water disposal via watercourse is not reasonably practical;
 - b) Evidence of existing drainage to public sewer and the current points of connection; and
 - c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason - To ensure that no surface water discharge takes place until proper provision has been made for its disposal and in the interests of sustainable drainage

Drainage – separate foul and surface

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed in writing by the Local Planning Authority.

Reason - In the interests of satisfactory and sustainable drainage in accordance with policy CLP13 of the Chesterfield Local Plan

Water efficiency

11. No individual dwelling hereby approved shall be occupied until the optional 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 and in accordance with Policy CLP13 of the Chesterfield Local Plan

Electric Vehicle Charge Point Infrastructure

12. A residential charging point shall be provided for each new 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 policy CLP22 of the Chesterfield Local Plan.

Creation of access

13. A new vehicular access shall be formed to Ralph Road in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use and the entire site frontage shall be maintained clear of any obstruction exceeding

1m in height (0.6m in the case of vegetation) relative to the road level for a distance of 2.4m into the site from the carriageway edge in order to maximise the visibility available to drivers emerging onto the highway.

Reason – In the interests of providing safe access in accordance with policy CLP22 of the Chesterfield Local Plan

Provision of footway

14. The development hereby approved shall not be occupied until the works to provide a 2m wide footway along the site frontage to Ralph Road in accordance with the revised application drawing – Proposed block plan, drawing no. 2022-214-04 Rev P02 have been constructed and completed.

Reason – In the interests of pedestrian safety in accordance with policy CLP22 of the Chesterfield Local Plan

Parking

15. The premises, the subject of the application, shall not be occupied until space has been provided within the site for the parking of resident's vehicles, in accordance with the approved plans, laid out, constructed and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of providing adequate and safe parking in accordance with policy CLP22 of the Chesterfield Local Plan

Gates

16. From the first occupation of the development hereby approved, there shall be no gates or other barriers across the vehicular access points into the site within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason – In the interests of providing safe access in accordance with policy CLP22 of the Chesterfield Local Plan

Bin Storage

17. 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 the designated purposes at all times thereafter.

Reason – In the interests of highway safety in accordance with policy CLP22 of the Chesterfield Local Plan

Materials

18. Samples / details of all materials, including all new windows and doors, to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason – To ensure a satisfactory external appearance of the development in accordance with policy CLP20 of the Adopted Local Plan.

Archaeology

19. No development, including demolition, shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- This part of the condition shall not be discharged until these elements of have been fulfilled in accordance with the programme set out in the WSI.

Reason – To ensure a satisfactory scheme of archaeological recording in accordance with Policy CLP21 of the Chesterfield Local Plan and paragraph 208 of the NPPF.

Historic building recording

20. No development, including demolition, shall take place until a Written Scheme of Investigation (WSI) for historic building recording has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place

other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and

a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements of have been fulfilled in accordance with the programme set out in the WSI.

Reason – To ensure a satisfactory scheme of historic building recording in accordance with Policy CLP21 of the Chesterfield Local Plan and paragraph 205 of the NPPF.

Salvage of materials

21. Prior to the removal of the demolished cottage taking place on site, a scheme, in the form of a 'salvage statement' shall be submitted to and approved in writing by the Local Planning Authority to seek to re-use the historic fabric of the cottage, including any natural brick, natural stone, roof pantiles and any primary structural timbers. Material shall be salvaged in accordance with the agreed details.

Reason – To minimise the carbon impact of the development and support the re-use of historic materials in line with Policy CLP20 and CLP21 of the Chesterfield Local Plan.

10.3 Informative Notes

1. The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

4. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under S211 of the Planning Act 2008. A CIL liability notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
5. 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/government/organisations/the-coal-authority
6. 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.
7. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278/72 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at Development.Implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278/72 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

8. 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.
9. The Highway Authority recommends that the first 5m of the proposed access / driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
10. Any connections to the public sewerage system must have prior approval from Yorkshire Water. Any amendments to existing drainage on site may require approval from Building Control.

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ITEM 3

OUTLINE APPLICATION (MEANS OF ACCESS SUBMITTED) FOR THE ERECTION OF TWO DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, ACCESS, PARKING AND GARDENS (REVISED PLANS RECEIVED 28/01/2023) AT 1 RALPH ROAD, STAVELEY, CHESTERFIELD, DERYSHIRE, S43 3PY FOR MR AND MRS EASSON

Local Plan: Unallocated, within the built up area defined by Policy CLP3

Ward: Lowgates and Woodthorpe

1.0 CONSULTATIONS

Ward Members	No comments received.
Staveley Town Council	No comments received.
Local Highways Authority	No objections, comments received, and conditions recommended – see report.
Derbyshire County Archaeologist	Comments received and conditions recommended – see report.
The Coal Authority	The application site does not fall within the Development High Risk Area – standing advice recommended.
Yorkshire Water	No comments received.
Derbyshire Wildlife Trust	No objection, conditions recommended – see report.
CBC Tree Officer	No objection based on further information provided, conditions recommended – see report.
CBC Strategic Planning	Comments received – see report.
CBC Design Services – Drainage	No objections – information provided relating to drainage design.

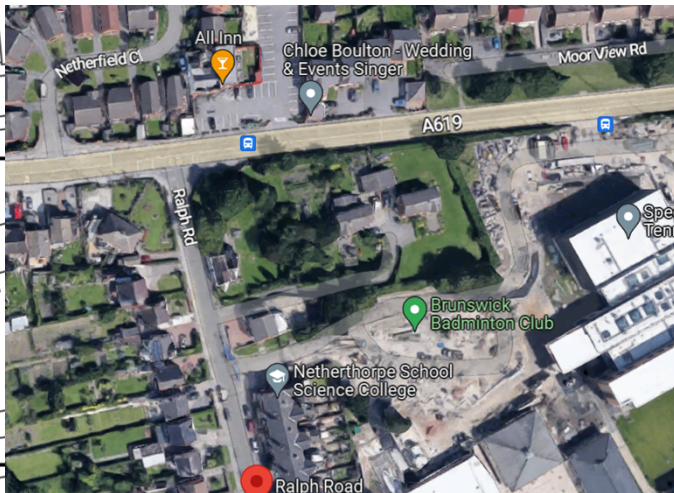
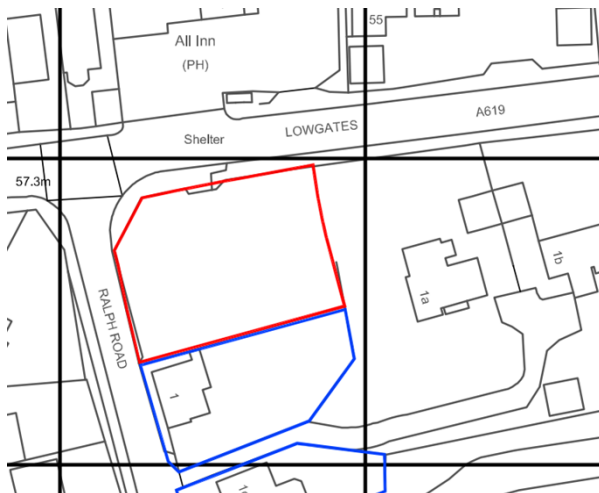
CBC Environmental Health No objection - conditions recommended relating to working hours and contaminated land – see report.

Representations 3 representations received – see report.

