

Case Officer: Sarah Kay
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File No: CHE/17/00257/FUL
Plot No: 2/3655

ITEM 1

DEMOLITION OF EXISTING FARMHOUSE AND DILAPIDATED ANCILLARY BUILDINGS AND REPLACEMENT WITH 5 NO. DWELLINGS - ECOLOGICAL APPRAISAL AND BAT SURVEYS RECEIVED 20/06/2017 AND SPEED SURVEYS / ACCESS SURVEY 14/07/2017 AT OLDFIELD FARM, WETLANDS LANE, BRIMINGTON, CHESTERFIELD, DERBYSHIRE, S43 1QG FOR MR PAUL WALTERS

Local Plan: Open Countryside / Other Open Land
Ward: Brimington South

1.0 CONSULTATIONS

Local Highways Authority	Comments received 05/06/2017 – see report
Environmental Health Officer	Comments received 08/05/2017 – see report
Forward Planning Team	Comments received 30/05/2017 – see report
Design Services (Drainage)	Comments received 18/05/2017 – see report
Yorkshire Water Services	No comments received
Tree Officer	Comments received 25/05/2017 – see report
Derbyshire Wildlife Trust	Comments received 22/05/2017 and 23/06/2017 – see report
Derby & Derbyshire DC Archaeologist	Comments received 17/05/2017 – see report
Ward Members	No comments received

Site Notice / Neighbours

55 letters of representation received

2.0 **THE SITE**

2.1 The application site is Oldfield Farm (previously known as Stonepit House), a former pastoral farm located on the western edge of Brimington Common off Westmoor Road / Wetlands Lane. The site is approximately 0.39ha in area, is roughly rectangular in shape and comprises mainly of existing farm buildings (inc. farm house / barns etc), outbuildings, areas of hardstanding and some existing pasture land.

Figure 1: Aerial Photograph



2.2 The site is bounded to the North by fields/pasture land; to the East by fields/pasture land (where there is a ditch/stream running along most of this boundary); to the South by Westmoor Road / Wetlands Lane; and to the West by pasture land (where there is a public right of way running almost parallel to this boundary).

2.3 The site lies on the boundary of the built settlement of Brimington Common. To the north and west of the site lies open countryside, which is part of the Strategic Gap. Elevated to the east and visible from the site lies the built settlement of Brimington Common, separated from the site by a field. To the south of the site, beyond Westmoor Road / Wetlands Lane, lies Plover Wood, an area of mature woodland.

2.4 There is currently vehicular and pedestrian access to the site via a private drive from Westmoor Road / Wetlands Lane. There are no footways to Wetland Lane outside the site.

3.0 **RELEVANT SITE HISTORY**

3.1 None.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the demolition of the farmhouse and ancillary buildings; and redevelopment of the site for 5 no. detached dwellings (3 x 4 bed and 2 x 5 bed).

4.2 The application submission is supported by the following plans and reports / documents:

- P01_A – Site Location and Block Plan
- P02_A – Topographical Survey
- P10_A – Existing Plan Sheet 1
- P11_A – Existing Plan Sheet 2
- P12_A – Existing Elevations Sheet 1
- P13_A – Existing Elevations Sheet 2
- P100_A – Proposed Site Plan
- P101_A – Proposed Site Sections Sheet 1
- P102_A – Proposed Site Sections Sheet 2
- P103_A – Proposed Site Sections Sheet 3
- P104_A – Proposed Site Sections Sheet 4
- P105_A – Proposed External Finishes
- P110_A – Unit 1 Proposed Plans
- P111_A – Unit 1 Proposed Elevations
- P120_A – Unit 2, 3 and 4 Proposed Plans Sheet 1
- P121_B – Unit 2, 3 and 4 Proposed Plans Sheet 2
- P122_A - Unit 2, 3 and 4 Proposed Elevations Sheet 1
- P123_A - Unit 2, 3 and 4 Proposed Elevations Sheet 2
- P124_A – Unit 2, 3 and 4 Proposed Elevations Sheet 3
- P130_B – Unit 5 Proposed Plans Sheet 1
- P131_A - Unit 5 Proposed Plans Sheet 2
- P132_A - Unit 5 Proposed Elevations
- Planning Support Statement (Babenko O'Boyle)
- Design and Access Statement (Babenko O'Boyle)
- Drainage Strategy (Babenko O'Boyle)

- Ecological Assessment (Baker Consultants)
- Tree Survey (John Booth)
- Geo-Environmental Assessment – Phase 1 (Idom Merebrook)
- Coal Mining Risk Assessment (Idom Merebrook)
- Community Infrastructure Levy Liability Forms
- Ecology Appraisal and Bat Survey (Baker Consultants) – received 20/06/2017
- Speed Survey and Topographical Survey for Visibility – received 14/07/2017

4.3 The proposed site layout plan indicates that the development will be served by a single shared driveway access which will be modified from the current site access point onto Westmoor Road / Wetlands Lane. The whole development will include 3 individual house types with Unit 1 and Unit 5 being the largest detached 5 bedroom properties on the development (each a different house type) and Units 2, 3 and 4 being the same house type which are smaller detached 4 bedroom properties. The building will predominantly align the western half of the site (Units 1 – 4) with Unit 5 located at the north / top of the site, with the driveway and garages / bin store for Units 1 – 4 aligning the eastern half of the site.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site the subject of this application is in a location identified in saved policy EVR2 of the Replacement Chesterfield Borough Local Plan (2006) as Open Countryside and the adopted Core Strategy (2013) indicates the broad location of a Strategic Gap within the area. The draft Local Plan (2017) and the Strategic Gap and Green Wedges study (2016) include the site within the extent of the Strategic Gap (SG1). The site is however largely brownfield previously developed land.

5.1.2 Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS18 and CS20 of the Core Strategy (2013), policy EVR2 of the Local Plan (2006), the National Planning Policy Framework and the Council's adopted

Supplementary Planning Document 'Successful Places: Housing Layout and Design apply.

5.2 **Principle of Development**

Impact on Open Countryside

5.2.1 The site is located within the open countryside as per the Local Plan: Core Strategy policies map. Policy EVR2 (saved from the 2006 Local Plan) states that:

“Within the areas of open countryside... planning permission will only be granted for new development which is necessary for the need of agriculture and forestry or is related to recreation tourism or other types of farm or rural diversification”.

5.2.2 The proposed development fails this test so parts c) and f) of EVR2 are considered:

Planning permission will be granted for the replacement of existing dwellings with new dwellings provided that criteria (c) and (f) are met:

(c) the scale, siting, design, materials and landscape treatment are such that the visual effect of the proposal is minimised and reflect local character; and

(f) the proposed building does not have a greater impact on the open character of the countryside and the purpose of including land within it than the existing buildings and does not occupy a materially larger area of the site than the existing buildings”.

5.2.3 The degree of impact on the openness and local character of the open countryside will be integral to whether the development is considered to be materially harmful. The proposed re-development is within the existing agricultural site boundary but does not strictly follow the footprint of the existing layout.

5.2.4 The views of the Planning Policy team were sought on the basis of the policy context above and in their consultation response they provided a mapping extract which superimposed the footprint of the original buildings over the submitted plan (see below Figure 2).

