

Appendix A

Appeal by Mr Frank Sissons (FG Sissons Chesterfield Ltd)
Outline for residential development of up to 150 houses with all
matters reserved apart from access on land to the North west of
Northmoor View, Brimington, Chesterfield.
CHE/18/00532/OUT
2/1903

1. Outline planning permission was refused on 29th January 2019 for residential development of up to 150 houses with all matters reserved apart from means of access on land to the North West of Northmoor View, Brimington for the following reasons:
 1. *The site the subject of the application is on land allocated under policy EVR2 of the 2006 Local Plan (a saved designation of the Chesterfield Local Plan: Core Strategy 2011 - 2031) as open countryside and land located under policy CS1 as a Strategic Gap between Brimington and Tapton. Policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 states that greenfield led housing development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply. On the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy CS10 and EVR2 of the Chesterfield Local Plan: Core Strategy 2011 - 2031, the wider provisions of the National Planning Policy Framework and it is therefore unacceptable.*
 2. *The development proposals would introduce an extension to the built settlement of Brimington which would encroach into land which is Open Countryside and has been identified to form part of the Strategic Gap between Tapton and Brimington under the provisions of policies CS1, CS2 and CS9 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and the wider National Planning Policy Framework. The development proposals are considered to be contrary to the provisions of these policies which seek to maintain open land between neighboring settlements to prevent merging (perceptual*

and physical) and protect the setting and separate identity of settlements; support appreciation and wider perceptual benefits of open countryside; and maintain existing or influence form and direction of settlements and for this reason they are unacceptable.

- 3. Overall it is considered that the development proposals fail to adequately address the provisions of Policy CS8 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 in so far as they do not incorporate measures to avoid or mitigate increases in air pollution where the development proposals would clearly have a demonstrable impact (worsening) upon an area designated as an Air Quality Management Area. Contrary to the conclusions reached in the Air Quality Assessment the Local Planning Authority hold monitoring records that show the Air Quality Standard (AQS) being breached, and the levels of traffic pollution increasing. The LPA dispute the applicants interpretation that the impacts of the development proposed are 'negligible'. Given this opinion it is considered that a development of this scale should include appropriate mitigation measures and failure to do so conflicts with the provisions of Policy CS8 and the wider aspirations of the National Planning Policy Framework paragraph 181.*
2. An appeal against the decision was determined by a public inquiry which sat on 2nd to 4th July and which has been allowed.
3. A copy of the decision notice dated 5th August 2019 is attached.