2.0 THE SITE

- 2.1 The site subject of this application is situated at the junction of Lowgates (A619) and Ralph Road, Staveley, opposite the All Inn pub which is located on the north side of Lowgates. To the south of the site is the adjacent application site which contains a derelict cottage building. To the east of the site are residential gardens. To the west are residential properties fronting Ralph Road.
- 2.2 The site is within the built up area of Staveley as defined by Policy CLP3 of the Chesterfield Local Plan and is within a mile (walking distance) of Staveley Town Centre which contains a range of Key Services. Lowgates East Local Centre is approximately a 2-minute walk away. Lowgates (A619) is also a main route for a range of public transport services. The application site is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035.
- 2.3 The application site contains remains of former smithy buildings which stood on the site. Railings provide the site boundary to the Ralph Road frontage, beyond which the footway to Ralph Road is very narrow and represents a pedestrian safety concern for students of the Netherthorpe School. Two accesses into the site are present, the first being on Ralph Road adjacent to the Ralph Road / Lowgates Junction, the second being on Lowgates which is currently closed off with fencing. To the north, the site is by both a stone wall and timber fence. To the east, there is no physical boundary between the application site and the residential gardens beyond. To the south is the adjacent application site (see para 2.4). A number of on site trees have been removed prior to the submission of the application.
- 2.4 As can be shown from the site plan below, the applicants have split the site into two, with the other portion of the site (blue line area) to the south being subject to a separate full application for the demolition of derelict cottage and the erection of one dwelling with associated infrastructure, access, parking and gardens (application reference CHE/22/00749/FUL).

2.5 The application site is broadly rectangular in shape covering approximately 820sqm (0.082ha).



Extract of submitted location plan ©

Aerial photograph taken from Google maps ©



Photo taken from within the site looking north



Photo taken from within the site looking north east

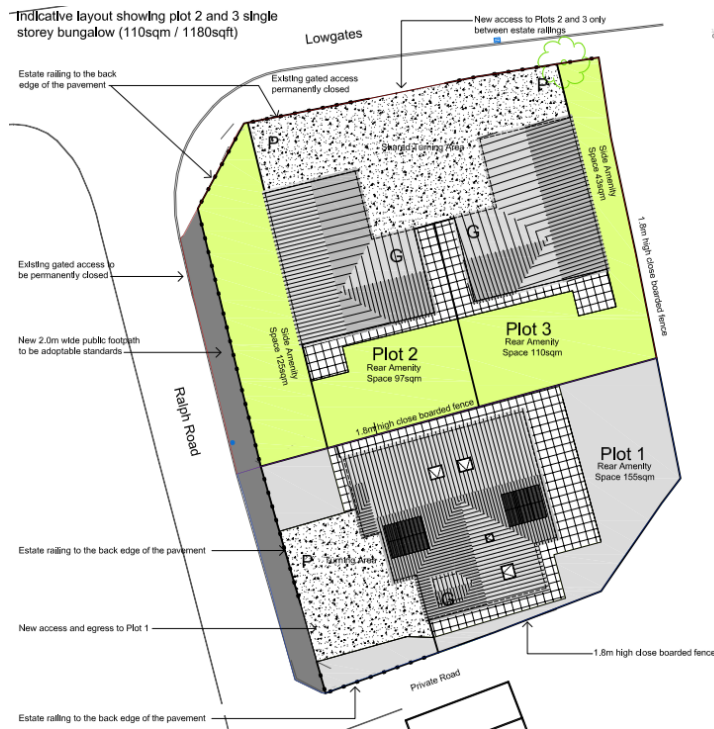
3.0 SITE HISTORY

3.1 **CHE/22/00749/FUL** – Demolition of derelict cottage and erection of one dwelling with associated infrastructure, access, parking and gardens.

Pending consideration.

4.0 THE PROPOSAL

4.1 The application seeks outline planning permission with means of access submitted for the erection of two dwellings with associated infrastructure, access, parking and gardens. An indicative proposed block plan has been submitted and is shown below although at this stage the only matter for consideration is the access into the site. All other matters are reserved.



Indicative proposed block plan © note – area to south of site is subject to a separate application CHE/22/00749/FUL.

4.2 The application proposes two dwellings that are shown indicatively on the proposed block plan with associated external amenity spaces to the sides and rear, and shared parking areas to the front.

4.3 The application is supported by the following documents:

- Preliminary Ecological Appraisal and Bat Survey
- CIEEM Basic Measurement Summary Report
- Indicative Drainage Strategy
- Structural Survey
- Heritage Impact Assessment
- Site Investigation Report

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)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- 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: A guide to sustainable housing layout and design SPD (2013)

5.5 Principle of Development

Relevant Policies

5.5.1 The application site is unallocated and is positioned within the built up area of Staveley (defined by Policy CLP3) therefore policies

CLP1 and CLP2 should inform the consideration of the principle of development.

- 5.5.2 Policy CLP1 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, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas.’*
- 5.5.3 Policy CLP2 states that when *‘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 services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (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 Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
 - h) are not on the best and most versatile agricultural land;’*
- 5.5.4 Policies CLP1 and CLP2 seek to direct new development to regeneration areas and those areas within walking distance of a range of Key Services. The Successful Places SPD sets out that a walkable neighbourhood is one with a local centre / shop within 600-800m and a primary school within 800 – 1000m.
- 5.5.5 The site sits within the built up area (policy CLP3) and is within a short walk of public transport connections provided on Lowgates. With regards to key services, the site is within walking distance of Netherthorpe School, the Rectory Road Medical Centre and facilities within Lowgates East Local Centre. Staveley Town Centre is less than 1 mile away (walking distance). Norbriggs Primary School is located approximately 100m beyond the walkable threshold, but on balance the application site is considered to be in a sustainable location with access to a range of services.

5.5.6 The proposal would not fully meet the criteria set out within CLP2, as there are no wider regeneration or sustainability benefits of any significance being brought about by the development. However, the site does perform relatively well against criterion d) and e), i.e. it is within walking and cycling distance of the local centre and other key services. As such the proposal is considered to generally accord with policy CLP2.

5.5.7 On this basis it is considered that that the principle of residential development is acceptable on this site and is therefore in accordance with the Council's spatial strategy as established by policies CLP1 and CLP2 of the Chesterfield Local Plan.

5.6 Historic Environment

Relevant Policies

5.6.1 Para 194 of the NPPF expects LPAs to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

5.6.2 Policy CLP21 of the Chesterfield Local Plan states in part;
“Development that involves substantial harm or loss of a non-designated heritage asset will be assessed as part of a balanced judgement which considers:

- i. Whether or not the asset is structurally unsound and poses a high safety risk;*
- ii. The viability of repairing or maintaining the asset;*
- iii. Whether or not alternative uses have been fully explored;*
- iv. Whether or not the proposal would have wider social, economic or environmental benefits as part of a masterplanned regeneration scheme.”*

“Where a proposal that involves unavoidable harm or loss of a non-designated heritage asset on the Local List meets the criteria above, the council will seek a replacement development which is of an equivalent standard of design to the non-designated heritage asset and where possible retains the features of the non-designated heritage asset.”

- 5.6.3 CLP21 goes on to state *“In the exceptional circumstances where loss or partial loss of designated or non-designated heritage assets is considered to be justified, the council will require the developer to have the asset surveyed and recorded by a suitably qualified professional in advance of any alterations, demolition or groundwork. The surveying and recording will be required to be carried out in a manner proportionate to the importance of the asset and the impact of the development. A report detailing the investigation should be made publicly available and deposited through the Derbyshire’s Historic Environment Record as a minimum.”*
- 5.6.4 The site contains the remains of historic smithy buildings which are present throughout the north and western edges of the site. These remains are not statutorily listed, not in a conservation area or identified on the Council’s Local List of non-designated heritage assets. They were not identified or submitted as part of the consultation which helped to prepare the Local List.
- 5.6.5 The application is accompanied by a heritage impact assessment (Blue Willow Heritage) which contains assessment of the potential heritage impact of the proposed development, including the remains of the former smithy buildings.
- 5.6.6 The remains of the former smithy buildings and the cottage contained within the adjacent site (application CHE/22/00749/FL) are classified as non-designated heritage assets within the heritage impact assessment owing to their contribution to our understanding of the development of this part of Staveley.
- 5.6.7 The submitted heritage impact assessment notes the potential archaeological implications pertaining to former buildings within the site within the historical mapping. A study into the archaeological resource of the site was therefore undertaken. Consultation of freely available LiDAR data revealed the potential for archaeological remains which correspond to the footprint of historic buildings identified on historic mapping to survive below-ground. As there has been no subsequent development within this part of the site, it is likely that the remains have been undisturbed and there is a high potential for their sub-surface survival, which – if present – could yield further information of local significance. Such remains would also have the potential to be impacted as a result of any groundworks associated with the proposed development.