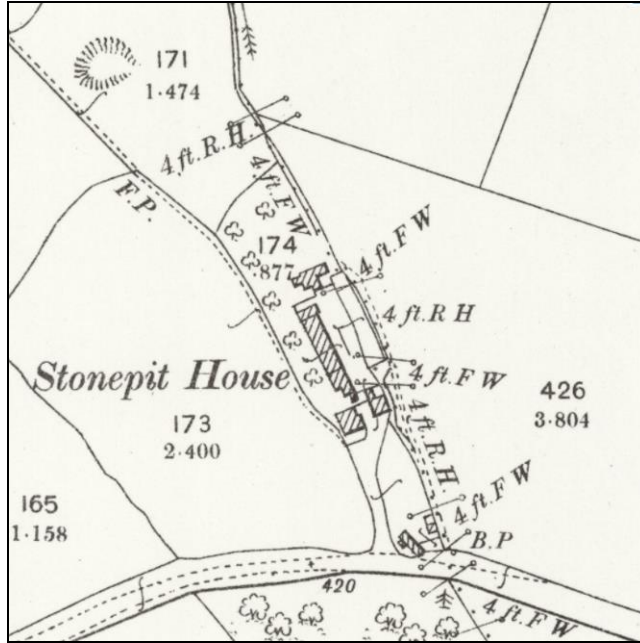
Figure 2: Planning Policy team comments overlay



5.2.5

The map created looks in isolation at the footprint of the existing buildings against the proposed development footprint proposals as a way of assessing the criteria f) however this does not fully illustrate the on-site situation. The extent of the agricultural operation is not exclusively reflected in the footprint of the buildings which stand on the site today. In fact the operation can be mapped over time using historic maps alongside a full site inspection and taking these points into consideration the case officer considers that the map proposed to support the Planning Policy teams comments missed off the footprint of a building which previously stood on the upper proportion of the site and the overlay map does not take into account any areas of hardstanding and walls which exist beyond the built footprint to enclose the site (see below Figure 3 and 4). Such features should also be given weight in the policy consideration and therefore the extent of which the proposed development will encroach beyond the brownfield site into the open countryside / strategic gap is argued to be different to that upon which the Planning Policy team based there original comments and objection.

Figures 3: Historic Map; and Figure 4: Site Photograph of Hard Surfacing



- 5.2.6 Under the provisions of policy EVR2 f) the impact the development will have on the open character of the countryside (its urbanising effect) should be considered alongside the provisions that the development should not be materially larger than the existing site.
- 5.2.7 The Planning Policy team argued that the shared driveway and additional car parking structures were likely to result in an increased perception of urbanism, altering the visual character of

the area, particularly from the public footpath on the adjacent open field and therefore in their view the proposal was contrary to the requirements of EVR2 f).

5.2.8 Notwithstanding this, it is clear that their comments and interpretation is based upon the mapping overlay they had prepared (Figure 2) and in this instance a full site inspection would have been beneficial. In fact a greater proportion of the site is hard surfaced and enclosed with functional boundary walls and gated structures which were associated with the former agricultural use that extend much further than the footprint of the buildings. On site it is clear that the extent of the farming operation encroached beyond the buildings footprint and therefore materially the extent of the site is greater than what has been interpreted in the comment of the Planning Policy team.

Figure 5: Photographs looking west at edge of building footprint



Figure 6: Photographs looking east at edge of building footprint



- 5.2.9 In the Planning Policy teams response it is argued that whilst mitigation is proposed through enhancements to the ditch at the Eastern boundary and upgrades to the hedgerows at the West of the site, the new units (particularly those covering the footprint of the open sided Dutch Barn) would reduce the open character of the plot and alter the rural character of the immediate area. Furthermore the contemporary design also represents a shift in design character from the traditional collection of existing outbuildings at Oldfield Farm which they argue is contrary to criteria e) and c) of policy EVR2. They acknowledge the proposal meets criterion d) of EVR2 as any associated traffic and noise is likely to be low; and in order to meet the requirements of criterion EVR2 b) the bat roost suitability needs to be explored in detail through survey.
- 5.2.10 In response to these comments it is accepted that the development will alter the character of the site by design and shift the built footprint arrangement; however nowhere does it say that a contemporary design solution to a sites redevelopment is inappropriate – see section 5.3 below; and the developer has gone to considerable length to consider how agricultural finishes and appropriate materials can be incorporated into the scheme to ensure the development reflects its former agricultural heritage. In addition based upon the assessment of the site detailed previously; only slight elements of the built footprint of Unit 5 would extend beyond the actual built up / brownfield area of the site. Matters of traffic impact and ecological impact are considered in more detail in sections 5.4 and 5.6 below with acceptable conclusions reached.
- Location of Development
- 5.2.11 Pertinent to policy EVR2 a), CS1 and CS2 is the sustainability of development location. The property is a 2.5km (30 minute) walk to the nearest local centre (Brimington) which would not be considered a suitable walking and cycling distance from centre to residential development.
- 5.2.12 The Planning Policy team has commented that the draft Local Plan (2016) recommends a distance of 800 metres with a safe pedestrian route which is based on guidance within the “Guidelines for Journeys on Foot” (Institution of Highways and Transportation). Although the site is within walking and cycling distance of some local facilities, including a Primary School, pubs, bus stops and

convenience store in Brimington Common, the proposed dwellings would be separate from a local centre which in their opinion does not comply with the Council's Principles for Location of Development (CS2) and criterion a) of EVR2. They argue that whilst an exception could potentially be made for a straight replacement dwelling, the location is not appropriate considering the scale of development and significant increase in dwellings.

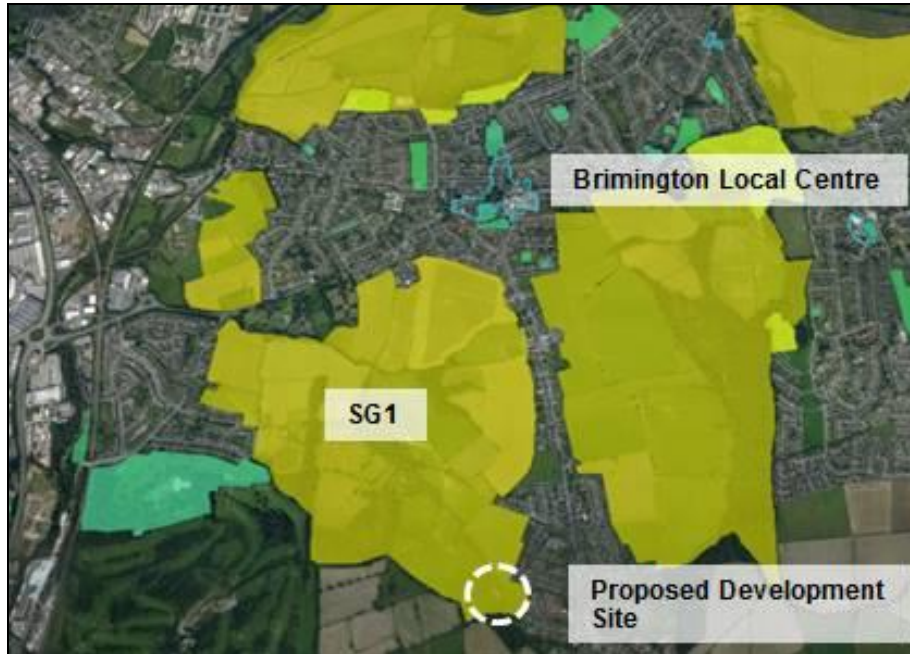
- 5.2.13 Notwithstanding the comments made above the site is within walking and cycling distance of some local facilities, and although not strictly in a designated local centre the Council must be mindful that an argument based upon the strict CS1 and CS2 parameters presented by the Planning Policy teams comments was not supported by the Planning Inspector for a 2016 appeal for 3 dwellings on the site just opposite the application (land adj 33 Westmoor Road - APP/A1015/W/15/3133464) as follows:
- The proposed development is at the edge of the settlement and is functionally linked to an established residential area which has access to regular bus services to the settlements of Chesterfield and Brimington, via Calow. In addition, whilst the appeal site is not located within walking distance of an allocated retail centre, future occupants would be within walking and cycling distance of a primary school, pub, church, convenience store and post office which are located within Calow. These could provide for their day to day needs. Whilst the spatial strategy of the CS set out within Policy CS1 is to concentrate development within walking and cycling distance of centres, this does not mean that the location of all new development, irrespective of scale, such as the construction of three dwellings is required to be restricted within those parameters. Consequently, I conclude that the proposed development is in line with Policy CS1 of the CS.*

Strategic Gap

- 5.2.14 The site is within strategic gap "SG1" as detailed in the Council's draft Local Plan proposals map (published in 2016). As per the NPPF the council is able to give some weight towards emerging local plan policies provided they are in line with National Planning Policy. The strategic gaps have been independently identified as areas that contribute to the setting and identity of the borough and its urban areas, landscape character, habitats and biodiversity. The ARUP study which provides an objective review of the strategic gaps and green wedges notes that "The southern boundary follows existing infrastructure including Westmoor Road,

Dark Lane, Wheathill Lane, and Pettyclose Lane”. It describes the boundaries as “strong and defensible”.

