

Case Officer: RF

Application No: CHE/23/00731/FUL

Planning Committee: 19<sup>th</sup> February 2024

### ITEM 3

## **SPECIALIST CARE HOME WITH ASSOCIATED ACCESS, LANDSCAPING, PARKING AND ASSOCIATED WORKS ON LAND OFF HARTFIELD CLOSE, HASLAND, CHESTERFIELD FOR CAIRNWELL DEVELOPMENTS**

Local Plan: Unallocated, within the built up area.

Ward: Hasland

### **1.0 CONSULTATIONS**

Ward Members	No comments received.
Local Highways Authority	No highway objections subject to conditions regarding parking provision, construction management plan and Travel Plan– see report
Strategic Planning	The location is suitable in principle for the proposed use - see report.
Yorkshire Water	Comments received – recommend condition that the development be carried out in accordance with the submitted Drainage Strategy.
Environment Agency	Within flood zone 1 therefore have no fluvial flood risk concerns. No other environmental constraints which fall within the remit of the EA.
Design Services Drainage	Comments received – see report.
Environmental Health	No adverse comments. Condition recommended restricting working hours.
Economic Development	Recommend that a local labour/supply chain clause is negotiated and secured.
County Archaeology	Comments made – see report – recommends imposition of a

	condition for an archaeological Written Scheme of Investigation.
Derbyshire Wildlife Trust	Raised several queries and concerns regarding the submitted Preliminary Ecological Appraisal and an Assessment of Biodiversity Report. Satisfied with the updated Appraisal and Metric subject to conditions and a financial contribution – see report.
Derbyshire Constabulary	No objections from a crime and disorder perspective.
DCC Adult Social Care	No specific objection – note that Chesterfield already has sufficient nursing provision – will be discussing more specific levels of need with the applicant directly.
Representations	31 objections received from local residents plus one from a planning consultant on behalf of 25 residents. – see report

## 2.0

### **THE SITE**

- 2.1 The site subject of this application is approximately 0.33 hectares in area. It was formerly the rear part of the gardens of properties on Storforth Lane. The land comprises a large grass area, trees and several small domestic outbuildings. The surrounding area is primarily residential in character. Hartfield Close is a residential street which terminates at the western boundary of the site.
- 2.2 The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035.
- 2.3 The site is within Flood Zone 1.



Extract from Google Maps

## Site Photographs



3.0

### SITE HISTORY

3.1

No relevant planning history.

4.0

### THE PROPOSAL



## Proposed Floorplans



## Proposed Elevations





- 4.3 The operator of the proposed care home would be Exemplar Health Care (EHC) who specialise in providing specialist nursing care for adults with complex needs. They currently have over 35 specialist care homes across the UK and employ nurses and support workers who are experienced in caring for people with a wide range of needs such as Parkinson's, Huntington Disease, Complex Dementia, Acquired Brain Injury, Spinal Injury, Mental Health Conditions and Rehabilitation. Assuming all 34 beds are occupied there would be 34-38 members of staff present on site during the day. Staff would work 12 hours shifts 8am to 8pm and 8pm to 8am.
- 4.4 In addition to the submitted plans the following documents have been submitted with the application:
- Planning Statement;
  - Design and Access Statement;
  - Drainage Strategy;
  - Flood Risk Assessment;
  - Transport Statement;
  - Travel Plan;
  - FAQs for commissioners;
  - Energy Statement;
  - Extended Phase One Habitat Survey (Preliminary Ecological Appraisal);
  - Tree Survey and Constraints Report
  - Assessment of Biodiversity;
  - Biodiversity Metric;
  - Noise Impact Assessment;
  - Phase 1 – Desk Top Study

## **5.0 PLANNING POLICY**

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

## **5.2 Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP4 Range of Housing
- CLP6 Economic Growth
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

## **5.3 National Planning Policy Framework**

- Part 2. Achieving sustainable development
- Part 4 Decision making
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport
- Part 11 Making effective use of land
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

## **5.4 Supplementary Planning Documents**

- Successful Places Residential Design Guide

## **6.0 CONSIDERATION**

### **6.1 Principle of Development**

6.1.1 The site is not allocated for any specific use in the adopted Local Plan but is within the built-up area. The key policies relevant to the principle of development are CLP1 and CLP2. These direct



development to locations that can be served by a range of facilities within walking and cycling distance.