- 5.6.8 In accordance with paragraph 203 of the NPPF, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.
- 5.6.9 In order to assess the significance of the site, the heritage impact assessment considers the archaeological, historic, architectural and artistic significance, and the contribution of setting. The below paragraphs provide a summary of the assessment of the significance of the site as set out in the heritage impact assessment:
- 5.6.10 Archaeological interest: the site is noted to have archaeological potential through evidence of above-ground remains of dwellings and the former smithy within the site, which would have local significance.
- 5.6.11 Historic interest: the built fabric within the site is considered to hold very limited historic interest as a contributor to its significance. However, the historical associations of the site in relation to the former smithy and the Grade II listed Netherthorpe Grammar School are considered to constitute historic interest which makes a moderate positive contribution to its significance, although this element of its significance is intangible and not directly tied to the physical fabric of the cottage to the south, which has itself been substantially denuded.
- 5.6.12 Architectural and artistic interest: the heritage impact assessment concludes that there is no architectural or artistic interest within this part of the site relating to the former smithy buildings.
- 5.6.13 Contribution of setting: with the immediate surroundings forming a modern planned suburban area, the site is not considered to derive any significance from its immediate setting. However, the presence of some surviving surface remains pertaining to the former buildings on the site does help place the building into its historical context but this spatial association, with the survival comprising rubble foundations and partial areas of walling combined with the deterioration of the cottage, has been substantially denuded over time.
- 5.6.14 The significance of the site is therefore considered to be “low”. The impact of the proposed development is therefore considered to be minor to moderate adverse, taking into account the above factors, and the fact that the significance of the site is in the main derived from its association with the Grammar School and former smithy,

which are intangible elements and not related to the built fabric of the cottage.

- 5.6.15 Derbyshire County Council's archaeology service have been consulted on the application and no objections have been raised to the proposed development.
- 5.6.16 The Derbyshire County Council archaeology service have undertaken an assessment of the proposal taking into account the findings of the heritage impact assessment. A condition is recommended to ensure appropriate archaeological monitoring during the groundworks in accordance with the requirements of paragraph 208 of the NPPF.
- 5.6.17 Mitigation measures are proposed within the heritage impact assessment through the undertaking of archaeological monitoring during the groundworks phase of the development. DCC archaeology service have recommended the use of the conditions to secure these measures.
- 5.6.18 The NPPF requires decision-makers to give a balanced judgement having regard to the scale of any harm or loss and the significance of the asset. In this instance, taking into account the low significance of the site, it is considered that on balance the proposed development is acceptable, taking into account the site's significance and the benefits brought about by the provision of housing and other public benefits (see Section 5.9 relating to the provision of footway and pedestrian safety benefits, below).
- 5.6.19 On this basis, and subject to compliance with conditions, the proposal is considered to satisfy Policy CLP21 of the Chesterfield Local Plan and relevant provisions of the NPPF.

5.7 Design and Appearance of the Proposal

Relevant Policies

- 5.7.1 Local Plan policy CLP20 states "*All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context...*

All development will be expected to:

- a) *promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;*
- b) *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;*
- c) *be at a density appropriate to the character of the area whilst not excluding higher densities in and close to designated local, district and town centres;*
- d) *Contribute to the vitality of its setting through the arrangement of active frontages, accesses, and functions, including servicing;*
- e) *Ensure that the interface between building plots and streets and also the boundaries of development sites and their surroundings are attractive and take account of the relationship between public and private spaces;*
- f) *Provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings;*
- g) *Provide adequate and safe vehicle access and parking;*
- h) *Provide safe, convenient and attractive environment for pedestrians and cyclists;*
- i) *Preserve or enhance the landscape character and biodiversity assets of the borough;*
- j) *Be designed to be safe and secure and to create environments which reduce the potential for crime;*
- k) *Minimise the impact of light pollution; and*
- l) *Be able to withstand any long-term impacts of climate change.”*

5.7.2 The proposal is for two new dwellings with means of access submitted, all other matters are reserved. Design and appearance will therefore be considered within future reserved matters applications.

5.8 Residential Amenity

Relevant Policies

5.8.1 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)”*

5.8.2 Local Plan policy CLP20 expects development to “*have an acceptable impact on the amenity of users and neighbours*”

5.8.3 The proposal is for two new dwellings with means of access submitted, all other matters are reserved. Although there is an indicative proposed block plan available within the application material this is indicative only. Amenity matters will therefore be considered within future reserved matters applications.

5.9 **Highways Safety, Access, Parking Provision and Air Quality**

Relevant Policies

5.9.1 Local Plan policy CLP20 expects development to ‘*g) provide adequate and safe vehicle access and parking and h) provide safe, and attractive environment for pedestrians and cyclists*’.

5.9.2 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.

5.9.3 The Strategic Planning Team has requested that electric vehicle charging points be installed and it is considered reasonable to secure this by condition.

5.9.4 Concern was initially raised regarding the potential impact of the access arrangements for the application site and that of the adjacent application (CHE/22/000749/FUL) on highway safety along Ralph

Road, particularly in respect of the volume of school children and associated traffic travelling along the east side of Ralph Road to access bus stops and the crossing point on Lowgates. The site currently has a narrow footway to the north towards the junction with Lowgates which leads to school children walking in the road, despite the use of Ralph Road by heavy and large vehicles accessing the industrial uses to the south.

- 5.9.5 The introduction of additional accesses near to the junction therefore raised concerns relating not only to pedestrian safety but also highway safety associated with the junction. As a result, the applicant has revised the scheme, relocating the access into the site to the Lowgates frontage, with existing accesses from Ralph Road and Lowgates (nearer to the junction) to be permanently closed.
- 5.9.6 The revised scheme also includes the provision of a 2m wide footway along the site frontage (including the frontage to the adjacent site CHE/22/000749/FUL) which provides betterment to other highway users and pedestrians, as well as improving emerging visibility splays. This is considered to be a significant benefit to highway and pedestrian safety in this location and weighs in favour of the scheme.
- 5.9.7 The proposed access is of an adequate width to serve two dwellings, and acceptable levels of emerging visibility appear to be achievable from the proposed access in both directions.
- 5.9.8 The Local Highway Authority have requested that the existing footway on Lowgates is improved to a width of 3m and extended for an approximate distance of 5m to the east of the proposed access and the new footway to include an uncontrolled pedestrian crossing facility (to the east of the access) e.g. dropped kerbs and tactile paving to provide a crossing point to the bus stop on the opposite side of Lowgates, in the interests of other highway users / pedestrians. On the basis of improving pedestrian safety it is considered reasonable to secure these measures by condition.
- 5.9.9 The area of hardstanding within the site is adequate to provide 2 no. off-street parking spaces to serve each dwelling along with manoeuvring space so that vehicles can both enter and exit in a forward gear. This is considered to be an acceptable level of provision to serve the proposed development.

- 5.9.10 No information is provided within the application to detail the arrangements for bin storage. An area of adequate dimension for standing of waste bins on refuse collection days should be provided adjacent to, but not within Ralph Road, to serve the dwellings. It is therefore considered reasonable to impose a condition which requires the provision of further information relating to bin storage and waste collection.
- 5.9.11 Taking into account the above considerations and subject to compliance with conditions, the proposal satisfies the relevant provisions of Policies CLP20 and CLP22 of the Chesterfield Local Plan.