Figure 7: Strategic Gap



- 5.2.15 As Oldfield Farm sits on the edge of SG1 and centres around the replacement of existing structures, the impact on the function of the gap as a whole is unlikely to be significant. The Planning Policy team argue the development proposals could weaken the weight afforded to the defensible boundary of SG1 but they do not elaborate upon this statement in their comments.
- 5.2.16 The development proposals will remain a concentrated pocket of development within the Strategic Gap but that does not mean that its acceptance weakens the status or purpose of such a designation. The development proposals the subject of this application are to some degree unique. They do not take the form of a high density urban / settlement extension which would weaken the defensible boundary of a strategic gap. They are a concentrated pocket of redevelopment proposals on a predominantly brownfield site which already includes buildings. Such sites can make a positive contribution in the form of new housing without being harmful to the character and appearance of the surrounding area. A nearby example of such a development of the same constraints and designations being debated is the residential development located at Ploverhill Farm (on the opposite side of Wetlands Lane to the south of this site).

Conclusion

- 5.2.17 It is clear given the arguments presented above that the development proposals are finely balanced; so much so that there are arguments presented in the narrative which could support both sides of the argument over whether the principle of development in this instance is acceptable. Counter arguments can be presented in all cases where the Planning Policy team have taken the view in their consultation response to recommend that application be refused, such that the case officer must carefully balance all of the issues (positive and negative) to formulate a final conclusion.
- 5.2.18 It is clear that the Council's own Spatial Strategy acknowledges the importance of creating additional dwellings within the Borough and the decision maker is required to accord weight to proposals that provide social and economic benefits, such as regeneration of a predominantly brownfield site which is no longer utilised or required for its purpose as agricultural.
- 5.2.19 There is no doubt that the principles of policy EVR2 are important in that they assist to protect the character of the open countryside and promote sustainable patterns of development alongside policies CS1 and CS2; however there will be sites such as this one which are an exception. This site is a predominantly brownfield site where buildings exist in an arrangement which does not lend itself to be easily converted and therefore redevelopment in the manner being proposed presents a facilitating solution which takes into account parameters of the overriding designations and works with them to provide what is considered to be a high quality design solution. The relationship of the site to the surroundings will undoubtedly change as a result of the development but it is considered that the benefits of the scheme outweigh any acknowledged adverse impact such that there is a presumption in favour of sustainable development (para. 14 NPPF) and the principle of development can be accepted.
- 5.3 **Design and Appearance Considerations (inc. Neighbouring Impact)**
- 5.3.1 The application submission is accompanied by a Design and Access Statement which has been written by the applicant / agent to offer a narrative to the schemes chosen architectural design and appearance.

5.3.2

Comprising a development of 5 no. detached dwellings the D&AS explains the form and layout of the scheme as follows:

Unit 1 replaces the original farmhouse. It will be an L-shaped building comprised of two intersecting forms, with one leg (east-west) replacing the original building on its existing footprint and another leg (north-south) extending towards the footprint of the existing asbestos barn. The materials for the farmhouse will be traditional brick with tiled roof for the north-south leg and larch cladding with tiled roof for the intersecting east-west leg. Large areas of glazing will feature on the south and west elevations. To the south of the north-south leg, an integrated, but set-back, double garage with terrace above will be provided of a brick material.

Units 2, 3 & 4 replace the existing cowshed to the rear of the farmhouse –again on the existing footprint. Although detached dwellings, the units will be aligned–providing a similar linear appearance as the existing shed. Masonry (possibly stone from the demolished sheds) will be used to clad the front of these dwellings up to approximate existing eaves height. A continuous strip of larch cladding and glazing will feature above this along the main frontage (east elevation) and the roof above will be tiled. The southern end gable to unit 2 and the northern end gable to unit 4 will be brick construction. This further reflects the appearance of the existing cow shed whilst also bookending the three properties. The west facing aspect of the building will feature render with some glazed areas. Render is also proposed to the intermediate gable ends of units 2, 3 & 4. To provide privacy, extra internal space and an enclosed garden area each unit utilises an additional tapered leg which extends west from the main building. These are largely rendered with glazing/larch cladding and a brick/glazed end gable. At the side of each unit, sufficient space is provided to allow car parking. In addition, opposite these units, garages with storage/workshop areas are proposed, which will again reflect the existing stables in a similar location. It is proposed that these units will again have a utilitarian feel comprising brick walls and tiled roof

Unit 5 will replace the existing Dutch barn on the site –however, it will be relocated from its present location, on the western boundary, to the north of the site, where from historical maps, it can be seen there was previously located some agricultural

buildings. Vertical larch cladding will feature prominently at high level on this building with brick at lower level. The low-level brickwork along the main building frontage (east elevation) will be set back to expose steel columns, evenly spaced, further enhancing the agricultural barn aesthetic. The roof will be of profiled sheet metal. Due to the functional and spatial requirements of this dwelling, the Dutch barn form is repeated immediately north with both building elements being linked by a glazed corridor. Due to the topography of the site, this element will be supported in places on exposed columns—which will provide architectural interest. In order to mitigate the scale of this dwelling, the second barn element has been reduced in height.

- 5.3.3 Having regard to the provisions of policy CS18 of the Core Strategy and the guidance contained in the adopted SPD 'Successful Place – Housing Layout and Design' the overall design of the development proposals are considered to be appropriate.
- 5.3.4 The construction of 5 no. dwellings will result in a development density of approximately 12.5 dwellings per hectare which is a low density that is in keeping with the rural character of the site and its surroundings. The development layout is set out to ensure that the dwellings will benefit from the open views to the west / north west; whilst the layout is informed by existing site constraints such the ditch / watercourse and the mature trees located along the eastern boundary.
- 5.3.5 The nearest residential neighbours to the site will be the properties located on Barry Road and Wheathill Close which are located to the east and north east of the application site boundary. At its closest point the edge of the application site boundary is no less than 50m from the boundary of the nearest neighbour and therefore the development proposals do not result in the introduction of any adverse overlooking, overshadowing or overbearing impacts to these nearby neighbouring properties. Internally the development proposals are designed and laid out such that they offer each other appropriate protect and levels of amenity.
- 5.3.6 Overall the development proposals detail a high quality contemporary design solution to the redevelopment of a predominantly brownfield site. There is no doubt that the scheme will have a differing appearance to the existing agricultural cluster

of development currently in situ on the site; however there is merit to support the entire redevelopment of the site if it results in an comprehensive high quality development pocket which delivers much needed housing to the Borough. The detailed architectural design of the dwellings will use a mixture of external finishes and materials which will route the development into the landscape, alongside appropriate boundary treatments; both of which can be the subject of planning conditions to secure their individual detail and approval. A layout plan showing the proposed external finishes has been prepared to supplement the application; but this will need to be expanded upon to include detailed materials specifications and species as part of these conditional requirements.