- 6.1.2 CLP4 is also relevant in that it sets out that the Council will seek a range of dwelling types and sizes and sets criteria for considering special needs housing.
- 6.1.3 Hasland Local Centre is within a 15-minute walk for those residents (and staff) who are able to make use of the available facilities. Given this it is considered the location is suitable in principle for the proposed use.
- 6.1.5 There is no policy requirement for the developer to prove a need for the development, although the level of provision would mean that no special additional weight would be given to the provision of this specialist form of accommodation vs other policy issues and other material considerations.

## **6.2 Design and Appearance of the Proposal**

- 6.2.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 6.2.2 The proposed building is split into two wings; the northern wing is two storeys in height with the southern wing 1 ½ storeys reducing the height towards the southern boundary. Proposed materials are primarily red brick walls with a brick plinth details and some areas of render with further interest from the use of brick surrounds around the windows in the rendered sections and brick stacked bond between ground and first floor windows on the front elevation. Grey plain effect roof tiles are proposed with upvc windows and doors with the main entrance and service doors in aluminium. The size of the opening and location of fenestration is considered to be proportional to the massing and scale of the building, as well as the local context.
- 6.2.3 The proposed car park has been well- designed, attractive, and well positioned. When looking into the site from Hartfield Close, the view will be orientated towards the main entrance, rather than the car park which has been sensitively integrated into the built form and does not create the illusion of a car dominated development.

6.2.4 Consideration has been given to the scale, massing, and height of proposed development in relation to that of adjoining buildings. How a development will be seen from around the area has been carefully considered to avoid a negative impact on the surroundings. For example, breaking a large building up into several visual parts can help to minimise the impact of scale. This has been done within the proposal by indenting sections along the front elevation, creating the appearance of a few separate buildings rather than one long one.

6.2.5 Policy CLP20 requires the submission of a statement which sets out how the development would reduce CO2 emissions during construction and occupation and also maximise both the use and generation of renewable energy.

The submitted Energy/Sustainability Statement contains an energy strategy which may be summarised as follows:

- A fabric first strategy which aims to achieve long term reductions in CO2 emissions and climate change;
- Heating will be provided by high efficiency air-source heat pumps;
- Hot water will be provided via high efficiency gas fire water heaters;
- PV will be provided on the south facing roof;
- All lighting will be LED
- The emission rates are lower than that required by the current building regulations;
- Glazing areas are lowered to reduce heat loss and possible overheating issues.

6.2.6 The proposal is considered to be of a scale that is not out of keeping with the wider residential context of the site. It is set in from the boundaries and would provide an appropriate level of outdoor amenity space for the residents. The design is considered to be acceptable and as such would comply with the requirements of Local Plan policy CLP20.

### **6.3 Impact on Neighbouring Residential Amenity**

6.3.1 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*'

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

6.3.3 The proposed building would be 4m from the boundary with 48 Hartfield Close. That property is a 2 ½ storey house with drive and garage to the side. The only windows/door to the west elevation of

the projecting wing would be to a corridor and stairwell. A pedestrian path leads to a secure cycle store and to the north of the building.

- 6.3.4 The car park would be adjacent to the boundary with 35 Hartfield Close. There would be 8 spaces separated by a landscaping strip which links to a larger landscaped area to the south and which surrounds the bin store which is set in 6.5m from the western boundary.
- 6.3.5 With the set back into the site the distance from the two first floor windows (training room and staff room) in the western elevation of the southern wing to the boundary with 35 Hartfield Close would be 18m over the car park area. This is a three storey house with drive and attached garage to the side and which has no windows in the side elevation.
- 6.3.6 The bungalow to the south at 5 Wiston Way is separated from the site by a cycle path plus substantial tree cover and vegetation. The closest first floor window in the proposed care home would be 19m from the northern boundary of the bungalow. There is only one first floor window in the south elevation of the southern wing and that is to the kitchen.
- 6.3.7 In so far as the relationship of the proposal to the extensive garden areas to the north and east no objections arise in terms of impact on amenity.
- 6.3.8 The Council's Environmental Health Officer reviewed the scheme and raised no objections in principle. As the application site is surrounded by residential dwellings it is recommended that a condition be imposed controlling the hours of construction works in the interests of neighbouring amenity.
- 6.3.9 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