5.10 Flood risk, Drainage and Water Efficiency

Relevant Policies

- 5.10.1 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.*
Development proposals and site allocations will:
a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;
b) be directed to locations with the lowest impact on water resources;
c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.
- 5.10.2 Policy CLP13 further states:

“Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.”
- 5.10.3 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 with no risk of surface water flooding at the site. 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.

- 5.10.4 The Drainage Team have advised that the site should be developed with separate systems of foul and surface water drainage.
- 5.10.5 CLP13 also requires all new residential developments to meet the optional Building Regulations water efficiency standard of 110 litres of water per occupier per day. It is therefore considered reasonable to impose a condition to satisfy the relevant policy requirement.
- 5.10.6 On the basis of the above and subject to compliance with conditions, the application is considered to satisfy the relevant provisions of CLP13 of the Local Plan.

5.11 Ground Conditions, Land Contamination and Land Stability

Relevant Policies

- 5.11.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
 - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
 - c) a strategy for any necessary mitigation and/or remediation and final validation.*
- A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.*
- 5.11.2 Paragraph 183 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of*

being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'

- 5.11.3 The application site is located outside of (but adjacent to) the defined Development High Risk Area of former Coal Mining Legacy. The application was referred to the Coal Authority who have confirmed that the site falls outside of the Development High Risk Area and therefore no Coal Mining Risk Assessment is required.
- 5.11.4 The Environmental Health Officer has been consulted on the proposal and has raised the possibility for contaminated land issues. Conditions are recommended to require detailed site investigations works and remedial action where necessary.
- 5.11.4 The application therefore satisfies the relevant provisions of CLP14 and the NPPF.

5.12 Biodiversity and Landscaping

Relevant Policies

- 5.12.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity'*
- 5.12.2 The NPPF also requires net gains in biodiversity (paragraph 174d).
- 5.12.3 The application is supported by a Preliminary Ecological Appraisal (PEA) and a CIEEM Basic Measurement Summary Report which considers the condition of the whole site (including the adjacent site being dealt with under application CHE/22/00749/FUL) and accounts for the felling of trees on site prior to the application being submitted.
- 5.12.4 The PEA considers each of the different habitat types within the site, as well as considering the potential for the site for various flora and fauna, making a series of recommendations so as to avoid disturbance, including reasonable avoidance methods (RAMs) for minimising disruption during the construction phase of the

development. The PEA also identifies (at para 5.3) ecological enhancement opportunities.

- 5.12.5 The scheme ecologist has undertaken an assessment of biodiversity pre- and post-development using the CIEEM Basic Measurement approach which considers the condition of the site and accounts for the ecological enhancement measures as proposed. The onsite habitat baseline is composed predominantly of 'Moderate' condition other neutral grassland which was formed by the former amenity grassland sward. The sward was varied in structure and composition and featured patches of bare ground, brash piles, tree stumps and saplings. Mixed scrub was scattered throughout the site with the largest patch being along the southern boundary of the site.
- 5.12.6 At the time of the baseline assessment, two individual urban trees were recorded within the application area, a single mature Sycamore located within the neutral grassland to the north of the site and a mature Hawthorn located on the northern boundary. Prior to the PEA survey taking place, felling of a number of trees within the garden had occurred. Google Maps Streetview has been utilised to determine species identification and location of tree stumps used to determine the size of the trees and their location. The trees present on the site have therefore been accounted for in the consideration of biodiversity within the site.
- 5.12.7 The proposed biodiversity measures to be implemented on site (across this application site and the adjacent site being considered under CHE/22/00749/FUL) are as follows:
- Planting of 10 no. trees, including a planting and maintenance schedule
 - Species rich native hedgerows (5 or more species), 1.5m wide double staggered planting (measuring a total length of 88m)
 - Nectar rich planting beds
 - Grass soft landscaping
 - 6 no. integrated bird / bat boxes at appropriate locations throughout both sites
- 5.12.8 The above measures have sought to contribute to the implementation of the local Biodiversity Action Plan by incorporating green infrastructure to the site boundaries, and by incorporating key focus habitats; hedgerows, wildflower rich grassland and gardens.

- 5.12.9 The biodiversity information submitted recognises the difficulty in securing a net gain for biodiversity within the site owing to the presence of the neutral grassland and mixed scrub habitats within the site. The proposed biodiversity measures seek to address the loss of these habitats through the provision of substantial hedgerows and wildflower planting areas, which, while they do not satisfy the 'Trading Rules' in that they are direct compensation for the loss of the mixed scrub present within the site, should be considered to weigh positively for the scheme.
- 5.12.10 The provision of replacement scrubland within the scheme is not considered to be practical or desirable owing to the constrained size of the site (including the adjacent site subject to application CHE/22/00749/FUL) and is compensated for by the proposed introduction of native hedgerows, which are identified as a priority in the local Biodiversity Action Plan, as well as other enhancements (such as bird / bat boxes) which are typically not formally accounted for in biodiversity assessments.
- 5.12.11 The CIEEM Basic Measurement Summary Report makes recommendations relating to the management and maintenance of the biodiversity enhancement measures proposed to ensure their longevity throughout the life of the scheme. The proposed habitat interventions and management prescriptions are considered to maximise the biodiversity potential of the application site and adhere to the best practice principles of applying the mitigation hierarchy by limiting negative impacts as far as possible and incorporating habitat restoration in line with the local Biodiversity Action Plan.
- 5.12.12 In this instance, the proposed biodiversity enhancements at the site are considered to maximise the site's potential whilst accommodating the proposed development. The measures proposed are proportionate to the site and to the scale of development as proposed and are proposed in line with the local Biodiversity Action Plan which provide locally-specific biodiversity benefits.
- 5.12.11 Derbyshire Wildlife Trust have been consulted on the application and have acknowledged the "effort made to achieve some level of biodiversity net gain on a small site without any open space" and that the proposals "likely maximise what is possible on site".
- 5.12.9 The Tree Officer has inspected the proposed landscaping and tree planting plans and has confirmed that there are no objections,

recognising that tree species selection has been undertaken on the basis of minimising the risk of excessive canopy spread, which could otherwise lead to their removal on site.

- 5.12.10 On the basis of the above, subject to compliance with conditions which require the implementation of the biodiversity measures as proposed, the proposal satisfies the requirements of policy CLP16 of the Local Plan.

5.13 Developer Contributions

- 5.13.1 As the development will involve the creation of new dwellings, the proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located in the low CIL charging zone as set out in the Council's Charging Schedule which is currently charged at a rate of £20 (index linked) per square metre of gross internal floorspace.
- 5.13.2 If approved, the applicant would be required to submit information at the reserved matters stage when a CIL Liability Notice would be issued.

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by neighbour notification letters and 3 representations have been received, 2 to the application as originally submitted, 1 to the revised plans received on 28/01/2023.
- 6.2 Objections to the original submission were received based on the following:
- Loss of trees and ecology implications
 - Visual amenity harm resulting from the loss of trees
 - Highway safety concerns relating to the proposed access
 - The proposed property nearest Lowgates has a Statutory Building Line which would prevent the development
 - Impact of additional traffic on highway safety particularly with regard to traffic associated with the nearby Netherthorpe School
- 6.3 Objections to the revised plans were based on the following:
- Use of inappropriate materials
 - Opportunity to reuse historic materials
 - Biodiversity losses resulting from the felling of on-site trees
 - Siting of proposed new trees

- Over development

6.4 The above comments are noted and are considered to have been sufficiently addressed within the report and the recommended conditions.

6.5 The Statutory Building Line is a civil matter which falls outside of the scope of planning.

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 the 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 has during 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 Overall and subject to conditions, the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20, CLP21 and CLP22 of the Local Plan and the relevant provisions within the NPPF.

10.0 RECOMMENDATION

- 10.1 It is recommended that planning permission be **GRANTED** subject to the following conditions:

10.2 Conditions

Reserved matters submissions

1. Approval of the details of the appearance, landscaping, layout and scale of the proposal (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).