5.4 **Highways Issues**

5.4.1 The application proposals were reviewed by the **Local Highways Authority** (LHA) who initially provided the following comments:

'The details submitted to this office propose redevelopment of the site by replacement of existing buildings with 5 no. residential units of 4/4+ bedrooms all served via a modified access from Westmoor Road.

The Design and Access Statement states that the existing access is to be improved to facilitate two vehicles travelling in opposite directions to pass and exit visibility splays provided commensurate with 85%ile vehicle approach speeds. Vehicle speeds haven't been recorded and some justification as to why a lower approach speed should be used is included.

Diagram 2 demonstrates exit visibility sightlines of 2.4m x 92m and 2.4m x 160m to the nearside carriageway channel in each direction although it's not clear whether these figures have been accurately established on site or scaled from an OS base plan; the latter can be grossly inaccurate at the scales being used. The statement goes on to suggest that the lesser of the two sightline dimensions is commensurate with approach speeds of 47mph and this is likely to be in excess of the 85%ile speed.

In its pre-application advice the Highways Authority stated that visibility sightlines should be based on recorded 85% speeds with some allowance for the lack of side friction. This Authority uses

empirical formula contained within the Manual for Streets 2 document when determining visibility requirements and, in this case, a sightline of 92m would be commensurate with the desirable recommendations for an approach speed of 37mph and represent an absolute minimum of 43mph approach speeds.

Given the geometrical limitations of Westmoor Road, it's considered that accurate detail should be provided to demonstrate the adequacy of the proposed access layout to serve development of this sale and nature proposed, i.e clarify accuracy of the survey / measurements and results of a speed survey to support the extent of visibility achievable.

Beyond the modified access, the shared driveway appears to be of 4.8m minimum width for all but a short section of its full length. Provided that forward visibility is secured between drivers approaching from each direction, this is considered to be acceptable. The turning head is considered to be of an adequate dimension for use by typical supermarket delivery vehicles, but unless demonstrated by swept path analysis, not large refuse vehicles (11.6m in length). It is therefore suggested that the views of the local refuse collection service are sought in this respect or suitability of the refuse collection proposals demonstrated. It's noted that proposed Unit 5 would be in excess of 100m from the public highway.

The off-street parking proposals are considered to be acceptable.

The pre-application advice also recommended that, in the interests of safety of future occupants of / visitors to the site creation of a footway link with that existing to the east of the site should be explored and, if feasible, provided. There is no mention of this within the details forwarded to this office.

Therefore, it's recommended that the applicant is given opportunity to submit additional details to satisfactorily address the above issues. If the applicant is unable, or unwilling, to submit the requisite details, I shall be grateful to receive further opportunity to make recommendations prior to determination.'

5.4.2 As a result of the comments made by the LHA above the applicant / agent was invited to submit further details to address the concerns highlighted. On the 14 July 2017 a Speed Survey and

Visibility Splay Topographical Survey were submitted. The Survey work undertaken adequately demonstrated that the site visibility was achievable and the splays provided were commensurate with recorded vehicle speeds.

5.4.3 Having regard to the remainder of the comments made by the LHA in their initial comments above it is accepted that the refuse collection lorry is unlikely to drive into the site to empty bins and therefore it will be necessary for a bin collection area to be provided at the access point to facilitate refuse collection. This matter would need to be the subject of further details being prepared and this matter can be handled by an appropriate planning condition. Any prospective purchaser would be aware of this situation and the man carry distance to this collection point upon purchase.

5.4.4 It is noted in the comments of the LHA above they suggest investigation into a connection of the footway on Westmoor Road to the east, along the verge to the application site. The image below (Figure 8) shows the point of Westmoor Road where the footpath currently ends and upon further investigation it is considered that a large proportion of the soft verge and vegetation leading down to the application site boundary would have to be removed to secure a very limited width of footway which is not in the ownership of the applicant.

Figure 8: Street View Extract



5.4.5 Looking further down towards the application site there are also pinch points in the actual carriageway width where the creation of a new footway in addition might encroach and thus would not meet highway standards (Figure 9). The LHA would be unlikely to accept the creation of a substandard footway in highway limits and furthermore it is considered that the introduction of footway would be harmful to the character of the lane which clearly changes at the edge of the built settlement. It was also accepted on the appeal across the road that the verge should remain and no footpath be provided along the site frontage. On balance it is considered that the development site itself offers appropriate levels of off-street parking (which is acknowledged by the LHA) such that on balance the visual harm and substandard nature of any such provision outweighs the limited benefits of this facility.

Figure 9: Street View Extract



5.4.6 It is accepted that a number of objectors have raised concerns about highway safety, congestion / additional vehicles from the development site and vehicle speeds / highway user safety in the vicinity of the development. Notwithstanding this the applicant / agent has provided all of the details commensurate with the LHA requirements to demonstrate the development can be appropriately served by adequate parking and exit visibility as part of an amended access point to the local highway network. The fall-back position being that the site was a working farm and albeit no longer in operation, could be re-occupied as such without any

further permission being needed which would also generate a significant number of vehicular movements from the existing access. This scheme as proposed offers an improvement to that which accords overall with the provisions of policy CS20 of the Core Strategy and is acceptable.

5.5 **Heritage / Archaeology**

5.5.1 The property the subject of the application is not recognised as being of any historical / heritage value and the wider application site is not influenced by any heritage designation. Given the demolition works being proposed the application was referred to the **Derby and Derbyshire DC Archaeologist** for comment / clarification of the site status and the following comments were received:

‘Oldfield Farm is shown on historic mapping as early as Sanderson’s map of 1835, when it is identified as ‘Oldfield’, although the mapping between 1880-1915 shows the site as ‘Stonepit House’. There is no documentary evidence to place the origins of the site much earlier than this. ‘Oldfield’ is identified in the 1849 Brimington Tithe Map as the names of the field to the west of Dark Lane, and it may be that the farm took its name from this (and perhaps ultimately from a division of the medieval open field in this area).

The site lies just within the unparished area of Chesterfield at the edge of Brimington Common, and in the former township of Tapton. This is a marginal location at the edge of common land and it is likely therefore that the farm site originates in encroachment onto former common land during the late 18th or early 19th century. Photographs of the site are provided in the applicant’s Design and Access Statement – the farmhouse seems to have a modern frontage but retains some earlier features to the rear which on map evidence seem to date from the late 19th century. The north-south range of farm buildings in the middle of the site may originate earlier still – this arrangement is shown on the 1835 map. The farm buildings are re-roofed but retain some historic features, but are not of particular architectural significance.

The site therefore has no potential for below-ground archaeological remains of any significance, and the very modest vernacular

buildings – much altered – do not merit historic building recording under NPPF para 141.'

5.5.2 On the basis of the comments received above the principle of loss of the buildings and the clearance of the site for a new development proposal in the context of policy CS19 of the Core Strategy is acceptable.

5.6 **Ecology and Trees**

5.6.1 As detailed in the application site description the site comprises mainly of existing farm buildings (inc. farm house / barns etc), outbuildings, areas of hardstanding and some existing pasture land which is flanked on its eastern boundary with mature trees and an open ditch / watercourse.

5.6.2 The application submission is accompanied by an ecological appraisal, arboricultural survey and bat survey which have been reviewed by the Derbyshire Wildlife Trust (DWT) and the Council's Tree Officer alongside the details of the development proposals.