#### **6.4 Highways Safety**

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

6.4.3 The Local Highways Authority has reviewed the scheme and provided the following comments:

*“ The application includes the submission of a transport statement which assesses the potential impact of the development on the highway network.*

*Hartfield Close has a width of between 6m and 5.5m for most of its length which is suitable to accommodate the likely additional vehicular traffic generated by the development; the TRICS analysis included in the transport statement is accepted and predicts a low increase in peak hour movements on the network.*

*The proposed site access, at 6m in width, is considered suitable to allow two way traffic movements at the access. The indicated internal layout includes appropriately dimensioned parking spaces and the proposed 17 spaces is generally in accordance with recommended guidance for C2 use classification development.*

*The internal layout indicates bin storage located at the far south of the site some 30m from the site access and the turning facility. Swept path details included in the transport statement indicate that a refuse collection vehicle can manoeuvre to allow the vehicle to enter and exit the site in a forward gear.*

*The provision of on site cycle storage is welcomed and the number of cycle stands is considered acceptable.*

*The application does include a Travel Plan; however, this does require some revisions to be acceptable to the highway authority. The following general comments have been provided about the submitted Travel Plan; however please see more specific comments in the attached document which the applicant will need to address:*

*“The document is essentially sound, although it needs some clarification around targets as per the comments. This needs to be addressed before the condition can be considered discharged. In the event of a S106, the Monitoring fee is £1,265.00 pa x five years, total £6,325.00.*

*The new access to serve the site will require a legal agreement with Derbyshire County Council under S278 of the Highways Act 1980. The access works will also require the relocation of a street lighting column.*

*Based on the submitted details, there are no highway authority objections to the application.”*

6.4.5 The Travel Plan comments include a requirement for improvements to bus stops on Storforth Lane to be secured by Section 106

agreement. These improvements would be in accordance with Local Plan policy CLP22 and would meet the tests of the CIL regulations.

- 6.4.6 Following these comments an updated Travel Plan was submitted. The applicant's agent has also indicated that they would be willing to enter into a Section 106 agreement for the bus stop improvements and monitoring of the Travel Plan.
- 6.4.7 The majority of the objections received from local residents raise concerns regarding the use of Hartfield Close to access the site, given that parking occurs on both sides of the road with vehicles parking on the pavement which narrows the width of the road making it difficult for the refuse lorry and other larger vehicles to get through and this would be made worse by the proposed development, and question whether adequate parking spaces are proposed. The care home would be a relatively low user in terms of vehicle movements as residents would not have vehicles and travel plan measures would be in place for staff. The 17 parking spaces proposed is considered sufficient for this type of use. The road is wide enough for two-way traffic and there is sufficient space within the site to enable a refuse vehicle to enter and exit in forward gear. The existing parking on the road which on occasions leads to obstruction of the highway is ultimately a matter for the Police and Highway Authority to enforce. It is not reasonable grounds to refuse the application for highway safety reasons.
- 6.4.8 Subject to conditions and a Section 106 agreement to secure improvements to bus stops and monitoring of the Travel Plan as detailed above the development complies with the requirements of CLP20 and CLP22.

## **6.5 Flood risk, Drainage and Water Efficiency**

- 6.5.1 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.*
- 6.5.2 Local Plan policy CLP13 states that *'Development proposals will be expected to demonstrate that water is available to support the*

*development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.'*

6.5.3 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council's Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water.

6.5.4 The Design Services (Drainage) Team reviewed the application and noted that the site is located in Floodzone 1 and the EA Surface Water flooding data shows that the land could be affected by surface water flow from Storforth Lane and possible surface water flooding from the unnamed watercourse that runs east to west along the southern boundary of the Storforth Lane properties. The unnamed watercourse is maintained by Chesterfield Borough Council along with the trash screen at the entrance to the Yorkshire Water owned surface water public sewer. Any connections to the foul sewer system should be approved by Yorkshire Water. There have been several instances of sewage escapes to the manholes at the rear of 5 Hartfield Close. Any connection to the watercourse would require the consent of the LLFA and Yorkshire Water.

6.5.5 Yorkshire Water comment that the submitted drainage strategy is acceptable. In summary this states that

- a) Foul water will discharge to public foul water sewer
- b) Surface water will discharge to land drain

Recommend imposition of a condition that the development be carried out in accordance with the submitted drainage strategy.