Timeframe for reserved matters submissions

2. Application for approval of all of 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

Timeframe 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

Approved plans and documents

4. The development hereby permitted shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):
- Site location plan, drawing 2022-214-01 Rev P01, 1:250 @ A4, August 2022
 - Access plan for outline planning application, drawing 2022-214-07, Rev P01, 1:200 @ A3, February 2023
 - Tree planting plan, drawing 1436-001, 1:250 @ A3, February 2023
 - Proposed Ecological Mitigation and Enhancement Scheme, drawing 2022-214-06, Rev P01, 1:200 @ A3, December 2022

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

Biodiversity Measures

5. 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 approval in writing demonstrating the creation of a suitable habitat which enhances the ecological interest of the site with a maintenance plan. This shall include but not be limited to the proposals shown in the following approved plans / documents:
- Tree planting plan, drawing 1436-001, 1:250 @ A3, February 2023
 - Proposed Ecological Mitigation and Enhancement Scheme, drawing 2022-214-06, Rev P01, 1:200 @ A3, December 2022
- And detailed in the:
- Preliminary Ecological Appraisal, Rev A, July 2022
 - CIEEM Basic Measurement Summary Report, April 2023

The biodiversity measures shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

Biodiversity – construction management

6. All works shall proceed strictly in accordance with the measures outlined in Part 5, Ecological Constraints and Opportunities of the Preliminary

Ecological Appraisal (Weddle Landscape Design, Rev A, July 2022) and Part 4, Project Implementation and Construction Plan of the CIEEM Basic Measurement Summary Report (Weddle Landscape Design, April 2023). These shall comprise precautionary methods for site clearance to safeguard and manage animal and plant species. A short statement of compliance shall be submitted to and approved in writing upon completion of the works.

Reason – in accordance with policy CLP16 of the Chesterfield Local Plan.

Landscaping

7. Within the reserved matters application a detailed landscaping plan shall be submitted to the Local Planning Authority for approval. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
 - b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour. The proposed boundary treatments shall include the provision at least one hedgehog gap at the base of each of the boundary fences measuring 130mm x 130mm.
 - c) a schedule detailing sizes and numbers of all proposed trees/plants
 - d) Sufficient specification to ensure successful establishment and survival of new planting.

Reason - In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with CLP16 of the Chesterfield Local Plan.

Retention and management of soft landscaping

8. The landscaping provided shall be retained and maintained as follows:

- a) In accordance with section 4, Project Implementation and Construction Plan, of the CIEEM Basic Measurement Summary Report (Weddle Landscape Design, April 2023);
- b) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
- c) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- d) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- e) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason - To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy CLP20 of the Chesterfield Local Plan.

Construction hours

- 9. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time 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 safeguarding the privacy and amenity of the occupiers of surrounding properties in accordance with policies CLP20 and CLP14 of the Chesterfield Local Plan

Land Contamination

- 10. a) Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
- II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

b) If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

c) The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason – In the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with policy CLP14 of the Local Plan.

Drainage – surface water

11. 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:
 - a) Evidence to demonstrate that surface water disposal via watercourse is not reasonably practical;

- b) Evidence of existing drainage to public sewer and the current points of connection; and
- c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason - To ensure that no surface water discharge takes place until proper provision has been made for its disposal and in the interests of sustainable drainage

Drainage – separate foul and surface

12. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason - In the interests of satisfactory and sustainable drainage in accordance with policy CLP13 of the Chesterfield Local Plan

Water efficiency

13. No individual dwelling hereby approved shall be occupied until the optional 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 and in accordance with Policy CLP13 of the Chesterfield Local Plan

Electric Vehicle Charging Point Infrastructure

14. A residential charging point shall be provided for each new 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 policy CLP22 of the Chesterfield Local Plan.

Creation of access

15. Before any other operations are commenced, a new/modified vehicular access shall be formed to Lowgates, located, designed, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction, as shown on the submitted Access Plan, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason – In the interests of providing safe access in accordance with policy CLP22 of the Chesterfield Local Plan

Pedestrian footway

16. Prior to the commencement of any other operations, the existing footway to the West of the proposed vehicular access shall be widened to 2m and extended for a distance of 5m to the east of the proposed access to Lowgates including a dropped kerb and tactile crossing point, laid out and constructed in accordance with the submitted Access Plan.

Reason – In the interests of pedestrian safety in accordance with policy CLP22 of the Chesterfield Local Plan

Existing accesses

17. Prior to the occupation of the development hereby approved, the existing accesses to Lowgates made redundant by the proposal shall be permanently closed and the existing vehicular crossover shall be reinstated as footway.

Reason – In the interests of pedestrian safety in accordance with policy CLP22 of the Chesterfield Local Plan

Provision of footway

18. The development hereby approved shall not be occupied until the works to provide a 2m wide footway along the site frontage to Ralph Road in accordance with the Access Plan – drawing 2022-014-07, Rev P01, 1:200 @ A3, February 2023, have been laid out and constructed.

Reason – In the interests of pedestrian safety in accordance with policy CLP22 of the Chesterfield Local Plan

Parking

19. The premises, the subject of the application, shall not be occupied until space has been provided within the site for the parking of residents' vehicles, in accordance with the plans approved under the Reserved Matters submission(s), laid out, constructed and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of providing adequate and safe parking in accordance with policy CLP22 of the Chesterfield Local Plan

Gates

20. From the first occupation of the development hereby approved, there shall be no gates or other barriers across the vehicular access points into the site within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason – In the interests of providing safe access in accordance with policy CLP22 of the Chesterfield Local Plan

Bin storage

21. Details of arrangements for storage of bins and collection of waste shall be submitted to and approved by the Local Planning Authority as part of the Reserved Matters submission(s). The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason – In the interests of highway safety in accordance with policy CLP22 of the Chesterfield Local Plan

Archaeology

22. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements of have been fulfilled in accordance with the programme set out in the WSI.

Reason – To ensure a satisfactory scheme of archaeological recording in accordance with Policy CLP21 of the Chesterfield Local Plan and paragraph 208 of the NPPF.

Informative Notes

1. The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
4. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under S211 of the Planning Act 2008. A CIL liability notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
5. 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/government/organisations/the-coal-authority

6. 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.
7. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278/72 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at Development.Implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278/72 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

8. 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.
9. The Highway Authority recommends that the first 5m of the proposed access / driveway should not be surfaced with a loose material (i.e.

unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.

10. Any connections to the public sewerage system must have prior approval from Yorkshire Water. Any amendments to existing drainage on site may require approval from Building Control.

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Item 4

CHE/22/00808/FUL

Planning Committee - 24th April 2023

Ward – St Helens

Conversion of brick-built former garage into a 2 bedroomed dwelling on land at rear of 127 Newbold Road, Newbold, Chesterfield, S41 7PS for K Hicking and M Edwards

1.0 CONSULTATION RESPONSES

Coal Authority	No objections, standing advice recommended
Drainage	No objections, YW will need to be contacted regarding connection to sewer network
Highways	No objections however, comments regarding parking provision noted
Tree Officer	No objections, conditions recommended
Yorkshire Water	No comments received.
Ward Councillors	One representation received from Cllr Murphy
Representations	9 Representations received from 8 local properties

2.0 SITE DESCRIPTION

- 2.1. The application relates to a plot of land to the rear of 127 Newbold Road, which would have formed the rear garden of the property. The site is accessed directly from Newbold Road, served by a private access track which loops around the rear of the adjacent terraces.
- 2.2. The site, approximately 165m² in area, is currently in a dilapidated and unused state, comprising of a derelict outbuilding, overgrown shrubbery and piles of building rubble. Hard landscaping in the form of fencing and

a brick wall, make up the boundaries to the East & West of the site, with a hedgerow to the Northern boundary.