5.6.3 **Derbyshire Wildlife Trust** commented as follows:

'The updated ecological surveys have concluded brown long-eared bat roost on site. The proposed development works at the site have the potential to destroy bat roost using the building(s). This is considered a significant impact and detrimental to the favourable conservation status of common species of bats at a local level for brown long-eared bats.

Ideally, the ecology report would provide sufficient details on bat mitigation such as capture and exclusion, detailed design of the bat loft (the report discusses bat box, but the proposals include garages and a bin store which can easily accommodate a bat loft); Post development monitoring, additional information such as timber treatments, roofing felt (breathable roofing membranes should not be used in bat mitigation), materials to be used etc. Only two activity surveys have been undertaken with ten day spacing; ideally surveys should be spaced two weeks apart and a confirmed bat roost should have a total of three nocturnal surveys.*

**Although the roost is of low conservation significance, the proposals could easily accommodate additional enhancements for*

bats by utilising the communal buildings. In addition these building could provide enhancement for swallows and other bird species.

Following standard advice from NE and subsequent government standard planning guidance, Local Authorities and NE are now required to request information that demonstrated the maintenance and longevity of a species' Favourable Conservation Status where proposals affect, or are likely to cause an effect on individual or population status. Therefore the Local Authority must satisfy themselves that the development proposals address potential impacts on the species and demonstrate suitable and adequate mitigation in order to maintain favourable conservation status of brown long-eared bats. The mitigation strategy therefore must provide sufficient confidence and satisfying these requirements, as well as inclusion for aspects of biodiversity enhancement, at present, this information is lacking.

The LA must be confident in the approach, as well as satisfying the three tests and Natural England. The mitigation strategy should follow standard industry practices and will be transposed to a subsequent EPSL that must be secured before any development of this site. It is intended to provide confidence to the Local Authority, that in determining the planning application for this site, it will be developable within certain constraints with respect to bats (and birds). Ultimately this site cannot be legally developed (with respect to bats) in absence of an EPSL which can only be granted once planning has been approved for the site. In order to apply for an EPSL application must be made within 2 years of the last survey. Survey data in excess of 2 years will not be accepted by NE and the surveys undertaken will need to be repeated to inform the EPSL, if there are any further delays.

The report correctly states that an EPS Bat Mitigation Licence from Natural England will be required in order to derogate from the legal protection afforded to bats. At present, it is considered that insufficient mitigation has been submitted, however, the proposals can clearly accommodate mitigation and enhancements on site. The mitigation is considered to be achievable on site, however, a detailed mitigation strategy should be submitted and conditioned, if planning permission is granted.

It is recommended that if the Council are minded to grant planning permission for this development that the following conditions are attached:

- 1. No works shall commence on site until a copy of the Natural England Bat Licence Application has been submitted to and approved in writing by the LPA, in advance of submission to Natural England.*
- 2. No work shall commence on site until a detailed bat mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the LPA. Such approved measures should be implemented in full and retained thereafter.*
- 3. No works shall commence until a detailed external lighting scheme has been submitted to and approved in writing by the LPA. Such approved measures should be implemented in full and maintained thereafter.*
- 4. No works shall commence until a copy of the Natural England EPS Bat Mitigation Licence has been submitted to and approved in writing by the LPA.*
- 5. The bat and bird mitigation measures will be monitored for a minimum of two years after construction with reports submitted to the LPA, Derbyshire Wildlife Trust and Derbyshire Bat Conservation Group immediately following completion of each survey.*
- 6. No works to buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.*
- 7. No work shall commence on site until a bird mitigation, compensation and enhancement strategy for nesting birds (and in particular swallow) has been submitted to and approved in writing by the LPA. Such approved measures shall be implemented in full and maintained thereafter.*

8. Retain habitats such as trees, hedgerows and water course should be protected throughout the works, and where possible enhanced. Pollution prevention measures and best practices should be adhered to and maintained.'

5.6.4

The **Tree Officer** commented as follows:

'With reference to the above planning application and the numerous young and mature trees on the site which are located mainly to the frontage and along the eastern boundary.

The site off is also defined by hedgerows on the east and west boundaries consisting of Hawthorn, Snowberry, Elder and self-set Ash which are defunct in places with the main part of the site covered by the existing farm house and out buildings with concrete yards. Some of the hedgerows have been managed in the past and kept low while others are overgrown but it is proposed where possible that these are retained in the scheme. If consent is granted to the application a detailed landscaping scheme should be submitted and approved showing the location of tree and shrub planting including species, quantity, spacing, size and maintenance over a 5 year period.

The 5 proposed units and roadway will not directly affect the retained trees, however to ensure that trees are not accidentally damaged during the demolition and construction phases a tree survey and method statement has been submitted by John Booth dated November 2016 identifying a number of trees of moderate quality and value with the proposal retaining these trees which are mainly to the frontage of the site using temporary protection measures during demolition and construction and above ground construction methods within the trees root protection areas (RPA's).

As stated in the arboricultural report by John Booth, the retained trees should be protected throughout the demolition and construction phases by protective barriers as detailed in BS5839 'Trees in relation to Design, Demolition and Construction 2012'. The barriers should be erected around the RPA prior to the commencement of demolition and construction and remain in situ until completion.

Also considered in the report are the above ground constraints, foundation methods for the buildings, existing and new hard surfacing and temporary site accommodation and ground protection. If consent is granted to the application then a condition should be attached tying the arboricultural report and method statement to the decision notice. Furthermore a scaled drawing should be submitted and approved by the Council showing the exact location of the protective fencing and ground protection before demolition and construction commences. A tree retention plan should also be submitted showing which trees are to be retained in the scheme and those to be lost clearly marked with mitigation measures for those lost to the scheme.

The existing vehicular access is to be improved to allow two vehicles to pass in opposite directions and the existing visibility splay improved. This will mean the widening and re siting of the existing driveway as shown in drawing 1009/P100 Rev A to facilitate this which will affect the Ash trees located within the wooded area to the frontage. More details therefore need providing to show how this can be achieved without causing damage to the trees rooting system or the trees being felled. Further details also need providing to show how the construction of the roadway at the narrowing point on the new roadway can be achieved without affecting the trees rooting environment.

Details of the service runs for foul and surface drainage have been provided and advice is given in the arboricultural report which should be adhered to and attached as a condition if consent is granted to the application for any services runs including gas and electricity.

Unit 5 on the proposed development is adjacent to T4 Ash in the tree report. The construction of the dwelling due to the topography of the site will be supported in places with exposed columns which will in effect avoid any excavations and root damage to the Ash tree. As with quite a few on the site, some form of pruning operations will be required to either facilitate the development or for general maintenance works to remove any potential hazards as the site will be moving from a low to medium risk area to high due to the increased activity and new dwellings and roadway.

I have no objections to the application in principle but further details should be provided of the following:

- *A scaled drawing of the location of the protective tree fencing and ground protection.*
- *A scaled drawing detailing the construction method around the trees in the wooded area and narrowing point for the new roadway.*
- *A tree retention plan showing which trees are to be retained as part of the design and which trees will be removed.*

Conditions should also be attached to any decision notice and to include:

- *A detailed landscaping scheme showing the location of tree and shrub planting including species, quantity, spacing, size and maintenance over a 5 year period.*
- *A condition should be attached tying the arboricultural report and method statement to the decision notice which should be adhered to for the protection of the retained trees on the site.*

Finally it may be prudent to look at protecting the trees within the wooded area to the frontage and the individual Ash tree in the northern most corner to give the Council control of any further felling or pruning proposed.'