6.5.6 Subject to the imposition of conditions covering provision of drainage in accordance with the submitted Drainage Strategy and water efficiency standards the proposal will accord with the provisions of CLP13 and the wider NPPF.

## **6.6 Biodiversity, Landscaping and Trees**

6.6.1 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'*

6.6.2 The NPPF also requires net gains in biodiversity.

6.6.3 Following the initial comments of the Derbyshire Wildlife Trust an updated Biodiversity assessment and metric was submitted. This concludes, in accordance with the habitats present within the site and the proposals for the site's redevelopment the BNG Assessment predicts a change of -26.32% and in a loss of 1.31 habitat units. The trading rules cannot be satisfied as the grassland cannot be replaced due to the extent of urban sealed development proposals. Given there is a loss of biodiversity across the site client will want to enter into a S106 agreement to manage the shortfall. DEFRA guidance is between £12-23k per unit loss.

6.6.4 Derbyshire Wildlife Trust have made the following comments on the updated Biodiversity assessment and metric:  
*"We are pleased to see that Metric 4.0 has been used and the calculations resubmitted. A loss of -1.31 habitat units is predicted and trading rules are not satisfied due to the overall loss of grassland (we note that this is low value grassland however). The applicant proposes to offset these losses with a monetary contribution – an approach that the Trust are satisfied with, however it is at the discretion of the LPA whether this can be accepted. It should be confirmed whether this would be paid to the LPA and whether it can be allocated to a specific biodiversity project or site. In terms of price per unit, we have historically advised 20K per unit, however it is apparent that this is slightly lower than emerging habitat bank prices. Again the price is at the discretion of the LPA, if they will receive the money.*

*The habitat proposals and management and monitoring prescriptions provided in the updated BNG Report are acceptable and compliance with this document should be secured via condition. Any detailed landscape plans must reflect these proposals. We also advise that bat and bird boxes are either added to proposals or secured via condition for a Species Enhancement Plan. For a site such as this, two integral bat boxes and 10 x integral universal nest bricks would be reasonable."*

6.6.5 In response to the above comments the applicant's ecology consultant has advised that the main habitat being lost is rated by DEFRA at £12k per unit replacement, so based on a loss in overall biodiversity of 1.31 habitat units the applicant would accept a S106 contribution of about £16k.

6.6.6 There are a number of existing trees on site. The main arboricultural impacts are of the proposed development are:

- New footway surfacing in the vicinity of retained trees

- Installation of proposed development infrastructure requiring tree removal.

These include a footway in the Root Protection Area of T7 Populus serotina where a cellular confinement system is proposed and the removal of ten individual trees, and five Groups of trees consisting of Cupressus, Holly and Goat Willow. The submitted Arboricultural Impact Assessment classes these as garden trees of low arboricultural significance.

- 6.6.7 It is unfortunate that a Cedar would have to be removed which is clearly one of the most significant trees on the site, but the tree is located directly in the path of the new access. Other trees within the rear gardens which are proposed for removal have limited visual amenity due to their location and other trees off site which screen the proposed development site. There is, however, an opportunity with a good landscaping scheme to replace some of the lost trees which would enhance and provide an amenity for the site which should be conditioned as part of a wider landscaping scheme.
- 6.6.8 A proposed landscaping scheme has been submitted. This proposes a tobermore path which will circulate the care home, with garden seats located to the north east and east of the building. Timber boundary fences are proposed with the northern, eastern and southern boundaries being at a height of 2.1 metres with controlled access points on either side of the car park to the remaining external area of the site. The western boundary fence would be 1.8 metres high.
- 6.6.9 The existing trees on the northern and southern boundaries will be retained together with the existing hedge to the east. Additional trees are proposed on the eastern and western boundaries with multi-stem shrubs throughout plus wildflower areas and climbers against internal security fences.
- 6.6.10 The submitted Preliminary Ecological Appraisal found no evidence of protected species on the site.
- 6.6.11 Subject to conditions as recommended above plus the completion of a S106 agreement to secure a financial contribution to offset the loss of habitat units the development is considered to accord with the requirements of CLP16 and the NPPF.