- 2.3. The surrounding area is predominantly residential in character. To the South of the site is a terrace of 10 villa style properties, which are included on the local list of heritage assets due to their group value and the positive contribution they make to the street scene.





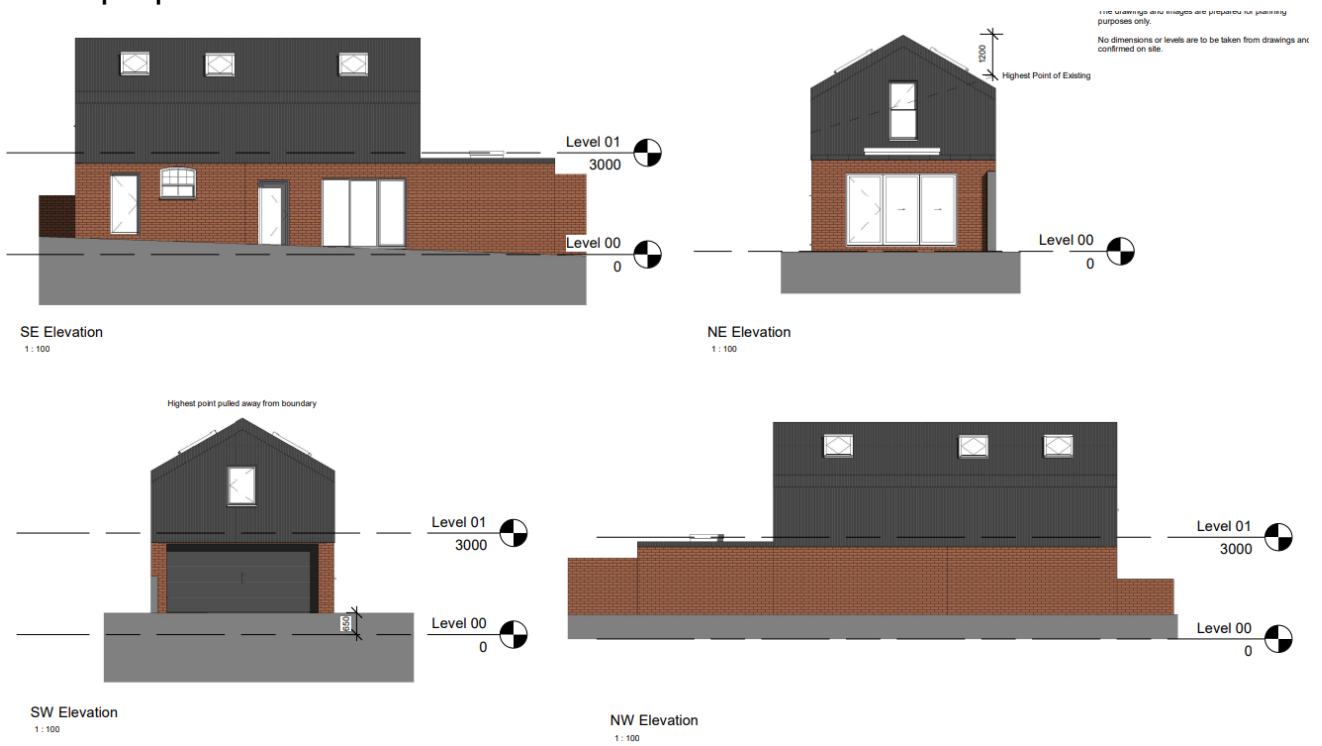
3.0 PLANNING HISTORY

- 3.1. CHE/0592/0300 – Change of use of 127 Newbold Road property to 4 flats – Conditional permission 18/08/92

4.0 PROPOSAL

- 4.1. The applicant is seeking permission for the conversion of the garage building into a 2-bedroom residential dwelling which will have an open plan kitchen/living/dining on the ground floor with two double-bedrooms and shared bathroom on the first floor. Parking is to be provided for the dwelling in the form of 2 parking spaces in a car port to the front of the property.
- 4.2. The dwelling will measure 14.5m (L) by 5.5m (W), giving a total floor area of approximately 120m² over the 2 levels. To the rear of the building will be a garden measuring 75m²
- 4.3. The building will have a gable pitched roof, with eaves and ridge of 4.2m and 5.8m respectively. The application has adopted a modern approach towards the design and materials of the new dwelling. The property is proposed to be brick-built at ground floor level, with black metal cladding to be used at first floor level and for the roof. The dwelling is proposed to include a pitched roof with large areas of fenestration to the east and

west elevations along with six roof lights. At 1 ½ storeys, the height of this property would be noticeably smaller than that of neighbouring properties.





5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 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
- CLP21 Historic Environment

- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- 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

6.0 **CONSIDERATION**

6.1. Principle of Development

6.1.1. The application site is situated within the built settlement of Newbold and is close to the Town Centre. This area is predominantly residential in nature, with Edinburgh Park located to the northwest. Having regard to the proposed development, Local Plan policies CLP1, CLP2, CLP3 and CLP20 and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's SPD on Housing Layout and Design "Successful Places" is also a material consideration.

6.1.2. Policy CLP1 (Spatial Strategy) states that "overall approach to growth will be concentrate new development within walking distance of Key Services as set out in Local Plan policy CLP2..." When considering this application site, it is considered the location of the development proposed accords with this spatial strategy (CLP1) objective as the site is within walking distance of a centre; Chesterfield Town centre within a 10 minute (800 metre) walk and there are various retail, recreational and leisure facilities within an 800m radius of the site.

6.1.3. The guidance of what constitutes as ‘walking distance’ has been extracted from the adopted SPD “Successful Places” which indicates a local centre should be located between 600m and 800m walk. The SPD also indicates that walking distances can be reduced according to various different factors – such as steep gradients and safety of the route. It is considered the walking routes offered to both retail centres identified above are acceptable as each have pavements and lighting. The routes are also considered to be relatively level with no steep inclines.

6.1.4. Policy CLP2 Policy CLP2 (Principles for Location of Development) requires that “Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:

- a) deliver on the council’s spatial strategy (CLP1);
- b) are on previously developed land that is not of high environmental value;
- c) deliver wider regeneration and sustainability benefits to the area;
- d) Maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
- e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;
- f) utilise existing capacity in social infrastructure (CLP10) or are of sufficient scale to provide additional capacity, with on site or through contributions to off-site improvements.
- g) ensure the long-term protection of safeguarded minerals relation infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;
- h) are not on the best and most versatile agricultural land;

6.1.5. Having regard to the NPPF when considering the principle of development, the Framework excludes “land in built-up areas such as residential gardens, parks, recreation grounds and allotments” from the definition of ‘previously developed land’ (annex 2: Glossary). It could

therefore be considered that the proposed development does not accord with the provisions of CLP2 b) as the application site is not considered to be previously developed land. It is therefore considered necessary to consider Local Plan Policy CLP3 (Flexibility in Delivery of Housing). CLP3 states that “Planning permission will be granted for residential development on the sites allocated on the Policies Map and as set out in Table 4, provided they accord with other relevant policies of the Local Plan. Outside of the built-up area (as set out on the Policies Map), and subject to other relevant policies of the Local Plan, new residential development on sites not allocated in Table 4 will only be permitted where:

- a) The development can demonstrate that it would have reasonable access to a range of key services as set out in Policy CLP2; and
- b) It re-uses redundant or disused buildings and enhances their immediate setting; or
- c) It is for the sub-division of an existing residential dwelling; or
- d) It is for the redevelopment of previously developed land in a manner that would not harm the intrinsic positive character of the countryside; or
- e) It represents the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of the heritage asset; or
- f) It meets a specific demonstrable housing need for a rural worker; or
- g) It is of exceptional quality of design quality, in that it:
 - i. is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

6.1.6. It is therefore considered that as the application site is located within an established built-up area (as set out on the Policies Map), the restrictions outlined in CLP3 do not apply in the consideration of this application.