5.6.5

The comments from DWT in respect of the development proposals and the resulting impact on the bat roost and bat population are noted, as are the concluding remarks of DWT which accept there is sufficient space and scope with the development site to incorporate appropriate bat mitigation. Their comments highlight the necessary steps required by any prospective developer to ascertain a license from Natural England to undertake works which affect the identified bat roost and they suggest that a copy of that license is submitted to the LPA prior to development commencing in order for the LPA to be satisfied that an appropriate mitigation strategy is achieved. The LPA support these recommendations as they are aware that the steps required ascertaining the license include demonstration to Natural England that appropriate and proportionate mitigation can be secured. Furthermore, given that the steps described above encourage the bat population to co-habit the development site in the future the further steps recommended by DWT which relate to complimentary lighting design and other biodiversity enhancements measures to promote biodiversity should also be secured in the interests of policy CS9 of the Core Strategy.

5.6.6 It is noted that in their comments DWT suggest that the mitigation measures agreed and implemented should be monitored for a period of two years and the survey works should be submitted to the LPA and them under an appropriate planning condition however it is not considered that such a requirement would be reasonable. If planning permission is given, the necessary license from NE ascertained and the mitigation measures implemented; it is unclear what benefit the survey work would secure? Planning conditions are only supposed to be imposed where they are necessary to make a permission acceptable on planning grounds and therefore what planning purpose would the monitoring / survey secure if permission is granted and the measures had already been deemed acceptable to best mitigate the impact. Imposition of such a condition would fail the tests of the NPPG.

5.6.7 Looking in turn therefore to the impact of the development upon trees the Tree Officer is accepting of the recommendations made in the Arboricultural Appraisal. The trees on site are not offered any statutory protection through tree preservation order but the Tree Officer has made a recommendation that the group to the front of the site are put forward for statutory protection and in this context appropriate conditions can be secured as per his recommendations to allow the trees to be retained coincidental to the development. This approach is supported by the provisions of policy CS9 of the Core Strategy.

5.7 **Flood Risk and Drainage**

5.7.1 Having regard to flood risk and drainage matters the application site is identified to be at low risk of surface water flooding in the Environment Agency flood maps. The site is however not within flood risk zones 2 or 3 so a site specific flood risk assessment would not be required.

5.7.2 Notwithstanding the need for detailed flood risk assessment, the site must detail an appropriate drainage solution which considers (where feasible) sustainable drainage features in its design and the finished floor levels of the dwellings must be raised above ground level to mitigate any potential impacts from the identified surface water flood risk. Both **Yorkshire Water Services** (YWS) and the Council's own **Design Services** (DS) team were invited to review the planning application proposals; however comments were only received back from the DS team. YWS are unlikely to have any

interest in the development proposals as the development would not rely upon connection to any public sewer infrastructure. Foul water is proposed to be handled by package treatment and surface water discharged to a nearby watercourse.

5.7.3 The DS Team have commented that they have no objection in principle to the development proposals subject to the flood levels being agreed, an assessment of the existing run off with a minimum reduction of 30% from the existing run off conditions for the proposed development being demonstrated in a drainage strategy, and the position of any package treatment facility meeting building control standards. They have also commented that the outfalls for the foul and surface water systems into the watercourse will require separate approval from the land drainage authority Derbyshire County Council.

5.7.4 Having full regard to the comments detailed above and the requirements of policy CS7 of the Core Strategy relating to flood risk and drainage it is considered that the development proposals are acceptable. Appropriate pre-commencement planning conditions can be imposed to secure the necessary drainage solution detail required.

5.8 **Land Condition / Contamination / Noise**

5.8.1 In respect of land condition the site the subject of the application lies within a defined 'standing advice' area of the **Coal Authority** which means there is a lower risk of the site being affected by the presence of unrecorded coal mining legacy. In such area the Coal Authority does not require a Coal Mining Risk Assessment and they simply ask that if permission is granted an advisory note be appended to any planning decision notice as follows:

'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

5.8.2 In respect of potential land contamination and noise / nuisance issues arising from the development the Council's **Environmental**

Health Officer reviewed the application proposals and aside no objections in principle to the development subject to the following:

Demolition phase

1. *Demolition shall be carried out in a manner that does not generate excessive noise and/or dust.*
2. *The hours of demolition shall be limited to 8:30am to 5:00pm Monday to Friday and 9:30am to 4:00pm Saturday. Demolition shall not take place on a Sunday or Public Holiday.*
3. *The demolition contractor will not be permitted to burn demolition materials as a means of disposal.*

Proposed residential use

1. *All lighting on site shall be designed as to not cause glare. The applicant shall submit a lighting plan for the site.*
2. *Should planning consent be granted, the hours of construction shall be limited to 8:30am to 5:00pm Monday to Friday and 9:30am to 4:00pm Saturday. Construction shall not take place on a Sunday or Public Holiday.*
3. *Given the location of the site, there is the possibility of soil contamination. I advise that a desk study is carried out and if necessary a site investigation.*

5.8.3 Having regard to the comments of the EHO above not all of the issues they have raised can be reasonably controlled or conditioned through planning legislation as they are too vague. The EHO does not indicate what would be deemed 'excessive noise and / or dust' and therefore if this wording was used in a planning condition it would be unenforceable; furthermore the way in which the developer responsibly disposes of waste is not a planning matter. It is suggested that these matters are in fact issues with the EHO would managed themselves through appropriate Environmental Health legislation.

5.8.4 In respect of the timing of works, the design of any external lighting and the need for a desk top contamination survey as mentioned in the remainder of the EHO comments these can all be the subject of appropriate planning conditions, if permission is granted; however the timing on works must be consistent with the standard

hours condition applied across the Borough which is set at 8.00am and 9.00am rather than 8.30am and 9.30am as mentioned in the EHO comments.

5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 5 no. new dwellings and the development is therefore CIL Liable.

5.9.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

	GIF (sqm)	Calculation	Total
Total Residential Floorspace - Units 1 - 5	1535 sqm		
Total Demolition Floorspace - Stables - Cow Shed - Dutch Barn - Asbestos Barn - Garage - Farmhouse	594 sqm	1535 – 594 = 941 941 sqm x £50 (index linked)	£47,050
Total			£47,050

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 05/05/2017 and by neighbour notification letters sent on 04/05/2017.

6.2 As a result of the applications publicity there have been 55 letters of representation received and summarised as follows:

1	8 Wheathill Close, Brimington Common	21/06/2017
2	1 Brooke Drive, Brimington Common	19/06/2017
3	A Local Resident	19/06/2017
4	Plover View, 40 Westmoor Road, Brimington Common	19/06/2017

5	37 Barry Road, Brimington Common	19/06/2017
6	36 Westwood Lane, Brimington	19/06/2017
7	282 Manor Road, Brimington	19/06/2017
8	23 Grove Road, Brimington (x3 PA reps)	19/06/2017
9	12 Westmoor Road, Brimington	19/06/2017
10	35 Barry Road, Brimington Common (x2)	17/06/2017
11		18/06/2017
12	A Local Resident – Hathern Close	18/06/2017
13	43 Barry Road, Brimington	18/06/2017
14	19 Barry Road, Brimington Common	16/06/2017
15	11 Westmoor Road, Brimington	16/06/2017
16	17 Grove Gardens, Brimington	16/06/2017
17	35 Hathern Close, Brimington	15/06/2017
18	16 Westmoor Road, Brimington	14/06/2017
19	8 Hathern Close, Brimington	14/06/2017
20	A Local Resident – Southmoor Close	14/06/2017
21	52 Barry Road, Brimington Common (x3)	12/06/2017
22		12/06/2017
23		13/06/2017
24	A Local Resident – Hathern Close	13/06/2017
25	2 Victoria Grove, Brimington	13/06/2017
26	4 Victoria Grove, Brimington	13/06/2017
27	A Local Resident	13/06/2017
28	38 Westmoor Road, Brimington Common	13/06/2017
29	50 Barry Road, Brimington Common	12/06/2017
30	48 Barry Road, Brimington	12/06/2017
31	A Local Resident	12/06/2017
32	A Local Resident – Barry Road	11/06/2017
33	A Local Resident	11/06/2017
34	A Local Resident	11/06/2017
35	33 Recreation Road, Brimington	11/06/2017
36	54 Barry Road, Brimington	10/06/2017
37	42 Barry Road, Brimington	10/06/2017
38	A Local Resident	09/06/2017
39	A Local Resident	09/06/2017
40	A Local Resident	09/06/2017
41	A Local Resident	09/06/2017
42	A Local Resident	09/06/2017
43	31 Barry Road, Brimington Common	08/06/2017
44	A Local Resident – Barry Road	08/06/2017
45	39 Barry Road, Brimington Common	07/06/2017
46	41 Barry Road, Brimington (x3)	07/06/2017