## **6.7 Archaeology**

- 6.7.1 As a major application County Archaeology were consulted and made the following comments:



*“The site is 60m or so east of the course of the Rykniel Street Roman road as shown on Derbyshire Historic Environment Record (HER). The road is almost wholly conjectural on its southern approach to Chesterfield, with no known points north of the scheduled section at Redleadmill Brook, Wingerworth, some 3km south of the current proposal site. Some tentative suggestions have been raised regarding a possible ford point across the Rother (1km south) and a ‘rock surface’ interpreted as possible buried road surface was identified in allotments 600m south of the current site (though this record seems unconvincing).*

*There is consequently a degree of uncertainty over the route of Rykniel Street into Chesterfield through Hasland. That shown on Derbyshire HER is a best guess although a degree of variability to either side of this line is possible, which could bring the current proposal site into play, particularly as it does not appear to have been substantially developed before.*

*This archaeological interest is best addressed through a planning condition in line with NPPF para 205, to allow the potential for the Roman road in the site to be tested in advance of development, whether through monitoring of stripping or through a programme of evaluation trenching in the first instance.”*

## **6.8 Developer Contributions and Community Infrastructure Levy**

6.8.1 The proposed development is within the C2 residential institutions use class. This is not CIL liable development. However, a Section 106 agreement will be required to secure financial contributions to offset the loss of onsite habitat units, improvements to bus stops on Storforth Lane and monitoring of the Travel Plan.

## **7.0 REPRESENTATIONS**

7.1 The application has been publicised by neighbour notification letters, site notices and advert in the local press and 32 objections have been received from local residents and a planning consultant acting for 25 residents.

The points made in the planning consultant’s letter are set out below:

### **“Loss of amenity and privacy for neighbouring land users**

The application site is bounded by several residential properties including nos 35 and 48 Hartfield Close to the west, 5 Wiston Way to the south, 99, 105, 105a and 107 Storforth Lane to the north and 97 Storforth Lane to the east. 44 other residential properties lie to the west of the application site along Hartfield Close, Hartfield Court and Stainer Court.

The immediate context is relatively low density housing comprising of 2, 3 and 4 storey detached, semi-detached and terrace properties. The relationship between existing residential uses must be carefully considered.

The application proposes the erection of a 34 bed specialist care home totalling 2,470sqm of internal floorspace. Local residents have significant concerns with the size, scale and location of the building within this residential area.

Policy CLP14 'A Healthy Environment' states:

*"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."*

The plot size is uncharacteristic of the surrounding area due to being residential backland which results in a scheme which has a cramped and unsympathetic relationship to the site boundaries, specifically the north boundary, which further reinforces the overdeveloped nature of the proposal. The siting of the building toward the eastern edge of the site merely reinforces the uncharacteristically shaped plot and inadequate nature of the site.

Given the scale of the building and its distances between existing neighbouring properties and the proposed care home it is considered that the building would have an overbearing impact on the occupants of the closest neighbouring dwellings, namely nos 35 and 48 Hartfield Close to the east, 5 Wiston Way to the south, 99, 105, 105a and 107 Storforth Lane. Furthermore, the development will result in direct overlooking of adjoining residential gardens of aforementioned properties given the proximity of the building to their boundaries.

The proposed development by reason of its site, scale and position would have an overbearing impact on immediate neighbours and would afford direct views into the rear gardens of neighbouring properties resulting in a significant loss of amenity and privacy, contrary to policies CLP14 and CLP20 of the Adopted Chesterfield Borough Local Plan (2020) and the guidance contained with the National Planning Policy Framework (2023).

### **Impact on highway and pedestrian safety**

The proposed development would be accessed directly off Hartfield Close which is a quiet, internal, residential estate road which serves the residents of Hartfield Close, Hartfield Court and Stanier Court.

Hartfield Close has a width of between 6m and 5.5m for most of its length which the accompanying Transport Statement concludes is suitable to accommodate the likely additional vehicular traffic generated by the development. However, no consideration has been given to the current constraints of the internal estate road, which is already heavily congested with existing resident's vehicles, some of which are parked on the highway. The proposed development will put further pressure on the existing highway network as a result of the scale of the development, particularly during peak hour movements.

