

ITEM 3

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

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

Ward: Lowgates and Woodthorpe

1.0 CONSULTATIONS

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

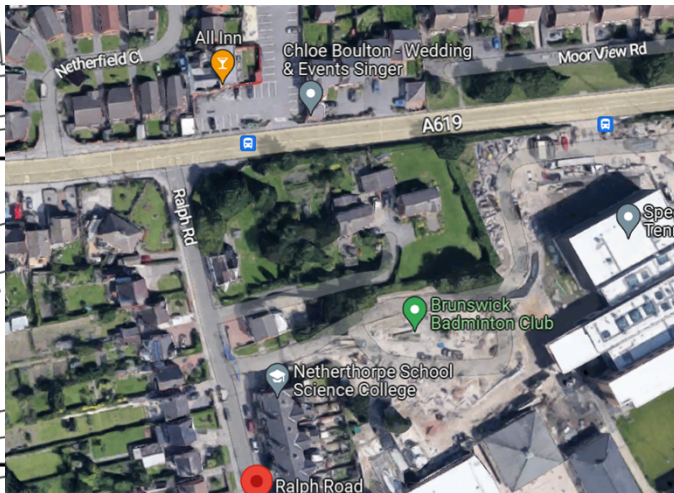
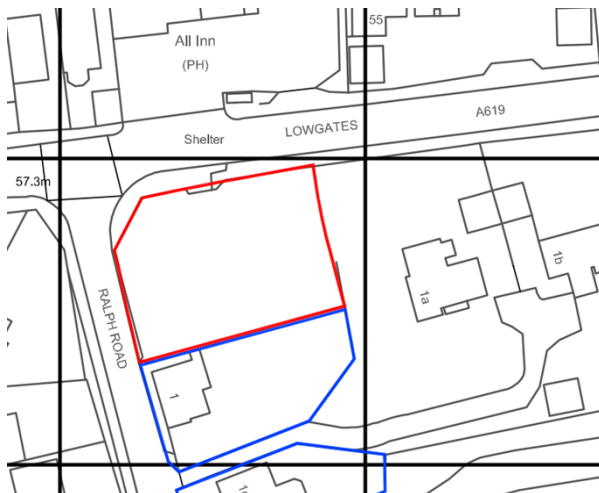
CBC Environmental Health No objection - conditions recommended relating to working hours and contaminated land – see report.

Representations 3 representations received – see report.

2.0 THE SITE

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

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



Extract of submitted location plan ©

Aerial photograph taken from Google maps ©



Photo taken from within the site looking north



Photo taken from within the site looking north east

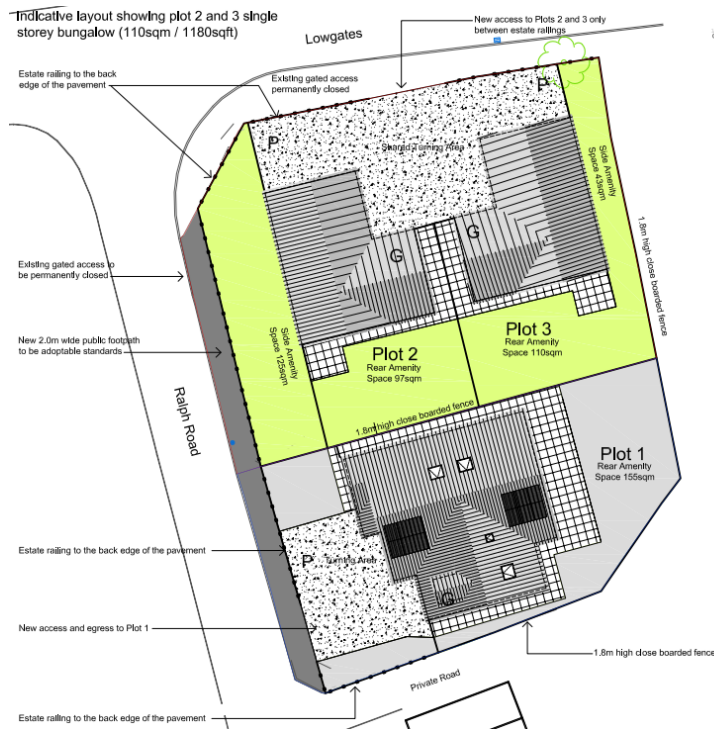
3.0 SITE HISTORY

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

Pending consideration.