47		07/06/2017
48		30/05/2017
49	58 Barry Road, Brimington (x2)	01/06/2017
50		01/06/2017
51	5 Wheathill Close, Brimington	25/05/2017
52	6 Wheathill Close, Brimington	24/05/2017
53	56 Barry Road, Brimington	24/05/2017
54	3 Wheathill Close, Brimington	22/05/2017
55	A Local Resident	04/05/2017

Principle of Development

A percentage of the development falls outside the footprint of the existing buildings (currently 360sqm – proposed 980sqm) and therefore the development will be on land used as farm land. This is against Local and National Planning Policy;

The proposals are contrary to policies CS1 and CS2 in terms of distance to local centres, strategic gaps protection and not being previously developed land;

Compromises green areas;

A lack of local shops and facilities in this area means it is not a suitable or sustainable location;

The National Planning Framework advises that new developments should only be accepted within existing settlements;

The proposal will harm the open and rural character of the Strategic Gap between Brimington and Tupton and does not accord with the strategy of concentration or regeneration;

The proposal does not deliver the council's Spatial Strategy (Policy CS1) and is not on previously developed land;

The adverse impacts of the proposal would significantly outweigh any benefits of granting planning permission when assessed against the policies in the NPPF;

The proposal would not respect the character, form and setting of the site and surrounding area;

The location of the development does not maximise walking, cycling and the use of public transport;

The application site is within an area of open countryside. Yet the proposal does not meet the central criteria of this policy that planning permission will only be granted for the redevelopment of existing buildings in areas of open countryside for uses which are necessary for the needs of agriculture and forestry or are related to recreation, tourism or other types of farm or rural diversification;

The policy states that planning permission will be granted for the replacement of existing dwellings with new dwellings provided that

criteria (c) and (f) are met. Insofar that one of the existing buildings on the application site is a house, I believe that these criteria are not met. In respect of criteria (c), the scale, siting, design, materials and landscape treatment of the proposal are such that its visual effect would not be minimised and the buildings would not be in keeping with their surroundings and reflect local character. In respect of criteria (f), the proposed buildings would have a greater impact on the open character of the countryside and the purpose of including land within it than the existing house and it would occupy a materially larger area of the site than the existing house; Even if it was argued (unfairly and contrary to Policy EVR2) that the combined massing of the house and outbuildings should be taken into account in the consideration of the application, then it is still clear that the proposal would still not meet criteria (c) and (f) of Policy EVR2: the proposed buildings would still have a greater impact on the open character of the countryside than the existing buildings, and they would occupy a materially larger area of the site than the existing buildings;

The proposal would be contrary to the National Planning Policy Framework (NPPF) as, the proposal would not recognise the intrinsic character and beauty of the countryside (para 17) and the proposal would not meet the tests for new isolated homes in the countryside (para 55). The proposal would not meet the essential needs of a rural worker; it would not represent the optimal viable use of a heritage asset; it would not re-use redundant or disused buildings leading to an enhancement to the immediate setting; and it would not comprise a design of exceptional quality or innovative nature; and

The proposal would be contrary to the Chesterfield Borough Local Plan Consultation Draft (January 2017) as the proposal would not meet the requirements of Policy CS1 (Spatial Strategy) and the open character of the Strategic Gap as identified on the proposal map for Brimington and Tapton would not be protected.

Officer Response: See section 5.2 above.

Traffic

Five new dwellings will create a traffic hazard / danger to other road users as this will mean at least 10 vehicles on site;

The access point at the sites junction with Westmoor Road is very narrow and vehicles have little time to react to someone pulling out;

The road is used by pedestrians, cyclists and riders and there are no footpaths so people have to stand on the verge when vehicles approach;

Visibility is restricted on the lane and often vehicles hug the verges moving them closer to pedestrians;

I have been victim to road rage on this narrow highway as some drivers do not use the passing places and expect people to go into the hedges. The edges of the road are unsafe with many potholes and in winter the road is prone to frost and snow which doesn't clear quickly due to lack of use and confined space;

Traffic calming has been installed along the entire length of Westmoor Road and the speed limit changes from 30mph to 60mph at the entrance to the application site;

The road is used on a daily basis by large farming machinery and the road is often used by NHS staff and visitors parking which is not policed, there is insufficient room for a further increase in car using this road and for parking;

Elderly and disabled local residents who make up 95% of the adjacent residents will feel less able to use the road if it becomes busy and this will break down the local community and isolate them;

The road is already used as a rat run to Chesterfield Town Centre; How do the developer propose to manoeuvre large vehicles during construction and once development is complete?;

Visibility exiting Hathern Close onto the mini-roundabout is already restricted without further traffic being introduced exacerbating the problem;

The junction of Dark Lane and Wetlands Lane nearby is a nearby hazard;

Many people walk the lanes to access the Trans Pennine trail and bridleways;

In the wider area Manor Road is already busy with traffic from local school, parked cars and this will worsen with this development;

Access to public transport links are limited;

There have been numerous accidents and fatalities on this dangerous stretch of highway;

There are no white lines on the road;

To wilfully increase traffic on this road without any mitigation measures to improve safety is unacceptable and possibly negligent. A full traffic survey should be carried over a reasonable period of time. Consideration should be given to lowering the speed limit and a weight limit imposed, even consider making the road one way from Plover Hill Farm westwards. The installation of

kerbs and a footway should be considered. Costs of all this should be paid by the developer, not the tax payer; and
The development will result in number of additional traffic movements on the local road network. Whilst this number of movements will only be modest, it will nevertheless add to some of the road congestion experienced in the area and particularly at peak hours. It is requested that this impact be considered.

Officer Response: See section 5.4 above.

Housing Mix / Affordable Housing

The development propose family homes, however has the developer / LPA considered that 95% of local residents are retired / elderly and disabled and therefore they should not be isolated, 'done to' or imposed upon; and
I understand there is a requirement for new affordable housing in the area but this does not meet that need.

Officer Response: The scheme is not of a scale where the developer would be required to contribute to an affordable housing need (that is only applicable for developments of 15 units or more).

Visual Impact

The intensive development will upset the visual effect of the area and harm the countryside character of the site, turning it from a rural scene to an urbanised housing development;

The planned development will impinge on the peace and tranquillity for residents in the local area and will break up the green wedge / buffer between Westmoor Road and the NHS Hospital;

The development scale will be much taller than the existing buildings which does not follow existing topography;

Imposing / Overdevelopment;

Three storey development is not appropriate and the site at Plover Hill Farm is more in keeping;

The five bedroom house at the top of the site will be an obtrusive addition, out of keeping with the rural character;

The proximity of Plover Wood would cast shadows and falling leaves on the development (due to orientation) however the woodland and any remaining trees on site should be protected by Tree Preservation Order to prevent them from being pruned or felled if the development takes place;

The siting, scale, massing and appearance of the proposed houses will harm the rural character of the site and the area;
The siting, scale, massing and appearance of the proposed houses will give rise to an overdeveloped and cramped scheme to the detriment of the character of the area; and
The proposal would not meet the requirements of Successful Places SPD. The proposal would not be in accordance with Principle 3.5.8 (Local distinctiveness) as it would not take the opportunities available to integrate the proposal into the site, its setting and the way it relates to the local area.