Policy CLP22 'Influencing the Demand for Travel' states:

*"Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

It is considered that the proposed development of a 34 bed specialist care home would significantly increase the traffic generation, not only associated within the site, but on Hartfield Close and Storforth Lane to the detriment of the residents in the local area. Further concerns are raised with the lack of parking provision on site for residents and their associated visitors. It is considered that the proposal would significantly inconvenience existing highway users and pedestrians within the immediate area as a result of the development, contrary to policy CLP22 of the Adopted Chesterfield Borough Local Plan (2020) and the guidance contained with the National Planning Policy Framework (2023).

### **Impact on the character and appearance of the area**

The application site occupies a relatively quiet position within Hartfield Close. The wider more immediate context is a relatively medium density housing comprising of 2, 3 and 4 storey suburban development. It is recognised that the granting of housing on what was formally residential backland has changed the character of this part of the settlement, although in the form of medium density housing.

Policy CLP20 'Design' states:

*"All development will be expected to (amongst other things) 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;"*

The applicant argues that the mass of the building has been broken up through the use of differing facing materials. However, the footprint of the building entirely dominates the site. Whilst a number of amendments have been made to the scheme following the applicant's initial pre-application discussions with the Local Planning Authority (CHE/23/00560/PRE) the nature of the changes are such that they have not resulted in a less incongruous building when viewed within its immediate context, particularly along Hartfield Close.

It is considered that a building of the height proposed, scale and 'wharf like' design suited in a residential area would, in this context, appear as an incongruous and monolithic lump on the area that would not respect or respond positively to the character and context of this part of the settlement. It is considered that the harm to the settlement, when having regard to the size and scale of the proposal, would not be outweighed by the benefit of securing a specialist care home in this location.

The proposed development would result in overdevelopment of the site and the inclusion of a specialist care home is not considered to be an appropriate response for the suburban location which comprise mainly 2 and 3 storey detached, semi-detached and terrace properties.

The proposed development, by reason of its siting, size and scale, would introduce an incongruous form of development on this visually prominent site that does not respect the character, form or setting of the site and surrounding area. As such it would represent an intrusive and uncharacteristic form of development, contrary to policy CLP20 Adopted Chesterfield Borough Local Plan (2020) and the guidance contained with the National Planning Policy Framework (2023).

## **CONCLUSION**

When all of the main issues identified above are weighed in the balance and having due regard to all the elements of local and national planning policies it is considered that the social and environmental disbenefits identified above would significantly and demonstrably outweigh the benefits associated with the delivery of 34 bed specialist care home, in this case.

Notwithstanding the above, given the level of public interest associated with the application it is respectfully requested that the application be presented to the Members of the Planning Committee for final determination."

7.2 The points made in the other representations largely mirror those stated above. Points not covered relate to the loss of trees and vegetation and harm to ecology including wildlife in particular newts, which are found in an adjacent garden.

7.3 ***Officer comments – It is considered the points raised have been addressed in the report.***

## **7.0 HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 2015 and paragraph 38 of 2023 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

## **9.0 CONCLUSION**

9.1 The application site is located within the built-up area in a location which is within walking and cycling distances of key services and facilities, therefore the proposal is considered to be acceptable in principle. The building is considered to be of an acceptable design which would not have detrimental impact on the amenities of local residents. There are no highway objections to the proposal and other matters may be dealt with by means of condition or within a Section

106 agreement. The planning balance is therefore considered to be in favour of the proposals.

## **10.0 RECOMMENDATION**

10.1 It is therefore recommended that a s106 agreement be negotiated concerning:

- financial contributions to offset the loss of onsite habitat units,
- improvements to bus stops on Storforth Lane
- fee for Monitoring of the Travel Plan.

10.2 That on completion of the s106 agreement that planning permission be issued subject to the following conditions

### **Conditions**

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

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

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

- 3521-HIA-01-XX-DR-A-0101 REV P6 Proposed Site Plan with GF Plan
- 3521-HIA-01-XX-DR-A-0102 REV P2 Existing Site Plan
- 3521-HIA-01-XX-DR-A-0103 REV P2 Site Location Plan
- 3521-HIA-01-00-DR-A-0201 REV P3 Proposed Ground Floor Plan
- 3521-HIA-01-01-DR-A-0211 REV P3 Proposed First Floor Plan
- 3521-HIA-01-XX-DR-A-0301 REV P3 Proposed Elevations – Sheet 1 of 2
- 3521-HIA-01-XX-DR-A-0311 REV P3 Proposed Elevations – Sheet 2 of 2
- AT.23.1256.100 REV R.02 Hardworks and Boundary Treatments
- AT.23.1256.101 REV R.02 Softworks – Planting Plan
- Drainage Strategy Report Reference: JCC23-130-C-02-02 Rev 02 by JC Consulting dated 24.11.2023
- Energy/Sustainability Statement by Iles Consulting Ltd dated 21.11.2023
- Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) Version One by Amenity Tree Environmental Planning Consultants dated 05.07.2023