4.0 THE PROPOSAL

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



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

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

4.3 The application is supported by the following documents:

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

5.0 CONSIDERATIONS

5.1 Planning Policy

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 Supplementary Planning Documents

- Successful Places: A guide to sustainable housing layout and design SPD (2013)

5.5 Principle of Development

Relevant Policies

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

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

- 5.5.2 Policy CLP1 states that *'The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'*
- 5.5.3 Policy CLP2 states that when *'Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council's Spatial Strategy (policy CLP1);*
 - b) are on previously developed land that is not of high environmental value;*
 - c) deliver wider regeneration and sustainability benefits to the area;*
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
 - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
 - h) are not on the best and most versatile agricultural land;'*
- 5.5.4 Policies CLP1 and CLP2 seek to direct new development to regeneration areas and those areas within walking distance of a range of Key Services. The Successful Places SPD sets out that a walkable neighbourhood is one with a local centre / shop within 600-800m and a primary school within 800 – 1000m.
- 5.5.5 The site sits within the built up area (policy CLP3) and is within a short walk of public transport connections provided on Lowgates. With regards to key services, the site is within walking distance of Netherthorpe School, the Rectory Road Medical Centre and facilities within Lowgates East Local Centre. Staveley Town Centre is less than 1 mile away (walking distance). Norbriggs Primary School is located approximately 100m beyond the walkable threshold, but on balance the application site is considered to be in a sustainable location with access to a range of services.

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

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

5.6 Historic Environment

Relevant Policies

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

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

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

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

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

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

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

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

5.7 Design and Appearance of the Proposal

Relevant Policies

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

All development will be expected to:

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

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

5.8 Residential Amenity

Relevant Policies

5.8.1 Local Plan policy CLP14 states that “*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts)*”

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

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

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

Relevant Policies

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

5.9.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking:

‘The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:

i. The size of any dwellings proposed.

ii. The type, mix and use of the development.

iii. The proximity of facilities such as schools, shops or employment

iv. The availability of and capacity for safe on-street and public car parking in the area.

v. Proximity to and availability of public transport and other sustainable transport options.

vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.

vii. Local car ownership levels.

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

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

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

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

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

5.10 Flood risk, Drainage and Water Efficiency

Relevant Policies

- 5.10.1 Local Plan policy CLP13 states that *‘The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.*
Development proposals and site allocations will:
a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;
b) be directed to locations with the lowest impact on water resources;
c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.
- 5.10.2 Policy CLP13 further states:

“Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.”
- 5.10.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding with no risk of surface water flooding at the site. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage)

Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water.

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

5.11 Ground Conditions, Land Contamination and Land Stability

Relevant Policies

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

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

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

5.12 Biodiversity and Landscaping

Relevant Policies

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

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

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

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

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

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

5.13 Developer Contributions

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

6.0 REPRESENTATIONS

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

- Over development

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

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

7.0 HUMAN RIGHTS ACT 1998

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

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

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

9.0 CONCLUSION

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

10.0 **RECOMMENDATION**

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

10.2 **Conditions**

Reserved matters submissions

1. Approval of the details of the appearance, landscaping, layout and scale of the proposal (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - The condition is imposed in accordance with article 3(1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).

Timeframe for reserved matters submissions

2. Application for approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990

Timeframe for commencement

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990

Approved plans and documents

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

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

Biodiversity Measures

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

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

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

Biodiversity – construction management

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

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

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

Landscaping

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

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

Retention and management of soft landscaping

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

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

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

Construction hours

9. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason - In the interests of safeguarding the privacy and amenity of the occupiers of surrounding properties in accordance with policies CLP20 and CLP14 of the Chesterfield Local Plan

Land Contamination

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

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

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

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

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

Drainage – surface water

11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - a) Evidence to demonstrate that surface water disposal via watercourse is not reasonably practical;

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

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

Drainage – separate foul and surface

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

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

Water efficiency

13. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason – To protect the water environment and in accordance with Policy CLP13 of the Chesterfield Local Plan

Electric Vehicle Charging Point Infrastructure

14. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason – In the interests of reducing emissions in line with policy CLP22 of the Chesterfield Local Plan.

Creation of access

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

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

Pedestrian footway

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

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

Existing accesses

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

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

Provision of footway

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

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

Parking

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

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

Gates

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

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

Bin storage

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

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

Archaeology

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

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

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

Informative Notes

1. The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
4. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under S211 of the Planning Act 2008. A CIL liability notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
5. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

6. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.
7. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278/72 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

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

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

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

8. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
9. The Highway Authority recommends that the first 5m of the proposed access / driveway should not be surfaced with a loose material (i.e.

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

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