6.1.7. To summarise, it is considered the application site is located within the established built-up residential area in a sustainable location due to the range of services that can be easily accessed on foot. The proposal would therefore concentrate new development in a sustainable location in general accord with CLP1 and CLP2 of the Local plan and the wider NPPF. This is subject to the development complying with other relevant and appropriate policies of the Local Plan for which the remainder of this report will assess.

6.2. Design and Appearance of the Proposal

6.2.1 Local Plan Policy CLP20 states in part that all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 This application has adopted a modern approach towards the design and materials of the new dwelling. The proposed design of the new dwelling contrasts with the existing residential properties in the locality, however it utilises similar facing materials to what is present in the street scene. When the application site is viewed in the wider context, whilst some common architectural accents exist there is a diverse range of building styles located in the vicinity. These include the locally listed terraced villas and other early C20th properties to the South of the site, and post war semi-detached dwellings to the North and West. The proposed new dwelling has taken inspiration from these and integrated more modern materials such as sheet metal for the roof.

6.2.3 Due to the architectural diversity of the surrounding street scene, it would be unreasonable to argue that the development proposals should replicate the style and scale of the residential properties located on Newbold Road and nearby areas. Reclaimed materials from the existing building will be used in the construction of the new property, which will

help to integrate it with the street scene and mitigate its visual impact to a certain degree.

6.2.4 Furthermore, the new dwelling is located 20m+ from the highway and set at a lower level to the properties which front onto Newbold Road with facing brick materials to the front elevation. As such, it will be subserviate to the existing dwellings and not become an incongruous or dominant feature which draws attention away from the terraced villas. It is considered that this new dwelling is of an interesting and appropriate design and makes use of suitable materials. It is important to encourage such appropriate, innovative approaches to architecture in the borough, and this proposal seeks to do so.

6.2.5 Therefore, on balance, the proposal is not considered to have a detrimental impact on the area and will be generally in accord with the provisions of policy Local Plan policy CLP20.

6.3. Residential Amenity

6.3.1 Local Plan Policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Successful Places SPD sets out the guidance which applies to the design of residential development.

6.3.2 The main impact of the proposal would be on the dwellings along Edinburgh Road to the west, whose rear gardens adjoin the boundary of the site, and are at a significantly lower level. The existing structure forms part of the boundary treatment. Whilst the proposal will result in the height increasing slightly, its impact will not be significantly worse than that of the existing structure.

6.3.3 It is accepted that development of this nature on adjoining neighbouring land that was previously undeveloped will impose an impact upon a boundary sharing neighbour, particularly when the development is proposed in proximity to the common boundary. In this instance there is however a case to argue that this impact will be minimal due to the

modest height of the proposed new dwelling and the distance from the neighbouring properties.

- 6.3.4. Furthermore, there is a tree adjacent to where the side elevation of the new dwelling will be, which will provide some screening and mitigate its impact to a certain degree. Notwithstanding this, a large brick structure has been in place for a many years and it is considered that the new dwelling will not cause a detrimental increase in overbearing to the rear garden of the dwelling to the East, or result in increased overshadowing than currently occurs.
- 6.3.5 There are no windows facing private amenity spaces to the East or West and the rear habitable room window is located 16m from the rear boundary. Although located at a higher level than the dwelling to the North, it will not result in an overbearing feature or have a significant impact on privacy afforded to the neighbouring dwelling.
- 6.3.6 The dwelling maintains separation distances of 20.5m between the side elevation and rear windows of the dwellings on Edinburgh Road; a minimum of 11m to the rear boundary and 32m to the facing windows of the dwellings to the North. This significantly exceeds the minimum separation distance set out in the SPD and account for the level differences between the site and neighbouring dwellings. The internal and external space provision is appropriate for the number of rooms provided and ensures that future occupants benefit from a reasonable level of amenity. In order to prevent overdevelopment of the plot, a condition will be included to prevent a permitted change of use to another residential use (i.e. HMO) within Class C.
- 6.3.7 Concerns from neighbours about future development of the site are noted. Each application for development is assessed on its merits and the Council would consider the cumulative impact further properties would have on residents/properties in the area. Any future proposal may trigger the requirement for the access road to be brought up to an adoptable standard.

6.3.8 On balance, it is considered that the impact of the development on neighbouring properties will be sufficiently mitigated such that a refusal of planning permission could not be warranted. It is not considered that this proposal will cause any major issues in terms of overshadowing or an overbearing impact, and the absence of side windows will ensure that there are no issues in terms of overlooking either.

6.3.9 On this basis the proposal is considered to accord with the provisions of policies CLP14 and CLP20, as well as the revised NPPF.

6.4. Highways Safety

6.4.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

6.4.2 The proposal includes the provision of 2 no. parking spaces, contained within a car port at the front of the property. The Highway Authority consider it unlikely that the proposed dwelling would result in any significant increase in traffic movements over and above those that could be reasonably generated by the sites previous use as a garage/outbuilding and as the existing access serves in the region of 10no other garages/dwellings; a slight increase in vehicle movements associated with the access would be negligible. Therefore, whilst the existing vehicular access to Newbold Road does not conform to current design criteria in regard to emerging visibility, an objection based on any potential intensification in use is unlikely to be sustainable at appeal.

6.4.3 Although the parking spaces do not fully meet the technical standards, the site is in a sustainable location, within walking distance of local amenities and benefits from a bus stop within a 5min walk from the site. It is also acknowledged that the width of the car port is constrained by the width of the plot; widening it would result in access having to be taken within the car port rather than via a separate foot path. As such, the parking provision is considered acceptable.

6.4.4 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5. Flood Risk/Drainage

6.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CLP13), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from flooding. In respect of drainage, the application details that the development is to be connected to mains foul and surface water is to be handled by means of soakaway / existing mains which is acceptable.

6.6. Biodiversity

6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.5.2 The proposal is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition can be attached to any decision issued to ensure the application provides biodiversity net gain measures, as a result of the proposed development.

6.5.3 On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.6 Developer Contributions

6.6.1 As the development will involve the creation of a new dwelling, the proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is situated within the low CIL charging zone where residential development is subject to a charge of £20 per sqm (index linked).

6.6.2 The CIL Liability for this application has been calculated as follows:

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permi-ssion)	Index (charging schedule)	CIL Charge
Residential (C3)	120	0	120	£20 (Low Zone)	355	288	£2,958

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

7.0 REPRESENTATIONS

7.1 Notification letters were sent to neighbouring properties. Nine representations have been received from 8 local residents and one representation was received from Cllr Murphy. The representations which have been raised include:

- The applicant does not have ownership of the access to the site and would require the permission of other property owners to use it.
- The site does not have residential access rights as it was previously used as a workshop.
- Construction of the property will cause nuisance by way of blocking the access road with skips, scaffolding etc.
- The private road is not suitable for construction vehicles and any damage caused should be paid for by the applicant.
- Exiting the site is difficult due to inconsiderate parking on Newbold Road
- The proposed dwelling is not in keeping with the visual characteristics of the Edwardian villas to the South of the site.

- Approving the development would set a precedent for other properties to develop their garage plots.
- There would be overlooking onto the dwellings to the North from the rear bedroom window and rear extension, which would negatively affect privacy.
- The proposal could affect the safety of people using the access.

Issues over the design and amenity impact of the dwelling have been addressed in sections 6.2 & 6.3.

7.2 The applicant has supplied a title deed which shows that there are rights of access over the road leading to the site for the owner/applicant. Whilst the concerns over rights of access are noted, these are a civil matter to be resolved between the respective private parties.

7.3 In terms of paying for any repair of the road if damaged during construction, again this would need to be resolved between the applicant and affect landowners to reach an amicable agreement. The points raised by the neighbours have been addressed in the report

8.0 HUMAN RIGHTS ACT 1998

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

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

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is

considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF ENGAGEMENT

- 9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered 'sustainable development' to which the presumption in favour of the development applies.
- 9.2 The Local Planning Authority has considered this application in a positive and proactive way to achieve a positive outcome for the application.