- Flood Risk Assessment Report Reference: JCC23-130-C-01-00 Rev 02 by JC Consulting dated 24.11.2023
- Noise Impact Assessment Ref: NIA-11000-23-11310-v1 Chesterfield.docx by Environmental Noise Solutions Ltd dated 22.09.2023
- Phase 1 Desk Top Study Report Ref: JCCGEO23-028-01-DTS by JC Consulting dated July 2023
- Transport Statement Project Ref: 332610166 Rev A by Stantec UK Ltd dated November 2023
- Tree Survey and Constraints Report by Amenity Tree Environmental Planning Consultants
- Assessment of Biodiversity Version 2 by Amenity Tree Environmental Planning Consultants dated 17.01.2024
- Biodiversity Metric 4.0
- Travel Plan Project Ref: 332610166 Rev A by Stantec UK Ltd dated January 2024

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

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

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

4. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

Reason – To ensure the preparation and implementation of an appropriate scheme or archaeological mitigation in accordance with the NPPF.

5. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition

Reason – To ensure that satisfactory arrangements are made for the recording of any possible archaeological remains on the site in accordance with the NPPF.

6. The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 4 and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason – To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the NPPF.

7. The development hereby approved shall not be brought into use until the access, parking (including cycle parking) and turning facilities have been provided as shown on the submitted drawings.

Reason: In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22..

8. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;



- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development. To safeguard the amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

9. The Development hereby approved shall not be brought into use until the applicant has submitted a Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce vehicle movements and promote sustainable access.

10. Prior to installation of any external lighting scheme for the site, a detailed scheme shall be submitted to the Local Planning Authority for consideration. The lighting scheme agreed in writing shall be fully implemented in accordance with the approved scheme before the use commences and retained as such thereafter.

Reason - To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of residential amenity in accordance with Policy CLP14 of the Chesterfield Local Plan.

11. The site shall be landscaped strictly in accordance with the submitted scheme shown on AT.23.1256.101 REV R.02 Softworks – Planting Plan and shall thereafter be retained and maintained as follows:
- a) 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;

- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) 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.
- d) All hard landscaping and boundary treatments shall also be carried out in accordance with the submitted details shown on AT.23.1256.100 REV R.02 Hardworks and Boundary Treatments 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.

- 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 interest of satisfactory and sustainable drainage and in accordance with CLP13.

- 13. Prior to development commencing, an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason – To secure opportunities for local employment, training and procurement through the development to benefit the local economy and supply chain in accord with policy CLP6.

- 14. Before any construction occurs above floor-slab/D.P.C level 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 unless otherwise agreed by the Local Planning Authority in writing.

Reason – In order to ensure the material used as appropriate for the site context in accordance with CLP20 and CLP21 of the Local Plan and national guidance contained in Section 16 of the NPPF.

- 15, The development shall be carried out in accordance with the habitat proposals, management and monitoring prescriptions provided in the submitted Assessment of Biodiversity Version 2 by Amenity Tree Environmental Planning Consultants dated 17.01.2024

Reason - In the interests of ecology and biodiversity in accordance with policy CLP16 and the NPPF.

16. Prior to the completion of development, the following biodiversity enhancement measures shall be implemented:
- 10 x integral Universal Bird Bricks at eaves level (avoiding southern elevations)
  - 2 x Integral Bat Boxes at eaves level (favouring southern elevations)
- Evidence that these measures have been implemented should be submitted to the Local Planning Authority for approval within one month of completion of development.

Reason - In the interests of ecology and biodiversity in accordance with policy CLP16 and the NPPF.

### **Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

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

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

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

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
4. 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 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](mailto: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 Councils 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 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.

5. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
7. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter which would be an offence under relevant regulations. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
8. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.
9. Foul water from kitchens must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

10. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oils, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.