Officer Response: See sections 5.2, 5.3 and 5.6 above.

Neighbouring Impact

The development will impinge on surrounding residents privacy.

Officer Response: See section 5.3 above.

Ecology

The applications report minimises issues in respect of ecological and environmental issues – inc. bats in nearby trees which are believed to be unaffected. There is a wide variety of wild creatures thriving in the local area and any development will have a detrimental effect on their wellbeing;
There are concerns about foul water and other effluents being released into the local water course from the completed development and its effect on wildlife;
The development has the potential to adversely impact upon trees and ecology and the Council has a duty to protect their environments;
Wildlife will be frightened away by the development and will not return; and
There is no evidence to suggest that a wildlife survey has been carried out at an appropriate time.

Officer Response: See section 5.6 above.

Drainage

There are concerns about foul water and other effluents being released into the local water course from the completed development;

Any increase in foul water and effluent into the local water system could create a serious problem, especially in inclement and warm weather (unpleasant odours etc); and

There are already drainage problems in the area which would be made even worse.

Officer Response: See section 5.7 above.

Further Development

There is mention of a Phase 1 in the application submission, so is there to be a Phase 2 with more dwellings in the future?;

The development will create a precedent for further housing development in what is an area of outstanding visual quality; and Documents in the application submission refer to a development of 25 dwellings, therefore when are the remaining 20 dwellings proposed?

Officer Response: The application being considered is only for 5 dwellings. Any reference to future development is not material to the application being determined. The proposals are assessed on their own individual merits.

Other Issues

Planning permission has already been granted and development has begun for 3 dwelling on land opposite the application site;

How long will the development take to build out?;

There is no information of how the development will be lit and new street lighting will have adverse effects on the area;

There has been very little time to consider the application and I would like to reserve my right to make further comments if I become aware of further information;

The development will adversely affect property prices;

More pressure will be placed on overstretched schools, doctors, dentists and other facilities;

If the applicant wishes to live in the area why don't they renovate the existing farmhouse, it appears they have purchased the land for development rather than regeneration;

Only the farmhouse should be replaced;

The application comments that many of the buildings are dilapidated, but this is far from the case and they could be converted;

Power supply to the site is via a single overhead line on poles and this would need to be upgraded for the proposed use;

Asbestos removal from the site could be a hazard for local residents;
While I support replacement of the existing dilapidated farm buildings, I feel it is important that the proposed development is in-keeping with its location & surroundings; and
I like the use of timber cladding and references to traditional farm buildings, in a modern design with lots of renewable materials / low energy building.

Officer Response: Noted / some issues not material.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country

Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The proposals have been considered against the principles of policy EVR2 of the 2006 Local Plan; policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy. In addition consideration has been given to the wider National Planning Policy Framework (NPPF) and the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places'.

9.2 It is considered that although some conflicts have been identified with policy EVR2; the proposed development can be considered in broad compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its connection to social, economic and environmental infrastructure and the key benefits of supporting the development are such that it meets the definitions of sustainable development and there is a presumption in favour of its approval.

9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core

Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.9 above;

10.2 That the group of the trees to the frontage of the site are protected by Tree Presentation Order; and

10.3 That the application be **GRANTED** subject to the following conditions / notes:

Conditions

01. 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 Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

P01_A – Site Location and Block Plan

P02_A – Topographical Survey

P10_A – Existing Plan Sheet 1

P11_A – Existing Plan Sheet 2

P12_A – Existing Elevations Sheet 1

P13_A – Existing Elevations Sheet 2

P100_A – Proposed Site Plan

P101_A – Proposed Site Sections Sheet 1

P102_A – Proposed Site Sections Sheet 2

P103_A – Proposed Site Sections Sheet 3

P104_A – Proposed Site Sections Sheet 4

P105_A – Proposed External Finishes

P110_A – Unit 1 Proposed Plans

P111_A – Unit 1 Proposed Elevations

P120_A – Unit 2, 3 and 4 Proposed Plans Sheet 1

P121_B – Unit 2, 3 and 4 Proposed Plans Sheet 2

P122_A - Unit 2, 3 and 4 Proposed Elevations Sheet 1

P123_A - Unit 2, 3 and 4 Proposed Elevations Sheet 2
P124_A – Unit 2, 3 and 4 Proposed Elevations Sheet 3
P130_B – Unit 5 Proposed Plans Sheet 1
P131_A - Unit 5 Proposed Plans Sheet 2
P132_A - Unit 5 Proposed Elevations
Planning Support Statement (Babenko O'Boyle)
Design and Access Statement (Babenko O'Boyle)
Drainage Strategy (Babenko O'Boyle)
Ecological Assessment (Baker Consultants)
Tree Survey (John Booth)
Geo-Environmental Assessment – Phase 1 (Idom Merebrook)
Coal Mining Risk Assessment (Idom Merebrook)
Community Infrastructure Levy Liability Forms
Ecology Appraisal and Bat Survey (Baker Consultants) –
received 20/06/2017
Speed Survey and Topographical Survey for Visibility –
received 14/07/2017

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.

Drainage

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

Reason - In the interest of satisfactory and sustainable drainage.

04. No development shall take place until details of the proposed means of disposal of foul and surface water drainage (including details of any balancing works and off-site works) have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

Environmental

05. 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 the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the 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.

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

Reason - In the interests of residential amenities.

Ecology

07. No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

08. Prior to the commencement of development a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.
This is to ensure that a sensitive lighting is designed in line with guidance within Paragraph 125 of the NPPF.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

09. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.
Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

10. No works shall commence on site, including demolition or site clearance, until a copy of the Natural England Licence has been submitted to and acknowledged by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To safeguard the ecological interest of the site and to accord with policy CS9 of the Local Plan: Core Strategy.

11. Prior to development commencing (including site clearance) revised site layout drawings shall be submitted to the Local Planning Authority (for written approval) which establish Root Protection Area's (RPAs) as recommended in BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012) to all protected and retained trees bounding and within the application site boundary. On agreed protective fencing shall be erected conforming to BS 5837 during site clearance and while any construction is in progress and notices should be attached to the fencing at regular intervals to this effect. There must be no excavations, no soil stripping and no grading of the site within the RPAs unless otherwise first agreed in writing by the Local Planning Authority in accordance with a Tree Construction Works Methodology and there should also be no storage of materials within the RPAs.

Reason – In the interests of protecting the rooting environment of any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.

Materials / PD / Landscaping

12. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

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

Reason - In the interests of the amenities of occupants of adjoining dwellings.

14. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and

proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

Highways

15. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Westmoor Road / Wetland Lanes in accordance with the revised drawing RBS-17/0888/001 and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centre line of the access for a distance of 90 metres in the critical direction and 105 metres in the non-critical direction. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1 metre in height (0.6 metre in the case of vegetation) above ground level.

Reason – In the interests of highway safety.

16. Before any other operations are commenced (with the exception of the condition above), 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, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety.

17. The premises the subject of the application shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

18. 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.

Notes

01. 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.
02. 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.

Coal Authority

03. 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

Highways

04. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works

that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

05. The Highway Authority recommends that the first 6m of the proposed access driveway(s) 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.
06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
07. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to

allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

Drainage

08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.