10.0 CONCLUSION

- 10.1. Overall, the proposal is considered to be acceptable in accordance with the above identified policies of the Local Plan. The proposal would not harm the character of the street scene, would not have a harmful impact on the amenity of the occupiers or surrounding residents, does not raise any highway safety concerns and a scheme of biodiversity net gain can be secured by condition. It is therefore considered that the application is acceptable from a design, amenity, highways, biodiversity perspective.
- 10.2. The site does not form part of the residential curtilage of 127 Newbold Road, and it is likely that it would remain derelict and neglected if the development was not brought forward. Whilst the proposal will have some impact on the amenity afforded to neighbouring dwellings, the benefits of bringing a derelict building back into a viable use within a sustainable location – through providing new residential accommodation and improving the appearance of the area – outweigh the negative impacts it may have.

11.0 RECOMMENDATION

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

Conditions

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

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

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

- Drawing No. LA-GP-0001 REV A – Proposed Floor Plans
- Drawing No. LA-GP-0002 REV B – Site Plan
- Drawing No. LA-GE-0001 REV A – Proposed Elevations
- Structural Inspection Report, prepared by Robert Morton Consulting, dated 29th November 2022

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

3. Prior to the ordering of materials, details of all proposed materials to be used in the construction of the dwelling hereby approved, shall be submitted to the Local Planning Authority for consideration. Only the materials approved in writing shall be used in the development and retained throughout its lifetime.

Reason - In the interests of requiring good design and in accordance with policy CLP20 of the adopted Chesterfield Local Plan.

4. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees on the adjacent land, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. A tree survey will also be required to provide the information required for the TPP.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) Detailed levels and cross-sections to show that the existing levels of surfacing, within the existing tree's Root Protection Areas can be accommodated where they meet with any adjacent building damp proof courses without the need for any excavations and severance of tree roots.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. These should be outside the trees RPA's unless tree protection measures are implemented.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason – Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990.

5. A residential charging point shall be provided for the dwelling with an IPD65 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 charging point shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

6. There shall be no gates or other barriers on the access/driveway, which shall be always left free from obstruction.

Reason – in the interests of the safe free flow of traffic and highway safety, in accordance with Policy CLP22 of the Adopted Local Plan 2020.

7. Prior to the occupation of the development hereby approved, details of hard & soft landscaping, and a scheme for biodiversity and ecological enhancement measures shall be submitted and approved in writing by the Local Planning Authority. The landscaping and ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

Reason – In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework.

8. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800

and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan 2020.

9. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles; to be laid out, constructed and retained free from any impediment to their designed use throughout the construction period.

Reason – In the interests of the amenity of neighbouring properties, in accordance with CLP14, and in the interests of highway safety in accordance with CLP22 of the adopted Chesterfield Borough Local Plan

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), any change of use which would otherwise be permitted by Class L of Part 3 of Schedule 2 to that Order shall not be carried out without the prior written consent of the Local Planning Authority

Reason - To safeguard the amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan 2020.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure, other than those expressly authorised in this permission, shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason – To safeguard the amenities of the occupiers of adjoining and visual amenities of the area in accordance with CLP14 of the Adopted Local Plan 2020.

11.3. Informative Notes

1. The Local Planning Authority have, during 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.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. Any alteration to the drainage provision on the site will require permission from Yorkshire Water.
4. The applicant should be advised that the requirement to use a solid bound material for driveways and parking spaces is for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto the highway/footway in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.
5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Place department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp,

E-mail: highways.hub@derbyshire.gov.uk

Telephone: 01629 533190.

6. Coal Authority Informative 01/01/2023 – 31/12/2024

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during

development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

7. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. You must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter.

These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

8. In accordance with condition no. 7 of this permission, appropriate ecological / biodiversity enhancement measures shall include but shall not be limited to:
 - Bird/Owl/Bat Boxes

Locating your nestbox:

Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but

annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.

Locating your bat box:

Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 24th April 2023
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

<u>TITLE</u>	<u>LOCATION</u>
Non exempt papers on files referred to in report	Development Management Section Planning Service Town Hall Chesterfield

1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of appeals being dealt with by the Council.

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact Paul Staniforth on 01246 345781.

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/22/00250/TPO – Felling 2 Beech trees at 25a Storrs Road Refusal	Officer delegation	21/06/22	Hearing	
2/4431	Holmebrook ward	Claire Hancock	CHE/21/00171/FUL - Pair dwellings on land at 33 Boythorpe Avenue Refusal	Planning Committee against officer advice	28/09/22	Written Reps Costs application made	
2/156	Lowgates and Woodthorpe ward	Miss S McManus	CHE/22/00742/FUL – extension at 26 Netherthorpe Close - Refusal	Officer delegation	16/01/23	Written Reps	
2/2518	West ward	Mr J Simms	CHE/22/00712/FUL – fencing at 34 Miriam Avenue - Refusal	Officer delegation	12/01/23	Written Reps	
2/621	Barrow Hill and New Whittington ward	Mr P Rawson	CHE/22/00592/OUT 2 dwellings on land at 66 South Street North – None Determination	Officer delegation	9/2/23	Written Reps	
2/2581	Middlecroft & Poolsbrook ward	Mr T Singh	CHE/21/00381/FUL Extension at 26A Circular Road – Refusal	Officer delegation	23/2/23	Written Reps	
2/705	Brockwell ward	Mr D Hopkinson	CHE/22/00276/RET Retention of fencing and retail sales at 194-196 Newbold Road - Refusal	Planning Committee against officer advice	28/02/23	Written Reps	

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FOR PUBLICATION Agenda Item 5

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 24TH APRIL 2023
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

TITLE: Non-exempt papers (if any) on relevant files

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 For non-exempt information about current formal enforcement progress.

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Enforcement team.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non-compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law
Tel 01246 936471 or email gerard.rogers@chesterfield.gov.uk

ENFORCEMENT REPORT

Enforcements currently Authorised: 10

14 April 2023

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>			<i>Authorised to Issue Average: 540 days</i>				
York Street	2 <i>1,300</i>	balcony, canopy and french door	17/00800/FUL	16/03/21 <i>540</i>	16/03/21 <i>760</i>	16/04/21 <i>729</i>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> <i>18/03/21</i>	Ha
Enforcement Notice		<i>Total currently Authorised: 6</i>			<i>Authorised to Issue Average: 31 days</i>				
Chester Street	94 <i>54</i>	wooden play structure					removal within 28 days	<input type="checkbox"/>	B
Markham Road	Markham House <i>5,535</i>	storage of commercial vehicles		20/03/08 <i>31</i>	18/04/08 <i>5475</i>	20/10/08 <i>5290</i>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <i>14/11/19</i>	HI
Newbold Road	194-196 - former Hardy's Site <i>75</i>	frontage fencing and forecourt retail sales					Notice being finalised.	<input type="checkbox"/> <i>30/01/23</i>	N

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Park Hall Avenue	2	12/12/22 <i>124</i>	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> <i>21/12/22</i>	Wa
Pottery Lane West	10	18/07/22 <i>271</i>	Storage of vehicles					Instructed	<input type="checkbox"/> <i>20/10/22</i>	Mo
York Street	2	09/10/17 <i>2,014</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha
Section 215 Amenity Notice			<i>Total currently Authorised: 3 Authorised to Issue Average: days</i>							
Edinburgh Road	12	10/10/22 <i>187</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> <i>28/10/22</i>	SH

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Highfield Road	80	05/10/20 922	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> 15/02/21	SH
Tapton Terrace	26	05/10/20 922	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> 15/02/21	SL

Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Holtingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • Wa Walton • We West

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court
CV-19 - coronavirus implications for enforcement or compliance